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FRESNO COUNTY SUPERIOR COURT
by _____
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

EDWARD W. HUNT and **NORMAN L. VROMAN**, as District Attorneys of Fresno and Mendocino Counties, respectively, and in their personal capacities as citizens and taxpayers, DAVID D. SUNDY, Sr., former Oakdale Chief of Police, in his personal capacity as a citizen and taxpayer; LAW ENFORCEMENT ALLIANCE OF AMERICA, on behalf of its members whose duty it is to enforce the law and/or to comply therewith, and as citizens and taxpayers; **CALIFORNIA RIFLE AND PISTOL ASSOCIATION, a California Corporation**; CALIFORNIA SPORTING GOODS ASSOCIATION, INC., a California non-profit corporation; HERB BAUER SPORTING GOODS, a California corporation; and BARRY BAUER, as taxpayer and licensed firearm dealer; **PAUL POE, MANNY MOE, CHARLES COE, BARRY BOE**, individuals who sue under fictitious names out of fear that, should they disclose their true identities, they will be subject to arrest and/or prosecution under the provisions of law challenged herein,

Plaintiffs,

v.

STATE OF CALIFORNIA; WILLIAM LOCKYER, Attorney General of the State of California; CALIFORNIA DEPARTMENT OF JUSTICE; Does 1-100;

Defendants.

CASE NO. 01CECG03182

VERIFIED FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF FOR:

(1) VIOLATION OF 42 U.S.C. § 1983;
(2) DEPRIVATION OF LIBERTY AND PROPERTY WITHOUT DUE PROCESS OF LAW IN VIOLATION OF FEDERAL AND STATE CONSTITUTIONS; and
(3) ILLEGAL AND UNNECESSARY EXPENDITURE OF STATE FUNDS (Cal. Code Civ. Proc., § 526a)

Part 1 of 2

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EDWARD W. HUNT and **NORMAN L. VROMAN**, as District Attorneys of Fresno and Mendocino Counties, respectively, and in their personal capacities as citizens and taxpayers, DAVID D. SUNDY, Sr., former Oakdale Chief of Police, in his personal capacity as a citizen and taxpayer; LAW ENFORCEMENT ALLIANCE OF AMERICA, on behalf of its members whose duty it is to enforce the law and/or to comply therewith, and as citizens and taxpayers; **CALIFORNIA RIFLE AND PISTOL ASSOCIATION, a California Corporation**; CALIFORNIA SPORTING GOODS ASSOCIATION, INC., a California non-profit corporation; HERB BAUER SPORTING GOODS, a California corporation; and BARRY BAUER, as taxpayer and licensed firearm dealer; **PAUL POE, MANNY MOE, CHARLES COE, BARRY BOE**, individuals who sue under fictitious names out of fear that, should they disclose their true identities, they will be subject to arrest and/or prosecution under the provisions of law challenged herein,

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INTRODUCTION

1. This action seeks injunctive and declaratory relief against various aspects of Senate Bill No. 23 (1999-2000 Reg. Sess.) ("SB 23"),[1] which amended the California Penal Code to criminalize transfer and/or possession of "assault weapons" ("AWs") and sale or transfer "large capacity" ammunition feeding devices. **Absent proper clarifying regulations, the challenged provisions of SB 23 violate both the United States and California Constitutions, wherefore this action is brought pursuant to 42 U.S.C. § 1983 as well as California law. This action also seeks injunctive and declaratory relief by way of citizen mandamus and pursuant to California Code of Civil Procedure section 526a for the illegal and wasteful expenditure of state funds.**

2. The district attorney plaintiffs and the members of Law Enforcement Alliance of America have the duty to enforce California firearms laws. At the same time, it is these Plaintiffs' duty *not* to arrest or prosecute where the law is vague and uncertain.

3. SB 23 required that by December 31, 2000, owners of certain firearms either remove or modify the feature(s) that made the firearm an "AW," Penal Code section 12276.1,[2] or to register the firearm as an "AW." (§ 12275 et. seq.) But the combination of defendants' erroneous or unclear regulations with certain provisions of SB 23 itself make SB 23's requirements or prohibitions vague, confusing, and unintelligible. The plaintiffs whose duty it is to enforce the law need declaratory relief from the Court–and an injunction requiring defendants to adopt clear regulations, so that they may properly enforce the SB 23 provisions involved herein.

4. Penal Code section 12276.1 is the portion of SB 23 containing the new definitions of features which, if part of a firearm, bring that firearm under the Assault Weapons Control Act (AWCA). The California Supreme Court has described the AWCA *mens rea* standard as that a criminal defendant reasonably should have known that the firearm possessed "the clearly

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[1] Senate Bill No. 23 (1999-2000 Reg. Sess.) is codified at Penal Code §§ 12020(a)(2), (b)(19)-(29); 12020(c)(25); 12020.5; and 12276.1 and further defined in California Code of Regulations, title 11, §§ 978.10 to 978.44 (hereinafter "Regulations").

[2] All further statutory references are to the Penal Code unless otherwise indicated.

discernable features described in section 12276.1." (*In re Jorge M.* (2000) 23 Cal.4th 866, 888 [98 Cal.Rptr.2d 466, 4 P.3d 297].) But as a result of defendants' erroneous and obfuscating regulations purporting to define and clarify what certain of the section 12276.1 features are, those features are not "clearly discernable." In addition, defendants have obscured the meaning of SB 23's provisions by issuing letter rulings and/or advice letters which, while consistent with SB 23's statutory intent and other relevant statutes, directly conflict with defendants' own regulations challenged herein.

5. Plaintiffs do not necessarily seek invalidation of any provision of SB 23. Plaintiffs seek a declaratory judgment from this Court to clarify the laws in question, or, alternatively, an injunction requiring defendants to issue clarifying regulations. Plaintiffs seek to enjoin enforcement of the challenged portions of SB 23 until they are clarified, and extension of the registration period for "AWs," section 12276.1, until a reasonable time after the laws have been clarified, and an adequate public education campaign has occurred.

PARTIES

Plaintiffs

6. Plaintiffs EDWARD W. HUNT and NORMAN L. VROMAN are the District Attorneys of Fresno and Mendocino Counties. Their duties require that they ascertain the meaning of the SB 23 laws so that they can properly enforce them and supervise their deputies in enforcing them. Said plaintiffs seek declaratory judgments on certain provisions of SB 23 or, in the alternative, an order requiring defendants to issue adequate clarifying regulations.

7. DAVID D. SUNDY, Sr. is the former Chief of Police of the City of Oakdale. All plaintiffs, including the district attorney plaintiffs and DAVID D. SUNDY, Sr., also bring suit in their capacities as citizens and taxpayers. They are taxpayers within the meaning of California Code of Civil Procedure section 526a, in that they have been assessed for and are liable to pay, or, within one year before the commencement of the action, have paid, a tax in the State of California. As citizens and taxpayers all the plaintiffs in this suit desire that the laws and regulations in question be clear so that they can be administered fairly and uniformly throughout the state and

consistently with the federal and state constitutions and the legislative purposes.

8. Plaintiff the LAW ENFORCEMENT ALLIANCE OF AMERICA (LEAA) is a non-profit, non-partisan advocacy association organized under section 501(c)(4) of the Internal Revenue Code. Its principal offices are in Virginia and its executive director is James J. Fotis, a retired New York police officer. LEAA's members include law enforcement officers, crime victims, and concerned citizens, many or whom reside and work in California and some of whom own firearms that are or may be covered by SB 23. In this action, LEAA represents its California members, inter alia as officers whose duty it is to enforce the laws uniformly and consistent with the legislative purposes and constitutional requirements.

9. Plaintiff CALIFORNIA RIFLE AND PISTOL ASSOCIATION, Inc. (hereinafter CRPA) is a non-profit membership organization and is incorporated under the laws of California, with headquarters in Fullerton. Among its other activities, CRPA works to preserve and expand constitutional and statutory rights of gun ownership, including the right to self-defense and the right to keep and bear arms. CRPA has 65,000 members, including members residing in Fresno County who are members of the U.S. Armed Forces and police officers who possess rifles pursuant to Penal Code section 12280(g). In this suit CRPA represents all its members both in their general interests as taxpayers and citizens and in their particular interests as owners, or prospective owners, of rifles the statute forbids.

10. Plaintiff CALIFORNIA SPORTING GOODS ASSOCIATION, INC. ("CSGA") is an association of California firearms dealers, distributors and/or manufacturers' representatives. In this suit, CSGA, on behalf of its members and their customers, seek clarification of the meaning and application of the challenged provisions of SB 23 to them and their property.

11. Plaintiff HERB BAUER SPORTING GOODS, INC., is a California corporation with its principal place of business in Fresno. BARRY BAUER is a Fresno retail firearms dealer who owns HERB BAUER SPORTING GOODS, INC. BARRY BAUER is licensed by the California Department of Justice to sell firearms. **Said plaintiffs, for themselves and their customers, seek clarification of the meaning and application of the challenged provisions of SB 23 to**

them and their property.

12. Plaintiff PAUL POE owns a valuable centerfire semi-automatic detachable magazine rifle whose barrel has a device intended to be a muzzle brake rather than a flash suppressor. But said plaintiff does not and could not know whether the device on his rifle "redirects flash from the shooter's field of vision" and thereby falls within the erroneous definitions defendants have propounded of "flash suppressor." (Cal. Code Regs., tit. 11, § 978.20(b).)

13. Plaintiff MANNY MOE owns a valuable centerfire semi-automatic detachable magazine rifle whose barrel has an attached device intended to be a muzzle brake rather than a flash suppressor. But said plaintiff does not and could not know whether the device on his rifle "reduces flash" and thereby falls within the erroneous definitions defendants have propounded of "flash suppressor." (Cal. Code Regs., tit. 11, § 978.20(b).)

14. Plaintiff CHARLES COE owns a valuable centerfire semi-automatic detachable magazine rifle whose barrel has an attached device substantially identical to the Browning BOSS. Defendants have ruled the Browning BOSS is not a flash suppressor–even though it "reduces" and/or "redirects" flash. (Cal. Code Regs., tit. 11, § 978.20(b).) Plaintiff COE does not and cannot know whether the device on his rifle constitutes a flash suppressor as that term is used in section 12276.1.

15. Plaintiff BARRY BOE owns a valuable centerfire semi-automatic detachable magazine rifle whose barrel has an attached muzzle brake that is substantially identical to the Springfield Armory Muzzle Brake. Defendants have ruled the Springfield Armory Muzzle Brake is not a flash suppressor–even though it "reduces" and/or "redirects" flash. (Cal. Code Regs., tit. 11, § 978.20(b).) Plaintiff BOE does not and cannot know whether the device on his rifle constitutes a flash suppressor as that term is used in section 12276.1.

16. The fictitiously named plaintiffs did not register their valuable rifles as AWs during the registration period because they did not believe the rifles fell within the section 12276.1 criteria and did not and do not understand the reduce flash and redirect flash criteria of California Code of Regulations, title 11, section 978.20(b) (hereinafter CCR

section 978.20(b)), and were and are unable to determine how those criteria apply to their rifles.

17. If said plaintiffs' valuable rifles are AWs, the rifles are illegal unregistered AWs and said plaintiffs are required by law (§§ 12280 & 12288) to surrender the rifles without compensation. Plaintiffs are entitled to a judicial determination of whether their rifles are AWs. Plaintiffs further contend that if their rifles are judicially determined to be AWs they are entitled to an opportunity to register those rifles as AWs and to keep them. To deny plaintiffs that opportunity is a taking of property without due process of law and a denial of the equal protection of the laws vis-a-vis owners of other AW rifles who were given clear criteria and/or not misled by defendants as plaintiffs have been.

Defendants

18. Defendant STATE OF CALIFORNIA is a State on the far left side of the United States.

19. Defendant WILLIAM LOCKYER is the Attorney General of California. He is the chief law enforcement officer of California, and is charged by article V, section 13 of the California Constitution and the AWCA with the duty to inform the general public, and to supervise and instruct local prosecutors and law enforcement agencies, regarding the meaning of the laws of the STATE, including the AWCA, and ensure the fair, uniform and consistent enforcement of those laws throughout the state.

20. The true names and capacities of the defendants named as Does 1-100, whether individual, corporate, associate or otherwise, are unknown to plaintiffs as of the time of the filing of the complaint. Plaintiffs therefore sue said defendants by such fictitious names and will amend this complaint with their true names and capacities when such are ascertained. Plaintiffs are informed and believe, and thereon allege, that each of the Doe defendants is in some manner responsible for the events and happenings alleged herein which proximately caused injury and damage to plaintiffs.

STATUTORY OVERVIEW

The Assault Weapon Control Act

21. The identification and criminalization of "assault weapons" in California began in 1989 with the enactment of the Roberti-Roos Assault Weapons Control Act. Confronted with a choice between identifying banned guns specifically by manufacturer and model on the one hand (the list approach) and generically by design characteristics on the other (the generic approach), the California Legislature initially adopted the list approach in Penal Code section 12276, which bans certain guns by manufacturer and model names.

22. Penal Code section 12276.1, enacted in 1999 as part of SB 23, added a set of generic definitions of AWs. The generic list is in addition to and does not displace the section 12276 list. Under section 12276.1(a), an ordinary semiautomatic firearm becomes an "AW" if it possesses any of several combinations of technical (often hyper-technical) features. Section 12276.1(a) provides:

> (a) Not withstanding Section 12276 "assault weapon" shall also mean any of the following:
>
> (1) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:
> (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
> (B) A thumbhole stock.
> (C) A folding or telescoping stock.
> (D) A grenade launcher or flare launcher.
> (E) A flash suppressor.
> (F) A forward pistol grip.
>
> (2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.
>
> (3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.
>
> (4) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:
> (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
> (B) A second handgrip.
> (C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel.
> (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.
>
> (5) A semiautomatic pistol with a fixed magazine that has the capacity to accept

more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:
(A) A folding or telescoping stock.
(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that has the ability to accept a detachable magazine.

(8) Any shotgun with a revolving cylinder.

Section 12276.1 (d) provides:

(d) The following definitions shall apply under this section:

(1) "Magazine" shall mean any ammunition feeding device.

(2) "Capacity to accept more than 10 rounds" shall mean capable of accommodating more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than ten rounds.

Registration And Other AW Controls

23. In combination with section 12280(a), the enactment of section 12276.1 made it, as of January 1, 2000, a serious felony for anyone to transport, import or loan a firearm having the section 12276.1 features–a four year low-term sentence applies to taking an unregistered AW to a shooting range, taking it hunting, permitting a friend to examine it, borrowing a friend's firearm at the range, lending or borrowing such a firearm for hunting or during a hunt, or selling it to or through a dealer.

24. In combination with section 12280(b), the enactment of section 12276.1 made mere possession of an AW (as defined by new § 12276.1) a felony as of January 1, 2001 unless the firearm was registered by December 31, 2000 or unless the offending feature was removed.

"Large Capacity" Magazine (And Firearm) Ban

25. In addition to the new generic definition of AWs, SB 23 expanded Penal Code section 12020 to prohibit the sale or transfer of "large capacity" magazines–defined in subdivision (c)(25) to mean any magazine that accepts more than ten rounds of ammunition. "Tubular" magazines are not exempted. Thus, in addition to separate conventional detachable magazines (a feature of most AWs) this provision makes it illegal to sell, give or loan old-fashioned lever or pump-action rifles or shotguns if they have non-detachable (tubular) magazines that hold more than ten rounds.

(See Old-fashioned lever or pump-action rifles of the type illustrated in Exhibit 1 (Gun Digest 2002 (56th ed. 2001) pp. 324-330 "*Centerfire Rifles - Lever and Slide*;" pictures and descriptions of selected rifles) or shotguns of the type illustrated in Exhibit 2 (Gun Digest 2002 (56th ed. 2001) pp. 390-394, "*Shotguns - Slide and Lever Actions*;" pictures and descriptions of selected shotguns.)

Defendants' Failure To Issue Required Clarifying Regulations

26. In enacting SB 23, the Legislature was aware that portions of the law would be too uncertain to be understood by the general public, including public officials whose duty it is to enforce the criminal penalty provisions. The Legislature relied on defendants to issue clarifying regulations to remedy these uncertainties. Because much of SB 23 became effective by January 1, 2000, these regulations should have been issued at or before that time. Because the registration (or feature removal) requirement for firearms having the features specified in new section 12276.1 had a December 31, 2000 deadline, regulations clarifying section 12276.1's meaning should have been issued well prior to the December 31, 2000 deadline in order to give gun owners a reasonable time to comply with the law as the Legislature intended.

27. By early 2000 at the latest, defendants should have issued the necessary clarifying regulations, and should have carried out a meaningful public education campaign as mandated by the AWCA. Instead, the Attorney General engaged in a protracted and deeply flawed rule-making procedure. It was only after two failed attempts that the "regulations for Assault Weapons and Large Capacity Magazines" were belatedly adopted *just 24 days before the registration deadline*. As a result of defendants' long delay in issuing clarifying regulations, members of the public were left with less than 30 days to decide whether their firearms fell within the section 12276.1 definitions of an "AW."

28. As a result of the defects in defendants' regulations, the general public (including police officers who must register their own personal firearms if they fall under § 12276.1), remains confused, unaware of what section 12276.1 covers, and unable to comply with it. Plaintiffs are informed and believe, and thereupon allege: (a) that defendants themselves are aware of severe on-going public confusion; (b) that defendants have been deluged with queries from the

public as to what firearms section 12276.1 covers, and what the supposedly clarifying regulations mean; (c) that these queries include many from police officers who are confused as to which of their own personal firearms are "AWs" that must be registered; and (d) that defendants responded to police officer and police union pressure by urging legislators to enact an extension of the registration deadline *for police officers only*, so that defendants could provide police officers the clarification and special education denied to the general public.[3]

29. Defendants' third set of regulations did not resolve the ambiguities in the law. Defendants could not and did not carry out the educational campaign required to clarify what features render a firearm an AW. Instead, they merely publicized SB 23's existence–without clarifying what SB 23 requires!

30. Defendants' failure in this respect is epitomized by their issuance of the "California Attorney General 2000 Assault Weapons Identification Guide" (AWIG) to law enforcement. This Guide is intended to inform and educate those who, like district attorney plaintiffs, enforce the AWCA so that they know which firearms are "assault weapons." As to firearms specifically named by section 12276 (which was enacted in 1989, ten years prior to § 12276.1), the AWIG offers 67 pages of description and photographs. But as to which firearms fall within the new section 12276.1 generic characteristic definitions, the AWIG offers no photographs or other guidance to illustrate such things as a "conspicuously protruding" pistol grip, "flash suppressor" designs, and other physical attributes and features specified in the definitions. Instead, the language of section 12276.1 is simply reprinted in the AWIG without further explanation or clarification.

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[3] As eventually enacted, this legislation provides that law enforcement officers may own AWs *for their personal use* if they have departmental permission. We emphasize that this proposed amendment authorizes purely non-law enforcement use because existing legislation already totally exempted officer possession of AWs "for law enforcement purposes, whether on or off duty;" § 12280(g). Moreover, under § 12286 the DOJ currently has authority to issue AW permits to officers to personally own such firearms. The proposed amendment is needed only because DOJ policy is not to issue AW permits to ordinary people, including law enforcement officers in their personal capacities. See documents set out in Exhibit 3 (Sen. Bill No. 626 (2001-2002 Reg. Sess.) as introduced Feb. 22, 2001) and Exhibit 4 (Sen. Amend. To Sen. Bill No. 626 (2001-2002 Reg. Sess.) Apr. 26, 2001) hereto which is incorporated herein as if set out verbatim.

31. Individuals possessing identical firearms in different counties may or will be subject to different standards and risk prosecution based on inconsistent readings of SB 23's requirements by local officials and police. By the same token, individuals acting lawfully in the eyes of the local officials in their own counties may find themselves arrested and prosecuted if they transport their firearm to or through other counties where local officials read SB 23 differently.

IRREPARABLE INJURY–NO ADEQUATE REMEDY AT LAW

32. Plaintiffs PAUL POE, MANNY MOE, CHARLES COE, and BARRY BOE bring this lawsuit because they do not and cannot understand the law, and cannot otherwise obtain a determination of the law and of their own responsibilities and the responsibilities of their employees, customers, members, colleagues and associates. They risk prosecution and/or surrender or confiscation of rifles without compensation even though they cannot determine whether their property is illegal. Nor can they seek or receive advice from law enforcement personnel and agencies because neither do law enforcement personnel and agencies know what these laws mean.

33. Plaintiffs HERB BAUER SPORTING GOODS, INC., BARRY BAUER, DAVID D. SUNDY, Sr., Plaintiff CRPA's members, and Plaintiff CSGA's members and customers face arrest, prosecution, loss of business licenses and deprivation of property without due process of law because SB 23 threatens:

(1) the sale and/or possession of rifles with muzzle brakes that might be erroneously considered to be flash suppressors;

(2) the sale and/or possession of any pistols with threaded barrels, because they could theoretically accommodate flash suppressors, forward handgrips or silencers, either presently existing or to be designed in the future;

(3) the sale and/or possession of shotguns with tubular magazines that would hold far fewer that ten standard-size shells, because they could *theoretically* hold more than ten very short shells;

(4) the sale and/or possession of weapons with "permanently" altered magazines, because no definition is given for permanent.

34. **Plaintiffs EDWARD W. HUNT, NORMAN L. VROMAN, and the law enforcement officers represented by LAW ENFORCEMENT ALLIANCE OF AMERICA cannot meet their obligations both to enforce state law and to refrain from enforcing vague and uncertain laws without clarification of the challenged SB 23 provisions.**

35. None of the Plaintiffs have a plain, speedy or adequate remedy at law to redress the harms alleged in this complaint.

36. **Plaintiffs also bring this action in their capacities as taxpayers and citizens. Defendants, and each of them, by enacting, implementing and enforcing the provisions of SB-23, along with the accompanying regulations, are wasting the funds and resources of the State of California. The illegal and unnecessary expenditure and waste of state funds irreparably injures plaintiffs and all taxpayers, and for this harm they have no adequate remedy at law. The State of California expends State resources and funds, directly and indirectly, to enact, implement and enforce the provisions of SB 23, along with the accompanying regulations. Said funds are derived from taxes paid by plaintiffs and others to the State of California. Because the activities for which funds are expended are illegal, the expenditure is illegal pursuant to California Code of Civil Procedure section 526a, and should be enjoined.**

FIRST CAUSE OF ACTION
On Behalf of All Plaintiffs against All Defendants:
Declaratory and Injunctive Relief-
Unauthorized DOJ Redefinition of "Flash Suppressor"

37. All the preceding paragraphs are realleged and incorporated herein by reference as if set out verbatim.

38. Section 12276.1 defines as an AW any semiautomatic rifle with a "flash suppressor." Defendants have unlawfully and unconstitutionally misdefined "flash suppressor" as "any device that reduces or redirects muzzle flash from the shooter's field of vision." Before that regulation became final, defendants recognized that the definition was overly broad, see Exhibit 5 (Cal. Dept. of Justice, Firearms Div., Department of Justice Regulations for Assault Weapons and Large

Capacity Magazines - Final Statement of Reasons (Feb. 2000) p.2), but adopted the regulation anyway.

39. "Flash suppressor" is a term with an established technical meaning. A "flash suppressor" is a feature added (or integral) to military rifles. Its purpose is to reduce or eliminate the flash that occurs when a rifle fires. Suppressing this flash serves several (purely military) purposes, including minimizing the danger that the flash from soldiers firing at night will identify their location to the enemy and draw return fire. Standard firearms reference sources such as the GLOSSARY OF THE ASSOCIATION OF FIREARM AND TOOLMARK EXAMINERS define "*Flash Suppressor*" as "A muzzle attachment *designed* to *reduce* muzzle flash." (italics added.) See definitions and information included on the third page of Exhibit 6 (Glossary of the Association of Firearm and Toolmark Examiners (2nd ed. 1985) p. 60), the third page of Exhibit 7 (SAAMI Non-Fiction Writer's Guide, p. 47), the fifth page of Exhibit 8 (Nonte, Firearms Encyclopedia (1973) p. 104), the third page of Exhibit 9 (Smith & Smith, The Book of Rifles (3rd ed. 1963) p. 598), the third page of Exhibit 10 (U.S. Army Special Forces Foreign Weapons Handbook (1967) p. V-12), the third page of Exhibit 11 (Steindler, the Firearms Dictionary (1970) p.103), the third page of Exhibit 12 (Mueller & Olson, Small Arms Lexicon and Concise Encyclopedia (1968) p. 83), the second page of Exhibit 13 (Hogg & Weeks, Military Small Arms of the 20th Century (6th ed. 1991) p. 341), the second page of Exhibit 14 (Long, The Complete AR-15/M16 Sourcebook (1992) pp. 172-173), and the second page of Exhibit 15 (Gun Digest 2002 (56th ed. 2001) p. 482), all of which are incorporated herein as if set out verbatim.

40. Had defendants left "flash suppressor" undefined (or had they adopted the accepted, technical definitions) both public officers and owners and other members of the public would have found it reasonably possible to determine whether any particular rifle has a flash suppressor. But CCR section 978.20(b), the regulation purporting to define "flash suppressor," **defines it as "any device designed, intended, or that functions to perceptibly reduce or redirect muzzle flash from the shooter's field of vision." Defendants have thus substituted an aberrant and unintelligible definition for the established technical meaning of flash suppressor.**

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41. Defendants themselves recognize that CCR section 978.20(b) enlarges the meaning of "flash suppressor" to cover devices found on civilian sporting arms, such as "compensators" and "muzzle brakes." Those devices also have established technical meanings which differentiate them from a "flash suppressor." Many civilian rifles have compensators or muzzle brakes, these being devices designed to control recoil. Some such devices may have incidental effects on flash. But they are not *designed* to affect flash, that being irrelevant to civilian rifles which are not expected to be fired at night.

42. A second respect in which CCR section 978.20(b) departs from established usage is in **unlawfully and unconstitutionally** applying the term "flash suppressor" to devices (of which "compensators" and "muzzle brakes" are two) that do not actually reduce flash but merely "redirect" it.

43. The longer a rifle barrel is, the less flash will occur from firing it. Minor (but "perceptibl[e]") reduction in flash will occur just because one rifle has a longer barrel than an otherwise identical other rifle. Likewise, the attachment of *any* object to a rifle barrel will reduce flash simply because it lengthens the barrel, not because of any particular quality or feature of the object. By mis-defining "flash suppressor" as anything that perceptibly reduces or redirects muzzle flash, defendants' regulation enlarges that concept to include things not designed to reduce muzzle flash, not named or marketed as flash suppressors, not considered flash suppressors in the industry and not understood as such by the Legislature, rifle owners and the general public.

44. A further problem is that defining flash suppressor in terms of any "perceptibl[e]" reduction or redirection of flash requires testing of particular muzzle brakes or compensators, but leaves wholly undefined the standards to be used in such testing. Defendants' failure to provide standards leaves unanswered a host of crucial questions the district attorney plaintiffs will be expected to answer by any forensic laboratory they employ to test whether a device "perceptibly" reduces flash. More important, they are questions the defense may raise in any prosecution the district attorney plaintiffs might bring -- and which the court will expect the district attorney plaintiffs to answer. But those plaintiffs have no answers to these questions since defendants have promulgated CCR section 978.20(b), which gratuitously gives rise to these questions while

supplying no answers to them.

45. California Code of Regulations section 978.20(b) is invalid in that it enlarges and distorts the established meaning of "flash suppressor," thereby contradicting the plain meaning of Penal Code section 12276.1(a)(1)(E). When the Legislature chose to use "flash suppressor," a term of art having an established meaning, it is deemed to have intended only what falls within that meaning, and not different things having different established meanings. When an administrative agency construes a statutory term having a plain and well-established meaning, it is bound by that meaning and is without authority to alter or expand that meaning. CCR section 978.20(b) is invalid in that it unlawfully and unconstitutionally alters and expands the well-established meaning of the concept "flash suppressor," thereby expanding and altering the meaning of Penal Code section 12276.1(a)(1)(E).

Declaratory Judgment Allegation

46. There is an actual and present controversy between the parties to this suit regarding the validity of CCR section 978.20(b). Plaintiffs contend that, as the concept "flash suppressor" is used in Penal Code section 12276.1(a)(1)(E), it applies only to devices expressly called "flash suppressors" or which were designed for the purpose of flash suppression and marketed as performing that purpose. Defendants deny and dispute plaintiffs' said contentions, so plaintiffs seek a judicial declaration adopting and endorsing those contentions.

SECOND CAUSE OF ACTION
On Behalf Of All Plaintiffs Against All Defendants:
Declaratory And Injunctive Relief
Uncertainty of "Flash Suppressor"
As Misidentified By California Code of Regulations Section 978.20(b)

47. All the preceding paragraphs are realleged and incorporated herein by reference as if set out verbatim.

48. CCR section 978.20(b) sets out three separate definitions of "flash suppressor": "'[F]lash suppressor' means [: 1)] any device designed, intended, [2)] or that functions to perceptibly reduce or [3)] redirect muzzle flash from the shooter's field of vision." The second definition (perceptible flash reduction) and the third definition (redirection) are

fatally vague and uncertain in all their applications since they require testing which the ordinary rifle owner is unable to perform as more fully set out hereinafter.

49. Using the established definition of "flash suppressor" given in standard firearms reference materials, it is relatively simple for a rifle owner or law enforcement officer, prosecutor, or court to determine if a device on a rifle's muzzle is a "flash suppressor" as that concept is used in section 12276.1. The first resort is to the device itself, which is either built into the end of the barrel or is an attachment. If the device bears words including the legend "flash suppressor" it may be presumed to have been designed to be a flash suppressor. If instead it bears some other legend (e.g., "muzzle brake" or "compensator"), it may be presumed not to be a "flash suppressor." If resort to a legend on the device be deemed insufficient, or if the device bears no legend, resort may be had to the manual that accompanied it at sale and/or to marketing or advertising materials or the patent application. Though research into such materials is not without difficulty, defendants could have performed that research and promulgated a list of which rifles, and/or separate attachment mechanisms are "flash suppressors," or are not. Had defendants performed that research and promulgated such a regulation it would both have aided rifle owners in complying with section 12276.1(a)(1)(E) and the public officials and officers charged with enforcing it.

50. In contrast, CCR section 978.20(b) creates a host of uncertainties by defining "flash suppressor" to include devices that are not intended to suppress flash if they do inadvertently have some minor reductive effect (or even just some effect in redirecting flash out of the shooter's field of vision). Among the fatal uncertainties is that neither owners nor public officials can be certain of the relevant "field of vision" for the purposes of that definition. A rifle may be fired either from the shoulder or from the hip (and "AWs" are commonly perceived as being fired from the hip). If firing is from the hip, "the shooter's field of vision" is much greater than if the rifle is fired from the shoulder. As a result a particular muzzle brake or compensator may redirect flash out of the field of vision of a person shooting from the shoulder and yet not do so when the same rifle is fired from the hip. Owners of rifles having the same device on their muzzles will be subject to arrest and prosecution in some counties, but not in others, depending solely on which field of

vision local police and prosecutors decide is the correct one for determining whether the device constitutes a flash suppressor. This uncertainty for owners, and inconsistency of enforcement, is solely an artifact of CCR section 978.20(b)'s invalid expansion of the term "flash suppressor" to include devices that unintentionally "redirect flash from the shooter's field of vision."

51. Further uncertainty and inconsistency arises because of the difference between iron sights or telescopic sights. If a rifle fired from the shoulder has telescopic sights flash will rarely, if ever, be within the field of vision of a shooter using those sights, regardless of whether there is a muzzle brake or compensator on the rifle's barrel, or of what kind of muzzle brake or compensator it may be. So CCR section 978.20(b) works an irrational and irrelevant distinction as to whether or not particular muzzle brakes or compensators qualify as flash suppressors, rendering the rifles they are on "AWs." On a rifle with iron sights a particular muzzle brake will so qualify if it has the inadvertent effect of even slightly redirecting flash from the shooter's field of vision. But the identical muzzle brake on the identical rifle will not so qualify if the rifle has telescopic sights because the flash is not within the shooter's field of vision in any event. Yet neither owners nor anyone else would anticipate that whether a particular muzzle brake is a flash suppressor depends not on whether it was designed or operates as such, but on whether the rifle has telescopic sights rather than iron sights. No one would anticipate that because having a telescopic sight does not render a rifle any less military, or at all diminish the dangers it may present to public safety.

52. As to flash reduction (the second improper criterion in defendants' definition), there is only one way to determine if the muzzle brake or compensator on a particular rifle reduces flash: The rifle must be comparison-tested by firing it, first with the device still on it, and then without the device, to see if there is perceptibly more flash with it removed. With some rifles, however, the muzzle brake or compensator is an integral part of the barrel. Removal means cutting the device off which will substantially reduce the rifle's value. If the testing proves that the device does not perceptibly reduce flash, the owner will be entitled to receive the rifle back -- presumably with compensation for its loss in value being paid by the law enforcement agency or district attorney's office -- something for which no funds have been appropriate or assigned.

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53. The problem is particularly acute because some rifles with integral muzzle brakes or compensators have barrels so short that removal of the device brings them below the minimum legal length. Even if testing reveals that the rifle was legal before it was cut down for the test, the rifle cannot be returned to its owner since it is now illegal for the owner to possess.[4] Plaintiffs HUNT and VROMAN may then be liable to compensate the owner for the value of the rifle. It is difficult to believe that when section 12276.1 uses the phrase "flash suppressor," it intends an expanded meaning that imposes such costs on those who must enforce it. These difficulties of testing for the district attorney plaintiffs are exceeded by the difficulties for the gun's owner whom CCR section 978.20(b) compels to engage in testing to determine whether a compensator or muzzle brake on the rifle qualifies as a flash suppressor so as to make the rifle an AW. If cutting the device off the rifle would bring its barrel or overall length under the statutory minima, the owner cannot do the cutting, nor can any gunsmith, since it is illegal for either of them to possess such a "short-barreled" rifle. Legally barred from doing the necessary comparison-testing, owners cannot ascertain whether their rifles have a flash suppressor as defined by DOJ.

54. Even when such testing is not illegal for the ordinary civilian to perform, it is pragmatically impossible. Normally, flash can only be seen in the dark. But civilian outdoor rifle ranges are generally not open after dark. As to indoor ranges, few will take rifles more powerful than .22 long rifle caliber – and none will allow customers to come in, turn the lights out, and blaze away in the dark in order to test whether their muzzle brake or compensator meets the DOJ definition of a "flash suppressor."

55. Nor does CCR section 978.20(b) provide the guidance and testing criteria crime laboratories or experts need to determine if a particular muzzle brake, compensator or other feature of the rifle qualifies as a flash suppressor under that regulation. Flash and flash reduction

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[4] There are actually two length restrictions. First, Pen. Code, §§ 12020(a) & (c)(2) prohibits possession of a rifle with a barrel of less than 16" length. Second, § 12276.1(a)(3) prohibits possession of a semiautomatic center fire rifle whose overall length is less than 30" unless it was registered as an AW before December 31, 2000. But, of course, the hypothetical rifle discussed in the text would not have been registerable since it was not an AW – until the authorities cut off enough of its barrel in the course of testing it so that the rifle's overall length fell below 30".

depend on barrel length, bullet weight, type of gun powder, and other factors. Yet the regulations establish no scientific criteria, i.e. lumens, footcandles, etc., by which to measure flash or its reduction. Once again, all these problems are solely an artifact of the regulation's expansion of the term "flash suppressor" beyond its well-established meaning of a device "designed to reduce muzzle flash."

56. A further indication of the erroneousness of defendants' CCR section 978.20(b) definition of "flash suppressor" is its inconsistency with the DOJ rulings/advice letters attached hereto as Exhibit 16 (DOJ, letter to Patton, Nov. 6, 2000), Exhibit 17 (NRA-ILA, letter to DOJ, Oct. 11, 2000), Exhibit 18 (DOJ, response letter to NRA-ILA, Oct. 31, 2000), Exhibit 19 (Trutanich-Michel, LLP, letter to DOJ, Nov. 2, 2000), and Exhibit 20 (DOJ, response letter to Trutanich-Michel, LLP, Dec. 15, 2000). Those letter rulings approve two devices as not being "flash suppressors;" the Springfield M1A "Muzzle Break"[5] (Exhibits 16, 18, 20) and the Browning BOSS system (Exhibit 20). These devices are depicted in Exhibit 21 (Springfield Armory Web site <http://www.springfield-armory.com/prod-rifles-m1a.shtml> [as of Sep. 5, 2001], picture of Standard M1A rifle with typical muzzle brake), Exhibit 22 (Springfield Armory Web site <http://www.springfield-armory.com/shop> [as of Sep. 5, 2001], pictures of typical muzzle brake and California legal muzzle brake which can be placed on the M1A rifles), and Exhibit 23 (Browning Web site <http://www.browning.com/products.catalog/firearms/boss/boss.htm> [as of Sep. 5, 2001], picture and description of Browning BOSS system). Defendants first issued these rulings *before* promulgation of the aberrant and heterodox CCR section 978.20(b) definition. And those letter rulings are correct – because neither of these devices is a flash suppressor as that term is used in section 12276.1.[6] Neither device is intended or designed to reduce flash, nor do they do so. But, as the cited exhibits reflect, each device does "redirect" flash. Thus each device is a flash suppressor according to the aberrant and heterodox

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[5] A muzzle brake is correctly spelled as "brake." However, Springfield Armory's muzzle brake device apparently has a trade name spelled "Muzzle Break," as is evidenced by Exhibit 21.

[6] The Browning BOSS is a device designed to increase accuracy by reducing muzzle vibration when the rifle is fired. The Springfield "muzzle break" is an ordinary muzzle brake.

CCR section 978.20(b) definition, though not under the well-established technical meaning of "flash suppressor." Nevertheless, even after promulgating CCR section 978.20(b) defendants have never disavowed the letter rulings allowing the Springfield "Muzzle Break" and the Browning BOSS system. The result of all this has been to magnify the confusion caused by the CCR section 978.20(b) definition of "flash suppressor." The inconsistency between the aberrant and heterodox mis-definition in the regulation and both the statute and the letter rulings has left plaintiffs and the general public even more confused as to what CCR section 978.20(b) means, and how it applies to muzzle brakes, compensators, and other devices that may have the incidental and unintended effect of redirecting flash.

Declaratory Judgment Allegation

57. There is an actual and present controversy between the parties to this suit regarding the validity of CCR section 978.20(b). **Plaintiffs contend that it is invalid because it adds two discrete erroneous definitions (actual flash reduction; redirection) to the meaning of "flash suppressor," and that each of these discrete definitions is fatally vague in its every application. Plaintiffs further contend that CCR section 978.20(b) thereby renders Penal Code section 12276.1(a)(1)(E) fatally vague.** Defendants deny and dispute plaintiffs' said contentions, wherefore Plaintiffs seek a judicial declaration adopting and endorsing those contentions.

THIRD CAUSE OF ACTION
On Behalf of All Plaintiffs Against All Defendants:
Declaratory And Injunctive Relief-
Uncertainty of "Threaded Barrel Capable of Accepting A Flash Suppressor, Forward Hand Grip, or Silencer"

58. All preceding paragraphs are realleged and incorporated herein by reference as if set out verbatim.

59. Under Penal Code section 12276.1(a)(4)(A), a semiautomatic pistol having a detachable magazine (i.e., almost all such pistols) is an AW if it has a "threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer." Very few civilian pistols have threaded barrels that will accept such devices for, in general, civilian pistols have not been

designed or intended to have or accommodate even a silencer, much less such outre attachments as flash suppressors or forward handgrips. Generally the only civilian pistols having threaded barrels are Olympic and other competition pistols designed for precision target shooting. See illustrations in attached Exhibit 24 (Gun Digest 2002 (56th ed. 2001) pp. 289-294 "Handguns - Competition Handguns;" pictures and descriptions of selected competition handguns, some of which have a threaded barrel). On such pistols the threads allow a weight or compensator to be screwed on to achieve the recoil control and perfect balance required for precision target shooting.

60. Whether a civilian precision target pistol that has a threaded barrel meets the statutory language of being "capable of accepting" a flash suppressor, forward handgrip, or silencer depends on whether there actually exists anywhere in the world such a device that has threads that conform to the threads on the pistol's barrel. If so, that pistol would seem to be classified as an AW by the literal language of section 12276.1(a)(4)(D). Yet, if so read, section 12276.1(a)(4)(A) would be fatally vague in violation of due process. Owners of pistols with threaded barrels cannot be expected to know whether there exists somewhere in the world a flash suppressor, forward handgrip, or silencer that will fit the threads of those pistols. On pistols a flash suppressor, forward handgrip, or silencer is so unusual that the ordinary pistol owner will never have encountered such a device for a pistol. (Indeed, to possess a silencer, or even just to examine one long enough to see if it fits on a particular gun, is a felony; Pen. Code, § 12520.) There are no books or other reference materials that list thread dimensions for those flash suppressors, forward handgrips, or silencers that have threads. To demand that owners know if there is such an item anywhere in the world that will fit their pistol is to demand knowledge that not just esoteric, but that even experts do not have -- and cannot obtain.

61. To be consistent with due process, section 12276.1(a)(4)(A) must be interpreted as applicable only in circumstances where a threaded barrel pistol is possessed either: with actual knowledge that there is a flash suppressor, forward handgrip or silencer which fits those threads; or where the person possessing the pistol reasonably should have known of that based on actual knowledge of other arcane facts so indicating. Only if section 12276.1(a)(4)(A) receives this limiting interpretation can the district attorney plaintiffs constitutionally prosecute offenses under

it.

62. **Defendants' duty was and is to promulgate an interpretive regulation avoiding the constitutional difficulty by construing section 12276.1(a)(4)(A) as applicable only in circumstances where a threaded barrel pistol is possessed either: with actual knowledge that there is a flash suppressor, forward handgrip or silencer which fits those threads; or where the person possessing the pistol reasonably should have known of that based on actual knowledge of other arcane facts so indicating.**

Declaratory Judgment Allegation

63. There is an actual and present controversy between the parties to this suit regarding the meaning and scope of section 12276.1(a)(4)(A). Plaintiffs contend that that statute's application is limited to circumstances in which the person possessing a threaded barrel pistol either: has actual knowledge that there is somewhere a flash suppressor, forward handgrip or silencer which fits those threads; or reasonably should have known that based on his actual knowledge of other arcane facts that are relevant thereto. Defendants deny and dispute plaintiffs' said contention, wherefore plaintiffs seek a judicial declaration adopting and endorsing that contention.

FOURTH CAUSE OF ACTION
On Behalf of All Plaintiffs against All Defendants:
Declaratory and Injunctive Relief
Uncertainty of "Large Capacity Feeding Device"
In Relation to Tubular Magazines

64. All preceding paragraphs are realleged and incorporated herein by reference as if set out verbatim.

65. SB 23 amended Penal Code section 12020(a) to read in part: "Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison: . . . (2) Commencing January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine." (hereinafter section 12020(a)(2)). Section 12020(c)(25) goes on to define "large-capacity magazine" as "any ammunition feeding device with the capacity to

accept more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds nor shall it include any .22 caliber tube ammunition feeding device." These prohibitions may be interpreted to apply not only to the feeding device itself, but also to any shotgun having an integral tubular magazine that meets the definition. That includes pump and lever action (a pre-Civil War era design) shotguns and semi-automatic shotguns. **(NOTE: as enacted this provision might also have been interpreted as applicable to rifles, but it was subsequently amended to make it inapplicable to tubular magazine rifles or shotguns.)**

66. In a tubular magazine firearm the rounds are placed one behind the other. The number of rounds a tubular magazine holds depends on the length of the rounds, which can vary. The firearm may have been designed, advertised, and sold as having a capacity of ten or fewer standard-length rounds. Yet, unbeknownst to the owner, it may also be able to take more than ten smaller non-standard rounds if such "mini-rounds" exist. For instance, a shotgun purchased in 1998 may have been advertised as having, and may indeed have had, a tubular magazine with a capacity of only six of the 2.75 inch rounds in terms of which magazine capacity of shotguns has traditionally been measured throughout the 20th Century and to date. Such 2.75 inch rounds were the standard, and generally the shortest shotgun rounds then extant in this country.[7] Yet as of today the same six-shot shotgun may be able to take 11 or more of the obscure 1.5 inch rounds an obscure Mexican ammunition company began making sometime in late 1999. See photographs attached hereto as Exhibit 25 (Aguila Ammunition brochure) and Exhibit 26 (Aguila Ammunition Web site <http://www.aguilaammo.com> [as of Sep. 7, 2001], description of Aguila Minishells) incorporated herein as if set out verbatim.

67. Even today these 1.5 inch rounds are made only in a few loadings and only in 12 gauge; and they will either not operate or not operate reliably in many or most pump and semi-automatic 12 gauge shotguns. The existence of these 1.5 inch rounds is unknown to, and

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[7] Different lengths of shotgun round prevail in different nations. Among rounds found in the United Kingdom is one of 2" length. Though rarely encountered in the United States that round is available by special order.

unsuspected by, most shotgun owners in California and to many or most firearms dealers. The ammunition itself is available in only a few California stores. Section 12020(c)(25) cannot constitutionally be interpreted to make the section 12020(a)(2) criminal offense apply to a firearm simply because it will take more than ten short non-standard rounds that may exist somewhere in the world even though such mini-rounds: a) did not even exist when the owner bought the firearm; b) may not be commercially available in California; c) are not possessed by the owner, who, d) is not aware that they even exist. The mere existence of such unknown mini-rounds cannot suddenly make it a crime for the owner of a shotgun to loan it to a hunting buddy even though such a loan was perfectly legal when the owner bought the shotgun which was made and sold as having a magazine capacity of less than 10 of the standard 2.75 inch round.

68. Defendants' failure to follow the Legislature's expectation that clarifying regulations would be issued presents a grave uncertainty problem for both owners and law enforcement as to which tubular magazine firearms section 12020(a)(2) should be deemed to cover and which not to. This uncertainty has been magnified by defendants' issuance of the advice letters attached hereto as Exhibits 16 through 20 and incorporated herein as if set out verbatim. As more fully alleged hereinafter in the Sixth Cause of Action, those letters unaccountably allow importation of certain firearms having large capacity magazines under certain conditions. However rational and desirable these DOJ exceptions may be, they appear to contradict the language of section 12020(a)(2). Assuming that some coherent rationale might exist, defendants' failure to offer any rationale whatever leaves plaintiffs and the general public in a state of utter confusion as to whether any large capacity tubular magazine can be imported and, if such magazines may be imported, under what conditions.

Declaratory Judgment Allegation

69. Plaintiffs contend that a) the capacity of a shotgun for purposes of section 12020(a)(2) must be measured in terms of the traditional 2.75" long round; and, b) in general, section 12020(c)(25) must be interpreted as applicable only to whatever magazine capacity the manufacturer designed, advertised and sold the firearm as having. Absent such interpretations fixing and limiting its meaning, the section 12020(a)(2) crime is fatally uncertain. Plaintiffs seek

declaratory and injunctive relief vindicating this contention.

FIFTH CAUSE OF ACTION
On Behalf Of All Plaintiffs Against All Defendants:
Declaratory And Injunctive Relief
Uncertainty of "Permanently Alter" In Relation To
Large Capacity Feeding Devices

70. All preceding paragraphs are realleged and incorporated herein by reference.

71. If the section 12020(a)(2) ban were unqualified it would render unsalable millions of tubular firearms and feeding devices owned by tens of thousands of California owners and dealers, thereby severely reducing the value of their property. To avoid this, section 12020(c)(25) provides that such firearms and separate feeding devices may be sold if they have "been permanently altered so that [the feeding device] cannot accommodate more than ten rounds . . . . " (The same qualification applies to section 12276.1(c)(2), which uses a more than ten round capacity as a criterion for defining a semiautomatic firearm to be an AW.)

72. If construed over-literally, "permanently alter" has no ascertainable meaning and no application at all. Alterations of metal or plastic objects are *always* subject to reversal, given the necessary time, expertise, resources, and specialized tools and equipment. During the post-SB 23 regulatory process defendants recognized the necessity for clarifying "permanently altered" and undertook to do so in the first of the three successive drafts of clarifying regulations they issued (the first two sets in draft, the third set finalized) during the year 2000. But after the attempted clarification was criticized in the comment period, defendants desisted from the effort. The current regulations have no such clarification.

73. Defendants' refusal to issue a clarifying regulation results in confusion and inconsistency in the enforcement of sections 12020(a)(2) and 12276.1(c)(2). Owners of "large capacity feeding devices," and of tubular magazine firearms having such feeding devices, do not know how to "permanently alter" them and are afraid even to try to do so for fear of not bringing the device into compliance with the law. Owners are justifiably afraid because local officials who are to enforce the law do not know what constitutes "permanent alteration" as that concept is used by sections 12020(a)(2) and 12276.1(c)(2) and because a violation for selling a regulated

ammunition magazine can be a felony. A further problem and deterrent is that in relation to some rifles a misguided attempt to alter their magazine capacity could actually result in turning them into AWs under various provisions of the AWCA. As a result of such attempted compliance, the owner would be subject to prosecution at least for unregistered possession of an AW (§ 12280(b)) and possibly for the mandatory four year minimum penalty for illegally manufacturing an AW (§ 12280(a)).

74. Defendants' refusal to issue a clarifying regulation is wrong and unreasonable because the term "permanently altered" needs to be clarified and is easily definable in context. The context is the decades old practice of *non*-permanently altering firearm feeding devices to limit magazine capacity. In California and other states, hunting regulations have often limited the number of rounds that a firearm could hold when used in certain kinds of hunting. These limitations have traditionally been complied with by the insertion of a dowel into the feeding device thereby reducing the number of rounds it could hold. This limitation on magazine capacity was non-"permanent" since the dowel was easily removable. Given this context, defendants could and should have defined "permanent" alteration to be one that cannot be altered or reversed except by physical alteration of the contours or dimensions of the magazine, e.g., alteration that involves physically changing the contours or dimensions of the magazine by metalworking, machining or supergluing (in the case of polymer (a type of plastic) magazines). Defendants reject this definition and fail and refuse to issue a regulation to so clarify what "permanent" alteration means. Defendants thereby are frustrating the purposes of section 12020(c)(25).

Declaratory Judgment Allegation

75. There is an actual and present controversy between the parties to this suit regarding what sections 12020(c)(25) and 12276.1 requires as to the permanent alteration of large capacity feeding devices. Plaintiffs contend that the concept of "permanent" alteration in those statutes means a change that fixes magazine size at ten or less rounds through a process like metalworking, machining, welding, brazing, soldering or application of bonding agents or adhesives that is not easily reversible. Plaintiffs further contend that defendants should issue a regulation so stating. Defendants deny and dispute plaintiffs' said contentions, wherefore

plaintiffs seek a judicial declaration adopting and endorsing those contentions.

SIXTH CAUSE OF ACTION:
Defendants' Inconsistent Conduct and Confusion Caused Thereby
1. Inconsistency Regarding Springfield and Browning Products
2. Inconsistency Regarding "Detachable Magazine"
3. Inconsistency Regarding Importation of "Large Capacity" Magazine Rifles

76. All the preceding paragraphs are realleged and incorporated herein by reference as if set out verbatim.

77. In addition to the unconstitutional, confusing and erroneous regulations and inaction previously described, defendants have issued rulings, advice letters, official statements and/or taken other actions inconsistent with those erroneous regulations and/or defendants' formally adopted policies. The inconsistency of these statements and/or actions and to defendants' regulations is a source of insuperable confusion to the public and to those charged with enforcing SB 23. Plaintiffs are, therefore, in need either of judicial clarification or of an order requiring that defendants clarify the law and conform their conduct thereto.

1. Inconsistency Regarding Springfield and Browning Products

78. As set out in the first and second causes of action hereto, CCR section 978.20(b) erroneously brings muzzle brakes, compensators and other non-flash suppressors within the meaning of "flash suppressor." Defendants have exacerbated the confusion this error causes by letter opinions declaring two devices, the Browning BOSS system, and the Springfield Armory "Muzzle Break," not to be flash suppressors. Plaintiffs agree that the Springfield Armory "Muzzle Break" and the Browning BOSS system are not flash suppressors *as that term is used in Penal Code section 12276.1.* But, in fact, those devices meet the aberrant and heterodox CCR section 978.20(b) mis-definition of flash suppressor. Contrary to DOJ's acceptance of them, both the Browning BOSS system and the Springfield Armory "Muzzle Break" are "flash suppressors" under that mis-definition because they each redirect flash from the shooter's field of vision. (See DOJ advice letters attached hereto as Exhibits 16-20 and depictions of the Springfield "Muzzle Break" and Browning BOSS system attached hereto as Exhibits 21-23 and incorporated herein as if set out verbatim).

79. The inconsistency of DOJ declaring these muzzle brakes not to be flash suppressors

though they meet DOJ's mis-definition of that term creates a quandary for the district attorney plaintiffs and other public officer plaintiffs who are duty-bound to enforce SB 23. If these plaintiffs deem the Springfield Armory "Muzzle Break" and Browning BOSS system to be flash suppressors they are contradicting DOJ's specific finding that these devices are not flash suppressors. Yet to deem them not flash suppressors flies in the face of the DOJ mis-definition which is binding on these plaintiffs. The quandary is complicated by the fact that numerous other muzzle brakes redirect flash exactly as do the Springfield Armory "Muzzle Break" and Browning BOSS system. If in enforcing section 12276.1 plaintiffs deem these other muzzle brakes not to be flash suppressors, plaintiffs will be acting inconsistently with the DOJ mis-definition. But for those plaintiffs to treat these other muzzle brakes as flash suppressors would contradict DOJ's determination that the indistinguishably operating Springfield armory "Muzzle Break" and Browning BOSS system are not flash suppressors under section 12276.1.

80. Plaintiffs seek an order invalidating the current version of CCR section 978.20(b) and requiring defendants to rewrite that regulation to conform to section 12276.1.

2. Inconsistency Re "Detachable Magazine"

81. For registration as an AW to be required under section 12276.1(a)(1) a rifle must have "the capacity to accept a detachable magazine . . . ." California Code of Regulations, title 11, section 978.20(a) (hereinafter CCR section 12.9.978.20(a)) defines "detachable magazine" as one that "can be removed readily from the firearm with[out] . . . the use of a tool being required." This prompted a written inquiry to DOJ as to the meaning of "detachable," and a following oral inquiry as to whether owners could render their magazines fixed and "non-detachable" by putting a screw through the magazine release so that it would not release without the use of a screw-driver to remove the screw, and then filling in the screw hole with epoxy or superglue so that the screw could not be removed even with a tool. (The rifle could then only be top-loaded through the open receiver as a fixed magazine rifle is loaded. As such the rifle would become subject to Penal Code section 12276.1(a)(2) which classifies a fixed magazine rifle as an AW only if the magazine will take more than ten rounds.)

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82. DOJ's response was a masterpiece of obfuscation. It admits that the use of a screw as described renders the magazine non-detachable based on the regulation defining a "detachable magazine." But, the DOJ letter then asserts, such an alteration violates "the spirit" of section 12276.1 (in some way which remains unexplained). Moreover, the DOJ letter warns, anyone who fails to register a rifle so altered may be prosecuted by some district attorney somewhere, and the prosecution may well succeed. (See the inquiry letter and DOJ response letter which are attached hereto as Exhibit 27 (Trutanich Michel, LLP, letter to DOJ, Jan. 29, 2001) and Exhibit 28 (DOJ, response letter to Trutanich Michel, LLP, Feb. 22, 2001) and incorporated herein as if set out verbatim.)

83. Having been duly promulgated under the Administrative Procedure Act (APA), CCR section 978.20(a) has the force of law. Defendants' duty is to exercise their supervisory power over district attorneys and law enforcement agencies so as to assure that neither arrests nor prosecutions occur on grounds that are inconsistent with those regulations. DOJ's threat that persons with rifles altered conformably with CCR section 978.20(a) may be prosecuted by local district attorneys is an implicit disclaimer that defendants intend to perform their supervisory duty in this respect. This DOJ response letter and intention not to perform that duty constitutes an attempted informal amendment of CCR section 978.20(a). It is illegal, having not been formalized and promulgated according to the APA.

3. Inconsistency Regarding Importation of "Large Capacity" Magazine Rifles

84. The Single Action Shooting Society, Inc. (SASS), is a group that sponsors western style shooting competitions generally using modern replicas of 19th Century lever action rifles. As the photos attached Exhibit 1 illustrate, these rifles generally fall under the section 12020(a)(2) restrictions in that they have magazine capacities of more than ten rounds. This could make them non-importable "large capacity feeding devices," depending on how section 12020(a)(2) is interpreted. Yet DOJ letters to SASS (written on official DOJ stationery) authorize non-California SASS members to bring such rifles into the state with them for the purpose of participating in SASS competitions. SASS has, in turn, published the fact of that permission in the SASS monthly newspaper, COWBOY CHRONICLE, which goes to its more than 20,000 members and 300

affiliated clubs all over the world. (Copies of defendants' correspondence, and of the SASS article describing it, respectively, are attached hereto as Exhibit 29 (DOJ, letter to SASS, Mar. 16, 2000), Exhibit 30 (DOJ, letter to SASS, Nov. 1, 2000), and Exhibit 31 (*Long Guns For End of Trail*, Cowboy Chronicle (Mar. 2001) p. 9), which are incorporated herein as if set out verbatim.)

85. Defendants' SASS correspondence places plaintiff HUNT in a quandary, directly impinging on his performance of his duties. One of the SASS-sponsored competitions is sited in Fresno County. The permission defendants have granted appears inconsistent with section 12020(a)(2) if that provision is read as categorically banning importation of any "large capacity" magazine rifle or shotgun. Plaintiffs believe that section 12020(a)(2) should instead be read as a ban only on importation of such firearms for the purpose of sale. But defendants' SASS correspondence does not enunciate this -- or any other -- rationale for allowing non-Californian SASS members to bring these rifles into the state. In abeyance of any rationale from defendants, plaintiff HUNT is left bereft of guidance as to any of the following problems:

a) As written, defendants' SASS correspondence refers only to a particular SASS-sponsored competition in Riverside County: Does it also apply to and validate importation of large capacity magazine rifles for use in the SASS-sponsored competition in Fresno? Would it also apply to and validate importation of large capacity magazine rifles for competitions sponsored in Fresno by some organization other than SASS?;

b) As written, defendants' SASS correspondence speaks only to the importation of large capacity magazine rifles: Does it also validate importation of large capacity magazine shotguns for use in competitive matches?;

c) What does defendants' SASS correspondence imply as to the legality of non-California residents bringing large capacity magazine rifles and shotguns with them on coming to reside in California?

Detriment to Plaintiffs

86. The inconsistent DOJ conduct described in this cause of action obscures the meaning of the laws and regulations involved and confuses those whose duty it is to enforce the laws and

the public in general. In addition, it handicaps the district attorney plaintiffs and other enforcement officials in any prosecution they might bring in relation to the affected statutes and regulations. Inevitably (and properly) the defendant in such a prosecution will seize upon the inconsistencies to argue: a) that the laws and regulations do not support the theory of the prosecution; and/or b) that the laws and regulations are fatally uncertain; or c) that, however the laws and regulations should properly be interpreted, due process precludes prosecution of people for acts done in reliance on contrary interpretations by the Attorney General and/or DOJ. Even if those arguments are incorrect, their presentation will enormously complicate and burden any prosecution the public official plaintiffs might bring.

87. If defendants' actions described in this cause of action are correct, the California Code of Regulations, title 11, section 978.20 regulations are invalid and incorrect -- and vice versa. Plaintiffs seek an order that DOJ take whatever action is necessary (including promulgating new or amended regulations) so that its regulations and its actions are consistent with each other and that both are consistent with the statutes involved.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

1. Declaratory relief as set forth above;

2. Injunctive relief against enforcement of the provisions of the Penal Code enacted and/or amended by SB 23 pending clarification of the vague and uncertain terms contained therein;

3. Injunctive relief mandating that the deadline for registering firearms covered by Penal Code section 12276.1 be extended until the vague and uncertain terms contained therein have been clarified -- or, in the alternative, declaratory judgment that no prosecution under Penal Code section 12280(b) may be maintained insofar as it relies upon terms of section 12276.1 that have not been clarified and were vague and uncertain at the time of the alleged violation;

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///

4. For attorney's fees expenses of counsel, and costs of suit; and

5. For such other relief as the court may deem proper.

Date: September 20, 2002

TRUTANICH • MICHEL, LLP:

C. D. Michel
Attorneys for Plaintiffs

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF FRESNO

I have read the foregoing VERIFIED FIRST AMENDED COMPLAINT

and know its contents.

☐ CHECK APPLICABLE PARAGRAPHS

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am ☐ an Officer ☐ a partner _____ ☐ a _____ of _____

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am one of the attorneys for ALL PLAINTIFFS

a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on 09/20/02, at SAN PEDRO, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

C. D. MICHEL

Type or Print Name

Signature

PROOF OF SERVICE

1013a (3) CCP Revised 6/1/88

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is: _____

On, _____ I served the foregoing document described as _____

_____ on _____ in this action

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:

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☐ *I deposited such envelope in the mail at _____, California. The envelope was mailed with postage thereon fully prepaid.

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☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

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EXHIBIT "1"

THE WORLD'S GREATEST GUN BOOK

Gun Digest 2002

56th Annual Edition

Edited by
Ken Ramage

ESSENTIAL INFORMATION FOR SHOOTERS, COLLECTORS AND STUDENTS OF THE GUN

New Product Reports
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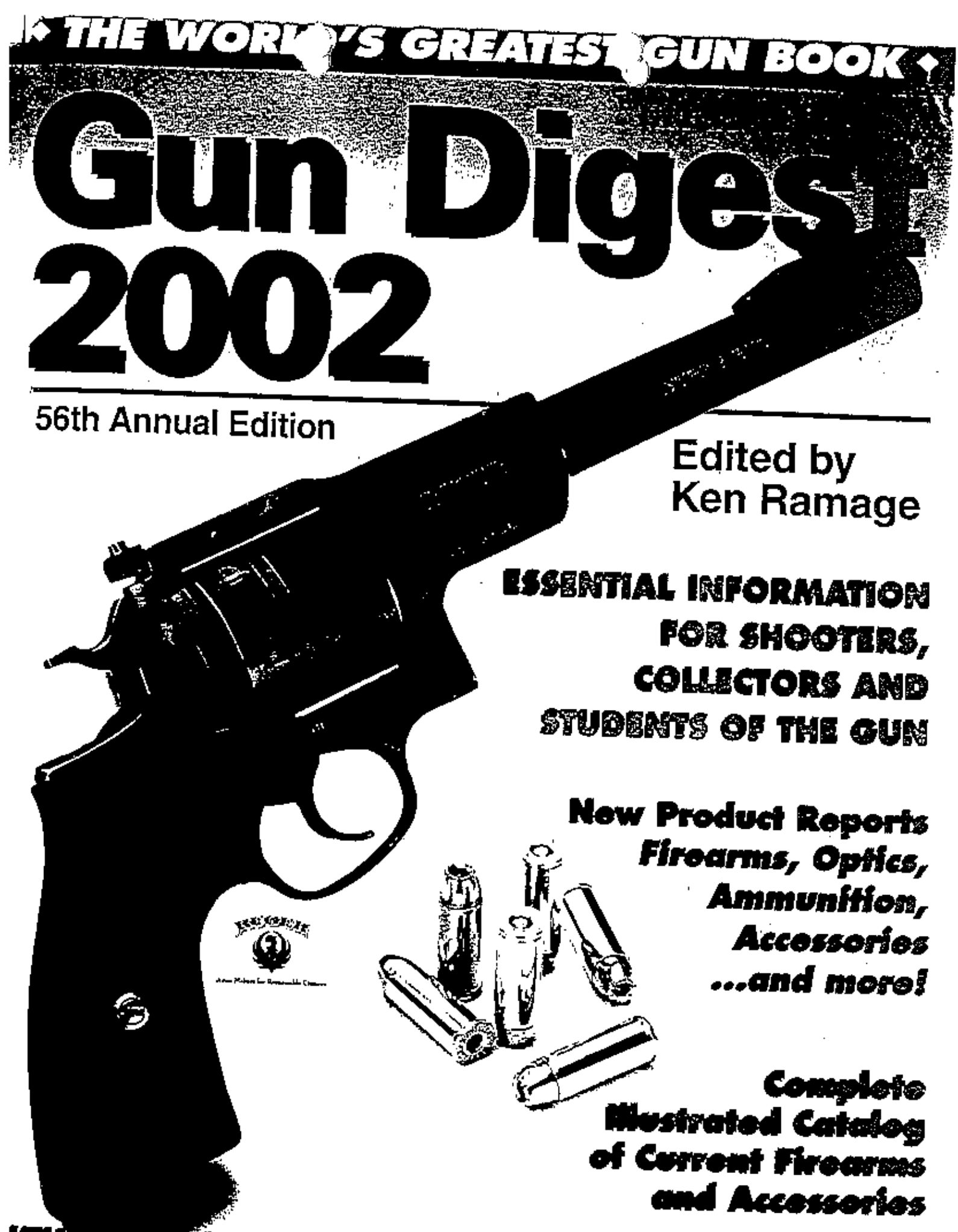
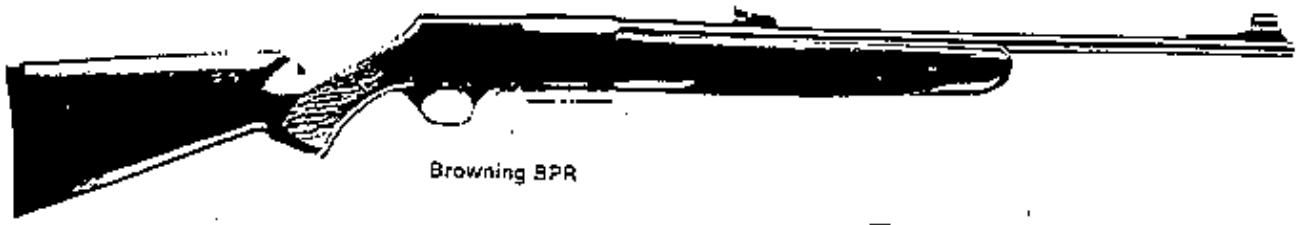
Complete Illustrated Catalog of Current Firearms and Accessories

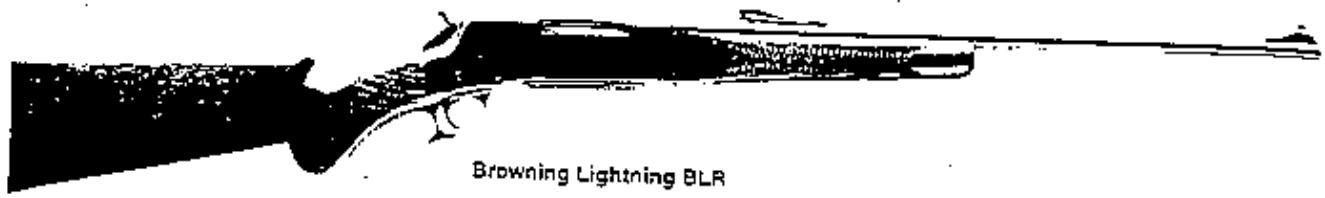


CENTERFIRE RIFLES — LEVER AND SLIDE

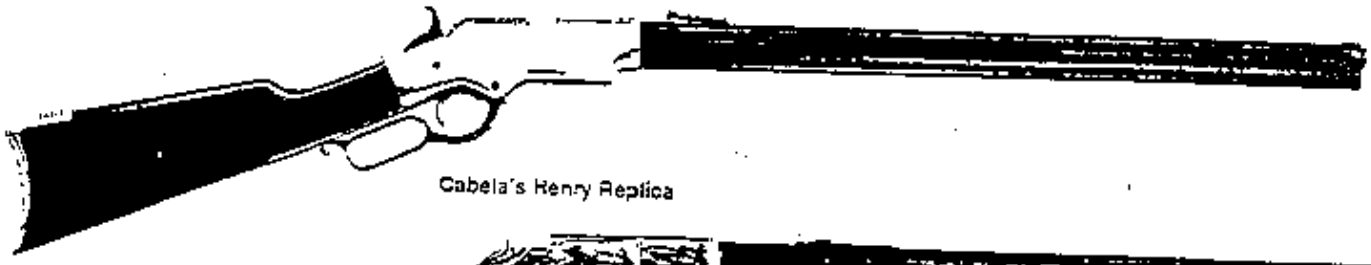
Both classic arms and recent designs in American-style repeaters for sport and field shooting.



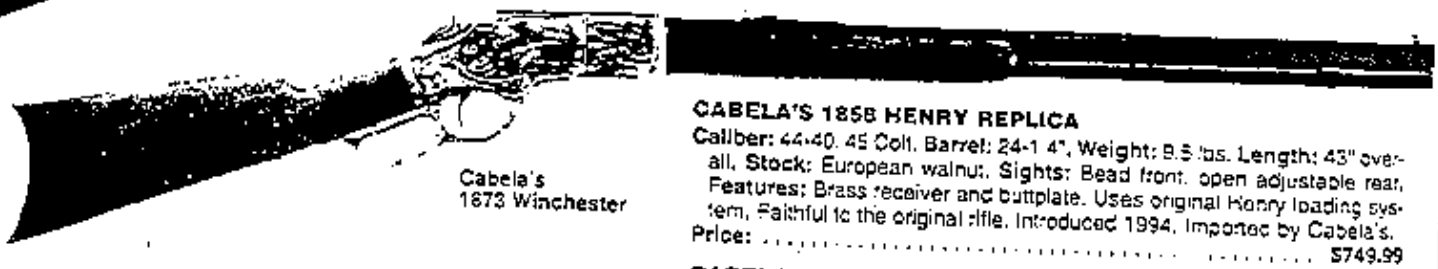
Browning BPR



Browning Lightning BLR



Cabela's Henry Replica



Cabela's
1873 Winchester

BROWNING BPR PUMP RIFLE

Caliber: 243, 308 (short action); 270, 30-06, 7mm Rem. Mag., 300 Win. Mag., 4-shot magazine (3 for magnums). **Barrel:** 22"; 24" for magnum calibers. **Weight:** 7 lbs., 3 oz. **Length:** 43" overall (22" barrel). **Stock:** Select walnut with full pistol grip, high gloss finish. **Sights:** Gold bead on hooded ramp front, open click adjustable rear. **Features:** Slide-action mechanism cams forend down away from the barrel. Seven-lug rotary bolt; cross-bolt safety behind trigger; removable magazine; alloy receiver. Introduced 1997. Imported from Belgium by Browning.

Price: Standard calibers $718.00

Price: Magnum calibers $772.00

BROWNING LIGHTNING BLR LEVER-ACTION RIFLE

Caliber: 22-250, 243, 7mm-08, 308 Win., 4-shot detachable magazine. **Barrel:** 20" round tapered. **Weight:** 6 lbs., 8 oz. **Length:** 39-1/2" overall. **Stock:** Walnut. Checkered grip and forend, high-gloss finish. **Sights:** Gold bead on ramp front; low profile square notch adjustable rear. **Features:** Wide, grooved trigger; half-cock hammer safety; fold-down hammer. Receiver tapped for scope mount. Recoil pad installed. Introduced 1996. Imported from Japan by Browning.

Price: $649.00

Browning Lightning BLR Long Action

Similar to the standard Lightning BLR except has long action to accept 30-06, 270, 7mm Rem. Mag. and 300 Win. Mag. Barrel lengths are 22" for 30-06 and 270, 24" for 7mm Rem. Mag. and 300 Win. Mag. Has six-lug rotary bolt; bolt and receiver are full-length fluted. Fold-down hammer at half-cock. Weighs about 7 lbs., overall length 42-7/8" (22" barrel). Introduced 1996.

Price: $686.00

CABELA'S 1858 HENRY REPLICA

Caliber: 44-40, 45 Colt. **Barrel:** 24-1/4", **Weight:** 8.5 lbs. **Length:** 43" overall. **Stock:** European walnut. **Sights:** Bead front, open adjustable rear. **Features:** Brass receiver and buttplate. Uses original Henry loading system. Faithful to the original rifle. Introduced 1994. Imported by Cabela's.

Price: $749.99

CABELA'S 1866 WINCHESTER REPLICA

Caliber: 44-40, 45 Colt. **Barrel:** 24-1/4", **Weight:** 9 lbs. **Length:** 43" overall. **Stock:** European walnut. **Sights:** Bead front, open adjustable rear. **Features:** Solid brass receiver, buttplate, forend cap. Octagonal barrel. Faithful to the original Winchester '66 rifle. Introduced 1994. Imported by Cabela's.

Price: $619.99

CABELA'S 1873 WINCHESTER REPLICA

Caliber: 44-40, 45 Colt. **Barrel:** 24-1/4", 30", **Weight:** 8.5 lbs. **Length:** 43-1/4" overall. **Stock:** European walnut. **Sights:** Bead front, open adjustable rear; globe front, tang rear. **Features:** Color case-hardened steel receiver. Faithful to the original Model 1873 rifle. Introduced 1994. Imported by Cabela's.

Price: Sporting model, 30" barrel, 44-40, 45 Colt $749.99

Price: Sporting model, 24" or 25" barrel $729.99

CIMARRON 1860 HENRY REPLICA

Caliber: 44 WCF, 13-shot magazine. **Barrel:** 24-1/4" (rifle), 22" (carbine). **Weight:** 9-1/2 lbs. **Length:** 43" overall (rifle). **Stock:** European walnut. **Sights:** Bead front, open adjustable rear. **Features:** Brass receiver and buttplate. Uses original Henry loading system. Faithful to the original rifle. Introduced 1991. Imported by Cimarron F.A. Co.

Price: $1,029.00

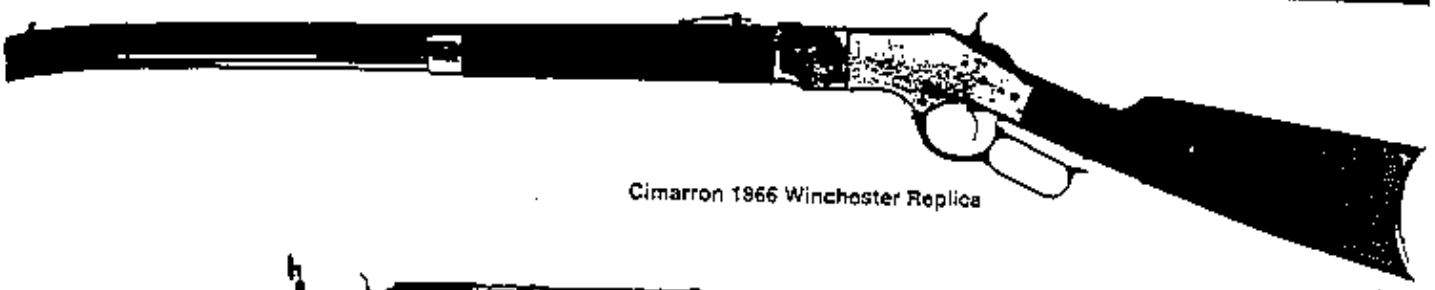
CIMARRON 1866 WINCHESTER REPLICAS

Caliber: 22 LR, 22 WMR, 38 Spec., 44 WCF. **Barrel:** 24-1/4" (rifle), 19" (carbine). **Weight:** 9 lbs. **Length:** 43" overall (rifle). **Stock:** European walnut. **Sights:** Bead front, open adjustable rear. **Features:** Solid brass receiver, buttplate, forend cap. Octagonal barrel. Faithful to the original Winchester '66 rifle. Introduced 1991. Imported by Cimarron F.A. Co.

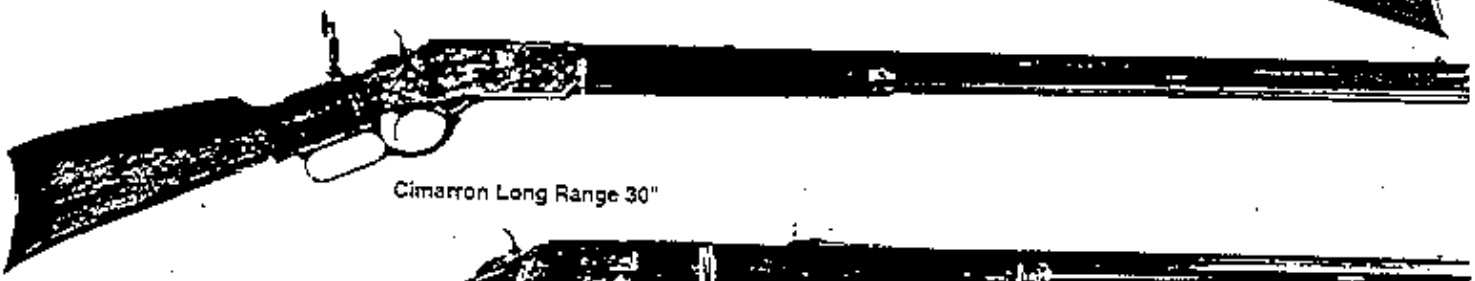
Price: Rifle $839.00

Price: Carbine $829.00

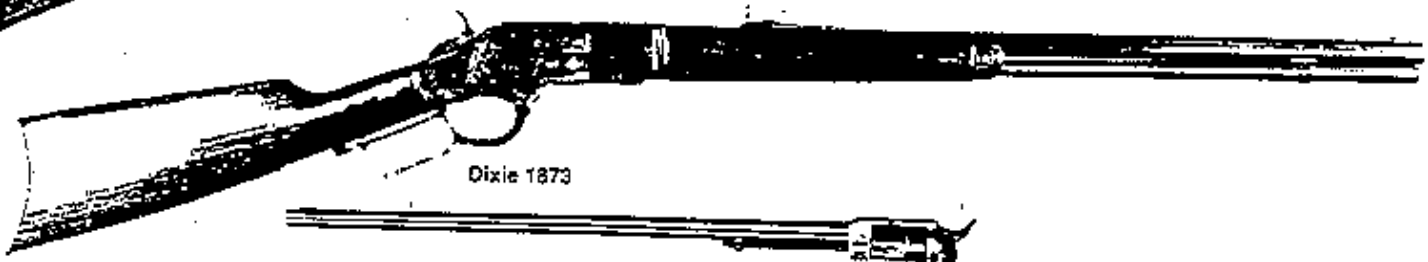
CENTERFIRE RIFLES — LEVER AND SLIDE



Cimarron 1866 Winchester Replica



Cimarron Long Range 30"



Dixie 1873

IAR 1873
Revolver Carbine

CIMARRON 1873 SHORT RIFLE

Caliber: 22 LR, 22 WMR, 357 Mag., 44-40, 45 Colt. **Barrel:** 20" tapered octagon. **Weight:** 7.5 lbs. **Length:** 39" overall. **Stock:** Walnut. **Sights:** Bead front, adjustable semi-buckhorn rear. **Features:** Has half "button" magazine. Original-type markings, including caliber, on barrel and elevator and "Kings" patent. From Cimarron F.A. Co.

Price: $799.00

CIMARRON 1873 LONG RANGE RIFLE

Caliber: 22 LR, 22 WMR, 357 Mag., 38-40, 44-40, 45 Colt. **Barrel:** 30", octagonal. **Weight:** 8-1/2 lbs. **Length:** 46" overall. **Stock:** Walnut. **Sights:** Blade front, semi-buckhorn ramp rear, Tang sight optional. **Features:** Color case-hardened frame; choice of modern blue-black or charcoal blue for other parts. Barrel marked "Kings Improvement." From Cimarron F.A. Co.

Price: $999.00

Cimarron 1873 Sporting Rifle

Similar to the 1873 Long Range except has 24" barrel with half-magazine.

Price: $949.00

Price: 1873 Saddle Ring Carbine, 19" barrel $949.00

DIXIE ENGRAVED 1873 RIFLE

Caliber: 44-40. 11-shot magazine. **Barrel:** 20", round. **Weight:** 7-3/4 lbs. **Length:** 39" overall. **Stock:** Walnut. **Sights:** Blade front, adjustable rear. **Features:** Engraved and case-hardened frame. Duplicate of Winchester 1873. Made in Italy. From 21 Gun Works

Price: $1,295.00

Price: Plain, blued carbine $850.00

E.M.F. 1860 HENRY RIFLE

Caliber: 44-40 or 45 Colt. **Barrel:** 24.25". **Weight:** About 9 lbs. **Length:** About 43.75" overall. **Stock:** Oil-stained American walnut. **Sights:** Blade front, rear adjustable for elevation. **Features:** Reproduction of the original Henry rifle with brass frame and buttplate, rest blued. From E.M.F.

Price: Brass frame $850.00

Price: Steel frame $950.00

E.M.F. 1866 YELLOWBOY LEVER ACTIONS

Caliber: 38 Spec., 44-40. **Barrel:** 19" (carbine), 24" (rifle). **Weight:** 9 lbs. **Length:** 43" overall (rifle). **Stock:** European walnut. **Sights:** Bead front, open adjustable rear. **Features:** Solid brass frame, blued barrel, lever, hammer, buttplate. Imported from Italy by E.M.F.

Price: Rifle $690.00

Price: Carbine $675.00

E.M.F. HARTFORD MODEL 1892 LEVER-ACTION RIFLE

Caliber: 45 Colt. **Barrel:** 24", octagonal. **Weight:** 7-1/2 lbs. **Length:** 43" overall. **Stock:** European walnut. **Sights:** Blade front, open adjustable rear. **Features:** Color case-hardened frame, lever, trigger and hammer with blued barrel, or overall blue finish. Introduced 1998. Imported by E.M.F.

Price: Standard $590.00

E.M.F. MODEL 1873 LEVER-ACTION RIFLE

Caliber: 32/20, 357 Mag., 38/40, 44-40, 44 Spec., 45 Colt. **Barrel:** 24". **Weight:** 6 lbs. **Length:** 43-1/4" overall. **Stock:** European walnut. **Sights:** Bead front, rear adjustable for windage and elevation. **Features:** Color case-hardened frame (blue on carbine). Imported by E.M.F.

Price: Rifle $865.00

Price: Carbine, 19" barrel $865.00

IAR MODEL 1873 REVOLVER CARBINE

Caliber: 357 Mag., 45 Colt. **Barrel:** 18", **Weight:** 4 lbs., 8 oz. **Length:** 34" overall. **Stock:** One-piece walnut. **Sights:** Blade front, notch rear. **Features:** Color case-hardened frame, blue barrel, backstrap and triggerguard. Introduced 1998. Imported from Italy by IAR, Inc.

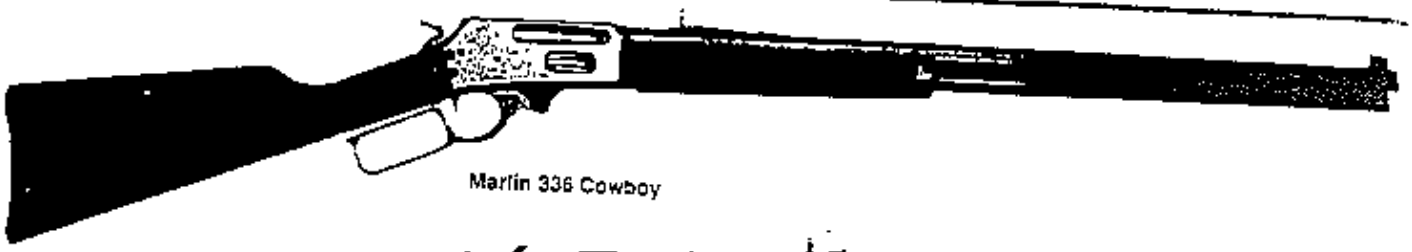
Price: Standard $490.00

MARLIN MODEL 336C LEVER-ACTION CARBINE

Caliber: 30-30 or 35 Rem., 6-shot tubular magazine. **Barrel:** 20" Micro-Groove®. **Weight:** 7 lbs. **Length:** 38-1/2" overall. **Stock:** Checkered American black walnut, capped pistol grip with white line spacers. Mar-Shield® finish; rubber butt pad; swivel studs. **Sights:** Ramp front with Wide-Scan hood, semi-buckhorn folding rear adjustable for windage and elevation. **Features:** Hammer-block safety. Receiver tapped for scope mount, offset hammer spur; top of receiver sandblasted to prevent glare. Includes safety lock.

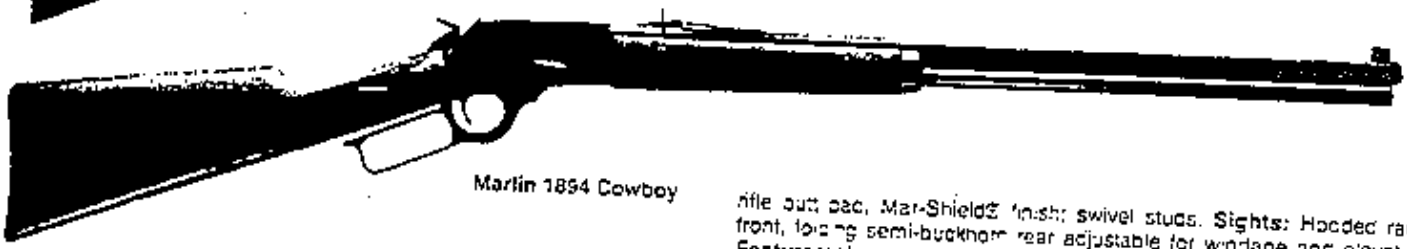
Price: $502.00

CENTERFIRE RIFLES — LEVER AND SLIDE



Marlin 336 Cowboy

Marlin 444P Outfitter



Marlin 1894 Cowboy

Marlin Model 336 Cowboy
Similar to the Model 336CS except chambered for 30-30 and 35-55 Win., 24" tapered octagon barrel with deep-cut Ballard-type rifling; straight-grip walnut stock with hard rubber buttplate; blued steel forend cap; weighs 7-1/2 lbs.; 42-1/2" overall. Introduced 1999. Includes safety lock. Made in U.S. by Marlin.
Price: $697.00

Marlin Model 336A Lever-Action Carbine
Same as the Marlin 336CS except has cut-checkered, walnut-finished Maine birch pistol grip stock with swivel studs. 30-30 only. 6-shot. Hammer-block safety. Adjustable rear sight, brass bead front. Includes safety lock.
Price: $429.00
Price: With 4x scope and mount $474.00

Marlin Model 336CC Lever-Action Carbine
Same as the Marlin 336A except has Mossy Oak® Break-Up camouflage stock and forearm. 30-30 only. 6-shot; receiver tapped for scope mount or receiver sight. Introduced 2001. Includes safety lock. Made in U.S. by Marlin.
Price: $478.00

Marlin Model 336SS Lever-Action Carbine
Same as the 336C except receiver, barrel and other major parts are machined from stainless steel. 30-30 only. 6-shot; receiver tapped for scope. Includes safety lock.
Price: $608.00

Marlin Model 336W Lever-Action Rifle
Similar to the Model 336CS except: has walnut-finished, cut-checkered Maine birch stock; blued steel barrel band has integral sling swivel; no front sight hood; comes with padded nylon sling; hard rubber butt plate. Introduced 1998. Includes safety lock. Made in U.S. by Marlin.
Price: $434.00
Price: With 4x scope and mount $481.00

MARLIN MODEL 444 LEVER-ACTION SPORTER
Caliber: 444 Marlin, 5-shot tubular magazine, **Barrel:** 22" deep cut Ballard rifling. **Weight:** 7-1/2 lbs. **Length:** 40-1/2" overall. **Stock:** Checkered American black walnut, capped pistol grip with white line spacers, rubber rifle butt pad, Mar-Shield® finish; swivel studs. **Sights:** Hooded ramp front, folding semi-buckhorn rear adjustable for windage and elevation. **Features:** Hammer-block safety. Receiver tapped for scope mount; offset hammer spur. Includes safety lock.
Price: $599.00

Marlin Model 444P Outfitter Lever-Action
Similar to the 444SS except has a ported 18-1/2" barrel with deep-cut Ballard-type rifling; weighs 6-3/4 lbs.; overall length 37". Available only in 444 Marlin. Introduced 1999. Includes safety lock. Made in U.S. by Marlin.
Price: $612.00

MARLIN MODEL 1894 LEVER-ACTION CARBINE
Caliber: 44 Spec./44 Mag., 10-shot tubular magazine. **Barrel:** 20" Ballard-type rifling. **Weight:** 6 lbs. **Length:** 37-1/2" overall. **Stock:** Checkered American black walnut, straight grip and forend. Mar-Shield® finish. Rubber rifle butt pad; swivel studs. **Sights:** Wide-Scan hooded ramp front, semi-buckhorn folding rear adjustable for windage and elevation. **Features:** Hammer-block safety. Receiver tapped for scope mount, offset hammer spur, solid top receiver sand blasted to prevent glare. Includes safety lock.
Price: $526.00

Marlin Model 1894C Carbine
Similar to the standard Model 1894S except chambered for 38 Spec./357 Mag. with full-length 9-shot magazine. 18-1/2" barrel, hammer-block safety, hooded front sight. Introduced 1983. Includes safety lock.
Price: $526.00

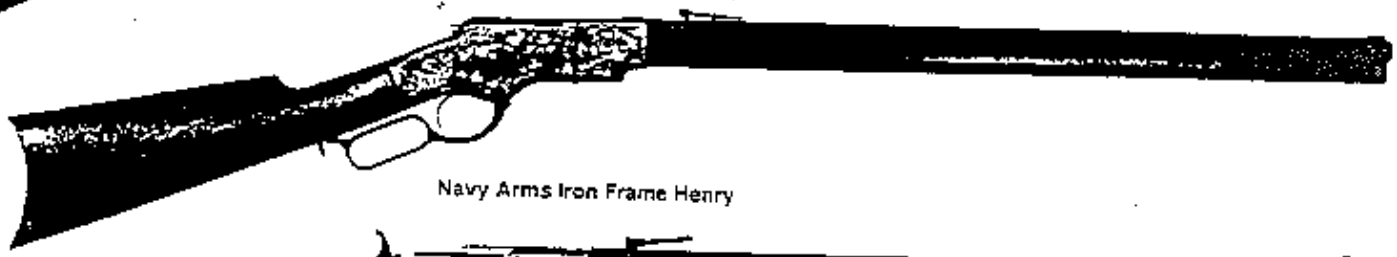
Marlin Model 1894P/1894CP Carbine
Similar to the Model 1894 except has ported 16-1/4" barrel with 8-shot magazine. Overall length 33-1/4", weighs 5-3/4 lbs. Includes safety lock. Made in U.S. by Marlin.
Price: Model 1894P (44 Spec./44 Mag.) $546.00
New! Price: Model 1894CP (38 Spec./357 Mag.) $546.00

MARLIN MODEL 1894 COWBOY, COWBOY II
Caliber: 357 Mag., 44 Mag., 45 Colt, 10-shot magazine. **Barrel:** 24" tapered octagon, deep cut rifling. **Weight:** 7-1/2 lbs. **Length:** 41-1/2" overall. **Stock:** Straight grip American black walnut with cut checkering, hard rubber buttplate. Mar-Shield® finish. **Sights:** Marble carbine front, adjustable Marble semi-buckhorn rear. **Features:** Squared finger lever; straight grip stock; blued steel forend tip. Designed for Cowboy Shooting events. Introduced 1996. Includes safety lock. Made in U.S. by Marlin.
Price: Cowboy I, 45 Colt $775.00
Price: Cowboy II, 357 Mag., 44 Mag. $775.00

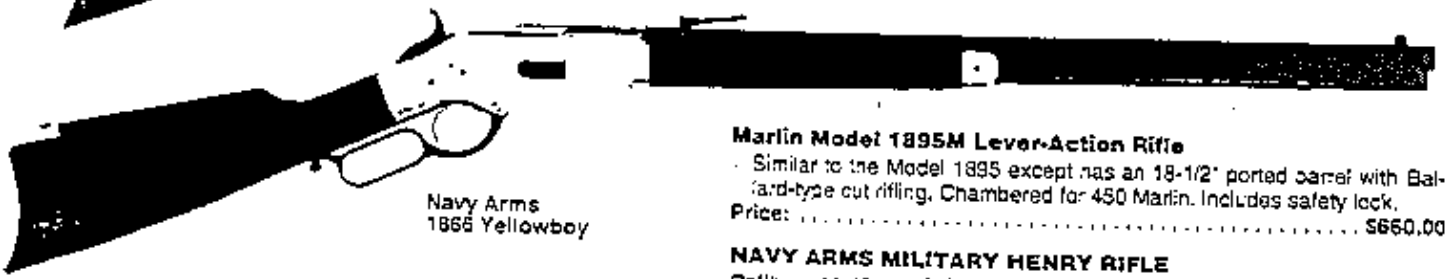
CENTERFIRE RIFLES — LEVER AND SLIDE

Marlin 1895M

Navy Arms Henry Trapper



Navy Arms Iron Frame Henry



Navy Arms
1866 Yellowboy

MARLIN MODEL 1895 LEVER-ACTION RIFLE

Caliber: 45-70, 4-shot tubular magazine, **Barrel:** 22" round, **Weight:** 7-1/2 lbs. **Length:** 40-1/2" overall. **Stock:** Checkered American black walnut, full pistol grip, Mar-Shield® finish; rubber butt pad; quick detachable swivel studs, **Sights:** Bead front with Wide-Scan hood, semi-buckhorn folding rear adjustable for windage and elevation, **Features:** Hammer-block safety. Solid receiver tapped for scope mounts or receiver sights; offset hammer spur. Includes safety lock.

Price: $599.00

Marlin Model 1895G Guide Gun Lever-Action Rifle

Similar to the Model 1895 except has 18-1/2" ported barrel with deep-cut Ballard-type rifling; straight-grip walnut stock. Overall length is 37". Weighs 7 lbs. Introduced 1998. Includes safety lock. Made in U.S. by Marlin.

Price: $612.00

Marlin Model 1895GS Guide Gun

Similar to the Model 1895G except receiver, barrel and most metal parts are machined from stainless steel. Chambered for 45-70, 4-shot, 18-1/2" ported barrel. Overall length is 37", weighs 7 lbs. Introduced 2001. Includes safety lock. Made in U.S. by Marlin.

Price: $719.00

Marlin Model 1895 Cowboy Lever-Action Rifle

Similar to the Model 1895 except has 26" tapered octagon barrel with Ballard-type rifling, Marble carbine front sight and Marble adjustable semi-buckhorn rear sight. Receiver tapped for scope or receiver sight. Overall length is 44-1/2", weighs about 8 lbs. Introduced 2001. Includes safety lock. Made in U.S. by Marlin.

Price: $775.00

Marlin Model 1895M Lever-Action Rifle

Similar to the Model 1895 except has an 18-1/2" ported barrel with Ballard-type cut rifling. Chambered for 450 Marlin. Includes safety lock.

Price: $660.00

NAVY ARMS MILITARY HENRY RIFLE

Caliber: 44-40 or 45 Colt, 12-shot magazine, **Barrel:** 24-1/4", **Weight:** 9 lbs., 4 oz. **Stock:** European walnut. **Sights:** Blade front, adjustable ladder-type rear. **Features:** Brass frame, buttplate, rest blued. Recreation of the model used by cavalry units in the Civil War. Has full-length magazine tube, sling swivels; no forend. Imported from Italy by Navy Arms.

Price: $955.00

Navy Arms Iron Frame Henry

Similar to the Military Henry Rifle except receiver is blued or color case-hardened steel. Imported by Navy Arms.

Price: $1,005.00

NAVY ARMS 1866 YELLOW BOY RIFLE

Caliber: 38 Spec., 44-40, 45 Colt, 12-shot magazine, **Barrel:** 20" or 24", full octagon, **Weight:** 8-1/2 lbs. **Length:** 42-1/2" overall. **Stock:** Walnut. **Sights:** Blade front, adjustable ladder-type rear. **Features:** Brass frame, forend tip, buttplate, blued barrel, lever, hammer. Introduced 1991. Imported from Italy by Navy Arms.

Price: $725.00

Price: Carbine, 19" barrel $715.00

NAVY ARMS 1873 WINCHESTER-STYLE RIFLE

Caliber: 357 Mag., 44-40, 45 Colt, 12-shot magazine, **Barrel:** 24-1/4", **Weight:** 8-1/4 lbs. **Length:** 43" overall. **Stock:** European walnut. **Sights:** Blade front, buckhorn rear. **Features:** Color case-hardened frame, rest blued. Full-octagon barrel. Imported by Navy Arms.

Price: $875.00

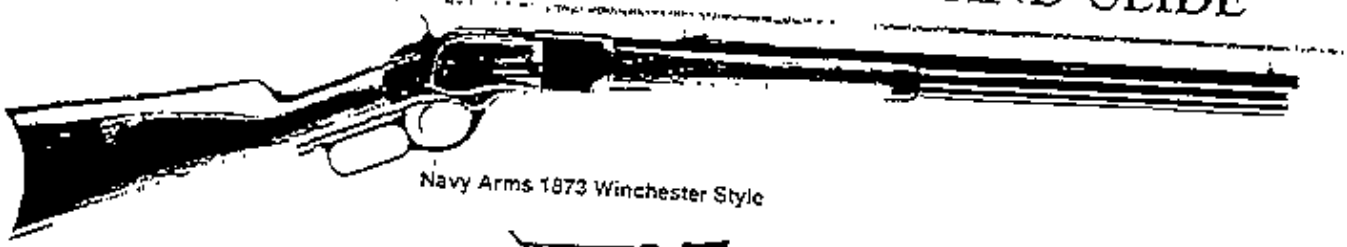
Price: 1873 Carbine, 19" barrel $800.00

Price: 1873 Sporting Rifle (full oct. bbl., checkered walnut stock and forend) $995.00

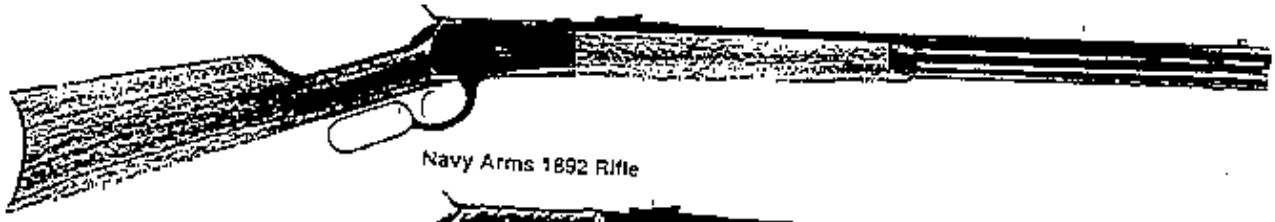
Price: 1873 Border Model, 20" octagon barrel $875.00

Price: 1873 Deluxe Border Model $995.00

CENTERFIRE RIFLES — LEVER AND SLIDE

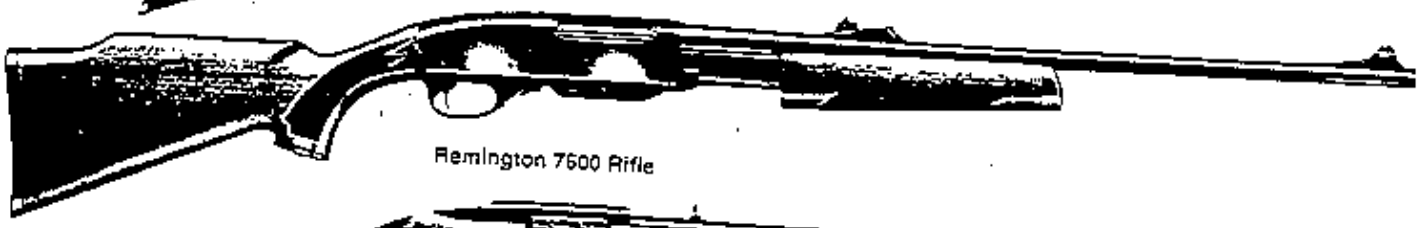


Navy Arms 1873 Winchester Style

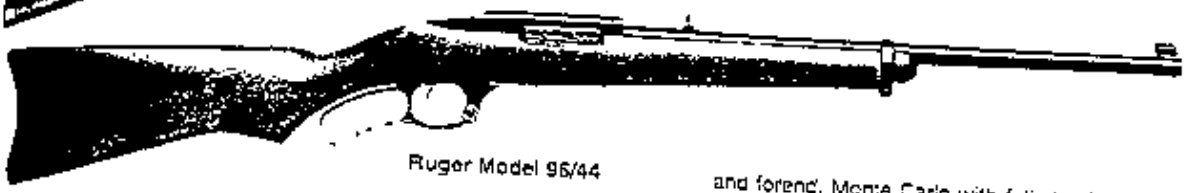


Navy Arms 1892 Rifle

Navy Arms 1892 Short Rifle



Remington 7600 Rifle



Ruger Model 96/44

NAVY ARMS 1892 RIFLE

Caliber: 357 Mag., 44-40, 45 Colt. **Barrel:** 24-1/4" octagonal. **Weight:** 7 lbs. **Length:** 42" overall. **Stock:** American walnut. **Sights:** Blade front, semi-buckhorn rear. **Features:** Replica of Winchester's early Model 1892 with octagonal barrel, forend cap and crescent buttplate. Blued or color case-hardened receiver. Introduced 1999. Imported by Navy Arms.
Price: $525.00

Navy Arms 1892 Stainless Carbine

Similar to the 1892 Rifle except stainless steel, has 20" round barrel, weighs 6-3/4 lbs., and is 37-1/2" overall. Introduced 1998. Imported by Navy Arms.
Price: $500.00

Navy Arms 1892 Short Rifle

Similar to the 1892 Rifle except has 20" octagonal barrel, weighs 6-1/4 lbs., and is 37-3/4" overall. Replica of the rare, special order 1892 Winchester nicknamed the "Texas Special," Blued or color case-hardened receiver and furniture. Introduced 1998. Imported by Navy Arms.
Price: $525.00
Price: (stainless steel, 20" octagon barrel) $565.00

NAVY ARMS 1892 STAINLESS RIFLE

Caliber: 357 Mag., 44-40, 45 Colt. **Barrel:** 24-1/4" octagonal. **Weight:** 7 lbs. **Length:** 42". **Stock:** American walnut. **Sights:** Brass bead front, semi-buckhorn rear. **Features:** Designed for the Cowboy Action Shooter. Stainless steel barrel, receiver and furniture. Introduced 2000. Imported by Navy Arms.
Price: $565.00

REMINGTON MODEL 7600 PUMP ACTION

Caliber: 243, 270, 280, 30-06, 308. **Barrel:** 22" round tapered. **Weight:** 7-1/2 lbs. **Length:** 42-5/8" overall. **Stock:** Cut-checkered walnut pistol grip and forend, Monte Carlo with full cheekpiece. Satin or high-gloss finish. **Sights:** Gold bead front sight on matted ramp, open step adjustable sporting rear. **Features:** Redesigned and improved version of the Model 760. Detachable 4-shot clip. Cross-bolt safety. Receiver tapped for scope mount. Introduced 1981.
Price: $576.00
Price: Carbine (18-1/2" bbl., 30-06 only) $576.00
Price: With black synthetic stock, matte black metal, rifle or carbine $473.00

RUGER MODEL 96/44 LEVER-ACTION RIFLE

Caliber: 44 Mag., 4-shot rotary magazine. **Barrel:** 18-1/2". **Weight:** 5-7/8 lbs. **Length:** 37-5/16" overall. **Stock:** American hardwood. **Sights:** Gold bead front, folding leaf rear. **Features:** Solid chrome-moly steel receiver. Manual cross-bolt safety, visible cocking indicator; short-throw lever action; integral scope mount; blued finish; color case-hardened lever. Introduced 1996. Made in U.S. by Sturm, Ruger & Co.
Price: 96/44M, 44 Mag $499.00

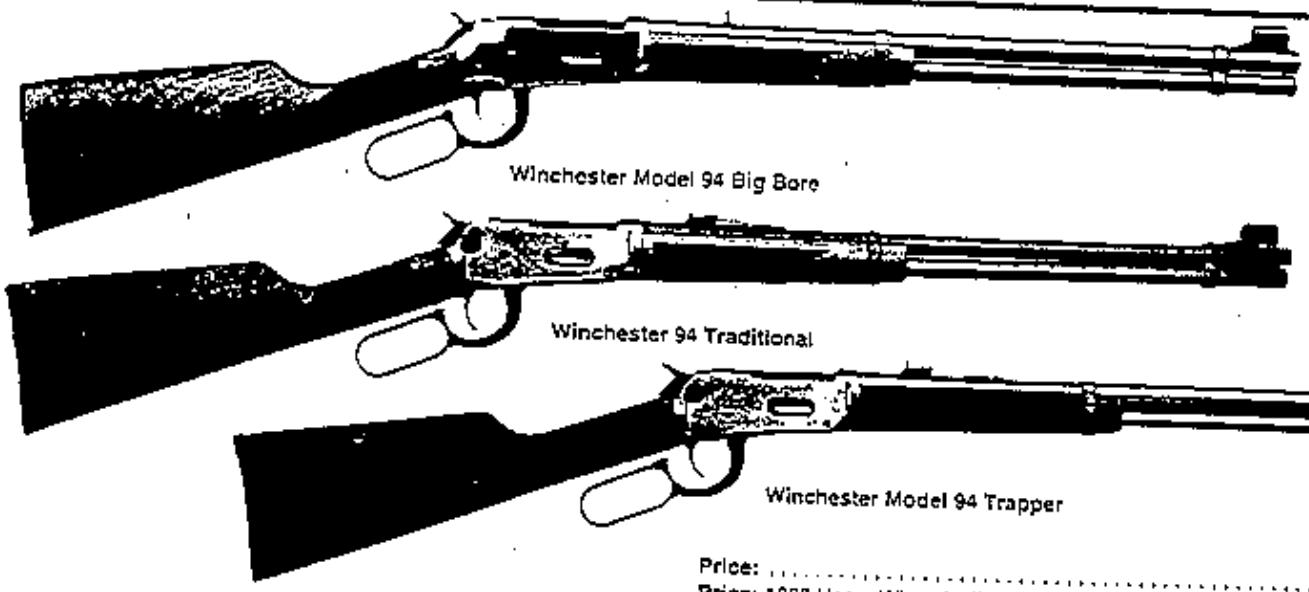
TRADITIONS 1860 HENRY RIFLES

Caliber: 45 Colt. **Barrel:** 24-1/4" octagonal; 1:16" twist. **Weight:** 9.26 lbs. **Length:** 43-3/4" overall. **Stock:** Walnut. **Sights:** Blade front, adjustable folding rear. **Features:** Steel color-case hardened or brass receiver; 13-shot magazine. Introduced 2001, imported from Uberti by Traditions.
Price: (steel color-case hardened receiver) $869.00
Price: (brass receiver) $819.00

TRADITIONS 1866 SPORTING YELLOWBOY RIFLES

Caliber: 45 Colt. **Barrel:** 24-1/4" octagonal; 1:16" twist. **Weight:** 9.16 lbs. **Length:** 43-3/4"overall. **Stock:** Walnut. **Sights:** Blade front, adjustable folding rear. **Features:** Brass receiver; blued or white barrel; 13-shot magazine. Introduced 2001. Imported from Uberti by Traditions.
Price: (blued barrel) $669.00
Price: (white barrel) $749.00

CENTERFIRE RIFLES — LEVER AND SLIDE



Winchester Model 94 Big Bore

Winchester 94 Traditional

Winchester Model 94 Trapper

:ADITIONS 1866 YELLOWBOY CARBINE

Similar to 1866 Sporting Yellowboy, except has 19" round, blued barrel with adjustable rear sight, 10-shot magazine. Weighs 7.35 lbs.; overall length 38-1/4". Introduced 2001, imported from Uberti by Traditions.

Price: $669.00

ADITIONS 1873 SPORTING RIFLES

iber: 45 Colt, Barrel: 24-1/4" octagonal; 1:16" twist, Weight: 8.15 lbs. ength: 43-3/4" overall, Stock: Walnut, Sights: Blade front, adjustable ar. Features: Blued barrel with color-case hardened receiver or white rrel and receiver; 13-shot magazine. Introduced 2001, imported from ben by Traditions.

e: (color-case hardened receiver and blued barrel) $819.00

e: (white receiver and barrel) $899.00

e: Deluxe Sporting Rifle with checkered, high-grade walnut stock, adj. ding rear sight) $969.00

ADITIONS 1873 SPORTING CARBINE

milar to 1873 Sporting Rifle, except has 19" round, blued barrel with adstable rear sight, 10-shot magazine. Weighs 7.38 lbs. Overall length 38-". Introduced 2001, imported from Uberti by Traditions.

e: $819.00

STAR/UBERTI 1873 SPORTING RIFLE

ber: 44-40, 45 Colt. Barrel: 24-1/4", 30", octagonal. Weight: 6.1 lbs. ngth: 43-1/4" overall. Stock: Walnut, Sights: Blade front; adjustable for idage, open rear adjustable for elevation. Features: Color case-hardened frame, blued barrel, hammer, lever, buttplate, brass elevator. Imported from Italy by Tristar Sporting Arms Ltd.

l: 24-1/4" barrel $919.00

l: 30" barrel $964.00

STAR/UBERTI 1866 SPORTING RIFLE, CARBINE

ber: 22 LR, 22 WMR, 38 Spec., 44-40, 45 Colt. Barrel: 24-1/4", octagonal. Weight: 8.1 lbs. Length: 43-1/4" overall. Stock: Walnut. Sights: de front adjustable for windage, rear adjustable for elevation. Features: Frame, buttplate, forend cap of polished brass, balance charcoal ed. Imported by Tristar Sporting Arms Ltd.

: $775.00

: Yellowboy Carbine (19" round bbl.) $735.00

TAR/UBERTI 1860 HENRY RIFLE

er: 44-40, 45 Colt. Barrel: 24-1/4", half-octagon. Weight: 9.2 lbs. gth: 43-3/4" overall. Stock: American walnut. Sights: Blade front, adjustable for elevation. Features: Frame, elevator, magazine follow- buttplate are brass, balance blue. Imported by Tristar Sporting Arms Arms, Inc.

Price: $982.00

Price: 1860 Henry White (polished steel finish) $1,040.00

TRISTAR/UBERTI 1860 HENRY TRAPPER CARBINE

Similar to the 1860 Henry Rifle except has 18-1/2" barrel, measures 37-3/4" overall, and weighs 8 lbs. Introduced 1999, imported from Italy by Tristar Sporting Arms Ltd.

Price: Brass frame, blued barrel $982.00

Price: Henry Trapper White (brass frame, polished steel barrel) $1,040.00

VEKTOR HS SLIDE-ACTION RIFLE

Caliber: 223 Rem., 5-shot magazine. Barrel: 18", 22", Weight: 9 lbs., 15 oz. Length: 42-1/2" overall (22" barrel). Stock: Walnut thumbhole. Sights: Comes with 1" 4x32 scope with low-light reticle. Features: Rotating bolt mechanism, Matte black finish. Introduced 1999, imported from South Africa by Vektor USA.

Price: $849.95

WINCHESTER MODEL 94 TRADITIONAL BIG BORE

Caliber: 444 Marlin, 6-shot magazine. Barrel: 20". Weight: 6-1/2 lbs. Length: 38-5/8" overall. Stock: American walnut. Satin finish. Sights: Hooded ramp front, semi-buckhorn rear adjustable for windage and elevation. Features: All external metal parts have Winchester's deep blue finish, Rifling twist 1:12". Rubber recoil pad fitted to buttstock. Introduced 1983, Made— U.S. Repeating Arms Co., Inc.

Price: $465.00

Winchester Timber Carbine

Similar to the Model 94 Big Bore. Chambered for 444 Marlin; 18" barrel is ported; pistol grip stock with butt pad; checkered grip and forend. Introduced 1999. Made in U.S. by U.S. Repeating Arms Co., Inc.

Price: $573.00

WINCHESTER MODEL 94 TRADITIONAL-CW

Caliber: 30-30 Win., 6-shot; 44 Mag., 11-shot tubular magazine. Barrel: 20". Weight: 6-1/2 lbs. Length: 37-3/4" overall. Stock: Straight grip checkered walnut stock and forend. Sights: Hooded blade front, semi-buckhorn rear. Drilled and tapped for scope mount. Post front sight on Trapper model. Features: Solid frame, forged steel receiver; side ejection, exposed rebounding hammer with automatic trigger-activated transfer bar. Introduced 1984.

Price: 30-30 ..... $440.00

Price: 44 Mag. $463.00

Price: Traditional (no checkering, 30-30 only) $407.00

Winchester Model 94 Trapper™

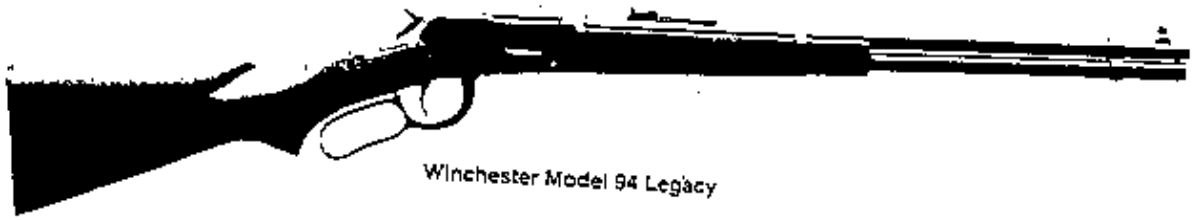
Similar to Model 94 Traditional except has 16" barrel, 5-shot magazine in 30-30, 6-shot in 357 Mag., 44 Magnum/44 Special, 45 Colt. Has stainless steel claw extractor, saddle ring, hammer spur extension, smooth walnut wood.

Price: 30-30 ..... $407.00

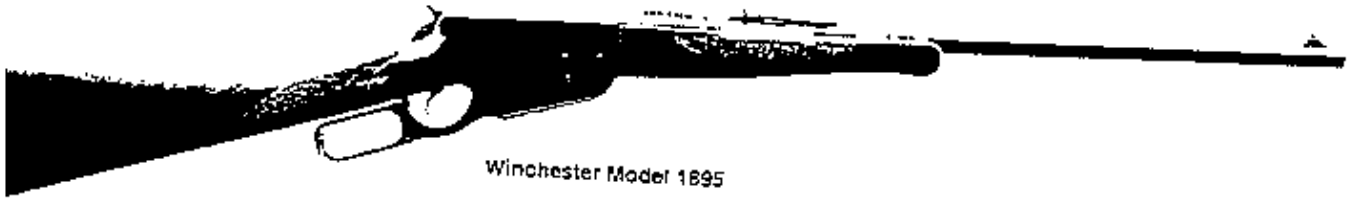
Price: 44 Mag., 357 Mag., 45 Colt $431.00

CENTERFIRE RIFLES — LEVER AND SLIDE

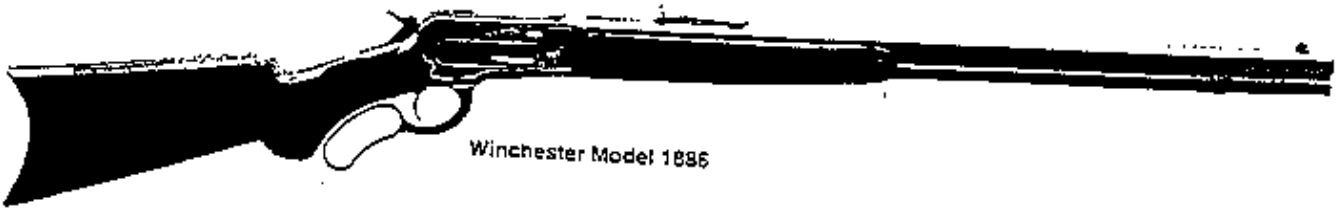
Winchester Model 94 Trails End



Winchester Model 94 Legacy



Winchester Model 1895



Winchester Model 1886

Winchester Model 94 Trails End™
Similar to the Model 94 Walnut except: chambered only for 357 Mag., 44-40, 44 Mag., 45 Colt; 11-shot magazine. Available with standard lever loop. Introduced 1997. From U.S. Repeating Arms Co., Inc.
Price: With standard lever loop. $445.00

Winchester Model 94 Legacy
Similar to the Model 94 Traditional-CW except has half-pistol grip walnut stock, checkered grip and forend. Chambered for 30-30, 357 Mag., 44 Mag., 45 Colt; 24" barrel. Introduced 1995. Made in U.S. by U.S. Repeating Arms Co., Inc.
Price: With 24" barrel $457.00

Winchester Model 94 Ranger
Similar to the Model 94 Traditional except has a hardwood stock, post-style front sight and hammer-spur extension.
Price: (20" barrel) $355.00

Winchester Model 94 Ranger Compact
Similar to the Model 94 Ranger except has 16" barrel and 12-1/2" length of pull, rubber recoil pad, post front sight. Introduced 1998. Made in U.S. by U.S. Repeating Arms Co., Inc.
Price: 357 Mag. $378.00
Price: 30-30 . . . . . $355.00

WINCHESTER MODEL 1895 LEVER-ACTION RIFLE
Caliber: 405 Win, 4-shot magazine. **Barrel:** 24", round. **Weight:** 8 lbs. **Length:** 42" overall. **Stock:** American walnut. **Sights:** Gold bead front, buckhorn rear adjustable for elevation. **Features:** Recreation of the original Model 1895. Polished blue finish with Nimschke-style scroll engraving on receiver. Scalloped receiver, two-piece cocking lever, Schnabel forend, straight-grip stock. Introduced 1995. From U.S. Repeating Arms Co., Inc.
Price: Grade I $1,045.00
Price: High Grade $1,532.00

WINCHESTER MODEL 1886 EXTRA LIGHT LEVER-ACTION RIFLE
Caliber: 45-70, 4-shot magazine. **Barrel:** 22", round tapered. **Weight:** 7-1/4 lbs. **Length:** 40-1/2" overall. **Stock:** Smooth walnut. **Sights:** Bead front, ramp-adjustable buckhorn-style rear. **Features:** Recreation of the Model 1886. Polished blue finish; crescent metal butt plate; metal forend cap; pistol grip stock. Reintroduced 1998. From U.S. Repeating Arms Co., Inc.
Price: Grade I $1,152.00
Price: High Grade $1,440.00

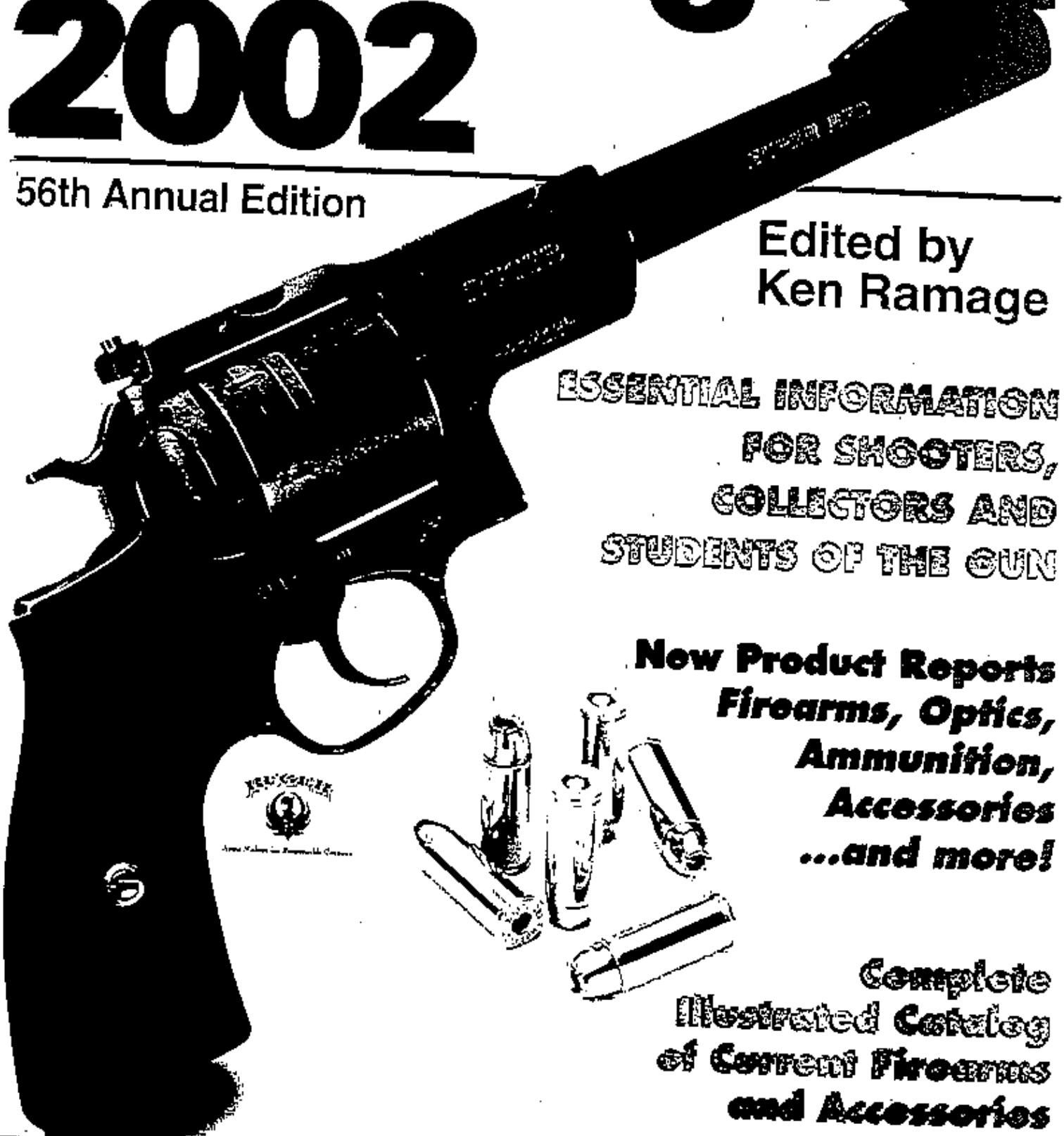
EXHIBIT "2"

THE WORLD'S GREATEST GUN BOOK

Gun Digest® 2002

56th Annual Edition

Edited by
Ken Ramage



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SHOTGUNS — SLIDE & LEVER ACTIONS

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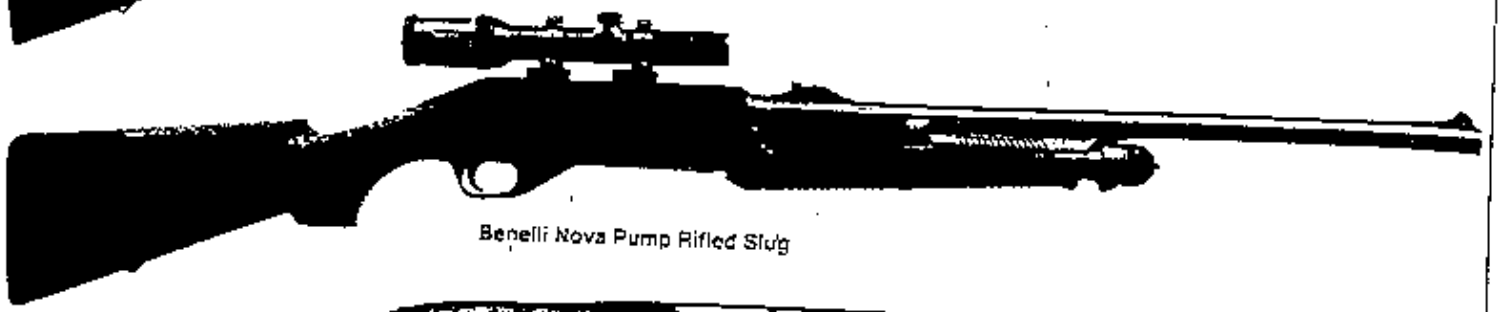
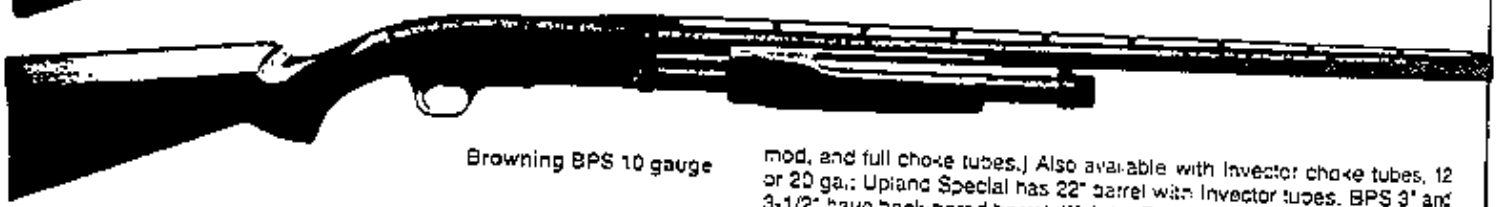
Armscor M-30F Field

Benelli Nova Pump



Benelli Nova Pump Rifled Slug



Browning BPS 10 gauge

ARMSCOR M-30F FIELD PUMP SHOTGUN

Gauge: 12, 3" chamber. **Barrel:** 28" fixed Mod., or with Mod. and Full choke tubes. **Weight:** 7.6 lbs. **Stock:** Walnut-finished hardwood. **Features:** Double action slide bars; blued steel receiver; damascened bolt. Introduced 1996. Imported from the Philippines by K.B.I., Inc.

Price: With fixed choke $239.00

Price: With choke tubes $269.00

BENELLI NOVA PUMP SHOTGUN

Gauge: 12, 3-1/2" chamber. **Barrel:** 24", 26", 28"; chrome lined, vent rib; choke tubes. **Weight:** 6 lbs. **Length:** 47.5" overall. **Stock:** Black polymer. **Features:** Montefeltro rotating bolt design with dual action bars; magazine cut-off; synthetic trigger assembly. Four-shot magazine. Introduced 1999. Imported from Italy by Benelli USA.

Price: With black stock $390.00

Price: With Camo finish $456.00

Benelli Nova Pump Slug Gun

Similar to the Nova except has 18.5" barrel with adjustable rifle-type or ghost ring sights; weighs 7.2 lbs.; black synthetic stock. Introduced 1999. Imported from Italy by Benelli USA.

Price: With rifle sights $320.00

Price: With ghost-ring sights $355.00

Benelli Nova Pump Rifled Slug Gun

Similar to Nova Pump Slug Gun except has 24" barrel and rifled bore; open rifle sights; synthetic stock; weighs 8.1 pounds.

Price: $544.00

BROWNING BPS PUMP SHOTGUN

Gauge: 10, 12, 3-1/2" chamber; 12 or 20, 3" chamber (2-3/4" in target guns), 28, 2-3/4" chamber, 5-shot magazine, 410 ga., 3" chamber. **Barrel:** 10 ga.— 24" Buck Special, 28", 30", 32" Invector; 12, 20 ga.—22", 24", 26", 28", 30", 32" (Imp. Cyl., mod. or full), 410 ga.—26" barrel, (Imp. Cyl., mod. and full choke tubes.) Also available with Invector choke tubes, 12 or 20 ga.; Upland Special has 22" barrel with Invector tubes. BPS 3" and 3-1/2" have back-bored barrel. **Weight:** 7 lbs., 8 oz. (26" barrel). **Length:** 48-3/4" overall (28" barrel). **Stock:** 14-1/4"x1-1/2"x2-1/2". Select walnut, semi-beavertail forend, full pistol grip stock. **Features:** All 12 gauge 3" guns except Buck Special and game guns have back-bored barrels with Invector Plus choke tubes. Bottom feeding and ejection, receiver top safety, high post vent. rib. Double action bars eliminate binding. Vent. rib barrels only. All 12 and 20 gauge guns with 3" chamber available with fully engraved receiver flats at no extra cost. Each gauge has its own unique game scene. Introduced 1977. Imported from Japan by Browning.

Price: 10 ga., Hunter, Invector $552.00

Price: 12 ga., 3-1/2" Magnum Hunter, Invector Plus $552.00

Price: 12 ga., 3-1/2" Magnum Stalker (black syn. stock) $537.00

Price: 12, 20 ga., Hunter, Invector Plus $464.00

Price: 12 ga. Deer Hunter (22" rifled bbl., cantilever mount) $568.00

Price: 28 ga., Hunter, Invector $495.00

Price: 410 ga., Hunter, Invector $495.00

Browning BPS 10 Gauge Shotguns

Chambered for the 10 gauge, 3-1/2" load. Offered in 24", 26" and 28" barrels. Offered with walnut, black composite (Stalker models) or camouflage stock and forend. Introduced 1999, Imported by Browning.

Price: Hunter (walnut) $552.00

Price: Stalker (composite) $537.00

Price: Mossy Oak® Shadow Grass or Break-Up Camo $617.00

Browning BPS 10 gauge Camo Pump

Similar to the BPS 10 gauge Hunter except completely covered with Mossy Oak Shadow Grass camouflage. Available with 24", 26", 28" barrel. Introduced 1999, Imported by Browning.

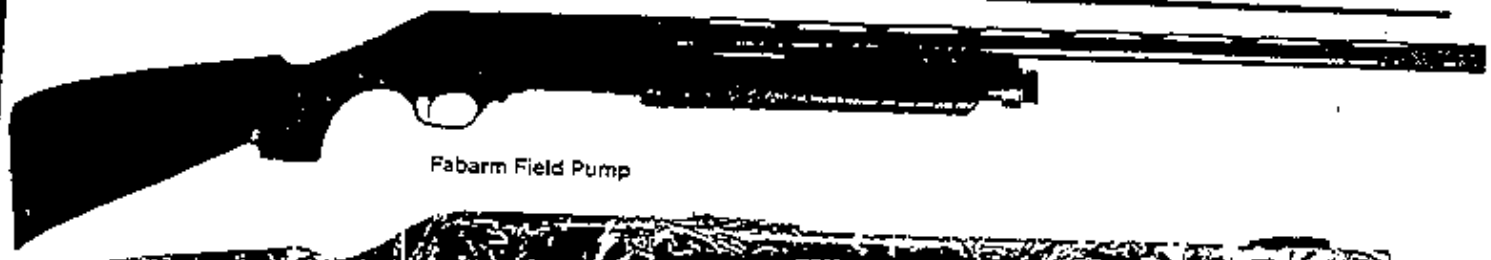
Price: $602.00

Browning BPS Waterfowl Camo Pump Shotgun

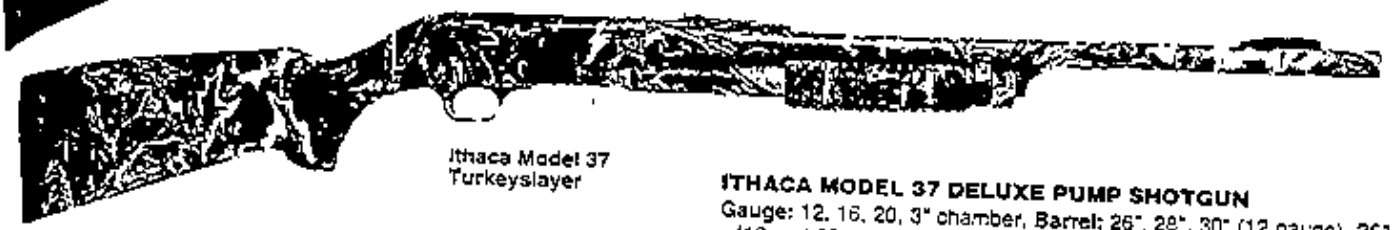
Similar to the BPS Hunter except completely covered with Mossy Oak Shadow Grass camouflage. Available in 12 gauge, with 24", 26" or 28" barrel, 3" chamber. Introduced 1999, Imported by Browning.

Price: $514.00

SHOTGUNS — SLIDE & LEVER ACTIONS



Fabarm Field Pump



Ithaca Model 37 Turkeyslayer

Browning BPS Game Gun Deer Hunter

Similar to the standard BPS except has newly designed receiver/magazine tube/barrel mounting system to eliminate play, heavy 20.5" barrel with rifle-type sights with adjustable rear, solid receiver scope mount, "rifle" stock dimensions for scope or open sights, sling swivel studs. Gloss or matte finished wood with checkering, polished blue metal. Introduced 1992.

Price: $568.00

Browning BPS Game Gun Turkey Special

Similar to the standard BPS except has satin-finished walnut stock and dull-finished barrel and receiver. Receiver is drilled and tapped for scope mounting. Rifle-style stock dimensions and swivel studs. Has Extra-Full Turkey choke tube. Introduced 1992.

Price: $500.00

Browning BPS Stalker Pump Shotgun

Same gun as the standard BPS except all exposed metal parts have a matte blued finish and the stock has a durable black finish with a black recoil pad. Available in 10 ga. (3-1/2") and 12 ga. with 3" or 3-1/2" chamber. 22", 26", 30" barrel with Invector choke system. Introduced 1987.

Price: 12 ga., 3" chamber, Invector Plus $448.00

Price: 10, 12 ga., 3-1/2" chamber $537.00

Browning BPS NWTF Turkey Series Pump Shotgun

Similar to the BPS Stalker except has full coverage Mossy Oak® Break-Up camo finish on synthetic stock, forearm and exposed metal parts. Offered in 10 and 12 gauge, 3" or 3-1/2" chamber; 24" bbl. has extra-full choke tube and Hi-Viz fiber optic sights. Introduced 2001. From Browning.

Price: 10 ga., 3-1/2" chamber $637.00

Price: 12 ga., 3-1/2" chamber $637.00

Price: 12 ga., 3" chamber $549.00

Browning BPS Micro Pump Shotgun

Same as BPS Upland Special except 20 ga. only, 22" Invector barrel, stock has pistol grip with recoil pad. Length of pull is 13-1/4"; weighs 6 lbs., 12 oz. Introduced 1988.

Price: $464.00

EAA/BAIKAL MP-133 PUMP SHOTGUN

Gauge: 12, 3-1/2" chamber. **Barrel:** 18-1/2", 20", 24", 26", 28"; imp., mod. and full choke tubes. **Weight:** NA. **Stock:** Walnut; checkered grip and grooved forearm. **Features:** Hammer-forged, chrome-lined barrel with ventilated rib; machined steel parts; dual action bars; trigger-block safety; 4-shot magazine tube; handles 2-3/4" through 3-1/2" shells. Introduced 2000. Imported by European American Armory.

Price: MP-133 (blued finish, walnut stock and forend) $279.00

FABARM FIELD PUMP SHOTGUN

Gauge: 12, 3" chamber. **Barrel:** 28" (24" rifled slug barrel available). **Weight:** 6.6 lbs. **Length:** 48.25" overall. **Stock:** Polymer. **Features:** Similar to Fabarm FP6 Pump Shotgun. Alloy receiver; twin action bars; available in black or Mossy Oak Break-Up™ camo finish. Includes cyl., mod. and full choke tubes. Introduced 2001. Imported from Italy by Heckler & Koch Inc.

Price: Matte black finish $399.00

Price: Mossy Oak Break-Up™ finish $469.00

ITHACA MODEL 37 DELUXE PUMP SHOTGUN

Gauge: 12, 16, 20, 3" chamber. **Barrel:** 26", 28", 30" (12 gauge), 26", 28" (16 and 20 gauge), choke tubes. **Weight:** 7 lbs. **Stock:** Walnut with cut-checkered grip and forend. **Features:** Steel receiver; bottom ejection; brushed blue finish, vent rib barrels. Reintroduced 1996. Made in U.S. by Ithaca Gun Co.

Price: $545.95

Price: With straight English-style stock $545.95

Price: Model 37 New Classic (ringtail forend, sunburst recoil pad, hand-finished walnut stock, 26" or 28" barrel) $695.95

Ithaca Model 37 Waterfowler

Similar to the Model 37 Deluxe except in 12 gauge only with 28" barrel, special extended steel shot choke tube system. Complete coverage of Advantage Wetlands couflage. Introduced 1999. Made in U.S. by Ithaca Gun Co.

Price: $595.00

Ithaca Model 37 Turkeyslayer Pump Shotgun

Similar to the Model 37 Deluxe except has 22" barrel with rifle sights, extended ported choke tube and full-coverage, Realtree Advantage, Realtree All-Purpose Brown, All-Purpose Grey, or Xtra Brown camouflage finish. Introduced 1996. Made in U.S. by Ithaca Gun Co.

Price: 12 ga. only $569.95

Price: Youth Turkeyslayer (20 gauge, 6.5 lbs., shorter stock) $569.95

ITHACA MODEL 37 DEERSLAYER II PUMP SHOTGUN

Gauge: 12, 20, 3" chamber. **Barrel:** 20", 25", fully rifled. **Weight:** 7 lbs. **Stock:** Cut-checkered American walnut with Monte Carlo comb. **Sights:** Rifle-type. **Features:** Integral barrel and receiver. Bottom ejection. Brushed blue finish. Reintroduced 1997. Made in U.S. by Ithaca Gun Co.

Price: $565.95

Price: Smooth Bore Deluxe $515.95

Price: Rifled Deluxe $515.95

Ithaca Model 37 Hardwoods 20/2000 Deerslayer

Similar to the Model 37 Deerslayer II except has synthetic stock and forend, and has the Truglo Fibre Optic sight system. Drilled and tapped for scope mounting. Complete coverage of RealTree 20/2000 Hardwoods camouflage. Introduced 1999. Made in U.S. by Ithaca Gun Co.

Price: $565.95

Ithaca Model 37 Hardwoods 20/2000 Turkeyslayer

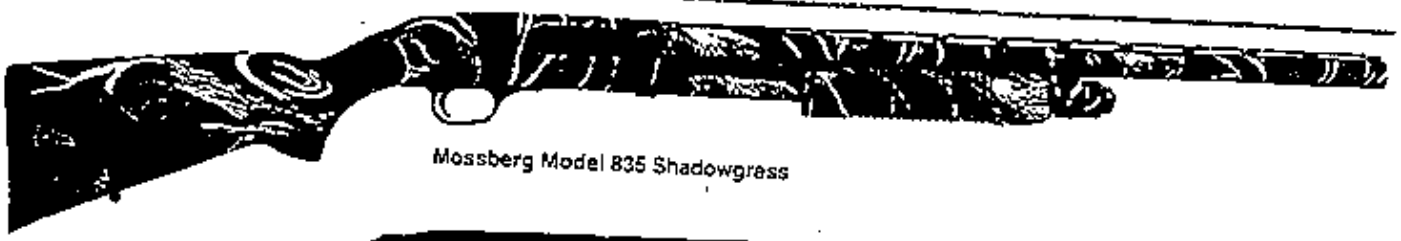
Similar to the Model 37 Turkeyslayer except has synthetic stock and forend. Extra-Full extended and ported choke tube, long forcing cone, and Truglo Fibre Optic sight system. Complete coverage of RealTree Hardwoods 20/2000 camouflage. Introduced 1999. Made in U.S. by Ithaca Gun Co.

Price: $565.95

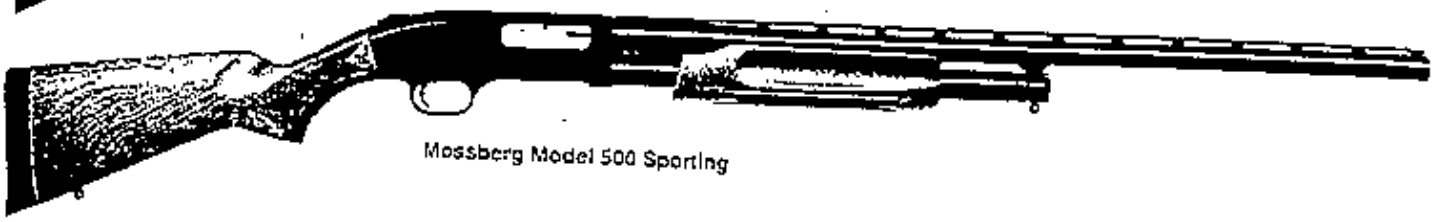
MOSSBERG MODEL 835 ULTI-MAG PUMP

Gauge: 12, 3-1/2" chamber. **Barrel:** Ported 24" rifled bore, 24", 28". Accu-Mag choke tubes for steel or lead shot. **Weight:** 7-3/4 lbs. **Length:** 48-1/2" overall. **Stock:** 14"x1-1/2"x2-1/2". Dual Comb. Cut-checkered hardwood or camo synthetic; both have recoil pad. **Sights:** White bead front, brass mid-bead; Fiber Optic. **Features:** Shoots 2-3/4", 3" or 3-1/2" shells. Back-bored and ported barrel to reduce recoil, improve patterns. Ambidextrous thumb safety, twin extractors, dual slide bars. Mossberg Cablelock included. Introduced 1988.

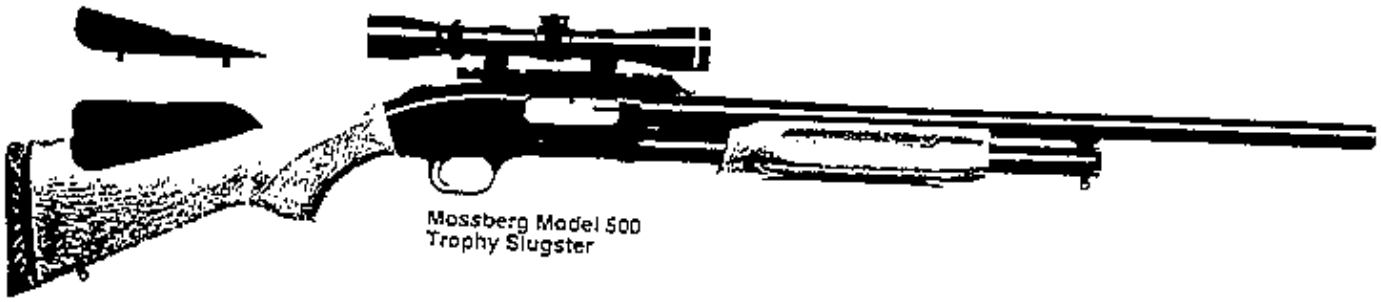
SHOTGUNS — SLIDE & LEVER ACTIONS



Mossberg Model 835 Shadowgrass



Mossberg Model 500 Sporting



Mossberg Model 500 Trophy Slugster

Price: 28" vent. rib, hardwood stock $370.00
Price: Combo, 24" rifled bore, rifle sights, 24" vent. rib, Accu-Mag Ulti-Full choke tube, Woodlands camo finish. $572.00
Price: RealTree Camo Turkey, 24" vent. rib, Accu-Mag Extra-Full tube, synthetic stock. $525.00
Price: Mossy Oak Camo, 28" vent. rib, Accu-Mag tubes, synthetic stock $583.00
Price: OFM Camo, 28" vent. rib, Accu-Mag Mod. tube, synthetic stock $407.00

Mossberg Model 835 Synthetic Stock

Similar to the Model 835, except with 28" ported barrel with Accu-Mag Mod. choke tube. Parkerized finish, black synthetic stock and forend. Introduced 1998. Made in U.S. by Mossberg.
Price: $370.00

MOSSBERG MODEL 500 SPORTING PUMP

Gauge: 12, 20, 410, 3" chamber. **Barrel:** 18-1/2" to 28" with fixed or Accu-Choke, plain or vent. rib. **Weight:** 6-1/4 lbs. (410), 7-1/4 lbs. (12). **Length:** 48" overall (28" barrel). **Stock:** 14"x1-1/2"x2-1/2". Walnut-stained hardwood. Cut-checkered grip and forend. **Sights:** White bead front, brass mid-bead; Fiber Optic. **Features:** Ambidextrous thumb safety, twin extractors, disconnecting safety, dual action bars, Quiet Carry forend. Many barrels are ported. Mossberg Cablelock included. From Mossberg.
Price: From about $301.00
Price: Sporting Combos (field barrel and Slugster barrel), from ... $403.00

Mossberg Model 500 Bantam Pump

Same as the Model 500 Sporting Pump except 12 (new for 2001) or 20 gauge, 22" vent. rib Accu-Choke barrel with choke tube set; has 1" shorter stock, reduced length from pistol grip to trigger, reduced forend reach. Introduced 1992.
Price: $301.00
Price: With full Woodlands camouflage finish (20 ga. only) $384.00

Mossberg Model 500 Camo Pump

Same as the Model 500 Sporting Pump except 12 gauge only and entire gun is covered with special camouflage finish. Receiver drilled and tapped for scope mounting. Comes with quick detachable swivel studs, swivels, camouflage sling. Mossberg Cablelock.
Price: From about $370.00

Mossberg Model 500 Persuader/Cruiser Shotguns

Similar to Mossberg Model 500 except has 18-1/2" or 20" barrel with cylinder bore choke, synthetic stock and blue or parkerized finish. Available in 12, 20 and 410 gauge with bead or ghost ring sights. 6- or 8-shot magazines. From Mossberg.
Price: 12 gauge, 20" barrel, 6-shot, bead sight. $308.00
Price: 20 or 410 gauge, 18-1/2" barrel, 6-shot, bead sight $329.00
Price: 12 gauge, parkerized finish, 6-shot, 18-1/2" barrel, ghost ring sights $437.00
Price: Home Security 410 (410 gauge, 18-1/2" barrel with spreader choke) $335.00

Mossberg Model 590 Special Purpose Shotguns

Similar to Model 500 except has parkerized or Mannecote finish, 9-shot magazine and black synthetic stock (some models feature Speed Feed. Available in 12 gauge only with 20", cylinder bore barrel. Weighs 7-1/4 lbs. From Mossberg.
Price: Bead sight, heat shield over barrel $389.00
Price: Ghost ring sight, Speed Feed stock. $546.00

MOSSBERG MODEL 500 SLUGSTER

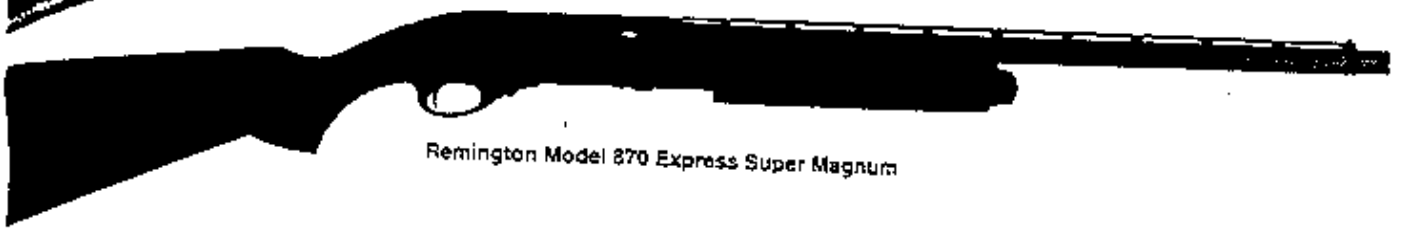
Gauge: 12, 20, 3" chamber. **Barrel:** 24", ported rifled bore. Integral scope mount. **Weight:** 7-1/4 lbs. **Length:** 44" overall. **Stock:** 14" pull, 1-3/8" drop at heel. Walnut; Dual Comb design for proper eye positioning with or without scoped barrels. Recoil pad and swivel studs. **Features:** Ambidextrous thumb safety, twin extractors, dual slide bars. Comes with scope mount. Mossberg Cablelock included. Introduced 1988.
Price: Rifled bore, with integral scope mount, Dual-Comb stock, 12 or 20 ..... $398.00
Price: Fiber Optic, rifle sights $398.00
Price: Rifled bore, rifle sights $367.00
Price: 20 ga., Standard or Bantam, from $367.00

REMINGTON MODEL 870 WINGMASTER

Gauge: 12, 3" chamber. **Barrel:** 26", 28", 30" (Rem Chokes). Light Contour barrel. **Weight:** 7-1/4 lbs. **Length:** 46-1/2" overall (26" bbl.). **Stock:** 14"x2-1/2"x1", American walnut with satin or high-gloss finish, cut-checkered pistol grip and forend, Rubber butt pad. **Sights:** Ivory bead front, metal mid-bead. **Features:** Double action bars; cross-bolt safety; blue finish. Introduced 1966.
Price: $569.00
Price: 870 Wingmaster Super Magnum $649.00

SHOTGUNS — SLIDE & LEVER ACTIONS

Remington 870 Wingmaster



Remington Model 870 Express Super Magnum

Remington Model 870 50th Anniversary Classic Trap Shotgun
Similar to Model 870 TC Wingmaster except has 30" ventilated rib with singles, mid handicap and long handicap choke tubes, semi-fancy American walnut stock and high-polish blued receiver with engraving and gold shield inlay. From Remington Arms Co.
Price: $775.00

Remington Model 870 Marine Magnum
Similar to the 870 Wingmaster except all metal is plated with electroless nickel and has black synthetic stock and forend. Has 18" plain barrel (Cyl.), bead front sight, 7-shot magazine. Introduced 1992.
Price: $545.00

Remington Model 870 Wingmaster LW 20 ga.
Similar to the Model 870 Wingmaster except in 28 gauge and 410-bore only. 25" vent rib barrel with Rem Choke tubes, high-gloss wood finish. 26" & 28" barrels-20 ga.
Price: 20 gauge $569.00
Price: 410-bore $596.00
Price: 28 gauge $649.00

Remington Model 870 Express
Similar to the 870 Wingmaster except has a walnut-toned hardwood stock with solid, black recoil pad and pressed checkering on grip and forend. Outside metal surfaces have a black oxide finish. Comes with 26" or 28" vent. rib barrel with a Mod. Rem Choke tube. Introduced 1987.
Price: 12 or 20 ..... $329.00
Price: Express Combo, 12 ga., 26" vent rib with Mod. Rem Choke and 20" fully rifled barrel with rifle sights $436.00
Price: Express 20 ga., 26" or 28" with Mod. Rem Choke tubes .. $329.00
Price: Express L-H (left-hand), 12 ga., 28" vent rib with Mod. Rem Choke tube. $356.00
Price: Express Synthetic, 12-ga. 26" or 28" $329.00
Price: Express Combo (20 ga.) with extra Deer rifled barrel $436.00

Remington Model 870 Express Super Magnum
Similar to the 870 Express except has 28" vent. rib barrel with 3-1/2" chamber, vented recoil pad. Introduced 1998.
Price: $369.00
Price: Super Magnum Synthetic $376.00
Price: Super Magnum Turkey Camo (Turkey Extra Full Rem Choke, full-coverage RealTree Advantage camo) $500.00
Price: Super Magnum Combo (26" with Mod. Rem Choke and 20" fully rifled Deer barrel with 3" chamber and rifle sights; wood stock) $516.00
Price: Super Magnum Synthetic Turkey (black) $389.00

Remington Model 870 Wingmaster Super Magnum Shotgun
Similar to Model 870 Express Super Magnum except has high-polish blued finish, 28" ventilated barrel with imp. cyl., modified and full choke tubes, checkered high-gloss walnut stock. Overall length 48", weighs 7-1/2 lbs. Introduced 2000.
Price: $649.00

Remington Model 870 Express Youth Gun
Same as the Model 870 Express except comes with 13" length of pull, 21" barrel with Mod. Rem Choke tube. Hardwood stock with low-luster finish. Introduced 1991.
Price: 20 ga. Express Youth (1" shorter stock), from $329.00
Price: 20 ga. Youth Deer 20" FR/RS $363.00

Remington Model 870 Express Rifle-Sighted Deer Gun
Same as the Model 870 Express except comes with 20" barrel with fixed Imp. Cyl. choke, open iron sights, Monte Carlo stock. Introduced 1991.
Price: $329.00
Price: With fully rifled barrel $363.00
Price: Express Synthetic Deer (black synthetic stock, black matte metal) $369.00

Remington Model 870 Express Turkey
Same as the Model 870 Express except comes with 3" chamber, 21" vent. rib turkey barrel and Extra-Full Rem Choke Turkey tube; 12 ga. only. Introduced 1991.
Price: $343.00
Price: Express Turkey Camo stock has RealTree Advantage camo, matte black metal $396.00
Price: Express Youth Turkey camo (as above with 1" shorter length of pull). $396.00

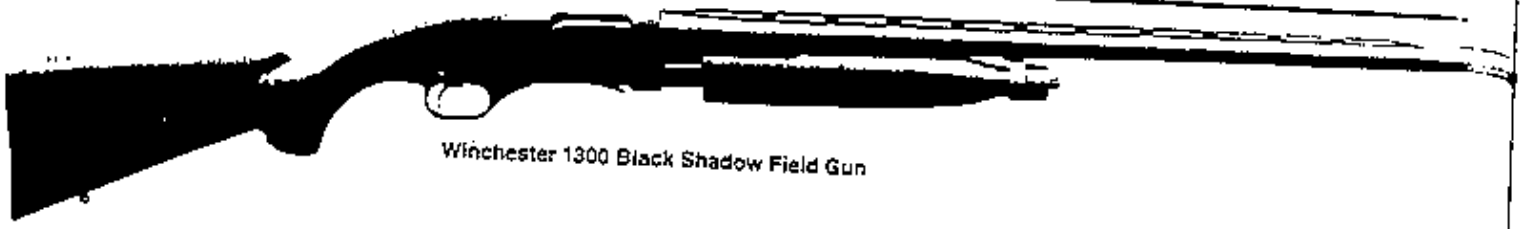
Remington Model 870 Express Synthetic HD Home Defense
Similar to the 870 Express with 18" barrel except has synthetic stock and forend. Introduced 1994.
Price: $316.00

Remington Model 870 SPS Super Slug Deer Gun
Similar to the Model 870 Express Synthetic except has 23" rifled, modified contour barrel with cantilever scope mount. Comes with black synthetic stock and forend with swivel studs, black Cordura nylon sling. Introduced 1999. Fully rifled cantilever barrel.
Price: $555.00

Remington Model 870 SPS-T Synthetic Camo Shotgun
Chambered for 12 ga., 3" shells, has Mossy Oak Break-Up® synthetic stock and metal treatment, Tru-Glo fiber optic sights. Introduced 2001.
Price: $569.00

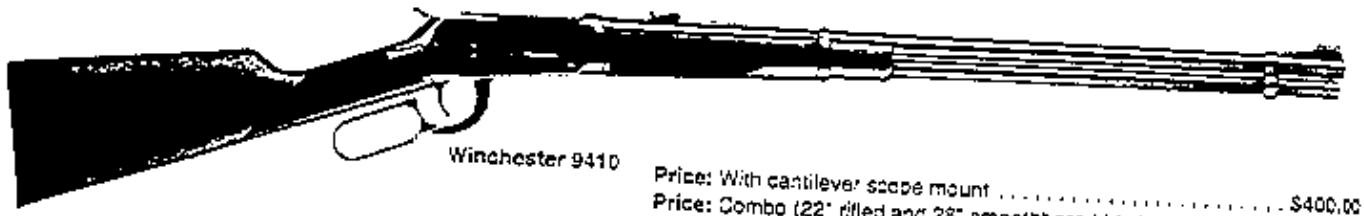
Remington Model 870 SPS Super Magnum Camo
Has synthetic stock and all metal (except bolt and trigger guard) and stock covered with Mossy Oak Break-Up camo finish in 12 gauge 3-1/2", 26" vent. rib, Rem Choke. Comes with camo sling, swivels.
Price: $569.00
Price: Model 870 SPS-T Super Magnum Camo (3-1/2" chamber). $569.00
Price: Model 870 SPS-T RS/TG (TruGlo fiber optics sights) $544.00
New! Price: Model 870 SPS-T Super Magnum Synthetic Camo (3-1/2" chamber, cantilever mount) $695.00
Price: Model 870 SPS-T Super Mag Camo CL/RO (Leupold/Gilmore dot sight). $889.00

SHOTGUNS — SLIDE & LEVER ACTIONS



Winchester 1300 Black Shadow Field Gun

Winchester NWTF Turkey



Winchester 9410

SARSILMAZ PUMP SHOTGUN

Gauge: 12, 3" chamber. **Barrel:** 26" or 28". **Weight:** NA. **Length:** NA. **Stocks:** Oil-finished hardwood. **Features:** Includes extra pistol-grip stock. Introduced 2000. Imported from Turkey by Armsport Inc.

Price: With pistol-grip stock $299.95

Price: With metal stock $349.95

WINCHESTER MODEL 1300 WALNUT FIELD PUMP

Gauge: 12, 20, 3" chamber, 5-shot capacity. **Barrel:** 26", 28", vent. rib, with Full, Mod., Imp. Cyl. Winchoke tubes. **Weight:** 6-3/8 lbs. **Length:** 42-5/8" overall. **Stock:** American walnut, with deep cut checkering on pistol grip, traditional ribbed forend; high luster finish. **Sights:** Metal bead front. **Features:** Twin action slide bars; front-locking rotary bolt; roll-engraved receiver; blued, highly polished metal; cross-bolt safety with red indicator. Introduced 1984. From U.S. Repeating Arms Co., Inc.

Price: $396.00

Winchester Model 1300 Upland Pump Gun

Similar to the Model 1300 Walnut except has straight-grip stock, 24" barrel. Introduced 1999. Made in U.S. by U.S. Repeating Arms Co.

Price: $396.00

Winchester Model 1300 Black Shadow Field Gun

Similar to the Model 1300 Walnut except has black composite stock and forend, matte black finish. Has vent. rib 26" or 28" barrel, 3" chamber, comes with Mod. Winchoke tube. Introduced 1995. From U.S. Repeating Arms Co., Inc.

Price: 12 or 20 gauge $335.00

Winchester Model 1300 Deer Black Shadow Gun

Similar to the Model 1300 Black Shadow Turkey Gun except has ramp-type front sight, fully adjustable rear, drilled and tapped for scope mounting. Black composite stock and forend, matte black metal. Smoothbore 22" barrel with one Imp. Cyl. WinChoke tube; 12 gauge only, 3" chamber. Weighs 6-3/4 lbs. Introduced 1994. From U.S. Repeating Arms Co., Inc.

Price: $334.00

Price: With rifled barrel $359.00

Price: With cantilever scope mount $400.00

Price: Combo (22" rifled and 28" smoothbore bbls.) $433.00

Price: Compact (20 ga., 22" rifled barrel, shorter stock) $371.00

WINCHESTER MODEL 1300 RANGER PUMP GUN

Gauge: 12, 20, 3" chamber, 5-shot magazine. **Barrel:** 28" vent. rib with Full, Mod., Imp. Cyl. Winchoke tubes. **Weight:** 7 to 7-1/4 lbs. **Length:** 49-5/8" to 50-5/8" overall. **Stock:** Walnut-finished hardwood with ribbed forend, pad. twin action slide bars, front-locking rotating bolt. From U.S. Repeating Arms Co., Inc.

Price: Vent. rib barrel, Winchoke $349.00

Price: Model 1300 Compact, 24" vent. rib $348.00

Winchester Model 1300 NWTF Black Shadow Turkey Gun

Similar to the Model 1300 Deer Black Shadow except black composite stock has "Team NWTF" decal, Matte black metal. Drilled and tapped for scope mounting. In 12 gauge, 3" chamber, 22" vent. rib barrel; comes with one Extra-Full Winchoke tube. Introduced 2001. From U.S. Repeating Arms Co., Inc.

Price: $346.00

Winchester Model 1300 NWTF camouflage guns

Similar to the Black Shadow deer and turkey guns except has full stock, forearm and metal coverage with Trebark® Superflauge. "Team NWTF" decal on stock; includes special offer on National Wild Turkey Federation membership. In 12 ga., 3" chamber only with TruGlo® sights on 22" bbl. Introduced 2001. From U.S. Repeating Arms Co.

Price: NWTF Buck & Tom Superflauge™ gun (rifled and X-Full tubes) $499.00

Price: NWTF Turkey Superflauge™ gun (X-Full choke tube, vent rib) $522.00

WINCHESTER MODEL 9410 LEVER-ACTION SHOTGUN

Gauge: 410, 2-1/2" chamber. **Barrel:** 24" (Cyl. bore). **Weight:** 6-3/4 lbs. **Length:** 42-1/8" overall. **Stock:** Checkered walnut straight-grip; checkered walnut forearm. **Sights:** Adjustable "V" rear, TRUGLO® front. **Features:** A Model 94 rifle action (smoothbore) chambered for 410 shotgun. Angle Controlled Eject extractor/ejector; 5-shot tubular magazine; 13-1/2" length of pull. Introduced 2001. From U.S. Repeating Arms Co.

Price: 9410 Lever-Action Shotgun $531.00

EXHIBIT "3"

SENATE BILL

No. 626

Introduced by Senators Perata and Peace

February 22, 2001

An act to amend Sections 12020 and 12280 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 626, as introduced, Perata. Large-capacity magazines.

Existing law, except as provided, generally prohibits the manufacturing, causing to be manufactured, importation into the state, keeping, offering or exposing for sale, giving, or lending, of any large-capacity magazine. Existing law also defines "large-capacity magazine" and specifies certain magazines that are not included within the definition.

This bill would exempt the manufacture of a large-capacity magazine for certain law enforcement agents, peace officers, and firearms licensees.

This bill would, in addition, specify additional magazines that are not included within the definition of "large-capacity magazine."

Existing law makes it an offense, with specified exceptions, to possess an assault weapon, as defined.

This bill would provide additional exceptions to the offense of possessing an assault weapon, regarding the loan at a target range of an assault weapon by a retired peace officer, as specified, and receipt and possession of an assault weapon by certain peace officers, if those officers register the assault weapon, as specified.

By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Corrected 2-26-01—See last page.

Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 12020 of the Penal Code is amended to read:

12020. (a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison:

(1) Manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any fléchette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku, any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt buckle knife, any leaded cane, any zip gun, any shuriken, any unconventional pistol, any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any writing pen knife, any metal military practice handgrenade or metal replica handgrenade, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.

(2) Commencing January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine.

(3) Carries concealed upon his or her person any explosive substance, other than fixed ammunition.

(4) Carries concealed upon his or her person any dirk or dagger.

However, a first offense involving any metal military practice handgrenade or metal replica handgrenade shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1). A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) does not apply to any of the following:

(1) The sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles by police departments, sheriffs' offices, marshals' offices, the California Highway Patrol, the Department of Justice, or the military or naval forces of this state or of the United States for use in the discharge of their official duties or the possession of short-barreled shotguns and short-barreled rifles by peace officer members of a police department, sheriff's office, marshal's office, the California Highway Patrol, or the Department of Justice when on duty and the use is authorized by the agency and is within the course and scope of their duties and the peace officer has completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

(2) The manufacture, possession, transportation or sale of short-barreled shotguns or short-barreled rifles when authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law.

(3) The possession of a nunchaku on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense.

(4) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.

(5) Any antique firearm. For purposes of this section, "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the

year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(6) Tracer ammunition manufactured for use in shotguns.

(7) Any firearm or ammunition which is a curio or relic as defined in Section 178.11 of Title 27 of the Code of Federal Regulations and which is in the possession of a person permitted to possess the items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(8) Any other weapon as defined in subsection (e) of Section 5845 of Title 26 of the United States Code and which is in the possession of a person permitted to possess the weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one year, but actual possession of these weapons at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the weapons by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a). The exemption provided in this subdivision does not apply to pen guns.

(9) Instruments or devices that are possessed by federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that these

instruments or devices are properly housed, secured from unauthorized handling, and, if the instrument or device is a firearm, unloaded.

(10) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are possessed or utilized during the course of a motion picture, television, or video production or entertainment event by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

(11) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by persons who are in the business of selling instruments or devices listed in subdivision (a) solely to the entities referred to in paragraphs (9) and (10) when engaging in transactions with those entities.

(12) The sale to, possession of, or purchase of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law for use in the discharge of their official duties, or the possession of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by peace officers thereof when on duty and the use is authorized by the agency and is within the course and scope of their duties.

(13) Weapons, devices, and ammunition, other than a short-barreled rifle or short-barreled shotgun, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by, persons who are in the business of selling weapons, devices, and ammunition listed in subdivision (a) solely to the entities referred to in paragraph (12) when engaging in transactions with those entities.

(14) The manufacture for, sale to, exposing or keeping for sale to, importation of, or lending of wooden clubs or batons to special police officers or uniformed security guards authorized to carry any wooden club or baton pursuant to Section 12002 by entities that are in the business of selling wooden batons or clubs to special police officers and uniformed security guards when engaging in transactions with those persons.

(15) Any plastic toy handgrenade, or any metal military practice handgrenade or metal replica handgrenade that is a relic,

curio, memorabilia, or display item, that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as a grenade.

(16) Any instrument, ammunition, weapon, or device listed in subdivision (a) that is not a firearm that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the instrument, ammunition, weapon, or device no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the listed item, he or she is transporting the listed item to a law enforcement agency for disposition according to law.

(17) Any firearm, other than a short-barreled rifle or short-barreled shotgun, that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the firearm no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency for disposition according to law.

(D) Prior to transporting the firearm to a law enforcement agency, he or she has given prior notice to that law enforcement agency that he or she is transporting the firearm to that law enforcement agency for disposition according to law.

(E) The firearm is transported in a locked container as defined in subdivision (d) of Section 12026.2.

(18) The possession of any weapon, device, or ammunition, by a forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.

(19) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

(20) The sale to, lending to, transfer to, purchase by, receipt of, or importation into this state of, a large capacity magazine by a sworn peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.

(21) The sale or purchase of any large-capacity magazine to or by a person licensed pursuant to Section 12071.

(22) The loan of a lawfully possessed large-capacity magazine between two individuals if all of the following conditions are met:

(A) The person being loaned the large-capacity magazine is not prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition.

(B) The loan of the large-capacity magazine occurs at a place or location where the possession of the large-capacity magazine is not otherwise prohibited and the person who lends the large-capacity magazine remains in the accessible vicinity of the person to whom the large-capacity magazine is loaned.

(23) The importation of a large-capacity magazine by a person who lawfully possessed the large-capacity magazine in the state prior to January 1, 2000, lawfully took it out of the state, and is returning to the state with the large-capacity magazine previously lawfully possessed in the state.

(24) The lending or giving of any large-capacity magazine to a person licensed pursuant to Section 12071, or to a gunsmith, for the purposes of maintenance, repair, or modification of that large-capacity magazine.

(25) The return to its owner of any large-capacity magazine by a person specified in paragraph (24).

(26) The importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to Section 12079, when those

activities are in accordance with the terms and conditions of that permit.

(27) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine, to or by entities that operate armored vehicle businesses pursuant to the laws of this state.

(28) The lending of large-capacity magazines by the entities specified in paragraph (27) to their authorized employees, while in the course and scope of their employment for purposes that pertain to the entity's armored vehicle business.

(29) The return of those large-capacity magazines to those entities specified in paragraph (27) by those employees specified in paragraph (28).

(30) (A) The manufacture of a large-capacity magazine for any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

(B) The manufacture of a large-capacity magazine for use by a sworn peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.

(C) The manufacture of a large-capacity magazine for a person licensed pursuant to Section 12071.

(c) (1) As used in this section, a "short-barreled shotgun" means any of the following:

(A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.

(B) A firearm which has an overall length of less than 26 inches and which is designed or redesigned to fire a fixed shotgun shell.

(C) Any weapon made from a shotgun (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.

(D) Any device which may be readily restored to fire a fixed shotgun shell which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person.

(2) As used in this section, a "short-barreled rifle" means any of the following:

(A) A rifle having a barrel or barrels of less than 16 inches in length.

(B) A rifle with an overall length of less than 26 inches.

(C) Any weapon made from a rifle (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

(D) Any device which may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, may be readily assembled if those parts are in the possession or under the control of the same person.

(3) As used in this section, a "nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire, or chain, in the design of a weapon used in connection with the practice of a system of self-defense such as karate.

(4) As used in this section, a "wallet gun" means any firearm mounted or enclosed in a case, resembling a wallet, designed to be or capable of being carried in a pocket or purse, if the firearm may be fired while mounted or enclosed in the case.

(5) As used in this section, a "cane gun" means any firearm mounted or enclosed in a stick, staff, rod, crutch, or similar device, designed to be, or capable of being used as, an aid in walking, if the firearm may be fired while mounted or enclosed therein.

(6) As used in this section, a "fléchette dart" means a dart, capable of being fired from a firearm, which measures

approximately one inch in length, with tail fins which take up five-sixteenths of an inch of the body.

(7) As used in this section, "metal knuckles" means any device or instrument made wholly or partially of metal which is worn for purposes of offense or defense in or on the hand and which either protects the wearer's hand while striking a blow or increases the force of impact from the blow or injury to the individual receiving the blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it, or consist of projections or studs which would contact the individual receiving a blow.

(8) As used in this section, a "ballistic knife" means a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas. Ballistic knife does not include any device which propels an arrow or a bolt by means of any common bow, compound bow, crossbow, or underwater spear gun.

(9) As used in this section, a "camouflaging firearm container" means a container which meets all of the following criteria:

(A) It is designed and intended to enclose a firearm.

(B) It is designed and intended to allow the firing of the enclosed firearm by external controls while the firearm is in the container.

(C) It is not readily recognizable as containing a firearm.

"Camouflaging firearm container" does not include any camouflaging covering used while engaged in lawful hunting or while going to or returning from a lawful hunting expedition.

(10) As used in this section, a "zip gun" means any weapon or device which meets all of the following criteria:

(A) It was not imported as a firearm by an importer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and subchapters F (commencing with Section 4216)

and G (commencing with Section 4221) of Chapter 32 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

(D) It is made or altered to expel a projectile by the force of an explosion or other form of combustion.

(11) As used in this section, a "shuriken" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing.

(12) As used in this section, an "unconventional pistol" means a firearm that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.

(13) As used in this section, a "belt buckle knife" is a knife which is made an integral part of a belt buckle and consists of a blade with a length of at least $2\frac{1}{2}$ inches.

(14) As used in this section, a "lipstick case knife" means a knife enclosed within and made an integral part of a lipstick case.

(15) As used in this section, a "cane sword" means a cane, swagger stick, stick, staff, rod, pole, umbrella, or similar device, having concealed within it a blade that may be used as a sword or stiletto.

(16) As used in this section, a "shobi-zue" means a staff, crutch, stick, rod, or pole concealing a knife or blade within it which may be exposed by a flip of the wrist or by a mechanical action.

(17) As used in this section, a "leaded cane" means a staff, crutch, stick, rod, pole, or similar device, unnaturally weighted with lead.

(18) As used in this section, an "air gauge knife" means a device that appears to be an air gauge but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended.

(19) As used in this section, a "writing pen knife" means a device that appears to be a writing pen but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity

which locks into place when extended or the pointed, metallic shaft is exposed by the removal of the cap or cover on the device.

(20) As used in this section, a "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.

(21) As used in this section, a "shotgun" 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 shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.

(22) As used in this section, an "undetectable firearm" means any weapon which meets one of the following requirements:

(A) When, after removal of grips, stocks, and magazines, it is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar.

(B) When any major component of which, when subjected to inspection by the types of X-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(C) For purposes of this paragraph, the terms "firearm," "major component," and "Security Exemplar" have the same meanings as those terms are defined in Section 922 of Title 18 of the United States Code.

All firearm detection equipment newly installed in nonfederal public buildings in this state shall be of a type identified by either the United States Attorney General, the Secretary of Transportation, or the Secretary of the Treasury, as appropriate, as available state-of-the-art equipment capable of detecting an undetectable firearm, as defined, while distinguishing innocuous metal objects likely to be carried on one's person sufficient for reasonable passage of the public.

(23) As used in this section, a "multiburst trigger activator" means one of the following devices:

(A) A device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device.

(B) A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it increases the rate of fire of that firearm.

(24) As used in this section, a "dirk" or "dagger" means a knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death. A nonlocking folding knife, a folding knife that is not prohibited by Section 653k, or a pocketknife is capable of ready use as a stabbing weapon that may inflict great bodily injury or death only if the blade of the knife is exposed and locked into position.

(25) As used in this section, "large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include ~~a~~ *any of the following:*

(A) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds~~, nor shall it include any~~;.

(B) A .22 caliber tube ammunition feeding device.

(C) A tubular magazine that is contained in a lever-action firearm.

(d) Knives carried in sheaths which are worn openly suspended from the waist of the wearer are not concealed within the meaning of this section.

SEC. 2. Section 12280 of the Penal Code is amended to read:

12280. (a) (1) Any person who, within this state, manufactures or causes to be manufactured, distributes, transports, or imports into the state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon, except as provided by this chapter, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for four, six, or eight years.

(2) In addition and consecutive to the punishment imposed under paragraph (1), any person who transfers, lends, sells, or gives any assault weapon to a minor in violation of paragraph (1) shall receive an enhancement of one year.

(b) Except as provided in Section 12288, and in subdivisions (c) and (d), any person who, within this state, possesses any assault weapon, except as provided in this chapter, is guilty of a public offense and upon conviction shall be punished by imprisonment in

the state prison, or in a county jail, not exceeding one year. However, if the person presents proof that he or she lawfully possessed the assault weapon prior to June 1, 1989, or prior to the date it was specified as an assault weapon, and has since either registered the firearm and any other lawfully obtained firearm specified by Section 12276 or 12276.5 pursuant to Section 12285 or relinquished them pursuant to Section 12288, a first-time violation of this subdivision shall be an infraction punishable by a fine of up to five hundred dollars ($500), but not less than three hundred fifty dollars ($350), if the person has otherwise possessed the firearm in compliance with subdivision (c) of Section 12285. In these cases, the firearm shall be returned unless the court finds in the interest of public safety, after notice and hearing, that the assault weapon should be destroyed pursuant to Section 12028.

(c) A first-time violation of subdivision (b) shall be an infraction punishable by a fine of up to five hundred dollars ($500), if the person was found in possession of no more than two firearms in compliance with subdivision (c) of Section 12285 and the person meets all of the following conditions:

(1) The person proves that he or she lawfully possessed the assault weapon prior to the date it was defined as an assault weapon pursuant to Section 12276.1.

(2) The person is not found in possession of a firearm specified as an assault weapon pursuant to Section 12276 or Section 12276.5.

(3) The person has not previously been convicted of violating this section.

(4) The person was found to be in possession of the assault weapons within one year following the end of the one-year registration period established pursuant to subdivision (a) of Section 12285.

(5) The person has since registered the firearms and any other lawfully obtained firearms defined by Section 12276.1, pursuant to Section 12285, except as provided for by this section, or relinquished them pursuant to Section 12288.

(d) Firearms seized pursuant to subdivision (c) shall be returned unless the court finds in the interest of public safety, after notice and hearing, that the assault weapon should be destroyed pursuant to Section 12028.

(e) Notwithstanding Section 654 or any other provision of law, any person who commits another crime while violating this section may receive an additional, consecutive punishment of one year for violating this section in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime.

(f) Subdivisions (a) and (b) shall not apply to the sale to, purchase by, or possession of assault weapons by the Department of Justice, police departments, sheriffs' offices, marshals' offices, the Youth and Adult Corrections Agency, the Department of the California Highway Patrol, district attorneys' offices, Department of Fish and Game, Department of Parks and Recreation, or the military or naval forces of this state or of the United States, *or any federal law enforcement agency* for use in the discharge of their official duties.

(g) *(1)* Subdivision (b) shall not prohibit the possession or use of assault weapons by sworn peace officer members of those agencies specified in subdivision (f) for law enforcement purposes, whether on or off duty.

(2) Subdivisions (a) and (b) shall not prohibit the delivery, transfer, or sale of an assault weapon to, or the possession of an assault weapon by, a sworn peace officer member of an agency specified in subdivision (f), provided that the peace officer is authorized by his or her employer to posses or receive the assault weapon. Required authorization is defined as verifiable written certification from the head of the agency, identifying the recipient or possessor of the assault weapon as a peace officer and authorizing him or her to receive or possess the specific assault weapon. For this exemption to apply, in the case of a peace officer who possesses or receives the assault weapon prior to January 1, 2002, the officer shall register the assault weapon pursuant to Section 12285 on or before April 1, 2002; in the case of a peace officer who possesses or receives the assault weapon on or after January 1, 2002, the officer shall register the assault weapon pursuant to Section 12285 not later than 90 days after possession or receipt. The peace officer must include with the registration, a copy of the authorization required pursuant to this paragraph.

(3) Nothing in this section shall be construed to limit or prohibit the delivery, transfer, or sale of an assault weapon to, or the possession of an assault weapon by, a member of a federal law

enforcement agency provided that person is authorized by the employing agency to possess the assault weapon.

(h) Subdivisions (a) and (b) shall not prohibit the sale or transfer of assault weapons by an entity specified in subdivision (f) to a person, upon retirement, who retired as a sworn officer from that entity.

(i) Subdivision (b) shall not apply to the possession of an assault weapon by a retired peace officer who received that assault weapon pursuant to subdivision (h).

(j) Subdivision (b) shall not apply to the possession of an assault weapon, as defined in Section 12276, by any person during the 1990 calendar year, during the 90-day period immediately after the date it was specified as an assault weapon pursuant to Section 12276.5, or during the one-year period after the date it was defined as an assault weapon pursuant to Section 12276.1, if all of the following are applicable:

(1) The person is eligible under this chapter to register the particular assault weapon.

(2) The person lawfully possessed the particular assault weapon described in paragraph (1) prior to June 1, 1989, if the weapon is specified as an assault weapon pursuant to Section 12276, or prior to the date it was specified as an assault weapon pursuant to Section 12276.5, or prior to the date it was defined as an assault weapon pursuant to Section 12276.1.

(3) The person is otherwise in compliance with this chapter.

(k) Subdivisions (a) and (b) shall not apply to the manufacture by persons who are issued permits pursuant to Section 12287 of assault weapons for sale to the following:

(1) Exempt entities listed in subdivision (f).

(2) Entities and persons who have been issued permits pursuant to Section 12286.

(3) Entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed in paragraphs (4) to (6), inclusive.

(4) Federal military and law enforcement agencies.

(5) Law enforcement and military agencies of other states.

(6) Foreign governments and agencies approved by the United States State Department.

(*l*) Subdivision (a) shall not apply to a person who is the executor or administrator of an estate that includes an assault

weapon registered under Section 12285 or that was possessed pursuant to subdivision (g) or (i) which is disposed of as authorized by the probate court, if the disposition is otherwise permitted by this chapter.

(m) Subdivision (b) shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon registered under Section 12285 or that was possessed pursuant to subdivision (g) or (i), if the assault weapon is possessed at a place set forth in paragraph (1) of subdivision (c) of Section 12285 or as authorized by the probate court.

(n) Subdivision (a) shall not apply to:

(1) A person who lawfully possesses and has registered an assault weapon pursuant to this chapter, *or who lawfully possesses an assault weapon pursuant to subdivision (i)*, who lends that assault weapon to another if all the following apply:

(A) The person to whom the assault weapon is lent is 18 years of age or over and is not in a class of persons prohibited from possessing firearms by virtue of Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person to whom the assault weapon is lent remains in the presence of the registered possessor of the assault weapon, *or the person who lawfully possesses an assault weapon pursuant to subdivision (i)*.

(C) The assault weapon is possessed at any of the following locations:

(i) While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(ii) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.

(iii) While attending any exhibition, display, or educational project that is about firearms and that is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(2) The return of an assault weapon to the registered possessor, *or the lawful possessor,* which is lent by the same pursuant to paragraph (1).

(o) Subdivision (b) shall not apply to the possession of an assault weapon by a person to whom an assault weapon is lent pursuant to subdivision (n).

(p) Subdivisions (a) and (b) shall not apply to the possession and importation of an assault weapon into this state by a nonresident if all of the following conditions are met:

(1) The person is attending or going directly to or coming directly from an organized competitive match or league competition that involves the use of an assault weapon.

(2) The competition or match is conducted on the premises of one of the following:

(i) A target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(ii) A target range of a public or private club or organization that is organized for the purpose of practicing shooting at targets.

(3) The match or competition is sponsored by, conducted under the auspices of, or approved by, a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(4) The assault weapon is transported in accordance with Section 12026.1 or 12026.2.

(5) The person is 18 years of age or over and is not in a class of persons prohibited from possessing firearms by virtue of Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(q) Subdivision (b) shall not apply to any of the following persons:

(1) A person acting in accordance with Section 12286.

(2) A person who has a permit to possess an assault weapon issued pursuant to Section 12286 when he or she is acting in accordance with Section 12285 or 12286.

(r) Subdivisions (a) and (b) shall not apply to any of the following persons:

(1) A person acting in accordance with Section 12285.

(2) A person acting in accordance with Section 12286 or 12290.

(s) Subdivision (b) shall not apply to the registered owner of an assault weapon possessing that firearm in accordance with subdivision (c) of Section 12285.

(t) Subdivision (a) shall not apply to the importation into this state of an assault weapon by the registered owner of that assault weapon, if it is in accordance with the provisions of subdivision (c) of Section 12285.

(u) As used in this chapter, the date a firearm is an assault weapon is the earliest of the following:

(1) The effective date of an amendment to Section 12276 that adds the designation of the specified firearm.

(2) The effective date of the list promulgated pursuant to Section 12276.5 that adds or changes the designation of the specified firearm.

(3) The operative date of Section 12276.1, as specified in subdivision (d) of that section.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CORRECTIONS

Heading — Authors

EXHIBIT "4"

AMENDED IN SENATE APRIL 26, 2001

SENATE BILL

No. 626

Introduced by Senators Perata and Peace

February 22, 2001

An act to amend Sections 12020 and 12280 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 626, as amended, Perata. Large-capacity magazines.

Existing law, except as provided, generally prohibits the manufacturing, causing to be manufactured, importation into the state, keeping, offering or exposing for sale, giving, or lending, of any large-capacity magazine. Existing law also defines "large-capacity magazine" and specifies certain magazines that are not included within the definition.

This bill would exempt the manufacture of a large-capacity magazine for certain law enforcement agents, peace officers, ~~and firearms licensees~~ *government agencies, the military, or for export. The bill would also exempt certain purchases and loans of large-capacity magazines, as specified.*

This bill would, in addition, specify additional magazines that are not included within the definition of "large-capacity magazine."

Existing law makes it an offense, with specified exceptions, to possess an assault weapon, as defined.

This bill would provide additional exceptions to the offense of possessing an assault weapon, regarding the loan at a target range of an assault weapon by a retired peace officer, as specified, and receipt and possession of an assault weapon by certain peace officers, if those officers register the assault weapon, as specified.

By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 12020 of the Penal Code is amended to read:

12020. (a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison:

(1) Manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any fléchette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku, any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt buckle knife, any leaded cane, any zip gun, any shuriken, any unconventional pistol, any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any writing pen knife, any metal military practice handgrenade or metal replica handgrenade, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.

(2) Commencing January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or

exposes for sale, or who gives, or lends, any large-capacity magazine.

(3) Carries concealed upon his or her person any explosive substance, other than fixed ammunition.

(4) Carries concealed upon his or her person any dirk or dagger.

However, a first offense involving any metal military practice handgrenade or metal replica handgrenade shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1). A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) does not apply to any of the following:

(1) The sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles by police departments, sheriffs' offices, marshals' offices, the California Highway Patrol, the Department of Justice, or the military or naval forces of this state or of the United States for use in the discharge of their official duties or the possession of short-barreled shotguns and short-barreled rifles by peace officer members of a police department, sheriff's office, marshal's office, the California Highway Patrol, or the Department of Justice when on duty and the use is authorized by the agency and is within the course and scope of their duties and the peace officer has completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

(2) The manufacture, possession, transportation or sale of short-barreled shotguns or short-barreled rifles when authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law.

(3) The possession of a nunchaku on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense.

(4) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.

(5) Any antique firearm. For purposes of this section, "antique firearm" means any firearm not designed or redesigned for using

rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(6) Tracer ammunition manufactured for use in shotguns.

(7) Any firearm or ammunition which is a curio or relic as defined in Section 178.11 of Title 27 of the Code of Federal Regulations and which is in the possession of a person permitted to possess the items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(8) Any other weapon as defined in subsection (e) of Section 5845 of Title 26 of the United States Code and which is in the possession of a person permitted to possess the weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one year, but actual possession of these weapons at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the weapons by sale, gift, or other disposition. Any person who violates this

paragraph is in violation of subdivision (a). The exemption provided in this subdivision does not apply to pen guns.

(9) Instruments or devices that are possessed by federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that these instruments or devices are properly housed, secured from unauthorized handling, and, if the instrument or device is a firearm, unloaded.

(10) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are possessed or utilized during the course of a motion picture, television, or video production or entertainment event by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

(11) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by persons who are in the business of selling instruments or devices listed in subdivision (a) solely to the entities referred to in paragraphs (9) and (10) when engaging in transactions with those entities.

(12) The sale to, possession of, or purchase of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law for use in the discharge of their official duties, or the possession of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by peace officers thereof when on duty and the use is authorized by the agency and is within the course and scope of their duties.

(13) Weapons, devices, and ammunition, other than a short-barreled rifle or short-barreled shotgun, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by, persons who are in the business of selling weapons, devices, and ammunition listed in subdivision (a) solely to the entities referred to in paragraph (12) when engaging in transactions with those entities.

(14) The manufacture for, sale to, exposing or keeping for sale to, importation of, or lending of wooden clubs or batons to special police officers or uniformed security guards authorized to carry any wooden club or baton pursuant to Section 12002 by entities

that are in the business of selling wooden batons or clubs to special police officers and uniformed security guards when engaging in transactions with those persons.

(15) Any plastic toy handgrenade, or any metal military practice handgrenade or metal replica handgrenade that is a relic, curio, memorabilia, or display item, that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as a grenade.

(16) Any instrument, ammunition, weapon, or device listed in subdivision (a) that is not a firearm that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the instrument, ammunition, weapon, or device no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the listed item, he or she is transporting the listed item to a law enforcement agency for disposition according to law.

(17) Any firearm, other than a short-barreled rifle or short-barreled shotgun, that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the firearm no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency for disposition according to law.

(D) Prior to transporting the firearm to a law enforcement agency, he or she has given prior notice to that law enforcement agency that he or she is transporting the firearm to that law enforcement agency for disposition according to law.

(E) The firearm is transported in a locked container as defined in subdivision (d) of Section 12026.2.

(18) The possession of any weapon, device, or ammunition, by a forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.

(19) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

(20) The sale to, lending to, transfer to, purchase by, receipt of, or importation into this state of, a large capacity magazine by a sworn peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.

(21) The sale or purchase of any large-capacity magazine to or by a person licensed pursuant to Section 12071.

(22) The loan of a lawfully possessed large-capacity magazine between two individuals if all of the following conditions are met:

(A) The person being loaned the large-capacity magazine is not prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition.

(B) The loan of the large-capacity magazine occurs at a place or location where the possession of the large-capacity magazine is not otherwise prohibited and the person who lends the large-capacity magazine remains in the accessible vicinity of the person to whom the large-capacity magazine is loaned.

(23) The importation of a large-capacity magazine by a person who lawfully possessed the large-capacity magazine in the state prior to January 1, 2000, lawfully took it out of the state, and is returning to the state with the large-capacity magazine previously lawfully possessed in the state.

(24) The lending or giving of any large-capacity magazine to a person licensed pursuant to Section 12071, or to a gunsmith, for the purposes of maintenance, repair, or modification of that large-capacity magazine.

(25) The return to its owner of any large-capacity magazine by a person specified in paragraph (24).

(26) The importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to Section 12079, when those activities are in accordance with the terms and conditions of that permit.

(27) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine, to or by entities that operate armored vehicle businesses pursuant to the laws of this state.

(28) The lending of large-capacity magazines by the entities specified in paragraph (27) to their authorized employees, while in the course and scope of their employment for purposes that pertain to the entity's armored vehicle business.

(29) The return of those large-capacity magazines to those entities specified in paragraph (27) by those employees specified in paragraph (28).

(30) (A) The manufacture of a large-capacity magazine for any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

(B) The manufacture of a large-capacity magazine for use by a sworn peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.

(C) The manufacture of a large-capacity magazine for ~~a person licensed pursuant to Section 12071~~ *export or for sale to government agencies or the military pursuant to applicable federal regulations.*

(31) The loan of a large-capacity magazine for use solely as a prop for a motion picture, television, or video production.

(32) The purchase of a large-capacity magazine by the holder of a special weapons permit issued pursuant to Section 12095, 12230, 12250, 12286, or 12305, for any of the following purposes:

(A) For use solely as a prop for a motion picture, television, or video production.

(B) For export pursuant to federal regulations.

(C) For resale to law enforcement agencies, government agencies, or the military, pursuant to applicable federal regulations.

(c) (1) As used in this section, a "short-barreled shotgun" means any of the following:

(A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.

(B) A firearm which has an overall length of less than 26 inches and which is designed or redesigned to fire a fixed shotgun shell.

(C) Any weapon made from a shotgun (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.

(D) Any device which may be readily restored to fire a fixed shotgun shell which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person.

(2) As used in this section, a "short-barreled rifle" means any of the following:

(A) A rifle having a barrel or barrels of less than 16 inches in length.

(B) A rifle with an overall length of less than 26 inches.

(C) Any weapon made from a rifle (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

(D) Any device which may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, may be readily

assembled if those parts are in the possession or under the control of the same person.

(3) As used in this section, a "nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire, or chain, in the design of a weapon used in connection with the practice of a system of self-defense such as karate.

(4) As used in this section, a "wallet gun" means any firearm mounted or enclosed in a case, resembling a wallet, designed to be or capable of being carried in a pocket or purse, if the firearm may be fired while mounted or enclosed in the case.

(5) As used in this section, a "cane gun" means any firearm mounted or enclosed in a stick, staff, rod, crutch, or similar device, designed to be, or capable of being used as, an aid in walking, if the firearm may be fired while mounted or enclosed therein.

(6) As used in this section, a "fléchette dart" means a dart, capable of being fired from a firearm, which measures approximately one inch in length, with tail fins which take up five-sixteenths of an inch of the body.

(7) As used in this section, "metal knuckles" means any device or instrument made wholly or partially of metal which is worn for purposes of offense or defense in or on the hand and which either protects the wearer's hand while striking a blow or increases the force of impact from the blow or injury to the individual receiving the blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it, or consist of projections or studs which would contact the individual receiving a blow.

(8) As used in this section, a "ballistic knife" means a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas. Ballistic knife does not include any device which propels an arrow or a bolt by means of any common bow, compound bow, crossbow, or underwater spear gun.

(9) As used in this section, a "camouflaging firearm container" means a container which meets all of the following criteria:

(A) It is designed and intended to enclose a firearm.

(B) It is designed and intended to allow the firing of the enclosed firearm by external controls while the firearm is in the container.

(C) It is not readily recognizable as containing a firearm.

"Camouflaging firearm container" does not include any camouflaging covering used while engaged in lawful hunting or while going to or returning from a lawful hunting expedition.

(10) As used in this section, a "zip gun" means any weapon or device which meets all of the following criteria:

(A) It was not imported as a firearm by an importer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and subchapters F (commencing with Section 4216) and G (commencing with Section 4221) of Chapter 32 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

(D) It is made or altered to expel a projectile by the force of an explosion or other form of combustion.

(11) As used in this section, a "shuriken" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing.

(12) As used in this section, an "unconventional pistol" means a firearm that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.

(13) As used in this section, a "belt buckle knife" is a knife which is made an integral part of a belt buckle and consists of a blade with a length of at least $2\frac{1}{2}$ inches.

(14) As used in this section, a "lipstick case knife" means a knife enclosed within and made an integral part of a lipstick case.

(15) As used in this section, a "cane sword" means a cane, swagger stick, stick, staff, rod, pole, umbrella, or similar device, having concealed within it a blade that may be used as a sword or stiletto.

(16) As used in this section, a "shobi-zue" means a staff, crutch, stick, rod, or pole concealing a knife or blade within it which may be exposed by a flip of the wrist or by a mechanical action.

(17) As used in this section, a "leaded cane" means a staff, crutch, stick, rod, pole, or similar device, unnaturally weighted with lead.

(18) As used in this section, an "air gauge knife" means a device that appears to be an air gauge but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended.

(19) As used in this section, a "writing pen knife" means a device that appears to be a writing pen but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended or the pointed, metallic shaft is exposed by the removal of the cap or cover on the device.

(20) As used in this section, a "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.

(21) As used in this section, a "shotgun" 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 shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.

(22) As used in this section, an "undetectable firearm" means any weapon which meets one of the following requirements:

(A) When, after removal of grips, stocks, and magazines, it is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar.

(B) When any major component of which, when subjected to inspection by the types of X-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(C) For purposes of this paragraph, the terms "firearm," "major component," and "Security Exemplar" have the same meanings as those terms are defined in Section 922 of Title 18 of the United States Code.

All firearm detection equipment newly installed in nonfederal public buildings in this state shall be of a type identified by either the United States Attorney General, the Secretary of Transportation, or the Secretary of the Treasury, as appropriate, as available state-of-the-art equipment capable of detecting an undetectable firearm, as defined, while distinguishing innocuous metal objects likely to be carried on one's person sufficient for reasonable passage of the public.

(23) As used in this section, a "multiburst trigger activator" means one of the following devices:

(A) A device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device.

(B) A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it increases the rate of fire of that firearm.

(24) As used in this section, a "dirk" or "dagger" means a knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death. A nonlocking folding knife, a folding knife that is not prohibited by Section 653k, or a pocketknife is capable of ready use as a stabbing weapon that may inflict great bodily injury or death only if the blade of the knife is exposed and locked into position.

(25) As used in this section, "large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

(A) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.

(B) A .22 caliber tube ammunition feeding device.

(C) A tubular magazine that is contained in a lever-action firearm.

(d) Knives carried in sheaths which are worn openly suspended from the waist of the wearer are not concealed within the meaning of this section.

SEC. 2. Section 12280 of the Penal Code is amended to read:

12280. (a) (1) Any person who, within this state, manufactures or causes to be manufactured, distributes, transports, or imports into the state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon, except as provided by this chapter, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for four, six, or eight years.

(2) In addition and consecutive to the punishment imposed under paragraph (1), any person who transfers, lends, sells, or gives any assault weapon to a minor in violation of paragraph (1) shall receive an enhancement of one year.

(b) Except as provided in Section 12288, and in subdivisions (c) and (d), any person who, within this state, possesses any assault weapon, except as provided in this chapter, is guilty of a public offense and upon conviction shall be punished by imprisonment in the state prison, or in a county jail, not exceeding one year. However, if the person presents proof that he or she lawfully possessed the assault weapon prior to June 1, 1989, or prior to the date it was specified as an assault weapon, and has since either registered the firearm and any other lawfully obtained firearm specified by Section 12276 or 12276.5 pursuant to Section 12285 or relinquished them pursuant to Section 12288, a first-time violation of this subdivision shall be an infraction punishable by a fine of up to five hundred dollars ($500), but not less than three hundred fifty dollars ($350), if the person has otherwise possessed the firearm in compliance with subdivision (c) of Section 12285. In these cases, the firearm shall be returned unless the court finds in the interest of public safety, after notice and hearing, that the assault weapon should be destroyed pursuant to Section 12028.

(c) A first-time violation of subdivision (b) shall be an infraction punishable by a fine of up to five hundred dollars ($500), if the person was found in possession of no more than two firearms in compliance with subdivision (c) of Section 12285 and the person meets all of the following conditions:

(1) The person proves that he or she lawfully possessed the assault weapon prior to the date it was defined as an assault weapon pursuant to Section 12276.1.

(2) The person is not found in possession of a firearm specified as an assault weapon pursuant to Section 12276 or Section 12276.5.

(3) The person has not previously been convicted of violating this section.

(4) The person was found to be in possession of the assault weapons within one year following the end of the one-year registration period established pursuant to subdivision (a) of Section 12285.

(5) The person has since registered the firearms and any other lawfully obtained firearms defined by Section 12276.1, pursuant to Section 12285, except as provided for by this section, or relinquished them pursuant to Section 12288.

(d) Firearms seized pursuant to subdivision (c) shall be returned unless the court finds in the interest of public safety, after notice and hearing, that the assault weapon should be destroyed pursuant to Section 12028.

(e) Notwithstanding Section 654 or any other provision of law, any person who commits another crime while violating this section may receive an additional, consecutive punishment of one year for violating this section in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime.

(f) Subdivisions (a) and (b) shall not apply to the sale to, purchase by, or possession of assault weapons by the Department of Justice, police departments, sheriffs' offices, marshals' offices, the Youth and Adult Corrections Agency, the Department of the California Highway Patrol, district attorneys' offices, Department of Fish and Game, Department of Parks and Recreation, or the military or naval forces of this state or of the United States, or any federal law enforcement agency for use in the discharge of their official duties.

(g) (1) Subdivision (b) shall not prohibit the possession or use of assault weapons by sworn peace officer members of those agencies specified in subdivision (f) for law enforcement purposes, whether on or off duty.

(2) Subdivisions (a) and (b) shall not prohibit the delivery, transfer, or sale of an assault weapon to, or the possession of an assault weapon by, a sworn peace officer member of an agency specified in subdivision (f), provided that the peace officer is

authorized by his or her employer to posses or receive the assault weapon. Required authorization is defined as verifiable written certification from the head of the agency, identifying the recipient or possessor of the assault weapon as a peace officer and authorizing him or her to receive or possess the specific assault weapon. For this exemption to apply, in the case of a peace officer who possesses or receives the assault weapon prior to January 1, 2002, the officer shall register the assault weapon pursuant to Section 12285 on or before April 1, 2002; in the case of a peace officer who possesses or receives the assault weapon on or after January 1, 2002, the officer shall register the assault weapon pursuant to Section 12285 not later than 90 days after possession or receipt. The peace officer must include with the registration, a copy of the authorization required pursuant to this paragraph.

(3) Nothing in this section shall be construed to limit or prohibit the delivery, transfer, or sale of an assault weapon to, or the possession of an assault weapon by, a member of a federal law enforcement agency provided that person is authorized by the employing agency to possess the assault weapon.

(h) Subdivisions (a) and (b) shall not prohibit the sale or transfer of assault weapons by an entity specified in subdivision (f) to a person, upon retirement, who retired as a sworn officer from that entity.

(i) Subdivision (b) shall not apply to the possession of an assault weapon by a retired peace officer who received that assault weapon pursuant to subdivision (h).

(j) Subdivision (b) shall not apply to the possession of an assault weapon, as defined in Section 12276, by any person during the 1990 calendar year, during the 90-day period immediately after the date it was specified as an assault weapon pursuant to Section 12276.5, or during the one-year period after the date it was defined as an assault weapon pursuant to Section 12276.1, if all of the following are applicable:

(1) The person is eligible under this chapter to register the particular assault weapon.

(2) The person lawfully possessed the particular assault weapon described in paragraph (1) prior to June 1, 1989, if the weapon is specified as an assault weapon pursuant to Section 12276, or prior to the date it was specified as an assault weapon

pursuant to Section 12276.5, or prior to the date it was defined as an assault weapon pursuant to Section 12276.1.

(3) The person is otherwise in compliance with this chapter.

(k) Subdivisions (a) and (b) shall not apply to the manufacture by persons who are issued permits pursuant to Section 12287 of assault weapons for sale to the following:

(1) Exempt entities listed in subdivision (f).

(2) Entities and persons who have been issued permits pursuant to Section 12286.

(3) Entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed in paragraphs (4) to (6), inclusive.

(4) Federal military and law enforcement agencies.

(5) Law enforcement and military agencies of other states.

(6) Foreign governments and agencies approved by the United States State Department.

(l) Subdivision (a) shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon registered under Section 12285 or that was possessed pursuant to subdivision (g) or (i) which is disposed of as authorized by the probate court, if the disposition is otherwise permitted by this chapter.

(m) Subdivision (b) shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon registered under Section 12285 or that was possessed pursuant to subdivision (g) or (i), if the assault weapon is possessed at a place set forth in paragraph (1) of subdivision (c) of Section 12285 or as authorized by the probate court.

(n) Subdivision (a) shall not apply to:

(1) A person who lawfully possesses and has registered an assault weapon pursuant to this chapter, or who lawfully possesses an assault weapon pursuant to subdivision (i), who lends that assault weapon to another if all the following apply:

(A) The person to whom the assault weapon is lent is 18 years of age or over and is not in a class of persons prohibited from possessing firearms by virtue of Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person to whom the assault weapon is lent remains in the presence of the registered possessor of the assault weapon, or

the person who lawfully possesses an assault weapon pursuant to subdivision (i).

(C) The assault weapon is possessed at any of the following locations:

(i) While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(ii) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.

(iii) While attending any exhibition, display, or educational project that is about firearms and that is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(2) The return of an assault weapon to the registered possessor, or the lawful possessor, which is lent by the same pursuant to paragraph (1).

(o) Subdivision (b) shall not apply to the possession of an assault weapon by a person to whom an assault weapon is lent pursuant to subdivision (n).

(p) Subdivisions (a) and (b) shall not apply to the possession and importation of an assault weapon into this state by a nonresident if all of the following conditions are met:

(1) The person is attending or going directly to or coming directly from an organized competitive match or league competition that involves the use of an assault weapon.

(2) The competition or match is conducted on the premises of one of the following:

(i) A target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(ii) A target range of a public or private club or organization that is organized for the purpose of practicing shooting at targets.

(3) The match or competition is sponsored by, conducted under the auspices of, or approved by, a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(4) The assault weapon is transported in accordance with Section 12026.1 or 12026.2.

(5) The person is 18 years of age or over and is not in a class of persons prohibited from possessing firearms by virtue of

Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(q) Subdivision (b) shall not apply to any of the following persons:

(1) A person acting in accordance with Section 12286.

(2) A person who has a permit to possess an assault weapon issued pursuant to Section 12286 when he or she is acting in accordance with Section 12285 or 12286.

(r) Subdivisions (a) and (b) shall not apply to any of the following persons:

(1) A person acting in accordance with Section 12285.

(2) A person acting in accordance with Section 12286 or 12290.

(s) Subdivision (b) shall not apply to the registered owner of an assault weapon possessing that firearm in accordance with subdivision (c) of Section 12285.

(t) Subdivision (a) shall not apply to the importation into this state of an assault weapon by the registered owner of that assault weapon, if it is in accordance with the provisions of subdivision (c) of Section 12285.

(u) As used in this chapter, the date a firearm is an assault weapon is the earliest of the following:

(1) The effective date of an amendment to Section 12276 that adds the designation of the specified firearm.

(2) The effective date of the list promulgated pursuant to Section 12276.5 that adds or changes the designation of the specified firearm.

(3) The operative date of Section 12276.1, as specified in subdivision (d) of that section.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

O

EXHIBIT "5"

Department of Justice Regulations for Assault Weapons and Large Capacity Magazines

FINAL STATEMENT OF REASONS

Hearing Dates: February 24, 2000, Sacramento, California
February 28, 2000, Los Angeles, California

UPDATE OF INITIAL STATEMENT OF REASONS

Section 978.10 - Title and Scope

There is no information to be updated. This section was adopted as originally proposed.

Section 978.20 - Definitions of Terms Used to Identify Assault Weapons

Section 978.20 further defines terms used in Penal Code section 12276.1 to describe the characteristics that identify a firearm as an assault weapon. The six terms (Section 978.20 (a-f)) initially identified in this section are addressed separately relative to the revisions made to each of the original definitions proposed by the Department and subsequently noticed and modified.

978.20(a) - Detachable Magazine

The proposed definition as originally noticed to the public defined a detachable magazine as "any magazine that can be readily removed without the use of tools." During the initial public comment period (December 31, 1999 through February 28, 2000), comments were received that caused the Department to make revisions to the definition. Comments expressed concern about the use of the term "magazine," which is often erroneously used to describe clips that are used to load ammunition into a fixed magazine. Recognizing that to be true, the Department changed the word "magazine" to the statutory term "ammunition feeding device" (PC section 12276.1(c)(1)). The Department also added the phrase "without disassembly of the firearm action" as a result of public comment stating that there are firearms with fixed magazines that can be field stripped (disassembled in the field) without using any tools (such as the M1 Garand). Including those firearms in the definition of a "detachable magazine" would have been inconsistent with the legislative intent of the statute. Several comments were made that claimed that an assault weapon pursuant to PC section 12276 has a detachable magazine requiring the use of a bullet tip or cartridge to remove it from the firearm. The comments claimed that if a bullet or ammunition cartridge were to be considered a tool, these types of firearms statutorily defined as assault weapons would not meet the definition of having a detachable magazine. For that reason the Department added "For the purpose of this definition, a bullet or ammunition cartridge is not a tool." It was also necessary to add linked or belted ammunition to the definition of an ammunition feeding device because that type of ammunition system feeds cartridges directly into the firing chamber, like the spring and follower of a box-type magazine. The definition was accordingly revised to read "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(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 revised definition was noticed to the public in the first of two 15-day comment periods (May 10 through May 30, 2000). The change in terms from a magazine to an ammunition feeding device prompted new comments relating to firearms that use clips, stripper clips, and en bloc clips to load ammunition into fixed magazines. Although people affected by the regulations understand ammunition clips are clearly not considered magazines, use of the statutory term "ammunition feeding device" caused the affected parties to speculate that clips may be included in the definition. The exclusion of clips from the definition is necessary to keep the legislative intent of the statute intact. Comments also claimed that a bullet or ammunition cartridge should be considered a tool because the type of firearm that utilizes a bullet or ammunition cartridge to release the magazine is a firearm with a fixed magazine, clearly not intended by the Legislature to be categorized as an assault weapon. The Department further researched the claims and confirmed that it is necessary to identify a bullet or ammunition cartridge as a tool to allow certain firearms with fixed magazines to remain fixed by definition. The definition was again revised to read "detachable magazine means any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor the use of a tool being required. A bullet or ammunition cartridge is considered a tool. 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."

This second revision prompted a second 15-day comment period (July 12 through July 31, 2000). None of the comments received during the second 15-day comment period warranted additional revisions to the definition.

978.20 (b) - Flash Suppressor

This term was originally defined as "any device that reduces or conceals the visible light or flash created when a firearm is fired. This definition includes flash hiders, but does not include compensators and muzzle brakes (devices attached to or integral with the muzzle barrel to utilize propelling gasses for counter-recoil)." There were two primary problems with the definition when it was originally noticed to the public (December 31, 1999 through February 28, 2000). The most significant problem with the original definition was that it included and/or excluded particular devices by name (flash hider, muzzle brake, compensator) without consideration of whether the devices actually suppress flash. After further consideration prompted by public comments, the Department concluded that the absence of statutorily defined specific measurement standards or a statutory requirement to establish those standards demonstrates a legislative intent to identify any device that reduces or redirects flash from the shooter's field of vision as a flash suppressor regardless of its name and intended/additional purpose. Thus, "flash hiders" are flash suppressors only if they reduce or redirect flash from the shooter's field of vision. Conversely, "compensators" and "muzzle brakes" are not flash suppressors only if they do not reduce or redirect flash from the shooter's field of vision. The revised definition is clearly consistent with the legislative intent of the statute as it neither includes nor excludes any particular device on the basis of its name only. Additionally, "conceals" in the original definition presented the possibility of an overly broad interpretation which could have included any device positioned between the shooter's eye and the muzzle flash, such as the sights on a gun. To avoid such unintended interpretation, the word "conceals" was replaced with "redirects." Accordingly, the original definition was changed to:

"flash suppressor means any device that reduces or redirects muzzle flash from the shooter's field of vision."

This revised definition was noticed to the public during the first 15-day comment period (May 10 through May 30, 2000). Comments addressing this version of the definition prompted further reconsideration and revision. As such, the definition was revised a second time by replacing " . . . that reduces or redirects muzzle flash . . . " with " . . . designed, intended, or that functions to reduce or redirect muzzle flash . . . " This change was necessary because it became clear that flash suppressors are typically attached by twisting or screwing the device onto the threaded barrel of a firearm. Therefore, by simply making a half turn (180 degrees), an otherwise fully operational flash suppressor would not function as prescribed in the prior definition. The revised definition eliminates this potential loophole. Accordingly, this final revision "flash suppressor means any device designed, intended, or that functions to reduce or redirect muzzle flash from the shooter's field of vision," was noticed during the second 15-day comment period (July 12 through July 31, 2000). Although additional comments were received, no comments were received during the second 15-day comment period that resulted in substantial revision to the definition. However, the Department made a non-substantial revision by adding "perceptibly" to the phrase "reduce or redirect" to confirm that if a reduction or redirection of flash is so minuscule that it is imperceptible to the human eye, it could not reasonably be considered a reduction.

978.20 (c) - Forward Pistol Grip

The proposed definition originally noticed to the public defined a forward pistol grip as "any protrusion in front of the trigger that is designed or intended to grasp and control the firearm." As a result of public comment during the initial comment period (December 31, 1999 through February 28, 2000), the Department determined the term "any protrusion" appeared to lack clarity in that it could include many shooting accessories or parts of the firearm that may be used to grasp and control the firearm, but could not be considered forward pistol grips, such as sling swivels, bipods and monopods, palm rests, etc. The definition was therefore revised by replacing "any protrusion" with "a grip that allows for a pistol style grasp." The Department believes that the concept of a "pistol style grasp" is generally understood by persons affected by the regulations. The revised definition: "forward pistol grip means a grip that allows for a pistol style grasp forward of the trigger" was then noticed to the public during the first 15-day comment period (May 10 through May 30, 2000). Although additional comments were received, no comments were received during the first 15-day comment period that warranted additional revisions to the definition.

978.20(d) - Permanently Altered

As originally noticed to the public, the statutory term "permanently altered" was defined to mean "any irreversible change or alteration." However, after consideration of public comment received during the initial comment period (December 31, 1999 through February 28, 2000), the Department determined that the proposed definition failed to provide any additional clarity to the statutory term "permanently altered." Furthermore, the Department found that none of the comments considered provided additional clarity while maintaining the legislative intent. The term "permanently altered" as used in the statute appears to be sufficiently understood without

further definition. As such, the regulations were revised to delete this originally proposed definition and it has not been adopted by the Department.

978.20 (e) - Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

This term was originally defined as "any component that allows for the grasp, control, and fire of the firearm where the portion grasped is located beneath an imaginary line drawn parallel to the barrel that runs through the top of the exposed trigger" and noticed during the initial comment period (December 31, 1999 through February 28, 2000). This definition was subject to broad interpretation primarily due to the wording "any component." The definition was accordingly initially revised by replacing "any component" with "a grip that allows for a pistol style grasp." The Department believes that the concept of a "pistol style grasp" is generally understood by persons affected by the regulations. This 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 trigger" was noticed to the public during the first 15-day notice period (May 10 through May 30, 2000).

Subsequent comments resulted in additional modifications. To further clarify the criteria that establishes a "pistol style grasp" and its relationship to a grip that protrudes conspicuously beneath the action of the weapon, the condition "in which the web of the trigger hand (between the thumb and index finger) can be placed below the top of the exposed portion of the trigger while firing" was added to the definition. The revision also reflects a change from "top of the exposed trigger" to "top of the exposed portion of the trigger" because as one contributor pointed out, the former would mean the upper portion of a trigger, a part of which is exposed, with the balance hidden from view in the receiver of the firearm. The final revised definition: "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 below the top of the exposed portion of the trigger while firing" was noticed during the second 15-day comment period (July 12 through July 31, 2000). Although additional comments were received, no comments were received during the second 15-day comment period that warranted additional revisions to the definition.

978.20(e) - Thumbhole Stock

The proposed definition originally noticed to the public defined a thumbhole stock as "any stock with any opening that enables the firearm to be grasped, controlled and fired with one hand." Comments received during the initial comment period (December 31, 1999 through February 28, 2000) stated that the term "any stock with any opening" is overly broad and ambiguous. The Department agrees that any opening can include openings other than thumbholes. As a result, the Department changed "any stock with any opening" to "a stock with a hole." Significant public input received during the initial comment period also addressed the subjectivity of the phrase "fired with one hand." It appears from the comments that it could be an arbitrary standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. The Department accordingly determined its use would add confusion rather than clarity to the definition. The definition was revised to specify the physical characteristic of a thumbhole stock as "a stock with a hole that allows the thumb of the trigger hand to penetrate the stock," and was noticed during the first 15-day comment period (May 10 through May 30, 2000). The comments received during this 15-day notice raised additional challenges regarding the

definition of the term "penetrate." In an effort to further clarify the definition, the Department added the phrase "into or through" to the phrase "penetrate the stock." The final revised definition: "thumbhole stock means a stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock" was noticed during the second 15-day comment period (July 12 through July 31, 2000). Although additional comments were received, none resulted in substantial revision to the definition. However, the Department 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.

978.30 (a) Requirements for Assault Weapon Registrations

There is no information to be updated. This section was adopted as originally proposed.

978.30 (b) Requirements for Assault Weapons Registrations

The originally proposed regulation section 978.30 (b) identified the required Assault Weapon Registration Application form (FD023) and stated the information to be provided on the form. Comments were received during the initial comment period (December 31, 1999 through February 28, 2000) concerning the disposition of an application when submitted within 30 days of the end of the registration period, since the regulations allow for a 30-day time frame for determining completeness of the application. As a result, the Department revised the regulation to specify that applications submitted to the Department with a postmark date no later than the end of the registration period with the appropriate fee, will be processed even if the application must be returned to the applicant for completion or correction after the close of the registration period. Other comments had also stated that the proposed regulation did not make a provision for firearms with extra barrels, or what must be done if the barrel must be changed in order to comply with safety or hunting regulations. The Department agreed, and deleted the requirement that barrel length information be provided on the registration application. Another contributor stated that the exact date and name and address of the person or firearms dealer from whom the assault weapon was acquired may not be known. Additional comments stated that the registration process must provide for registrations without requiring acquisition information because long guns acquired before 1990 did not required receipts, waiting periods or seller information. The Department agreed, and revised the regulation to state that the month and date of acquisition are to be provided if known. The year of acquisition is required because only assault weapons acquired before specific dates as provided by the Penal Code qualify for registration. Additionally, the regulation was revised so that the name and address of the person or firearms dealership from whom the assault weapon was acquired is optional. These revisions were noticed to the public during the first 15-day comment period (May 10 through May 30, 2000). Additional comments were received, but none were sufficient to warrant further revisions to the regulation.

978.30(c) - Requirements for Assault Weapon Registrations

Penal Code section 12285 (e) requires that the Department's registration procedures provide the option of joint registration for assault weapons owned by family members residing in the same household. As originally proposed, the Department's procedures in section 978.30(c) required that the joint registrations identify one individual as the primary registrant, and that joint registrations remain valid only while the primary and co-registrant(s) live in the same household. Comments received during the initial comment period (December 31, 1999 through February 28,

2000) stated that the Department set forth additional and unnecessary requirements by designating a primary registrant, as well as requiring that the joint registration remain valid only while the registrants reside in the same household. Admittedly, had the Legislature intended these requirements they should have been statutorily stated in a much clearer manner. As such, the Department deleted these requirements from the regulation, and the proposed regulations was revised to read "Joint registrations will be permitted for assault weapons owned by family members residing in the same household." This revised regulation was noticed during the first 15-day comment period (May 10 through May 30, 2000). Although additional comments were received during the first 15-day comment period, none were sufficient to warrant further revision to the regulation.

978.31 - Fees

There is no information to be updated. This section was adopted as originally proposed.

978.32 - Processing Times

There is no information to be updated. This section was adopted as originally proposed.

978.33 Voluntary Cancellations

This section was not proposed or noticed in either the initial comment period (December 31, 1999 through February 28, 2000), or the first 15-day comment period (May 10 through May 30, 2000), but was noticed to the affected parties in the second 15-day comment period (July 12 through July 31, 2000). Comments received during the initial comment period stated that a procedure needs to be in place for cancellation of an assault weapon registration due to theft, destruction, or modification of the firearm to no longer meet the definition of an assault weapon. The Department agreed and added Section 978.33 to the proposed regulations. Because it was fully anticipated and expected by the affected parties there would be a procedure for voluntary cancellations, the addition of this section is considered by the Department to be a substantial modification sufficiently related to the text of the regulation as originally proposed. Thereafter, section 978.33 was noticed to the public during the Department's second 15-day comment period. After full consideration of the comments received, the Department adopts this regulation as proposed.

978.40 - Requirements for Large Capacity Magazine Permits Pursuant to Penal Code Section 12079

There is no information to be updated. This section was adopted as originally proposed.

978.41 - Processing Times

There is no information to be updated. This section was adopted as originally proposed.

978.42 - Term Length of Large Capacity Magazine Permits

There is no information to be updated. This section was adopted as originally proposed.

978.43 - Large Capacity Magazine Permit Record Keeping

There is no information to be updated. This section was adopted as originally proposed.

978.44 - Large Capacity Magazine Permit Revocations

There is no information to be updated. This section was adopted as originally proposed.

Additional technical theoretical, and/or empirical studies, reports, or documents

In addition to the sources cited in the initial statement of reasons, the Department relied on information from the following sources when formulating the five definitions in the proposed regulation:

- Jane's Infantry Weapons, Glossary, Twentieth Edition, 1994-95
- Sporting Arms and Ammunition Manufacturers' Institute, Inc. (SAAMI), Technical Correspondent's Handbook, Glossary of Industry Terms
- SAAMI Non-Fiction Writer's Guide
- National Rifle Association Institute for Legislative Action (NRA-ILA), Firearms Glossary
- Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Federal Firearms Regulations Reference Guide, 2000
- California Attorney General's Assault Weapons Identification Guide, 1993
- Complete Guide to Guns & Shooting, by John Malloy, 1995

The addition of the above reference material to the rulemaking file was noticed and made available to the public from July 12, through July 31, 2000.

Local Mandate Determination

The proposed regulations do not impose any mandate on local agencies or school districts.

Business Impact

The proposed regulations do not have any significant adverse impact on small business.

Consideration of Alternatives

No alternative which was considered would be either more effective than or equally effective as and less burdensome to affected private persons than the proposed regulations.

Objections or Recommendations/Responses

The proposed regulations resulted in significant input from the affected persons. During the initial 45-day comment period (December 31, 1999 through February 28, 2000), the Department received written input from approximately 1,300 individuals. The Department also held two public hearings to receive oral testimony on the proposed regulations. During the first hearing, held in Sacramento on February 24, 2000, the Department heard testimony from 57 people. Fifty one

people gave testimony in the second hearing in Los Angeles on February 28, 2000. In response to revisions to the regulations, approximately 190 letters were received during the first 15-day comment period (May 10 through May 30, 2000). Further revisions resulted in a second 15-day comment period (July 12 through July 31, 2000). An additional 85 letters were received during the second 15-day period.

In order to properly manage the immense volume of public comment, the Department developed a system consisting of a Comment/Response spreadsheet and Comment Identification Key to assist with public comment organization. The Comment/Response spreadsheets were used to categorize all comments (written and oral) and responses, and are included hereto as Attachments A, B, and C, representing each of the three comment periods (December 31, 1999 through February 28, 2000, May 10, through May 30, 2000, and July 12 through July 31, 2000, respectively). The spreadsheets also include a frequency count for all comment summaries. The Comment Identification Key was used to credit contributors with the appropriate comment summaries and is located under Part J in the rulemaking file. Additionally, Speaker Logs and video recordings for both public hearings are found under Part E in the rulemaking file. The logs include a list of speakers in chronological order and the digital video tracking number to identify at what point on the video tapes each speaker testified.

During the interpretive analysis of public comment, comment codes were assigned to the summaries of each comment, recommendation and objection (all like-comment summaries were assigned the same comment code), and entered into the Comment/Response spreadsheet. Each defined term and regulation were assigned to a specific category during each comment period. For example, section 978.20(a), the definition of detachable magazine, was assigned Category 1 in each of the comment periods (noted as A, B and C). Therefore, all summarized comments beginning with 1. (A1., B1., and C1.) represent comments pertaining to the definition of a detachable magazine. The frequency column on the spreadsheet represents the number of contributors who made each of the summarized comments. All comments, both written and oral, were responded to in this manner and were either accepted or rejected for the reasons identified in the attachments.

EXHIBIT "6"

GLOSSARY
of the
Association of Firearm
and
Toolmark Examiners
by the
AFTE
Standardization Committee

First Edition
Copyright
1980
Association of Firearm & Toolmark Examiners
All Rights Reserved
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1985

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1519 South State Street
Chicago, Illinois 60605

Comparison Microscope — Essentially two microscopes connected to an optical bridge which allows the viewer to observe two objects simultaneously with the same degree of magnification. This instrument can have a monocular or binocular eyepiece. Sometimes referred to as COMPARISON MACROSCOPE.

Comparison Projector — An instrument which will project a magnified image onto a screen.

Compensator — A device attached to or integral with the muzzle end of the barrel to utilize propelling gases for counter-recoil. Also called MUZZLE BRAKE.

Coning Effect — See CRATERING.

Conoidal Bullet — See BULLET, CONOIDAL.

Cook-Off — See CARTRIDGE COOK-OFF.

Copper Clad Steel — A composite structure of copper and steel used for the manufacture of certain bullet jackets.

Copper Jacketed Bullet — See BULLET, COPPER JACKETED.

Copper Washed Bullet — See BULLET, COPPER WASHED.

Cordite — A double base smokeless powder made of gun cotton, nitroglycerin and mineral jelly and shaped in long cylindrical strands.

Five-in-One-Blank

A blank cartridge that was designed for use in firearms of different calibers. It can be used in caliber 38-40, 44-40 and 45 Colt revolvers and in caliber 38-40 and 44-40 rifles. Also called MOVIE BLANK.

Fixed Ammunition

A cartridge comprised of a cartridge case, primer, propellant powder and projectile(s).

Flake Powder

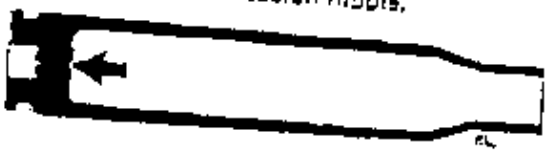
See POWDER, FLAKE.

Flare

See SMOKE RING.

Flash Hole

1. A hole(s) pierced or drilled through the web in the primer pocket of a metallic cartridge case.
2. The hole in the end of a battery cup primer used in shotshells.
3. The hole in a percussion nipple.



Flash Inhibitor

A material that is added to propellant for the purpose of reducing muzzle flash.

Flash Suppressor

A muzzle attachment designed to reduce muzzle flash.

Flat-Nosed Bullet

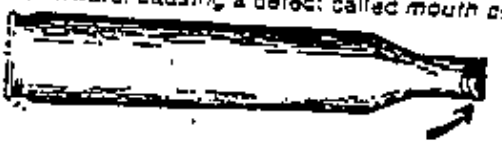
See BULLET, FLAT-NOSED.

Flats

On double barrel, hinged frame guns, the flat mating surfaces beneath the barrel chambers and on the receiver, below and in front of the standing breech. The receiver flats are more commonly known as the WATER TABLE.

Mouth Pull-Down

If a bullet is incorrectly inserted into the mouth of a cartridge case, it may deform the case mouth rearward and downward, causing a defect called *mouth pull-down*.



Movie Blank

See FIVE-IN-ONE BLANK.

Mushroom

A descriptive term for a soft point, hollow point, or special type of bullet point that is designed to expand to increased sectional diameter with minimum weight loss upon impact with a target.

Mushrooming

The act of expansion of a bullet upon impact with a target.

Musket

A firearm with long barrel and forend or forearm extending nearly to the muzzle.

Muzzle

The end of a firearm barrel from which the bullet or shot emerges.

Muzzle Blast

The resultant noise that occurs at the muzzle of a firearm when the projectile leaves the muzzle and the hot gases are released.

Muzzle Booster

See RECOIL INTENSIFIER.

Muzzle Brake

A device at or in the muzzle end of a barrel that uses the emerging gas behind the projectile to reduce recoil.

Muzzle Cap

A cover put on the muzzle end of a barrel to keep out foreign matter.

EXHIBIT "7"

SAAMI

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Non-Fiction Writer's Guide

A writer's resource to firearms and ammunition

Prepared as a service to professional journalists by the Sporting Arms and Ammunition Manufacturers' Institute

tions regarding any criminal history, mental competency, and drug use, among other things.

There are many firearms and firearm-related products banned under Federal law. For example, it is illegal to manufacture and sell to the public: sawed-off shotguns, silencers, machine guns, armor-piercing ammunition, ammunition magazines capable of holding more than 10 rounds, and numerous so-called "assault weapons."

Federal law also requires manufacturers to include an indelible serial number on all firearms. The manufacturer must keep records of the serial number, date of manufacture, type of firearm, and to whom it was sent. The BATF routinely traces firearms used in crime by contacting the manufacturer and recreating the chain of distribution.

Other agencies and regulatory bodies also regulate the firearms and ammunition industry. For example, the Federal Aviation Administration has regulations regarding firearms on aircraft. Shipping regulations and package labeling requirements promulgated by the Department of Transportation regulate how ammunition must be shipped. With a few specific exceptions, firearms can only be shipped across state lines between federally licensed FFL holders. Individuals cannot buy firearms through the mail.

In total, there are an estimated 20,000 Federal, state and local gun laws on the books. Some of these laws cover individual buyers, some govern what can be made and sold, others regulate how and under what terms and conditions firearms and ammunition can be distributed throughout the country. Firearms and ammunition, while exempt from the CPSA, are subject to the same product liability laws as other products. As such, the responsible firearms and ammunition industry is dedicated to the manufacturing of quality, safe products for use by responsible, law-abiding citizens.

Additionally, the Sporting Arms and Ammunition Manufacturers' Institute promulgates manufacturing standards for firearms and ammunition using the American National Standards Institute (ANSI) process.

SAAMI is an accredited standards developer for the ANSI. As such, SAAMI's standards for industry test methods, definitive proof loads, and ammunition performance specifications are subject to ANSI review and various ANSI criteria.

According to ANSI, "Approval of an American National Standard requires verification by ANSI that the requirements for due process, consensus, and other criteria for approval have been met by the standards developer."

"Consensus is established when, in the judgment of the ANSI Board of Standards Review, substantial agreement has been reached by directly and materially affected interests. Substantial agreement means much more than a simple majority, but not necessarily unanimity. Consensus requires that all views and objections be considered, and that a concerted effort be made toward their resolution."

Standards are developed when the governing body, SAAMI, proposes a new standard and circulates the draft to canvasses. Canvasses for each standard include government agencies (such as the Federal Bureau of Investigation and the US Customs Service), non-SAAMI member companies, and interested parties (such as the National Institute of Standards and Technology). Once the draft standard has been reviewed and returned to SAAMI with comments or corrections, the canvass group votes on whether or not to accept the standard. If there is disagreement and a canvassee opposes the standards but the standard is accepted by the other members of the canvass group, there is an ANSI appeals process that decides the matter.

It is ANSI and SAAMI policy that every five years the standards be revised or reaffirmed. Even if the standards remain the same, they must go through the approval process outlined above. Simply stated, the standards accepted by ANSI and promulgated by SAAMI are reviewed and accepted by outside experts, and every five years the validity of the standards are re-affirmed.

In 1996, SAAMI was audited by ANSI and received high marks for technical expertise, professionalism, and competency. The audit concluded that, "SAAMI staff is competent and knowledgeable concerning the SAAMI standards process and ANSI requirements. The standards are processed in a professional manner."

CALIBER
A term used to designate the specific cartridges for which a firearm is chambered. It is the approximate diameter of the circle formed by the tops of the lands of a rifled barrel. It is the numerical term included in the cartridge name to indicate a rough approximation of the bullet diameter (i.e. .30 caliber - .308" diameter bullet).

CARBINE
A rifle of short length and light weight originally designed for horse-mounted troops.

CARTRIDGE
A single round of ammunition consisting of the case, primer, propellant; powder, and one or more projectiles.

CARTRIDGE, CENTERFIRE
Any cartridge intended for use in rifle, pistols, and revolvers that has its primer central to the axis at the head of the case. *Note: Most cartridges, including shotshells, are centerfire with the exception of 22 caliber rimfire ammunition. If you were to look at the bottom of a centerfire cartridge, you would see a small circle in the middle of the base, hence, "centerfire." There are a few rimfire ammunition calibers besides the 22, but they are rare and not widely available.*

CARTRIDGE, MAGNUM
Any cartridge or shotshell that is larger, contains more shot, or produces a higher velocity than standard cartridges or shotshells of a given caliber or gauge.

CARTRIDGE, RIMFIRE
A cartridge containing the priming mixture in the rim of the base, usually a .22.

CARTRIDGE, SMALL BORE
A general term that refers to rimfire cartridges. Normally 22 caliber ammunition used for target shooting, plinking, and small game hunting.

CHAMBER
In a rifle, pistol, or shotgun, it is the part of the barrel that accepts the ammunition. In a revolver, it refers to the holes in the cylinder where the cartridges are loaded.

CHOKE
An interior tube at the end of a shotgun barrel that controls shot dispersion. Chokes typically come in cylinder, improved cylinder, modified, improved modified, and full. *Note: A cylinder choke produces a very wide shot dispersion, whereas a full choke will provide a much tighter shot pattern. Different chokes are used for skeet, trap, and sporting clays. In hunting, the type of game and conditions will determine choke type.*

CLIP
See MAGAZINE.

COCK
To place the hammer, or striker, in position for firing by pulling it back fully.

CYLINDER
The round, rotatable part of a revolver that contains the cartridge chambers.

DERRINGER
A generic term referring to many variations of pocket-sized pistols. The name comes from the pistol's original designer, Henry Derringer. *Note: According to the American Derringer Company, Henry Deringer's name is spelled with one 'R.' The proper spelling of Derringer firearms is with two 'R's.*

DISCHARGE
To cause a firearm to fire.

DOUBLE BARREL
Two barrels on a firearm mounted to one frame. The barrels can be vertically (over-under) or horizontally (side-by-side) aligned.

DUMDUM
See BULLET; DUMDUM.

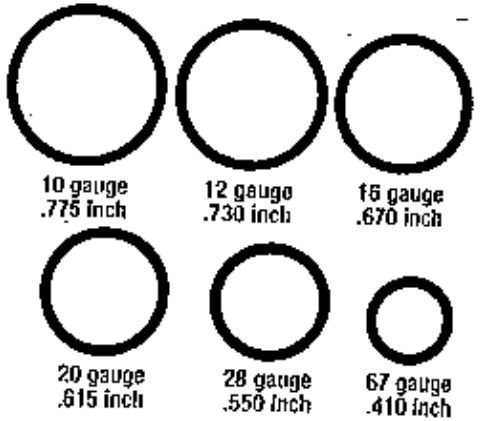
FIREARM
An assembly of a barrel and action from which a projectile is propelled as a result of combustion.

FIRING PIN
The part of a firearm that strikes the primer of a cartridge to start the ignition of the primer.

FLASH SUPPRESSOR
An attachment to the muzzle designed to reduce muzzle flash. *Note: A flash suppressor is not a silencer.*

FULL COCK
The position of the hammer when the firearm is ready to fire.

GAUGE
A term used to identify most shotgun bores, with the exception of the .410 shotgun. It relates to the number of bore diameter lead balls weighing one pound. *Note: The .410 shotgun is a caliber. The .410 refers to the diameter of the barrel. (see picture below)*



shown actual size

GROUP
A series of shots fired at the target used to adjust the sights or determine the accuracy of a firearm.

HALF COCK
The position of the hammer about half retracted and intended to prevent release of the hammer by a normal pull of the trigger.

HAMMER
The part of the firing mechanism that strikes the firing

ın, which, in turn, strikes the rimer.

IAMMERLESS
ı firearm having an internal ammer or striker.

'ACKET
he envelope enclosing the ead core of a bullet.

AM
malfunction that prevents ıe action from operating. ıms may be caused by faulty altered parts, ammunition, ıor maintenance of the earm, or improper use of e firearm.

JMP
ıe upward and rearward coil of a firearm when it is ed. It is commonly called oil or "kick."

ıNDS
e uncut surface of the bore ı rifled barrel.

AD
ı combination of components d to assemble a cartridge shotshell. The term also ers to the act of putting munition into a firearm.

.CHINE GUN
ACTION, AUTOMATIC.

.GAZINE
ceptacle on a firearm that ls several cartridges or ls for feeding into the mber. Magazines take y forms, such as box, drum, ry, or tubular and may be fixed or removable. *Note: The 1994 crime bill banned the manufacture and importation of magazines with a capacity greater than 10 rounds.*

MAGNUM
See CARTRIDGE, MAGNUM.

MISFEED
Any malfunction during the feeding cycle of a repeating firearm that results in the failure of a cartridge to enter the chamber completely.

MISFIRE
A failure of the cartridge to fire after the primer has been struck by the firing pin.

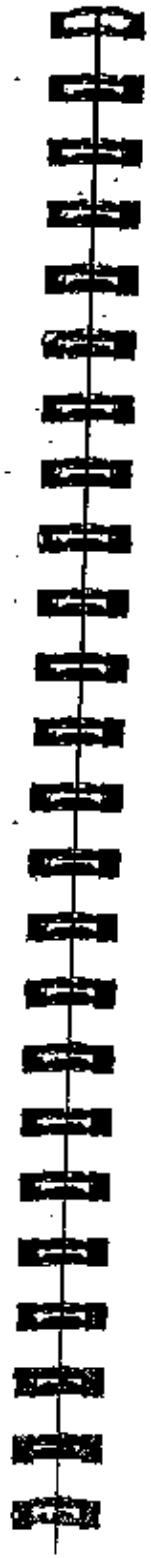
MUZZLE
The front end of a firearm barrel from which the bullet or shot emerges.

MUZZLE FLASH
The illumination (flash) resulting from the expanding gases from the burning propellant particles emerging from the barrel behind the projectile and uniting with oxygen in the air.

MUZZLE LOADER
Any firearm loaded through the muzzle. Also called "black powder" firearms. They may be antique, replica, or of modern design.

NOSE
The point or tip of a bullet.

OVER AND UNDER
A firearm with two barrels, one above the other.



PATTERN
The distribution of shot fired from a shotgun. Generally measured as a percentage of pellets striking in a 30 inch circle at 40 yards.

PISTOL
A term for a one-hand held firearm with a single chamber. (A revolver has at least five chambers.)

PISTOL; AUTOMATIC
The common but improperly used term to describe semi-automatic pistols. See *ACTION, SEMI-AUTOMATIC* for a description of how these pistols operate.

PISTOL, DOUBLE ACTION
A pistol mechanism in which a single pull of the trigger cocks and releases the hammer.

PISTOL, SINGLE ACTION
A pistol mechanism that requires the manual cocking of the hammer before the trigger releases the firing mechanism.

PLINKING
The informal shooting at inanimate objects at indefinite points. *Note: Plinking typically refers to casual shooting at pine cones, tin cans, or other such objects for fun and practice.*

POWDER
Commonly used term for the propellant in a cartridge or shotshell. See also *PROPELLANT.*

POWDER, BLACK
The earliest type of propellant, allegedly made by the Chinese or Hindus. First used for firearms in the 13th century, it is a mechanical mixture of potassium or sodium nitrate, charcoal, and sulfur. It makes a large cloud of smoke when fired.

POWDER, SMOKELESS
A modern propellant containing mainly nitrocellulose or both nitrocellulose and nitroglycerin. Relatively little smoke is created when fired.

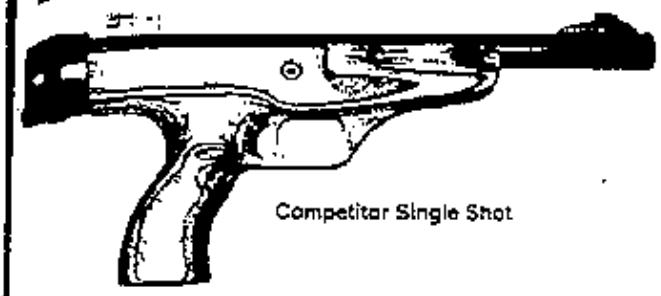
PRESSURE
The force developed by the expanding gases generated by the combustion of the propellant.

PRIMER
An ignition component consisting of brass or gilding metal cup, priming mixture, anvil, and foiling disc. It creates a spark when hit by a firing pin, igniting the propellant powder.

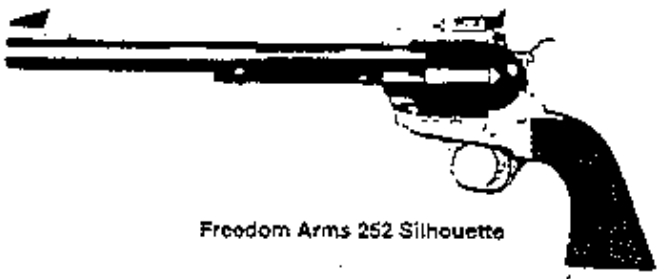
PROPELLANT
The chemical composition which, when ignited by a primer, generates gas. The gas propels the projectile. See also *POWDER.*

RECEIVER
The basic unit of a firearm which houses the firing mechanism and to which the barrel and stock are assembled. In revolvers, pistols and break-open firearms, it is called the frame.

HANDGUNS — COMPETITION HANDGUNS



Competitor Single Shot



Freedom Arms 252 Silhouette

E.A.A. Witness Gold Team

Hammerli SP 20

CZ 75 CHAMPION COMPETITION PISTOL

Caliber: 9mm Para., 9x21, 40 S&W, 10-shot magazine. **Barrel:** 4.49". **Weight:** 35 oz. **Length:** 9.44" overall. **Stocks:** Black rubber. **Sights:** Blade front, fully adjustable rear. **Features:** Single-action trigger mechanism; three-port compensator (40 S&W, 9mm have two port) full-length guide rod; extended magazine release; ambidextrous safety; flared magazine well; fully adjustable match trigger. Introduced 1999. Imported from the Czech Republic by CZ USA.

Price: 9mm Para., 9x21, 40 S&W, dual-tone finish. **$1,484.00**

CZ 75 ST IPSC AUTO PISTOL

Caliber: 40 S&W, 10-shot magazine. **Barrel:** 5.12". **Weight:** 2.9 lbs. **Length:** 9.66" overall. **Stocks:** Checkered walnut. **Sights:** Fully adjustable rear. **Features:** Single-action mechanism; extended slide release and ambidextrous safety; full-length slide rail; double slide serrations. Introduced 1999. Imported from the Czech Republic by CZ-USA.

Price: Dual-tone finish **$1,038.00**

EAA/BAIKAL IZH35 AUTO PISTOL

Caliber: 22 LR, 5-shot magazine. **Barrel:** 6". **Weight:** NA. **Length:** NA. **Grips:** Walnut; fully adjustable right-hand target-style. **Sights:** Fully adjustable rear, blade front; detachable scope mount. **Features:** Hammer-forged target barrel; machined steel receiver; adjustable trigger; manual slide hold back, grip and manual trigger-bar disconnect safeties; cocking indicator. Introduced 2000. Imported from Russia by European American Armory.

Price: Blued finish **$519.00**

E.A.A. WITNESS GOLD TEAM AUTO

Caliber: 9mm Para., 9x21, 38 Super, 40 S&W, 45 ACP. **Barrel:** 5.1". **Weight:** 41.6 oz. **Length:** 9.6" overall. **Stocks:** Checkered walnut, competition style. **Sights:** Square post front, fully adjustable rear. **Features:** Triple-chamber cone compensator; competition SA trigger; extended safety and magazine release; competition hammer; beveled magazine well; beavertail grip. Hand-fitted major components. Hard chrome finish. Match-grade barrel. From E.A.A. Custom Shop. Introduced 1992. From European American Armory.

Price: **$2,150.00**

E.A.A. Witness Silver Team Auto

Similar to the Witness Gold Team except has double-chamber compensator, oval magazine release, black rubber grips, double-dip blue finish. Comes with Super Sight and drilled and tapped for scope mount. Built for the intermediate competition shooter. Introduced 1992. From European American Armory Custom Shop.

Price: 9mm Para., 9x21, 38 Super, 40 S&W, 45 ACP **$968.00**

ENTRÉPRISE TOURNAMENT SHOOTER MODEL I

Caliber: 45 ACP, 10-shot magazine. **Barrel:** 6". **Weight:** 40 oz. **Length:** 8.5" overall. **Stocks:** Black ultra-slim double diamond checkered synthetic. **Sights:** Dovetailed Patridge front, adjustable Competizione "melded" rear. **Features:** Oversized magazine release button; flared magazine well; fully machined parallel slide rails; front and rear slide serrations; serrated top of slide; stainless ramped bull barrel with fully supported chamber; full-length guide rod with plug; stainless firing pin; match extractor; polished ramp; tuned match extractor; black oxide. Introduced 1998. Made in U.S. by Entréprise Arms.

Price: **$2,300.00**

Price: TSMIII (Satin chrome finish, two-piece guide rod) **$2,700.00**

Excel Industries CP-45 Auto Pistol

NEW

Caliber: 45 ACP, 6-shot magazine. **Barrel:** 3-1/4 inches. **Weight:** 31 oz. **Length:** 6-3/8 inches overall. **Grips:** Checkered black nylon. **Sights:** Fully adjustable rear, three-dot; blade front. **Features:** Stainless steel frame and slide; single action with external hammer and firing pin block, manual thumb safety; last-shot hold open. Includes gun lock and cleaning kit. Introduced 2001. Made in U.S. by Excel Industries Inc.

Price: **$425.00**

FREEDOM ARMS MODEL 83 FIELD GRADE SILHOUETTE CLASS

Caliber: 22 LR, 5-shot cylinder. **Barrel:** 10". **Weight:** 63 oz. **Length:** 15.5" overall. **Stocks:** Black Micarta. **Sights:** Removable patridge front blade; Iron Sight Gun Works silhouette rear, click adjustable for windage and elevation (optional adj. front sight and hood). **Features:** Stainless steel, matte finish, manual sliding-bar safety system; dual firing pins, lightened hammer for fast lock time, pre-set trigger stop. Introduced 1991. Made in U.S. by Freedom Arms.

Price: Silhouette Class **$1,765.00**

Price: Extra fitted 22 WMR cylinder **$264.00**

GAUCHER GP SILHOUETTE PISTOL

Caliber: 22 LR, single shot. **Barrel:** 10". **Weight:** 42.3 oz. **Length:** 15.5" overall. **Stocks:** Stained hardwood. **Sights:** Hooded post on ramp front, open rear adjustable for windage and elevation. **Features:** Matte chrome barrel, blued bolt and sights. Other barrel lengths available on special order. Introduced 1991. Imported by Mandall Shooting Supplies.

Price: **$425.00**

HAMMERLI SP 20 TARGET PISTOL

Caliber: 22 LR, 32 S&W. **Barrel:** 4.8". **Weight:** 34.6-41.8 oz. **Length:** 11.8" overall. **Stocks:** Anatomically shaped synthetic Hi-Grip available in five sizes. **Sights:** Integral front in three widths, adjustable rear with changeable notch widths. **Features:** Extremely low-level sight line; anatomically shaped trigger; adjustable UPS buffer system for different recoil characteristics. Receiver available in red, blue, gold, violet or black. Introduced 1998. Imported from Switzerland by SIGARMS, Inc and Hammerli Pistols USA.

Price: ..... **NA**