

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2017-1114-01	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

RECEIVED DATE PUBLICATION DATE

NOV 14 '17

NOV 24 '17

Office of Administrative Law

NOTICE

REGULATIONS

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

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

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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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 Resubmittal of disapproved or withdrawn emergency filing (Gov.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

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

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Sean McCluskie, Chief Deputy Attorney General

For use by Office of Administrative Law (OAL) only

California Code of Regulations
Title 11, Division 5

Chapter 39 Assault Weapons and Large-Capacity Magazines

Article 1. General

§ 5460 Application of Definitions

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

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

NOTICE OF PROPOSED RULEMAKING

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

PUBLIC HEARING

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

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

Resources Building Auditorium
1416 9th Street
Sacramento, California 95814

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

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

WRITTEN COMMENT PERIOD

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

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

AUTHORITY AND REFERENCE

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

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

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

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

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

MANDATED BY FEDERAL LAW OR REGULATIONS

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

OTHER STATUTORY REQUIREMENTS

The proposed regulations are not required by any other statutes.

DISCLOSURES REGARDING THE PROPOSED ACTION

The DOJ has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

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

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

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

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

BUSINESS REPORT

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

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to:

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

The back-up contact person for these inquiries is:

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

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

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

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

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

BENEFITS

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

PURPOSE AND NECESSITY

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

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

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

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

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

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

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

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

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

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

AUTHORITY AND REFERENCE

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

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

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

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

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

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

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

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

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

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

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

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

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

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

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

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

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

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

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

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

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

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



ATF Guidebook - Importation & Verification of Firearms, Ammunition, and Implements of War

Firearms Verification

Firearms Verification Overview

Marking Requirements

Licensed Importer – 18 U.S.C. § 923(i) and 27 CFR § 478.92
26 U.S.C. § 5842 and 27 CFR § 479.102

1. SERIAL NUMBER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame or receiver
- The serial number cannot duplicate the serial number appearing on any other firearm the importer previously imported
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch

2. NAME of MANUFACTURER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the serial number must be to a minimum depth of .003 inch

3. COUNTRY of ORIGIN

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the country of origin must be to a minimum depth of .003 inch

4. MODEL DESIGNATION (If assigned)

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the model designation must be to a minimum depth of .003 inch

5. CALIBER OR GAUGE

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the caliber or gauge must be to a minimum depth of .003 inch

6. NAME of IMPORTER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide

For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the importer's name must be to a minimum depth of .003 inch

7. CITY & STATE of the IMPORTER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the importer's city and state must be to a minimum depth of .003 inch

NOTE: The importer must ensure that these marks of identification appear on each firearm. If the manufacturer did not mark them, the importer must place the required markings on the firearm **within 15 days** after their release from Customs and Border Protection custody. The Director, Bureau of Alcohol, Tobacco, Firearms and Explosives may authorize other means of firearms identification upon receipt of a letter application from the importer, submitted in duplicate, showing that such other means of identification is reasonable and will not hinder the effective administration of the regulations.

Identification of Firearms

MARKING REQUIREMENTS – FIREARMS (27 CFR 478.92)

Sec. 478.92 How must licensed manufacturers and licensed importers identify firearms, armor piercing ammunition?

(a)(1) Firearms. You, as a licensed manufacturer or licensed importer of firearms, must legibly identify each firearm manufactured or imported as follows:

(i) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. For firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch; and

(ii) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered, or removed. For firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .003 inch. The additional information includes:

- (A)** The model, if such designation has been made;
- (B)** The caliber or gauge;
- (C)** Your name (or recognized abbreviation) and also, when applicable, the name of the foreign manufacturer;
- (D)** In the case of a domestically made firearm, the city and State

(or recognized abbreviation thereof) where you as the manufacturer maintain your place of business; and

(E) In the case of an imported firearm, the name of the country in which it was manufactured and the city and State (or recognized abbreviation thereof) where you as the importer maintain your place of business. For additional requirements relating to imported firearms, see Customs regulations at 19 CFR part 134.

(2) Firearm frames or receivers. A firearm frame or receiver that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

(3) Special markings for semiautomatic assault weapons, effective July 5, 1995. In

the case of any semiautomatic assault weapon manufactured after September 13, 1994, you must mark the frame or receiver "**RESTRICTED LAW**

ENFORCEMENT/GOVERNMENT USE ONLY" or, in the case of weapons manufactured for export, "**FOR EXPORT ONLY**," in a manner not susceptible of being readily obliterated, altered, or removed. For weapons manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the special markings prescribed in this paragraph (a)(3) must be to a minimum depth of .003 inch.

NOTE: SECTION 478.92(a)(3) REPEALED ON SEPTEMBER 13, 2004

(4) Exceptions:

(i) **Alternate means of identification.** The Director may authorize other means of identification upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

(ii) **Destructive devices.** In the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of a letter application from you, submitted in duplicate, showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable.

(iii) **Machine guns, silencers, and parts.** Any part defined as a machine gun, firearm muffler, or firearm silencer in Sec. 478.11, that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you, must be identified as required by this section. The Director may authorize other means of identification of parts defined as machine guns other than frames or receivers and parts defined as mufflers or

silencers upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

(5) Measurement of height and depth of markings. The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a)(1)(i) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

(b) Armor piercing ammunition.

(1) Marking of ammunition. Each licensed manufacturer or licensed importer of armor piercing ammunition shall identify such ammunition by means of painting, staining or dyeing the exterior of the projectile with an opaque black coloring. This coloring must completely cover the point of the projectile and at least 50 percent of that portion of the projectile which is visible when the projectile is loaded into a cartridge case.

(2) Labeling of packages. Each licensed manufacturer or licensed importer of armor piercing ammunition shall clearly and conspicuously label each package in which armor piercing ammunition is contained, e.g., each box, carton, case, or other container. The label shall include the words "ARMOR PIERCING" in block letter at least 1/4 inch in height. The lettering shall be located on the exterior surface of the package which contains information concerning the caliber or gauge of the ammunition. There shall also be placed on the same surface of the package in block lettering at least 1/8 inch in height the words "FOR GOVERNMENTAL ENTITIES OR EXPORTATION ONLY." The statements required by this subparagraph shall be on a contrasting background.

(c) Large capacity ammunition feeding devices manufactured after September 13, 1994.

(1) Each person who manufactures or imports any large capacity ammunition feeding device manufactured after September 13, 1994, shall legibly identify each such device with a serial number. Such person may use the same serial number for all large capacity ammunition feeding devices produced.

(i) Additionally, in the case of a domestically made large capacity ammunition feeding device, such device shall be marked with the name, city and State (or recognized abbreviation thereof) of the manufacturer;

(ii) And in the case of an imported large capacity ammunition feeding device, such device shall be marked:

- (A) With the name of the manufacturer, country of origin, and,
- (B) Effective July 5, 1995, the name, city and State (or recognized abbreviation thereof) of the importer.

(iii) Further, large capacity ammunition feeding devices manufactured after September 13, 1994, shall be marked "**RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY**" or, in the case of devices manufactured or imported for export, effective July 5, 1995, "**FOR EXPORT ONLY.**"

(2) All markings required by this paragraph (c) shall be cast, stamped, or engraved on the exterior of the device. In the case of a magazine, the markings shall be placed on the magazine body.

(3) Exceptions -

(i) **Metallic links.** Persons who manufacture or import metallic links for use in the assembly of belted ammunition are only required to place the identification marks prescribed in paragraph (c)(1) on this section on the containers used for the packaging of the links

(ii) **Alternate means of identification.** The Director may authorize other means of identifying large capacity ammunition feeding devices upon receipt of a letter application, in duplicate, from the manufacturer or importer showing that such other identification is reasonable and will not hinder the effective administration of this part

NOTE: SECTION 478.92(c) REPEALED ON SEPTEMBER 13, 2004

MARKING REQUIREMENTS – NFA FIREARMS (27 CFR § 479.102)

Section 479.102 How must firearms be identified?

(a) You, as a manufacturer, importer, or maker of a firearm, must legibly identify the firearm as follows:

(1) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. For firearms manufactured, imported, or made on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch; and

(2) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered or removed. For firearms manufactured, imported, or made on and after January 30, 2002, the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .003 inch. The additional information includes:

- (i) The model, if such designation has been made;
- (ii) The caliber or gauge;
- (iii) Your name (or recognized abbreviation) and also, when applicable, the same of the foreign manufacturer or maker;
- (iv) In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where you as the manufacturer maintain your place of business, or where you, as the maker, made the firearm; and
- (v) In the case of an imported firearm, the name of the country in which it was manufactured and the city and State (or recognized abbreviation thereof) where you as the importer maintain your place of business. For additional requirements relating to imported firearms, see Customs regulations at 19 CFR part 134.

(b) The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a) (1) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

(c) The Director may authorize other means of identification upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

(d) In the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of a letter application from you, submitted in duplicate, showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable.

(e) A firearm frame or receiver that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

(f)(1) Any part defined as a machine gun, muffler, or silencer for the purposes of this part that is not a component part of a complete firearm at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

(2) The Director may authorize other means of identification of parts defined as machine guns other than frames or receivers and parts defined as mufflers or silencers upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

ATF Rulings

ATF Ruling 2002-6

The Bureau of Alcohol, Tobacco and Firearms (ATF) has been asked by State and local law enforcement officials to trace firearms that are marked, in part, with non-Roman letters and/or non-Arabic numbers. Specifically, ATF received a request to trace a Makarov type pistol made in Bulgaria. The original manufacturer marking was IM 18 355. Because the importer did not stamp the firearm with a unique identifier that could be recognized by either ATF or a State or

local law enforcement official, and because the marking contained a Cyrillic character, the firearm was not properly recorded, resulting in a failed trace of the weapon.

Because markings with non-Roman characters or non-Arabic are not easily recorded or transmitted through means by importers, dealers, or distributors, many firearm traces have proved unsuccessful. In some cases, an importer attempts to translate portions of the markings into Roman letters and Arabic numbers and re-marks the weapon with the serial number ДМ7639И. The importer translated the marking as LM7639i but rather than restamp the entire number merely added the letters "L" and "i" below the original markings. This practice often results in failed traces because those required to record the markings (importers, dealers, or distributors) may record only the translated portions or both sets of markings. Moreover, law enforcement recovering a firearm with such markings may submit a trace request lacking some portion of the markings, further impeding efforts to successfully trace the firearm.

In addition, ATF has found that some traces have failed because the required markings on the firearms barrel were wholly partially obstructed from plain view by a flash suppressor or bayonet mount, resulting in the Federal Firearms Licensee creating an inaccurate record. ATF has been unable to trace hundreds of firearms as a result of nonstandard or obscured markings.

As a result of these practices, some licensed importers may not be in compliance with the marking requirements set forth in **27 CFR 178.92*** and **27 CFR 179.102*** because they have marked using non-Roman letters (such as Greek or Russian letters, Δ or Д) or non-Arabic numbers (e.g., XXV).

The above regulations require markings that legibly identify each item or package and require that such markings be conspicuous. ATF has consistently taken the position that "legibly" marked means using exclusively Roman letters, (A, a, B, b, C, c, and so forth) and "conspicuous" means that all required markings must be placed in such a manner as to be wholly unobstructed from plain view. These regulations apply to licensed manufacturers and licensed importers relative to firearms, armor piercing ammunition, and large capacity ammunition feeding devices, and to makers of National Firearms Act firearms.

Firearms, armor piercing ammunition and large capacity ammunition feeding devices which contain required markings or labels using non-Roman letters (such as Greek or Russian letters, Δ or Д) or non-Arabic letter (e.g., XXV), must be completely remarked or relabeled with a new serial number or other required markings that satisfy the legibility requirements described above. It is not sufficient to simply add an additional Roman letter or Arabic numeral to a nonconforming marking; a new and unique marking using Roman letters and Arabic numerals is required. When feasible, the new markings should be placed directly above the non-compliant markings.

Similarly, firearms and large capacity ammunition feeding devices which contain required markings obstructed in whole or in part from plain view must be remarked with required markings that satisfy the conspicuousness requirements described above. For example, required markings may not be placed on a portion of the barrel where the markings would be wholly or partially obstructed from view by another part of the firearm, such as a flash suppressor or bayonet mount.

In certain unavoidable circumstances owing mainly to firearms of unusual design or other limiting factor(s) which would limit the ability of the manufacturer or importer to comply with the above legibility and conspicuousness requirements, alternate means of identification may be authorized as described in **27 CFR 178.92(a)(3)(i), (ii), or (iii)*** and **27 CFR 178.92(c)(3)(iii)***.

Held, a Makarov type pistol imported from Bulgaria utilizing Cyrillic letters or non-Arabic numbers is not marked in accordance with **27 CFR 178.92*** and **27 CFR 179.102***.

Held further, an imported firearm with any part of the required marking partially or wholly obstructed from plain view is not marked in accordance with section **27 CFR 178.92*** and **27 CFR 179.102***.

Date signed: November 5, 2002

* New provisions are under Parts 478 and 479, not 178 and 179.

Firearms Verification - Marking Requirements

ATF Ruling 75-28

The Bureau has determined that in some cases, the serial number placed on a firearm by a foreign manufacturer is adequate to provide the identification number by **27 CFR § 178.92***. See also **27 CFR § 178.22(a)***.

Held, where a serial number has been placed on the frame or receiver of a firearm by a foreign manufacturer in the manner contemplated by **27 CFR § 178.92***, and such serial number does not duplicate a number previously adopted or assigned by the import to any other firearm, the importer may adopt the serial number of the foreign manufacturer.

Provided, the importer shall in all cases place his name and address (city and state or recognized abbreviation thereof), and any other marks necessary to comply with the identification requirements of **27 CFR § 178.92***, on such imported firearms.

* New provisions are under Parts 478 and 479, not 178 and 179.

Firearms Verification - Marking Requirements

Industry Circular

Industry Circular 77-20

DUPLICATION OF SERIAL NUMBERS BY LICENSED IMPORTERS

ATF has noted cases where some licensed importers have adopted the same serial number for more than one firearm. These instances of duplication have generally occurred when firearms are received from more than one source.

Title 27 CFR § 178.92* requires that the serial number affixed to a firearm must not duplicate the number affixed to any other firearm that you import into the United States. Those of you who import destructive devices are under the same requirement due to the inclusion of destructive devices in the definition of firearm as used in **27 CFR § 178.11***. **ATF Ruling 75-28** also reminds you of the other identifying marks required by **27 CFR § 178.92***. In addition to a unique serial number, each firearm must be marked to show the model (if any); the caliber or gauge; the name of the manufacturer and importer, or recognizable abbreviations; the country of manufacture; and the city and State (or recognized abbreviations) in which your licensed premises are located.

NOTE: All cited references to regulation and statutes in the foregoing ATF rulings and industry circular use identifiers and section indicators in effect at the time the rulings and industry circular were approved. On January 24, 2003, ATF was part of a reorganization of government which placed it under the Department of Justice (DOJ). This transition resulted in certain changes within the numbering system and identification of ATF's regulations now issued and referenced under the authority of DOJ.

* New provision us under Part 478, not 178.

 [ATF Internet](#)

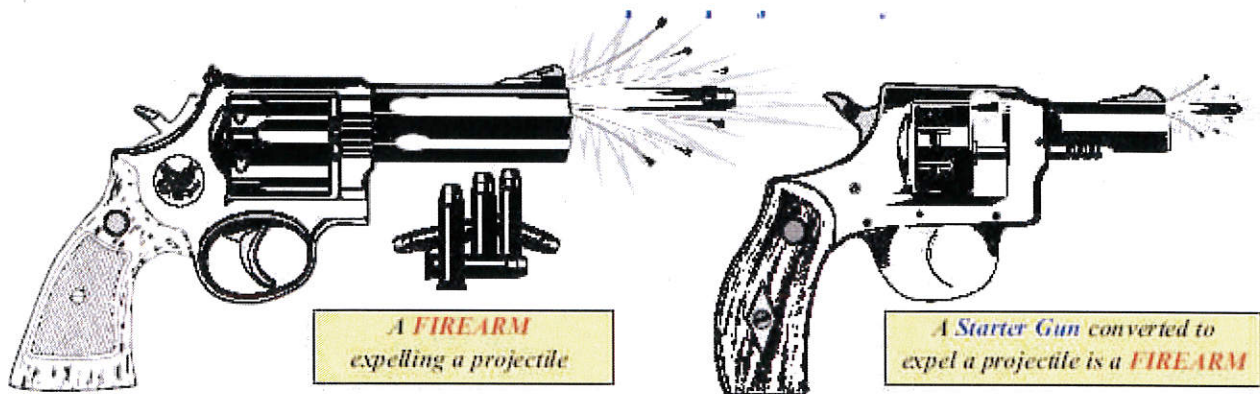
Firearm

18 U.S.C., § 921(a)(3)

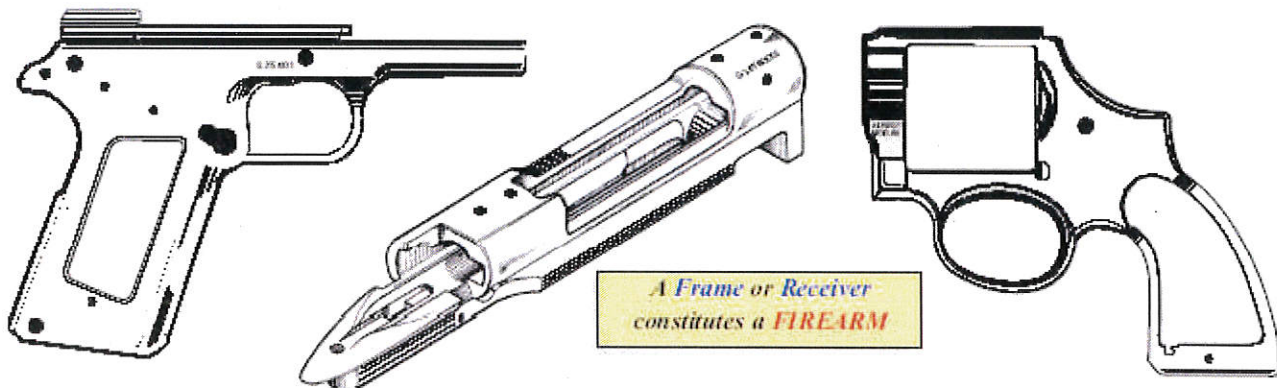
NOTE: This section is intended to provide basic guidance in understanding firearm terminology. Please bear in mind that these illustrations do not necessarily depict importable firearms.

The term "FIREARM" means:

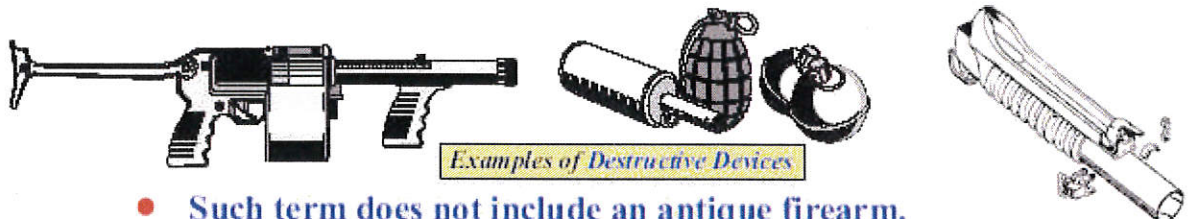
- A. Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;



- B. The frame or receiver of any such weapon;



- C. Any firearm muffler or firearm silencer; or



- Such term does not include an antique firearm.

- D. Any destructive device.

Firearm Frame or Receiver

That part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel. **27 CFR § 478.11.**

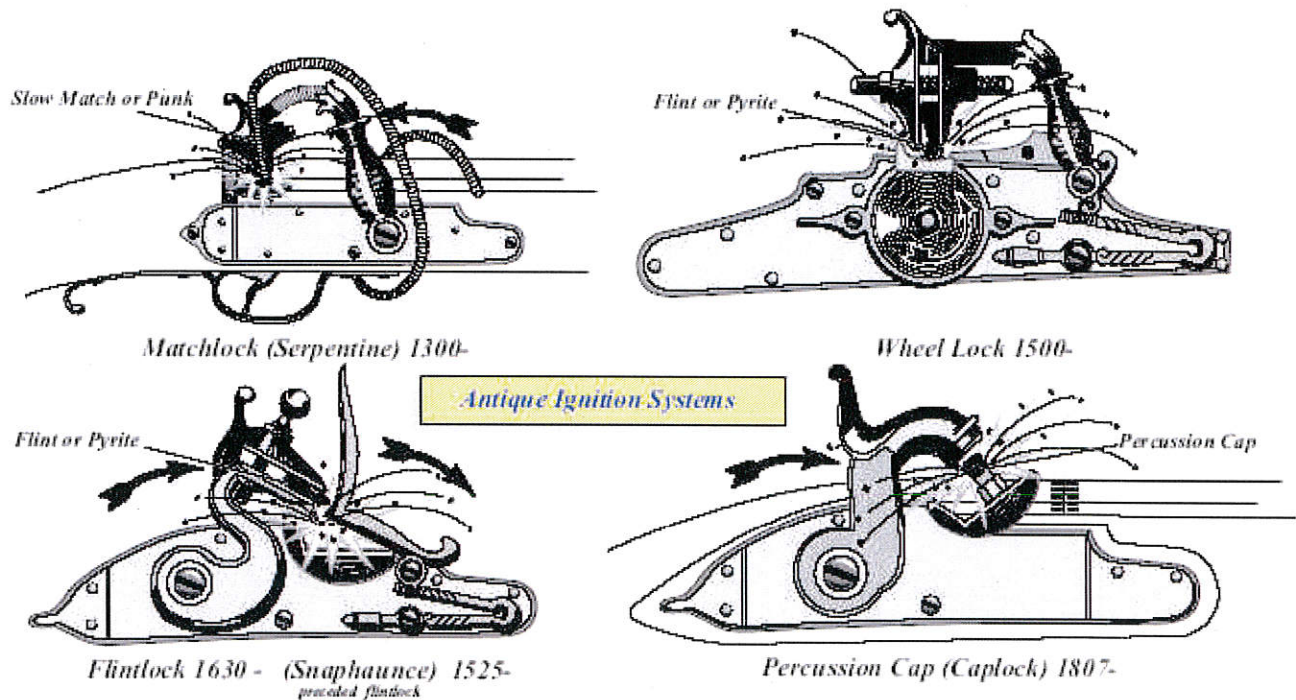
 [ATF Internet](#)

Antique Firearm

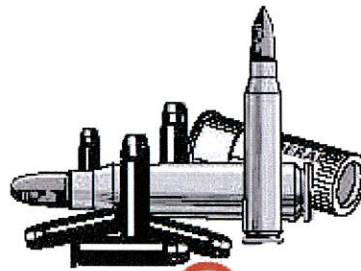
18 U.S.C. § 921(a)(16)

The term "ANTIQUE FIREARM" means:

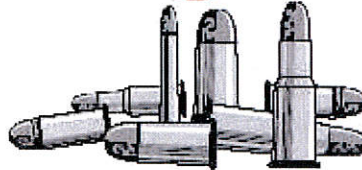
- A. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and



- B. Any replica of any firearm described in subparagraph (A) if such replica
- is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or
 - uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

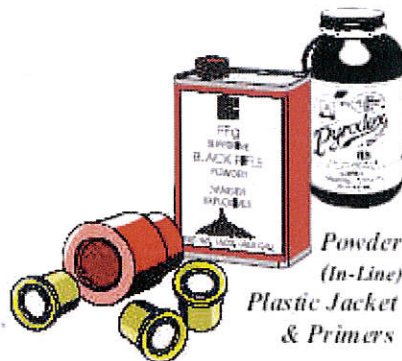


Conventional Ammunition



Ammunition not readily available
(This list is updated frequently due to changing availability)

- C. Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term antique firearm shall not include any weapon which includes a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination thereof.

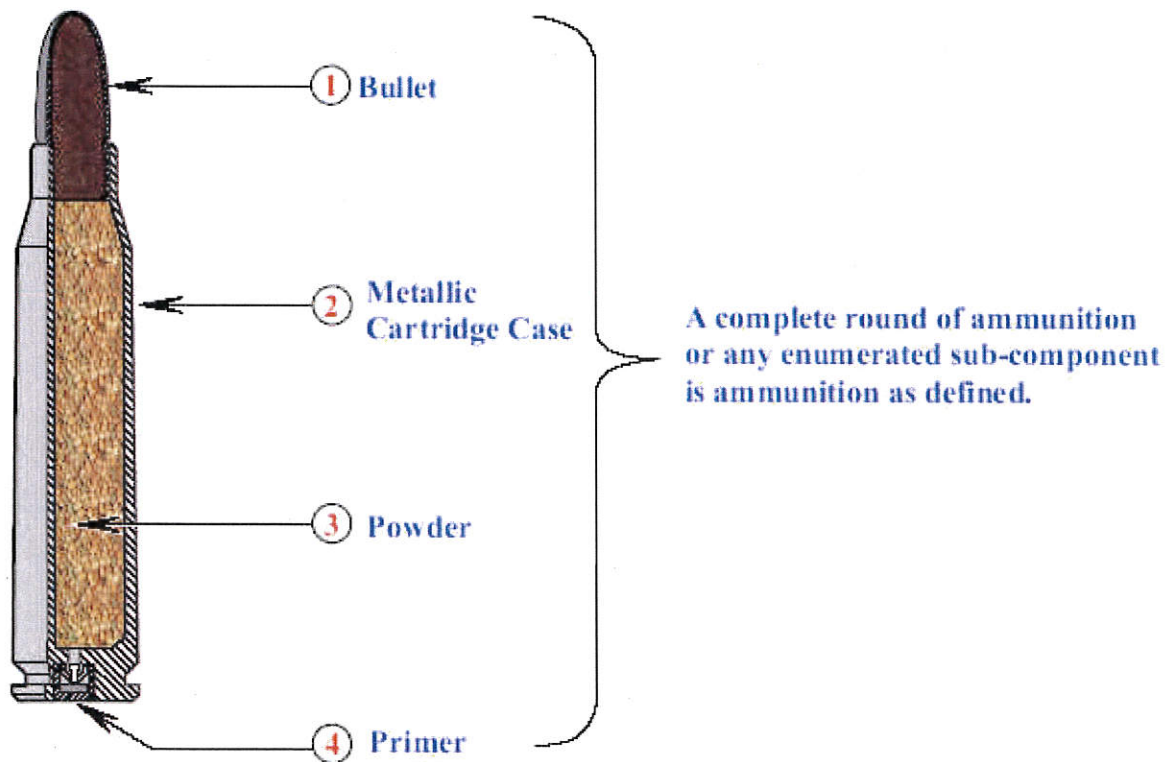


Ammunition

18 U.S.C. § 921(a)(17)(A)

The term "AMMUNITION" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

The term shall not include (a) any shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing, nor (b) any unloaded, non-metallic shotgun hull or casing not having a primer. **27 CFR § 478.11**



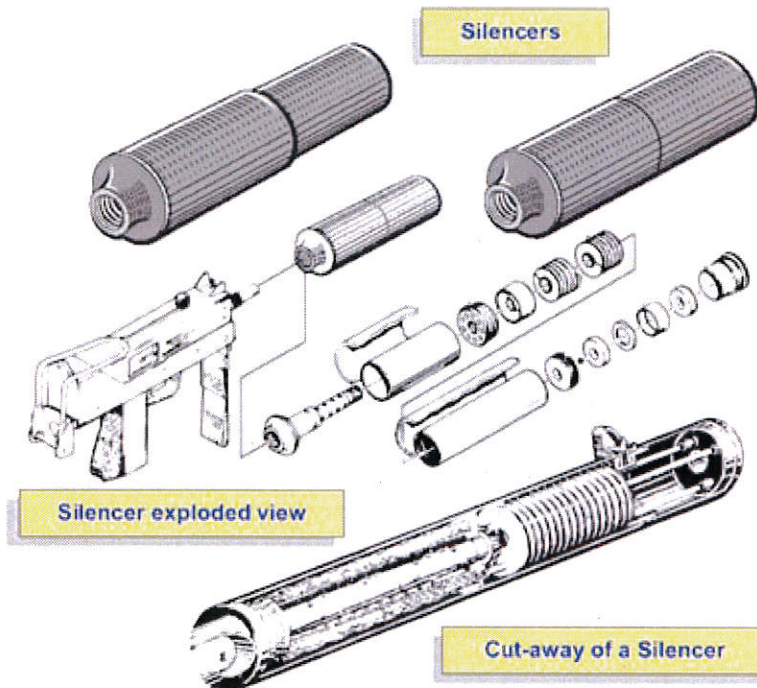
Armor piercing ammunition – 18 U.S.C., § 921(a)(17)(B)

- A projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or
- A full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

The term "**armor piercing ammunition**" does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.

Silencer

18 U.S.C. § 921(a)(24)



The term "FIREARM SILENCER " or "FIREARM MUFFLER" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, any part intended only for use in such assembly or fabrication.

NOTE: Any device that meets the definition as stipulated above in 18 U.S.C. § 921(a)(24) is also subject to controls of the National Firearms Act 26 U.S.C., Chapter 53.

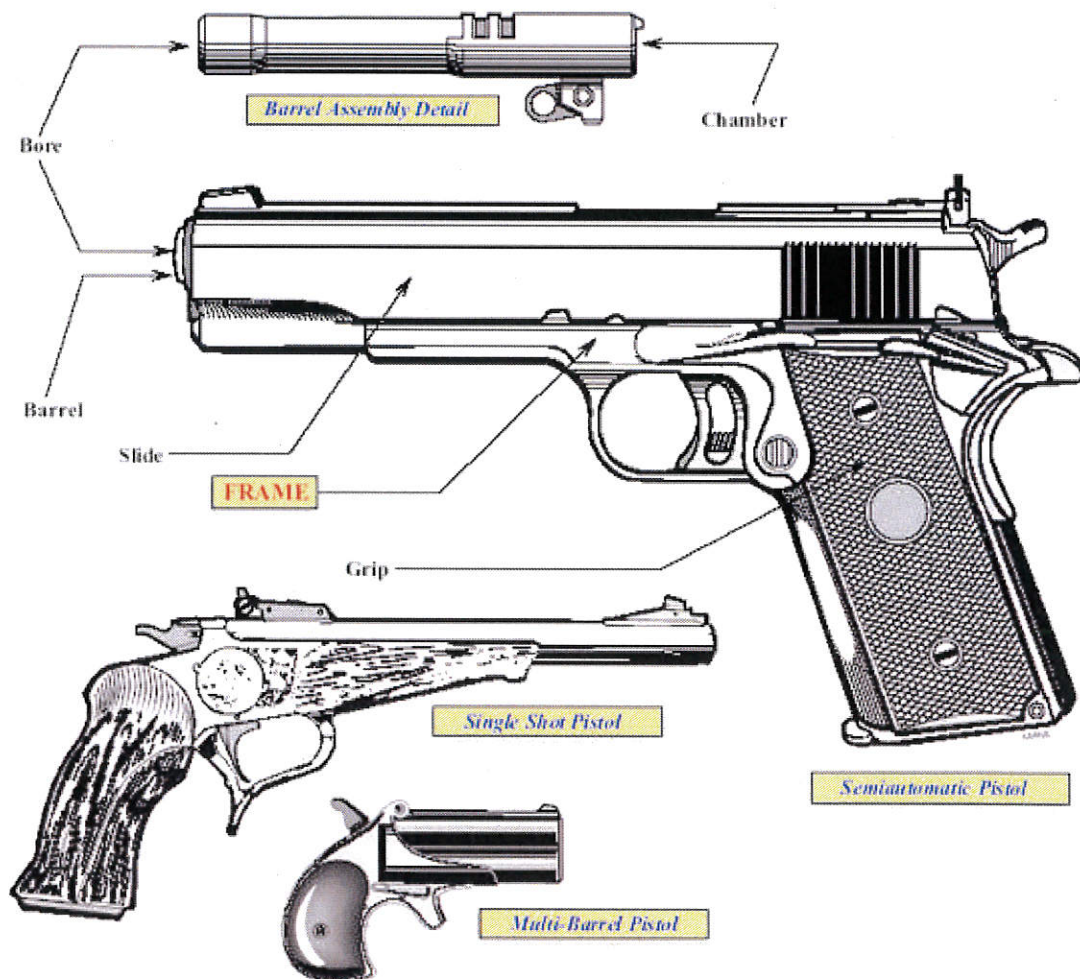
Pistol

18 U.S.C. § 921 (a)(29) And 27 CFR § 478.11

The term "PISTOL" means a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having:

- a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s);
- and a short stock designed to be gripped by one hand at an angle to and extending below the line of the bore(s).

NOTE: This illustration shows the primary characteristics exhibited in the pistol category. Since pistol configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration, but not necessarily all components shown will be incorporated in any given design.

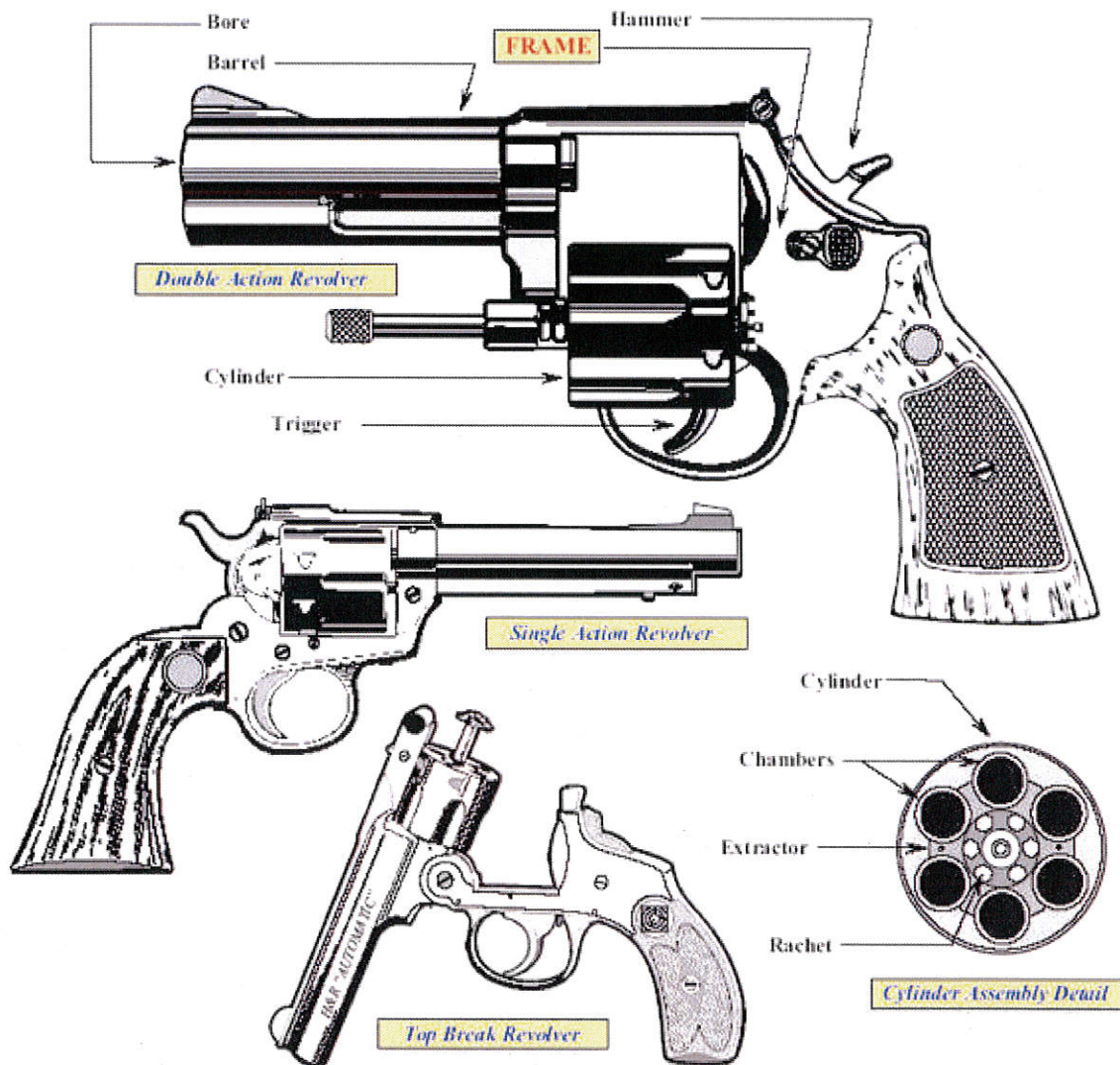


Revolver

18 U.S.C. § 921 (a)(29) And 27 CFR § 478.11

The term "REVOLVER" means a projectile weapon of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

NOTE: This illustration shows the primary characteristics exhibited in the revolver category. Since revolver configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.

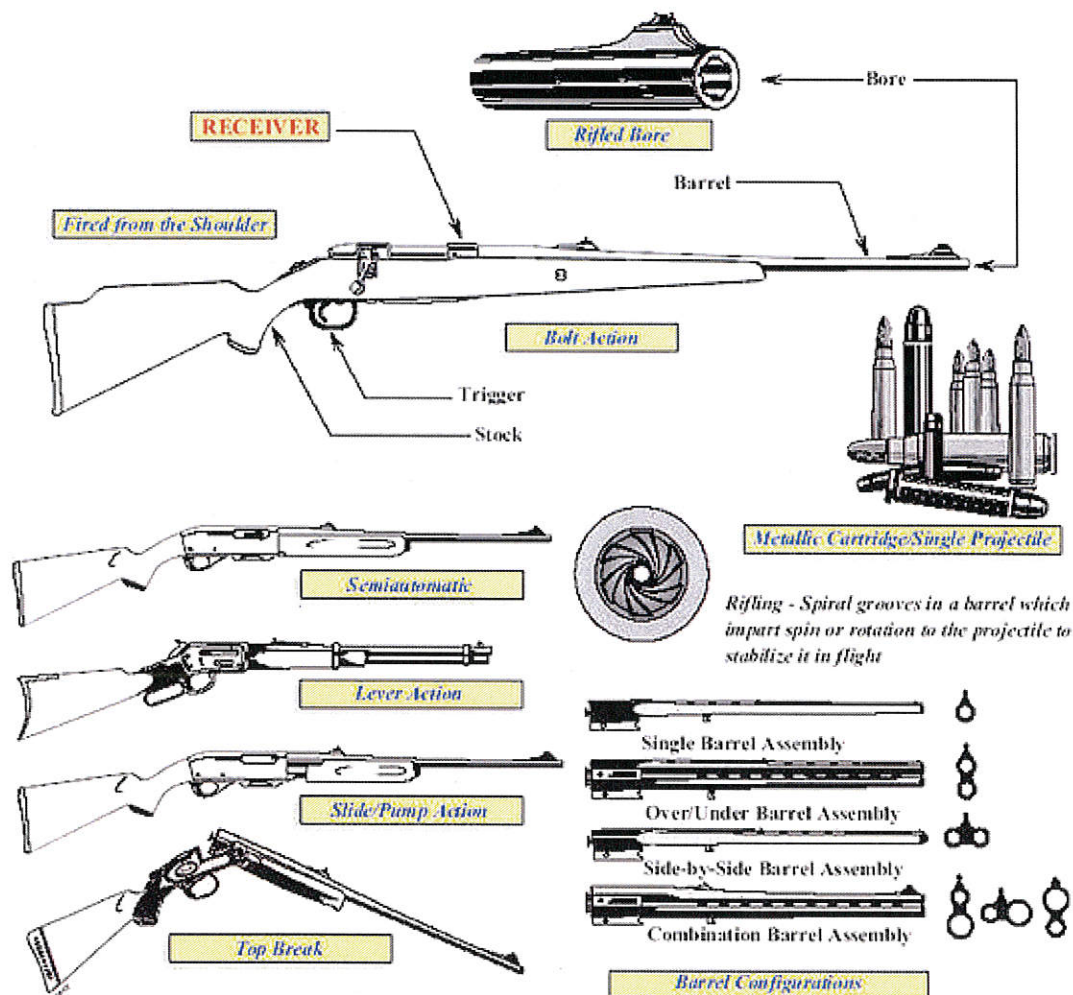


Rifle

18 U.S.C. § 921 (a)(7) And 27 CFR § 478.11

The term "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 metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

NOTE: This illustration shows the primary characteristics exhibited in the rifle category. Since rifle configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.

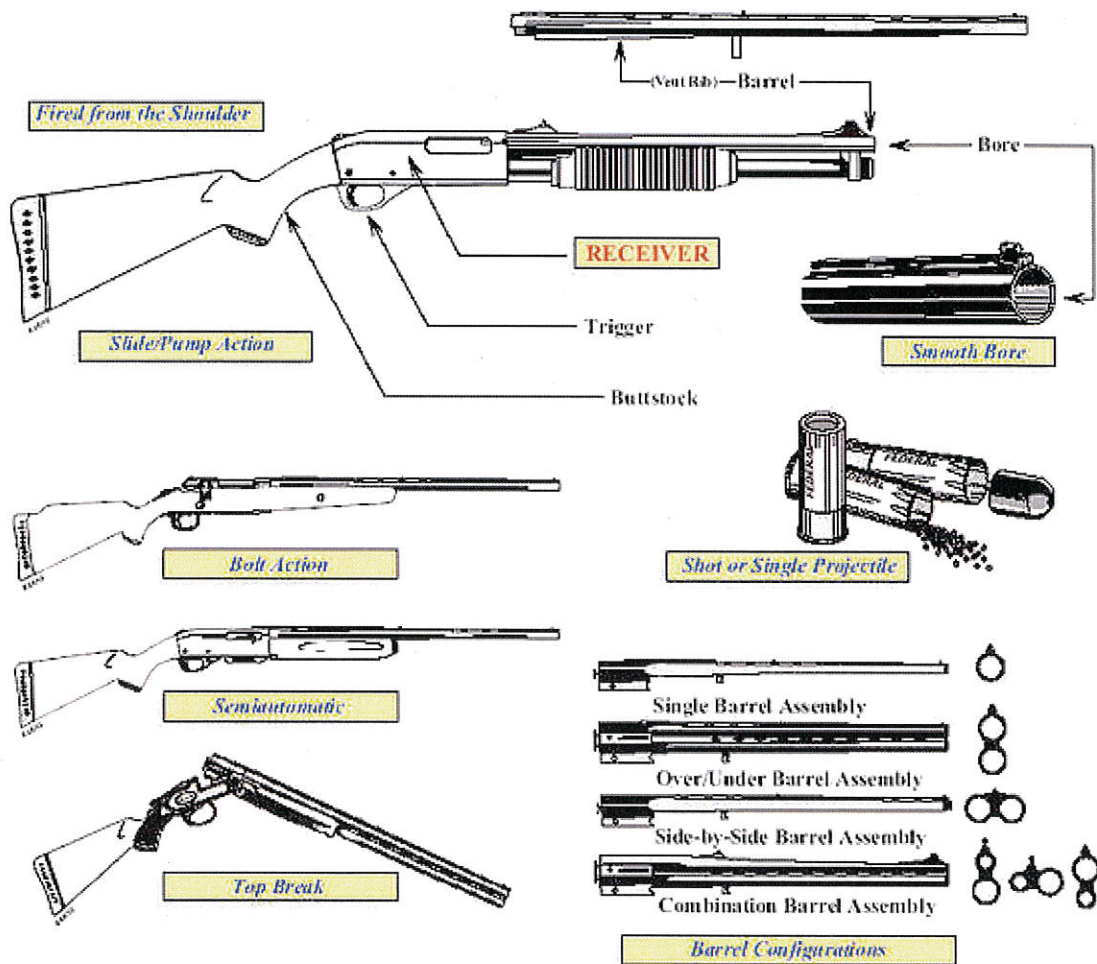


Shotgun

18 U.S.C. § 921 (a)(5) And 27 CFR § 478.11

The term "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 ball shot or a single projectile for each single pull of the trigger.

NOTE: This illustration shows the primary characteristics exhibited in the shotgun category. Since shotgun configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.

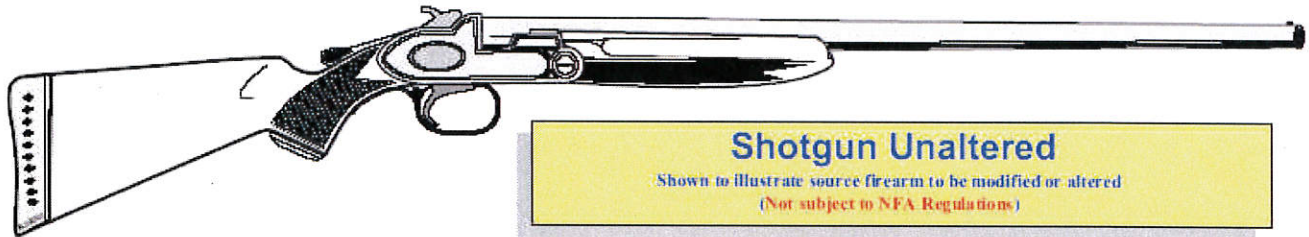


Firearm

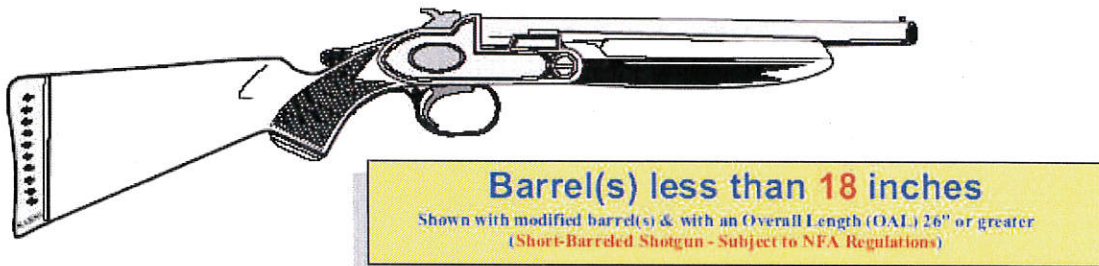
26 U.S.C. Chapter 53

For the purposes of the National Firearms Act, the following definitions are used to define and verify the different types of firearms:

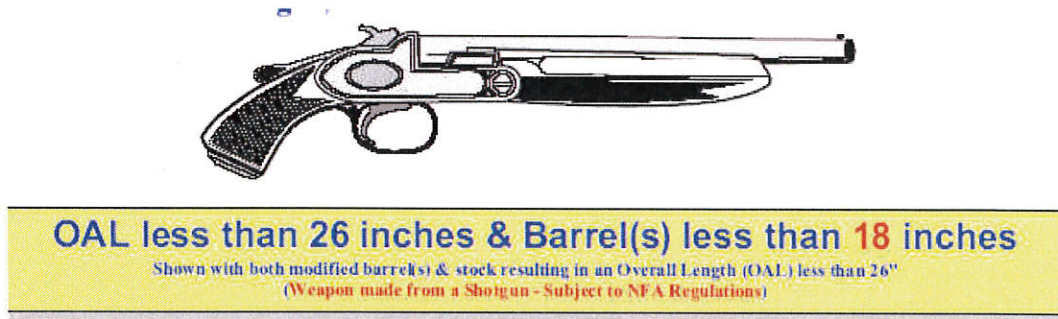
§ 5845(d) – The term "SHOTGUN" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.



§ 5845(a)(1) – The term "FIREARM" means a shotgun having a barrel or barrels of less than 18 inches in length;



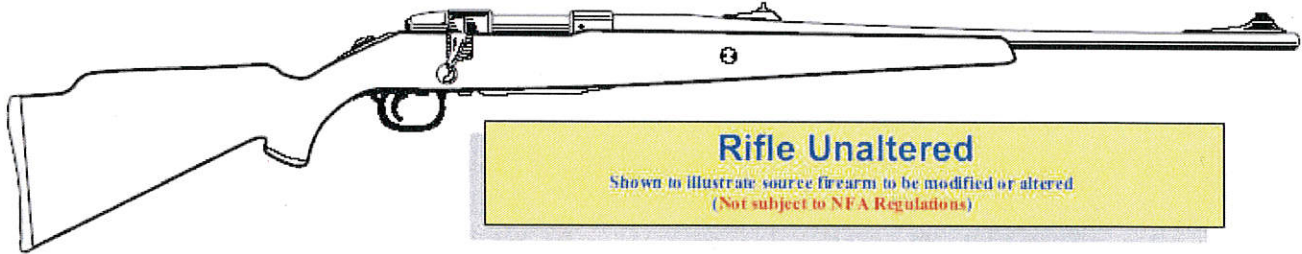
§ 5845(a)(2) – The term "FIREARM" means a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;



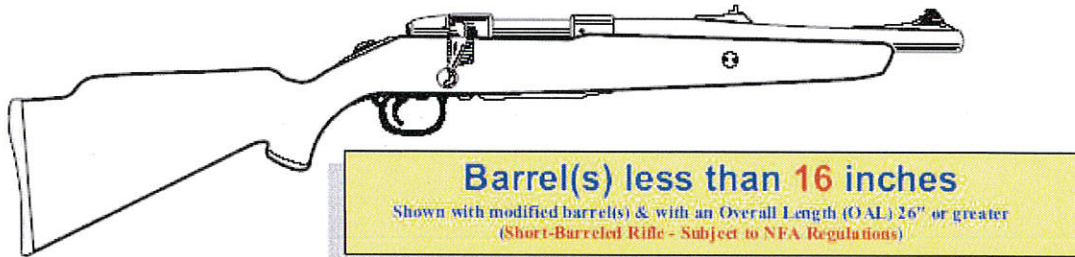
Rifle– 26 U.S.C., § 5485(a)

For the purposes of the National Firearms Act, the following definitions are used to define and verify the different types of firearms:

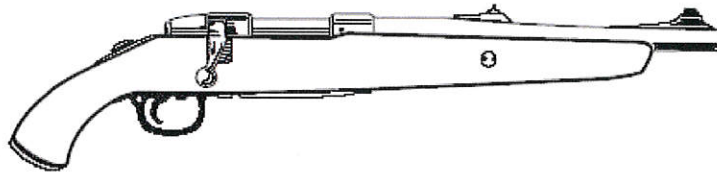
§ 5845(c) – The term "RIFLE" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.



§ 5845(a)(3) – The term "FIREARM" means a rifle having a barrel or barrels of less than 16 inches in length;

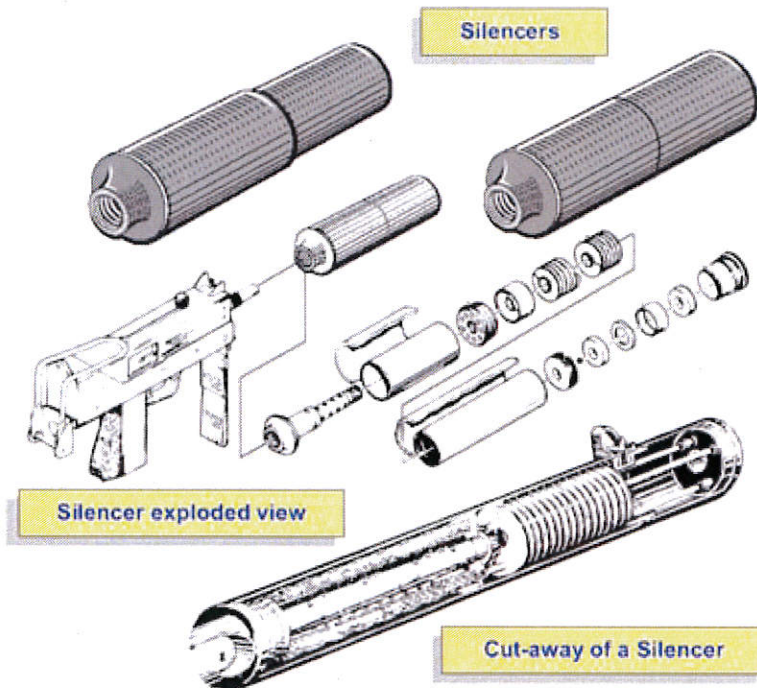


§ 5845(a)(4) – The term "FIREARM" means a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;



Silencer

26 U.S.C. § 5845(a)(7)



For the purposes of the National Firearms Act the term Silencer is defined in 18 U.S.C. § 921(a)(24)

The term "FIREARM SILENCER " or "FIREARM MUFFLER" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, any part intended only for use in such assembly or fabrication.

NOTE: Any device that meets the definition as stipulated above in 18 U.S.C. § 921(a)(24) is also subject to controls as defined in the National Firearms Act, 26 U.S.C., Chapter 53.

Machinegun

26 U.S.C. § 5845(b)



For the purposes of the National Firearms Act the term

Machinegun means:

- Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger
- The frame or receiver of any such weapon
- Any part designed and intended solely and exclusively or combination of parts designed and intended for use in converting a weapon into a machinegun, or
- Any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

NOTE: Due to the similarity in appearance and general configuration of semiautomatic firearms, a comprehensive examination of the firearm and/or its component parts is required to correctly determine its classification.

Any Other Weapon

26 U.S.C. § 5845(e)

For the purposes of the National Firearms Act, the term "ANY OTHER WEAPON " means:

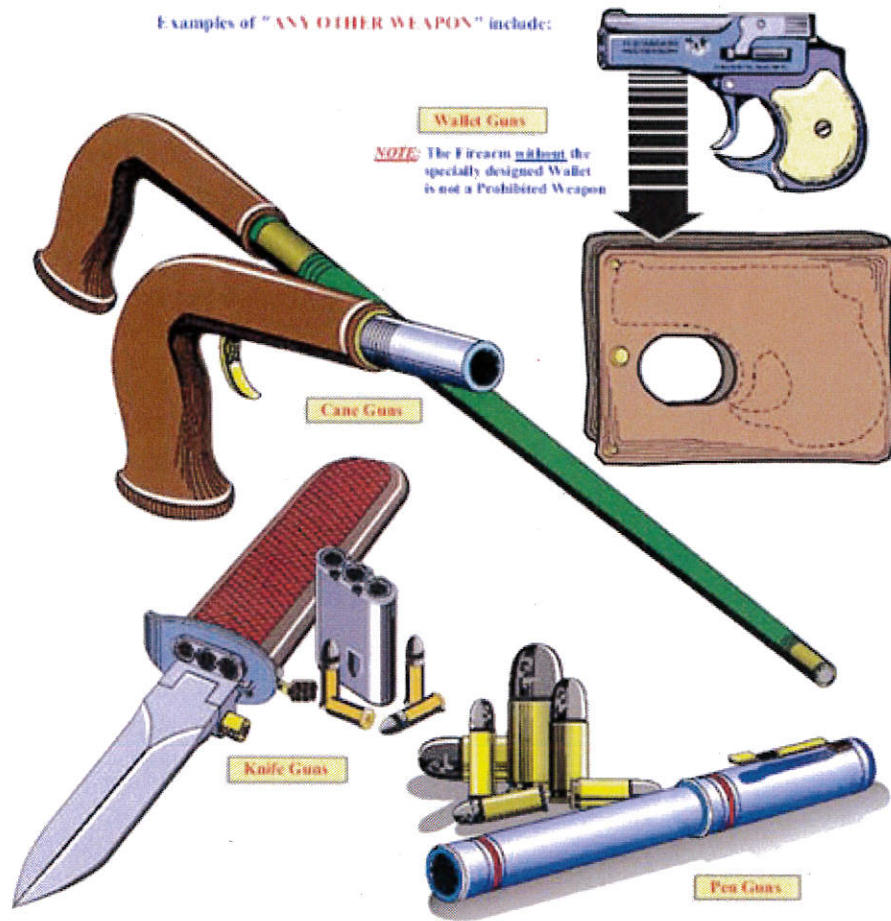
- Any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive;
- A pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell;
- Weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading; and
- Any such weapon which may be readily restored to fire.

Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

Examples of "ANY OTHER WEAPON" include:

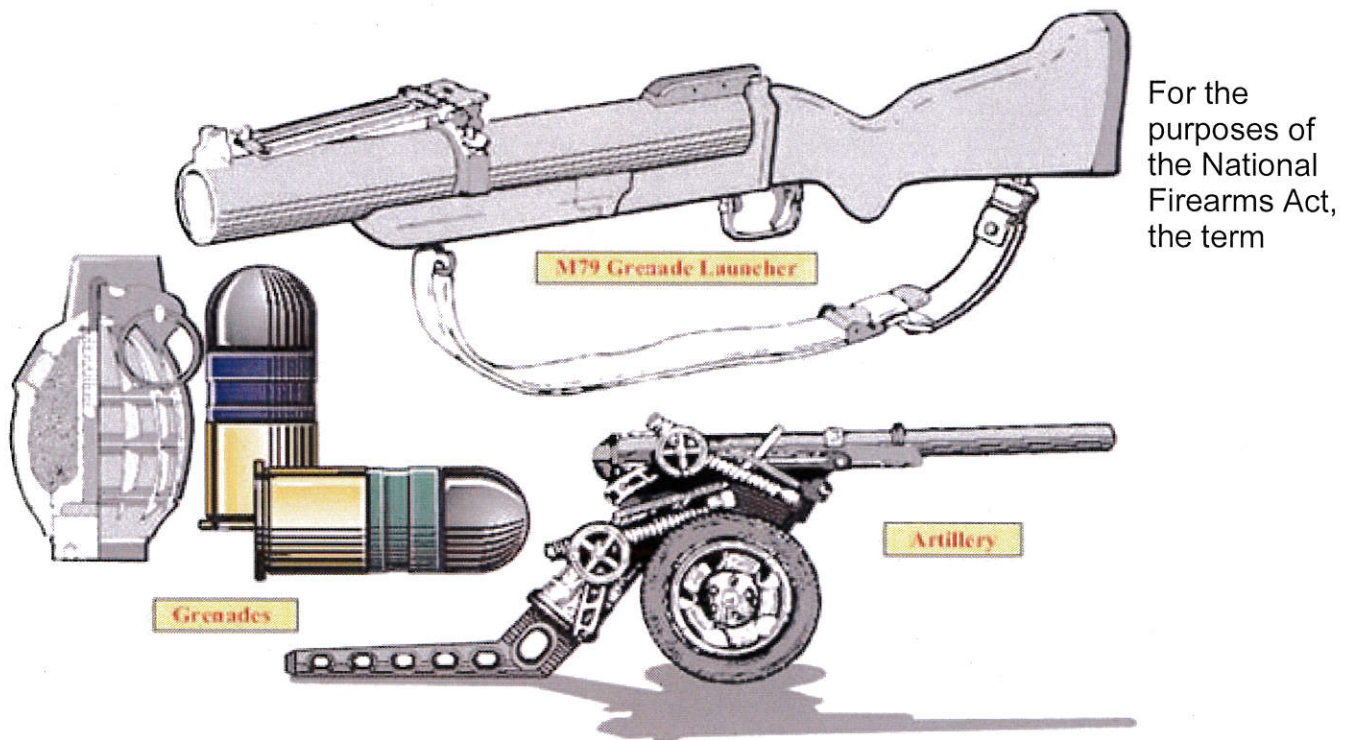


Examples of "ANY OTHER WEAPON" include:



Destructive Device

26 U.S.C. § 5845(f)



"DESTRUCTIVE DEVICE" means:

- A missile having an explosive or incendiary charge of more than 1/4 oz.
- Any type of weapon by whatever name known which will, or which may readily be converted to expel a projectile, by the action of an explosive or other propellant, the barrel or barrels of which have a bore greater than one-half inch in diameter.
- A combination of parts designed and intended for use in converting a device into a destructive device and from which a destructive device can be readily assembled.

Exemptions:

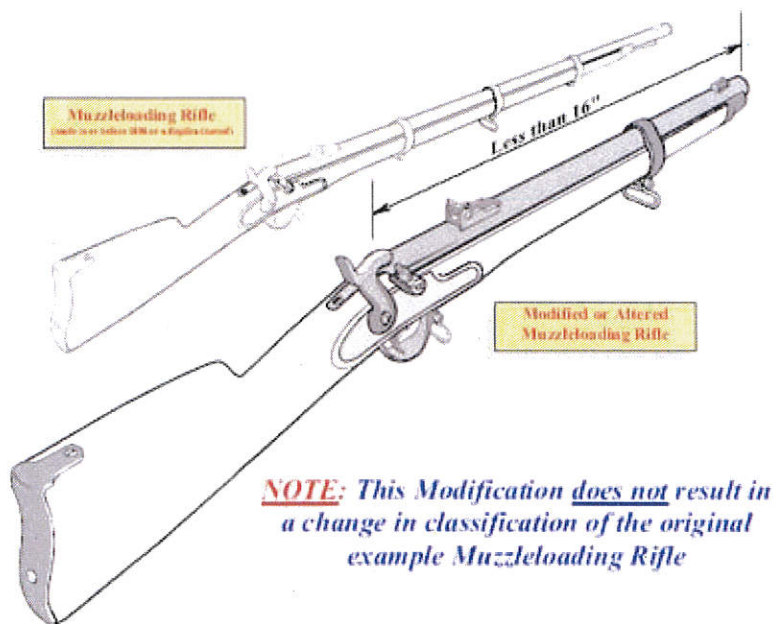
- A shotgun or shotgun shell which is determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes.
- a device which is neither designed nor redesigned for use as a weapon,
- a device which is designed or redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device,
- surplus ordnance sold, loaded, or given by the Secretary of the Army pursuant to law such as antique, obsolete bronze or iron cannon,
- a device which the Attorney General determines is not likely to be used as a weapon.
- An antique firearm, or
- a rifle which the owner intended to use solely for sporting purposes.

Antique Firearm

26 U.S.C. § 5845(g)

For the purposes of the National Firearms Act, the term "ANTIQUE FIREARM" means any firearm not intended or redesigned for using rim fire 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.

Examples of "ANTIQUE WEAPONS" include:

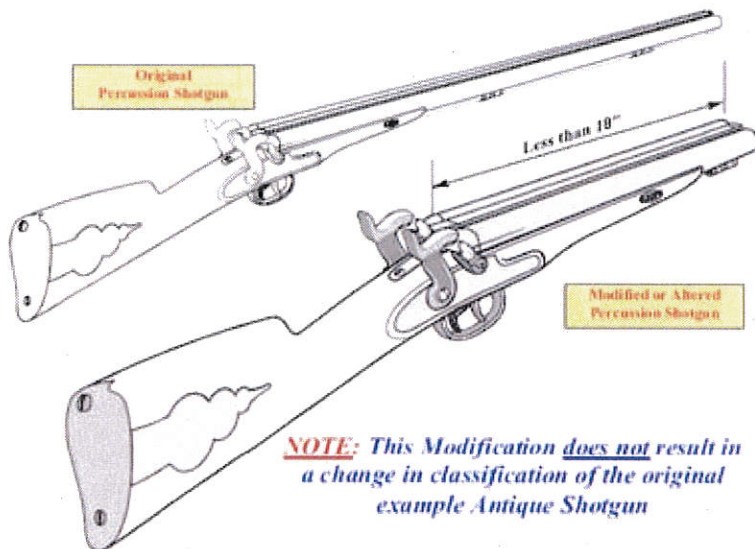


1. Muzzleloading Rifle (made in or before 1898 or a Replica thereof)

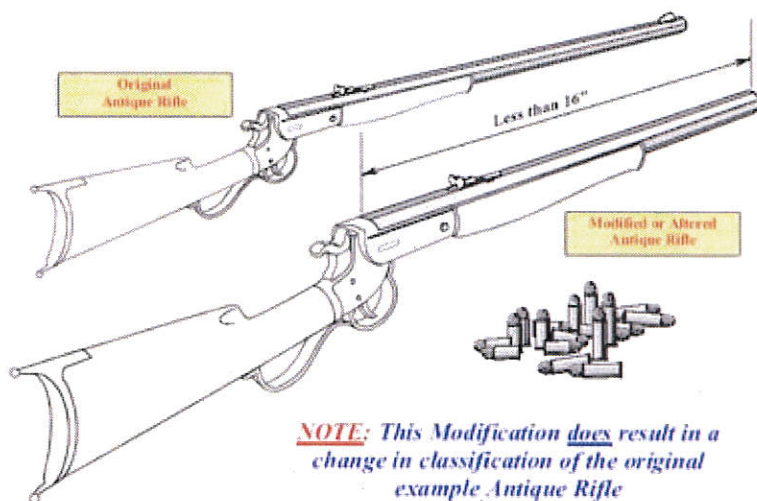
- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches and/or an overall length less than 26 inches, it is not subject to NFA regulations governing those dimensions because it employs a primitive ignition system identified as an exempting characteristic.

2. Original Percussion Shotgun

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 18 inches and/or an overall length less than 26 inches, it is not



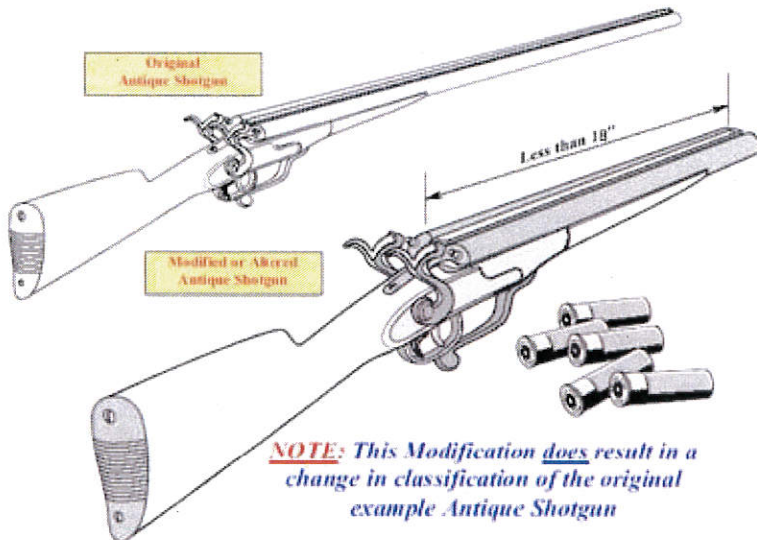
subject to NFA regulations governing those dimensions because it employs a primitive ignition system identified as an exempting characteristic.



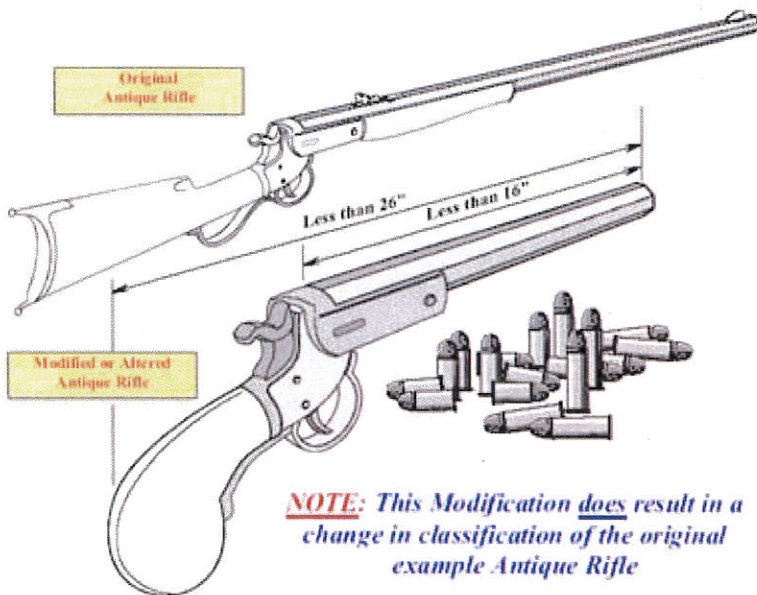
3. Original Antique Rifle

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "Short-barreled Shotgun" and therefore all NFA regulations apply.

4. Original Antique Shotgun



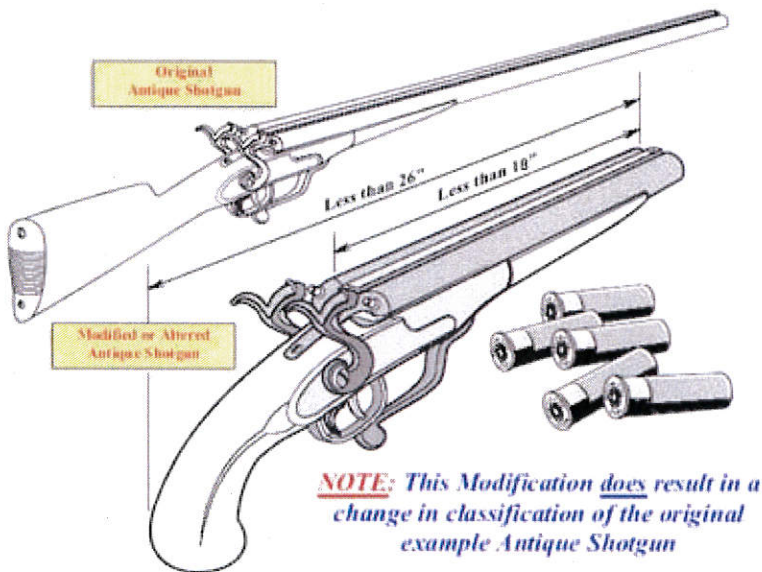
- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 18 inches, it is subject to NFA regulations governing minimum dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "short-barreled Shotgun" and therefore all NFA regulations.



5. Original Antique Rifle

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches and is less than 16 inches in overall length, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be

classified as a "Weapon made from a Rifle" and therefore all NFA regulations apply.



6. Original Antique Shotgun

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 18 inches and is less than 16 inches in overall length, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "Weapon made from a Rifle" and therefore all NFA regulations apply.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Justice	CONTACT PERSON Jacqueline Dosch	EMAIL ADDRESS awdefinitions@doj.ca.gov	TELEPHONE NUMBER 916-227-5419
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Bullet-Button Assault Weapon Definitions			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

The proposed regulatory action will clarify ambiguities in the identification of assault weapons and will not have any negative fiscal impacts.

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.

If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: ☐ Statewide
☐ Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☒ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements.
Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ _____4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?
- ☐
- YES
- ☐
- NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.**California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.*

1. Will the estimated costs of this regulation to California business enterprises
- exceed \$10 million**
- ?
- ☐
- YES
- ☒
- NO

*If YES, complete E2. and E3.**If NO, skip to E4*

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____
- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☐ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☒ 4. Other. Explain The proposed regulatory action will clarify ambiguities in the identification of assault weapons and will not have any negative fiscal impacts.**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE



DATE

10-16-17

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY



DATE

11/13/17

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE