

PUBLIC COMMENTS AND DEPARTMENT OF JUSTICE RESPONSES

#	Summarized Comment	DOJ Response
1.	General opposition to the Assault Weapon Definition regulations.	We received a number of non-specific, generalized comments in opposition to the assault weapon definition regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.
2.	<p>a. Criminals and/or those who are mentally ill do not follow the laws so these new laws will only affect law-abiding citizens. These laws will not lower crime or prevent shootings.</p> <p>b. Do not criminalize law-abiding citizens who possess firearms as a hobby, for hunting, to use in competitions, or for self-defense purposes.</p> <p>c. These regulations are being used to discriminate against gun owners and are unnecessarily burdensome to law-abiding gun owners.</p>	No change has been made in response to these comments because these are generalized comments in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.

#	Summarized Comment	DOJ Response
3.	<p>a. The Assault Weapon Definition regulations infringe on Second Amendment and/or other Constitutional rights.</p> <p>b. These regulations are unconstitutional because it is beyond the power of the DOJ to issue them and feels like the existing regulations were illegally adopted. The regs are overstepping and overreaching.</p>	<p>a. No change has been made in response to these comments because these are generalized comments in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.</p> <p>b. The Department rejects this comment. No change has been made to the regulation in response to this comment because Penal Code section 30520, subdivision (c) gives the Department 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 Penal Code, entitled “Assault Weapons and .50 BMG Rifles.” This chapter contains the statutory provisions restricting the possession, sale, and use of assault weapons, and Penal Code section 30515 falls within this chapter.</p>
4.	<p>a. There should be fewer regulations not more, and the government should work on enforcing current laws, not creating new ones. Prosecute the offenders.</p> <p>b. Government works for the people, not against them. Government should be focusing on preventing mass shootings rather than creating regulations.</p> <p>c. More regulations result in making the public less safe. If the intent is to prevent gun violence, then introduce regulations focused on education and common sense gun safety.</p> <p>d. We need stricter penalties on criminals.</p> <p>e. The regulations are confusing, complicated and complex. You should not need an attorney to understand the laws.</p>	<p>No change has been made in response to these comments because these are generalized comments in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.</p>

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5.	<p>a. The writers of the regulations have a lack of knowledge about the subject matter and do not know what they are talking about.</p> <p>b. These regulations have come into being because government employees are trying to make work to justify their employment.</p> <p>c. The regulations lack scope and do not make a fair assessment of the impact. The regulations are unnecessary and overbearing.</p>	<p>No change has been made in response to these comments because these are generalized comments in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.</p>
6.	<p>a. General comments regarding “assault weapons” and how they are defined.</p> <p>b. What is an assault weapon?</p> <p>c. What is categorized as an assault weapon? Any item that exists can be used as an assault weapon.</p> <p>d. “Assault weapon” is an ambiguous term.</p> <p>e. An assault weapon is fully automatic, but its definition should not include a semiautomatic firearm.</p> <p>f. Redefining “assault weapon” will not promote increased safety for Americans.</p> <p>g. There is no such thing as an assault weapon. There is no such thing as an assault weapon in military inventory.</p> <p>h. You should not ban assault weapons based on looks.</p>	<p>No change has been made in response to these comments because the Department determines that these comments object to the underlying statute rather than to the way the agency proposes to interpret it.</p>

#	Summarized Comment	DOJ Response
7.	<p>a. General opposition and dissatisfaction towards DOJ because commenters believe laws are being passed without the approval of the public or proper democratic procedures.</p> <p>b. DOJ is making up their own laws/rules.</p> <p>c. The regs illegally overextend the allowable scope such as the inclusion of shotguns and post registration modifications are not in the new statute.</p> <p>d. DOJ is being disingenuous.</p>	<p>No change has been made in response to these comments because the Department rejects these comments. The underlying assault weapon laws were passed by the Legislature. These regulations are being proposed pursuant to the California Administrative Procedure Act (APA), which requires a public notice and comment procedure. The Department issued the Notice of Proposed Rulemaking for the regulations on November 22, 2017. In accordance with the APA, a 47-day public comment period ran from this date through January 8, 2018, when the Department also held an in-person public hearing.</p>
8.	<p>DOJ has used incorrect terminology. The correct terminology is Armalite Rifle. The AR Rifle was developed as a platform for the M-16. Our government wanted it to be a put together gun and a take down gun, and light.</p>	<p>No change has been made to the regulation because the Department rejects this comment. The definitions reference AR-15, a firearm style commonly-known among gun owners.</p>
9.	<p>a. Small businesses will be affected by the Assault Weapon Definition regulations because the regulations target firearms manufacturers, gun dealers, re-sellers, target ranges, etc.</p> <p>b. Other states that do not ban the use of these rifles will have an unfair commercial advantage.</p>	<p>No change has been made in response to these comments because the Department determines that these comments object to the underlying statute rather than to the way the agency proposes to interpret it.</p>

#	Summarized Comment	DOJ Response
10.	<p>a. Are civilian made assault weapons called assault weapons because they look and shoot like military weapons?</p> <p>b. Civilian made assault weapons should not be called assault weapons because they are nothing like military weapons. Civilian made assault weapons are distinguishable from military weapons because they fire only one round per trigger pull and a military weapon can fire in automatic and three rounds per trigger pull.</p>	No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.
11.	We were assured over 2 years ago that if we purchased AR-15 rifles by January 2017 the bullet-button would be fine now. Any AR-15 rifles bought before 1/1/2017 should be excluded at least or the whole assault weapon laws should be banned.	No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.
12.	Suggests that California DOJ look at the definition of “Assault Weapons” provided by Federal law and rather than developing its own. DOJ should just use the federal regulations or ATF rules.	No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.
13.	Regulations were released last minute and thrown together sloppily. DOJ waited until right before a holiday to release regulations and that is not right.	No change has been made in response to this comment because the Department rejects this comment. In accordance with the APA, the Department issued the Notice of Proposed Rulemaking for the regulations on November 22, 2017, and held a 47-day public comment period from this date through January 8, 2018, when the Department also held an in-person public hearing.
14.	The frame of an AR-15 should be considered disassembled when the rear pin is released to “top load” or when you remove a magazine where the top of the frame limits movement of the magazine release.	No change has been made in response to this comment because the Department rejects this comment. Disassembling an AR-15 style firearm requires removing the rear takedown pin in such a way until the upper receiver is disconnected from the lower receiver.

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15.	<p>a. Why can[’t] citizens who register an “assault weapon” as such remove the bullet-button entirely? This would reduce confusion for law enforcement and the general public.</p> <p>b. Any standard configuration rifle without a bullet-button must be an “assault weapon” legal or “otherwise” and any ‘featureless’ rifle is not an “assault weapon.”</p>	<p>a. This comment is irrelevant, thus is does not require the Department to provide a response.</p> <p>b. No change has been made in response to this comment because the Department rejects this comment. Not every standard configuration rifle without a bullet-button is an assault weapon. Standard configuration bolt-action, lever action, single-shot, and pump-action rifles, for example, are not assault weapons.</p>
16.	<p>a. The solution is not to ban assault weapons, but to make it harder to purchase your first firearm.</p> <p>b. There should be mental health checks along with the background check.</p>	<p>No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>
18.	<p>Help me in identify if a product meets the criteria of "Pistol grip that protrudes conspicuously beneath the action of the weapon" as defined by the California Code of Regulations (Section 5471 of CCR title 11, division 5). The product is called a "receiver spur grip." Many claim that it does not meet the definition of "Pistol grip that protrudes conspicuously beneath the action of the weapon" but I’m not too confident in that assessment:</p>	<p>Comment noted. The Department is not authorized to issue opinions on the legality of a specific product. Although the purpose of the regulation is to promote a clear understanding of Penal Code section 30515 for identifying assault weapons, not every invention can be addressed in them. In questionable cases, the Department suggests that individuals seek the advice of a knowledgeable attorney. No change has been made in response to this comment because the comment did not propose any changes.</p>
19.	<p>Adding a muzzle break to my firearm changes the pressure and makes it not shoot correctly. The muzzle break creates cycling problems and renders my gun defective.</p>	<p>No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>

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20.	<p>a. These regulations add a financial burden to the state.</p> <p>b. Where is the money coming from to enforce these regulations?</p> <p>c. Is funding being taken away from other important areas?</p> <p>d. Money is being wasted on these. Implementation will be costly and ineffective.</p> <p>e. The resulting lawsuits will also be costly and were not considered as a financial impact.</p> <p>f. These are a waste of taxpayers' money.</p> <p>g. The cost to gun owners who have to modify and register is burdensome.</p>	<p>No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>
23.	<p>DOJ should talk to gun owners to develop laws that would work.</p>	<p>No change has been made in response to these comments because these are generalized comments in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.</p>
24.	<p>a. The term "assault" is an action, a noun. Rifles cannot assault because they are an inanimate object. We cannot blame inanimate objects for the actions of evil people.</p> <p>b. In criminal and civil law, an assault is an attempt to initiate harmful or offensive contact with a person, or a threat to do so.</p>	<p>No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>
25.	<p>There is no written language that demonstrates the difference between the current assault rifle ban and the use of any other semi-automatic rifle. The function is the same, so there is no need for these regulations.</p>	<p>No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>

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26.	The regulations are an overreach of power by the state government.	No change has been made in response to these comments because these are generalized comments in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.
28.	Instead of these regulations, there should be a database of all criminals that prevents them from the purchase of a firearm.	No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.
30.	DOJ should compromise. Have a simple “exempt category” that encompasses the law-abiding and those who previously, legally purchased the firearm; incorporate a single category of “assault weapons;” or get rid of the “bullet-button category” (allow weapons to be returned to normal functioning condition and remove the bullet-button, if they register the weapon as an assault weapon.)	No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.
31.	<p>a. Features such as a pistol grip, collapsible stock, and forward vertical do not make the rifle more dangerous or unsafe; it is simply comfort for the operator.</p> <p>b. Features don’t turn a semiautomatic into an assault weapon.</p> <p>c. Ammunition for assault weapons differ in appearance, not how lethal they are.</p> <p>d. Semiautomatic firearms are not more powerful than other firearms they are less powerful.</p> <p>e. The term assault rifle should not be used to describe a semiautomatic weapon.</p>	No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.

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33.	It is difficult to remain in compliance with the law and still have a rifle that fits an individual and is suitable for their lawful intended purpose of taking part in instruction and matches.	No change has been made in response to these comments because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it. The Legislature has taken into account the special needs of certain competitive shooters. Penal Code section 30515, subdivision (c) provides: "The Legislature finds a significant public purpose in exempting from the definition of 'assault weapon' pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of 'assault weapon' pursuant to this section are exempt, as provided in subdivision (d)." At this time, the Legislature has not given a broad exemption to "competition" rifles.
37.	If a person has a hunting license, their assault weapon should be classified as a hunting rifle, not an assault weapon.	No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.
38.	These regulations make it unsafe to handle the weapon when it is jammed or when firing. It is easier to handle safely with the features that lawmakers classify as being assault weapon features. Modifications that comply with the regulations decrease accuracy and increase potential harm.	No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.
39.	To simply change the definition of "Assault Weapon" each and every time you wish to oppress the people is a violation of USC title 18, section 241 and 242, and title 42, section 1983. It is further a violation of the US Constitution Article 1, Section 8, clause 2.	No change has been made in response to this comment because it a generalized comment in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.

#	Summarized Comment	DOJ Response
40.	<p>a. These regulations attempt to disarm citizens.</p> <p>b. How do these regulations make California safer?</p> <p>c. You are trying to take guns away from every law-abiding citizen in California.</p>	<p>No change has been made in response to these comments because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>
41.	<p>a. You swore an oath to uphold our Constitution. These regulations fail such an oath as follows: Unconstitutional Official Acts, 16 Am Jur 2d, Sec 177 late 2d, Sec 256.</p> <p>b. DOJ is violating the oath it swore to uphold.</p> <p>c. See also District of Columbia v. Heller (2008).</p>	<p>No change has been made in response to this comment because it a generalized comment in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.</p>
42.	<p>As an AR-15 owner I would ask that you do not limit the safety in function but I do not know if that is possible with the laws on magazine releases.</p>	<p>No change has been made in response to these comments because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>
45.	<p>The language that an AR-15 without a magazine-catch constitutes a detachable magazine means firearms owners cannot legally repair or replace any parts of the magazine-catch assemble without breaking the law.</p>	<p>No change has been made to the regulation because the Department rejects this comment. This comment appears to suggest that an AR-15 <i>with</i> a magazine-catch would somehow become an illegal firearm during periods of repair. The definition of “Detachable magazine” in section 5471, subdivision (m) concerns the design of the system, not its state during periods of repair.</p>
46.	<p>a. Why are pistol grips, extending/collapsible stocks, and other cosmetic features used to determine whether a gun is an assault weapon?</p> <p>b. Why can I walk into a gun store and buy a stock Mini-14 and not an unmodified AR-15, even though they are mechanically identical in performance?</p>	<p>No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>

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47.	The AR-15 is a semiautomatic rifle. The DOJ's position is a fashion statement. A firearm is no more than its basic function and demanding it to look a certain way will not accomplish any public safety.	No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.
50.	These regulations seek to expand the definition of assault weapons and components so that an entire class of firearms becomes illegal.	No change has been made in response to this comment because it a generalized comment in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.
51.	<p>a. The Economic Impact Statement makes an invalid comparison to the 1994 "Public Safety and Recreational Firearms Use Protection Act" by asserting that any impact caused by new regulations would be insignificant because past regulations had such a large impact.</p> <p>b. It is also not true that there will be no economic impact introduced with these regulations.</p>	No change has been made in response to these comments because the Department rejects these comments. 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 Penal Code section 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.
52.	<p>a. DOJ has created bad faith by previously attempting to apply the definitions to the entire assault weapon control act without public comment, were denied, and are now trying to force them through again using the proper channels.</p> <p>b. The DOJ is trying to save face and rescue its regulatory scheme by taking advantage the formal APA process, midstream, to issue public proclamations in support of its case that the regulatory scheme is valid as stands.</p>	No change has been made in response to these comments because they are generalized comments in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.
53.	Prohibiting the availability of firearms which provide better grip, weight, and caliber options for those who are smaller, disabled and elderly is discriminatory.	No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.

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54.	<p>a. The regulation that prevents me from using the pistol grip and modifying it with a “fin” causes safety issues.</p> <p>1. The “fin” makes the gripping of the rifle considerably less stable and less accurate thus preventing a safe grip and control of the firearm</p> <p>2. Standard configuration has the safety on the left side of the rifle operated with your thumb as it rests on the pistol grip. The fin blocks access to the safety and does not allow me to actively engage or disengage the safety. I have to re-grip the firearm to an unnatural position, reach over the chamber, release the safety, move my hand back over the chamber, and then re-grip the firearm careful not to hit the trigger as I maneuver around the fin to find a comfortable grip. This is very unsafe to the people on the range and the shooter.</p>	<p>No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>

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55.	<p>To classify AR rifles as assault weapons, and to then prohibit their ownership, presumes the prefatory clause of the 2nd Amendment – <i>a well-regulated militia</i> – creates a collective right to be exercised only within the context to maintaining a militia, and thus opens regulation of the sort the DOJ is proposing. The court rejected this interpretation. Justice Scalia explained thusly: “The 2nd Amendment’s prefatory clause announces the purpose for which the right was codified: to prevent elimination of the militia. The prefatory clause does not suggest that preserving the militia was the only reason Americans valued this ancient right; most undoubtedly thought it even more important for self-defense and hunting. But the threat that the new Federal Government would destroy the citizens’ militia by taking away their arms was the reason that right – unlike some other English rights – was codified in a written Constitution.” To believe the 2nd Amendment is a collective right, is to believe the authors of the Bill of Rights employed individualistic language in order to protect a people’s right to take part in militia organizations over which the national government enjoys plenary power.</p>	<p>No change has been made in response to this comment because it is a generalized comment in opposition to the underlying statute. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.</p>
56.	<p>Government does not have the right to legislate and make laws concerning how citizens are to defend themselves. Government has the right, however, to make sure citizens can defend themselves.</p>	<p>No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>
59.	<p>Are these new regulations really going to stop any crime or assist society in being a better place?</p>	<p>No change has been made in response to this comment because it is a generalized comment in opposition to the underlying statute. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.</p>
61.	<p>Proposed 11 CCR section 5460 is redundant and is a conveniently timed effort to publicly defend the prior actions in promulgating the regulatory scheme currently being challenged as illegal.</p>	<p>No change has been made in response to these comments because they are generalized comments in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.</p>

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62.	My comment is that these regulations are “void for vagueness” because I am forced to guess at how they may be applied because I cannot meet this requirement for a valid cause. You may negate this assertion by providing me with your agency’s guidance. The regulation is unconstitutionally vague.	No change has been made in response to this comment because it is a generalized comment in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.
64.	d. The proposed regulations should not require a degradation of the firearm’s functionality as was designed by the manufacturer for stability and as legally imported into California. Do these regulations require that its functionality be degraded?	d. No change has been made in response to this comment because the Department determines that this comment objects to the underlying statute rather than to the way the Department proposes to interpret it.
67.	I may carry a rifle under the federal Law Enforcement Safety Officer Act. If registered under this federal statute do these regulations apply? Does California have the authority and jurisdiction to regulate a rifle registered under the Law Enforcement Safety Officer Act? If so, where?	Comment noted. Yes, if adopted, the regulation will apply to concealed rifles permitted under the federal Law Enforcement Safety Act. No change was made to the regulation in response to the comment because the comment did not propose any changes.
69.	<p>a. Where is your authority to reduce the function of my rifle, to destabilize it, or to prohibit that I complete building my rifle project?</p> <p>b. Where is your authority to prohibit the importation of a 9 round magazine for my hunting rifle, a magazine that I may legally own? Why may I own this but may not import one?</p>	No change has been made in response to these comments because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.

#	Summarized Comment	DOJ Response
70.	<p>“Proposed section 5460 seeks to apply all forty-four definitions from 11 CCR section 5471 to Penal Code section 30515... these forty-four definitions were never previously adopted in compliance with the APA for such broad law enforcement purposes. Therefore, proposed section 5460,...is a blatant effort to bypass the APA and extend the reach and effect of definitions previously submitted under an APA exemption. Because many of the definitions in section 5471 do not qualify for the APA exemption under Penal Code section 30900(b)(5), improperly expand or curtail statutes, or violate the APA standards for review under Government Code section 11349.1(a) (because they have never been scrutinized under these standards), they cannot be applied to Penal Code section 30515 by way of proposed legislation.”</p>	<p>No change has been made in response to these comments because they are generalized comments in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.</p>

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71.	<p>a. “Neither Penal Code section 30520(c), nor any other statute, gives DOJ the authority to apply 11 CCR section 5471(a) to Penal Code section 30515, as stated in proposed section 5460, because that application would alter section 30515 in a way that contradicts the purpose and the intent of the Legislature.”</p> <p>Section 5471(a) states that “[a]bility to accept a detachable magazine” means with respect to a semiautomatic shotgun, it does not have a fixed magazine.’ Applying this definition to Penal Code section 30515(a)(7)-which currently reads ‘[a] semiautomatic shotgun that has the ability to accept a detachable magazine’-would result in the phrase ‘a semiautomatic shotgun that does not have a fixed magazine.’</p> <p>Consequently, ‘a semiautomatic shotgun that does not have a fixed magazine’ would now be considered an ‘assault weapon,’ whereas it wasn’t previously, if DOJ were allowed to implement proposed section 5460. In other words, DOJ is attempting to singlehandedly shoehorn semiautomatic shotguns with ‘bullet buttons’ into the definition of ‘assault weapons.’</p> <p>Clearly, this is against the Legislature’s intent and a usurpation of legislative power. AB 1135 and SB 880 only changed the definitions of ‘assault weapon’ for certain rifles and pistols in Penal Code section 30515, based on their magazine function, in order to close the ‘bullet-button’ loophole for <i>rifles</i> and <i>pistols</i>. Nothing in the Code changed for shotguns, including for ‘[a] semiautomatic shotgun that has the ability to accept a detachable magazine.’”</p>	<p>No change has been made to the regulation in response to this comment because the Department rejects this comment. The Department is authorized to administer the assault weapons law through implementing regulations, which includes the power to define statutory terms that are otherwise undefined. In promulgating such regulations, the Department may specify whether a particular weapon falls within the categories of assault weapons established by the Legislature. The Department has determined that application of section 5471(a) to the identification of assault weapons pursuant to Penal Code section 30515(a)(7) will support the administration of the assault weapons law in a manner that is most consistent with the Legislature’s intent. Having recognized the dangers posed by bullet-buttons on rifles and pistols, the Department believes the Legislature also intended to prohibit bullet-button equipped shotguns.</p>

#	Summarized Comment	DOJ Response
72.	<p>a. “DOJ fails to meet the necessary standard because its Initial Statement of Reasons (ISOR) fails to describe the need for proposed section 5460, much less demonstrate by “substantial evidence” why proposed section 5460 is needed.</p> <p>b. DOJ needs to show how the currently existing definitions in Penal Code section 30515 itself are insufficient to identify “assault weapons” and, thus, why the definitions from 11 CCR section 5471 are necessary. DOJ currently makes no attempt to do so.</p> <p>c. Further, DOJ’s ISOR fails to demonstrate by “substantial evidence” (i.e., facts, studies, and expert opinions) why or how DOJ needs to expand or clarify the definitions of specific terms like “flash suppressor,” “pistol grip,” “threaded barrels,” “shotguns,” etc. in order to facilitate the so-called identification of “assault weapons.” Significantly, DOJ needs to make a statement of specific purpose of each adoption...”</p>	<p>No change has been made in response to these comments because they are generalized comments in opposition to the regulation. The Department is adopting the regulation for the reasons stated in the initial statement of reasons.</p>
73.	<p>“The application of 11 CCR. section 5471(d)—which states DOJ’s new definition for “barrel length”—to Penal Code section 30515 is not necessary. A simple reading of Penal Code section 30515 shows that barrel length is irrelevant to the newly-established category of “assault weapons,” and DOJ provides no indication, much less “substantial evidence,” that the general public or law enforcement has been confused in the last few decades when it came to how barrel length is defined.”</p>	<p>No change has been made to the regulation in response to the comment because the Department rejects this comment. The key provision in the definition of barrel length is that the measurement is to the furthestmost end of the barrel or permanently attached muzzle device. The purpose of the definition is to make clear that unless a muzzle device is permanently attached, it cannot be used to satisfy the 30-inch requirement.</p>
74.	<p>“The application of 11 CCR section 5471(m)—which reflects DOJ’s statements about magnets left on the “bullet-button”—to Penal Code section 30515 is not necessary...leaving the magnet within the “bullet-button” has nothing to do with the new definition of “assault weapons” without “fixed magazines.”</p>	<p>No change has been made to the regulation in response to this comment because the Department rejects this comment. The reference to “magnet” in the definition of “detachable magazine” serves the purpose of providing a non-exclusive list of examples of a detachable magazine.</p>

#	Summarized Comment	DOJ Response
75.	<p>The following definitions are not clear, and fail to provide “a reasonable degree of certainty” as required by the due process provisions of the Fourteenth Amendment to the United States Constitution and Article I, section 7 of the California Constitution:</p> <p>a. The definition of “contained in,” as stated in section 5471(k); the definition is confusing and nonsensical because of the doubling of the concept “cannot be removed without disassembly of the firearm action.”</p> <p>b. The definition of “featureless,” as stated in section 5471(o); it is currently unclear whether this definition mirrors the common public perception of “featureless.”</p> <p>c. The definition of “flash suppressor,” as stated in section 5471(r); DOJ provides no guidance as to what extent the flash suppressor must “perceptibly reduce” muzzle flash; DOJ provides no guidance as to what angle a device must “redirect flash muzzle from the shooter’s field of vision” in order for it to be deemed a “flash suppressor.”</p> <p>d. The definition of “stock, fixed,” as stated in section 5471(mm); it is unclear what type of modification must be made to a folding or telescoping stock for it to be considered “fixed.”</p>	<p>a. No change has been made to the regulation in response to this comment because the Department rejects this comment. The definition of “contained in” serves the purpose of providing an example of a fixed magazine.</p> <p>b. No change has been made to the regulation in response to the comment because the Department rejects this comment. The definition of “featureless” means not having the features listed in Penal Code section 30515.</p> <p>c. No change has been made to the regulation in response to the comment because the Department rejects this comment. If the device reduces or redirects muzzle flash to any perceptible degree, it qualifies as a “flash suppressor.” Also, it is not necessary to specify the angle at which the muzzle flash must be redirected, because all that is required is that muzzle flash be redirected in any perceptible manner for a device to qualify as a “flash suppressor.”</p> <p>d. No change has been made to the regulation in response to the comment because the Department rejects this comment. The purpose of the definition is not to provide instructions on how to modify a folding or telescoping stock such that the stock “does not move, fold, or telescope” as set forth in section 5471(mm).</p>

#	Summarized Comment	DOJ Response
76.	Proposed section 5460 provides an incomplete citation to the CCR. DOJ must specifically state in the text of proposed section 5460 that the “section 5471” DOJ is referencing is located in Title 11 of the CCR.	No change has been made to the regulation in response to the comment because the Department rejects this comment. The phrase “this chapter” as used in the proposed regulation refers to the chapter in which the regulation will appear: Chapter 39 of Division 5 of Title 11 of the California Code of Regulations. The phrase cannot reasonably be interpreted to refer to any other chapter of the California Code of Regulations, and there is no requirement to provide full references to chapters, divisions, and titles in this instance.
77.	The regulation is so vague it is an underground regulation. The underground regulation needs to be removed. Underground regulations are not enforceable.	No change has been made to the regulation in response to this comment because it is a generalized comment in opposition to the regulations. The Department is adopting the proposed regulation for the reasons stated in the initial statement of reasons in accordance with the APA.
78.	<p>a. California’s leaders are attempting to improperly create new state criminal regulations in lieu of the federal constitutional principles, laws, and regulations in effect on December 31, to create new crimes that have never existed prior.</p> <p>b. California’s leaders have articulated a broad anti-federal agenda with a “resistance” theme. There is a substantial record articulating California’s resistance to federal policies and for the president, Congress, and the federal courts. These proposed regulations are part of the “resistance agenda” that California has declared.</p>	No change has been made to the regulation in response to these comments because they are generalized comments in opposition to the regulation. The Department is adopting the proposed regulation for the reasons stated in the initial statement of reasons.

#	Summarized Comment	DOJ Response
79.	<p>a. California is attempting to create new crimes where it may have the authority and jurisdiction to do so, but without specific disclosure or public review.</p> <p>b. California requires that I modify a rifle purchased in California in 2016 to degrade its stability when used and its accuracy. The manufacturer designed it with a device known as a compensator that makes its use safer. Now I must remove this device or it is a crime. This may be within California's authority and jurisdiction. Politically however, imposing a regulation that degrades public safety without any public benefit is politically unpalatable. Because I have the option to instead register it this may be a legitimate expression of state authority.</p>	<p>No change has been made in response to these comments because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>
80.	<p>California is inadvertently creating new crimes for circumstances and issues because of inadequate review prior to their publication. For example, California has simultaneously both authorized me to possess a high-capacity rifle magazine and also banned this. This must be an example of inadequate preparation that requires correction before the required public review.</p>	<p>No change has been made in response to these comments because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.</p>

#	Summarized Comment	DOJ Response
81.	<p>a. Politics, rather than facts, are determining the laws written.</p> <p>b. Often gun control, while well intentioned, is often driven mostly by irrational fear. It was fear that imposed a 10-day background check when it can all be done in a single day. The law was made to not only allow for more thorough investigations but also slow down the plans of Active Shooters when law-abiding gun owners never planned massacres. It was fear that dangerously limits gun owners to 10 round magazines when they have had no intentions to use it on innocents. It was fear that further endangers the gun owner by enforcing detrimental bullet-buttons and magazine safeties Now gun owners are limited in how much ammunition they can purchase and must show IDs when purchasing them. And this is the same fear that refuses to acknowledge the true and honest difference between semiautomatic only rifles and select-fire rifles because of how it looks.</p>	<p>No change has been made in response to these comments because the Department determines that these comment object to the underlying statute rather than to the way the agency proposes to interpret it.</p>
82.	<p>The text of this regulation that the DOJ portrays as “necessary” to the proper enforcement of the assault weapons law – The definitions of section 5471 of this chapter shall apply to the identification of assault weapons pursuant to Penal Code section 30515 – is redundant given the effect of the existing regulatory scheme under the AWCA.</p>	<p>No change has been made to the regulation in response to this comment because the Department rejects this comment. The proposed regulation is not redundant. The proposed regulation will apply the definitions in section 5471 to the identification of assault weapons pursuant to Penal Code section 30515, without limitation to context of the registration process for bullet-button assault weapons.</p>
83.	<p>By the very terms of 11 CCR section 5459, the definitions in section 5471 already have the effect of “apply[ing] to the identification of assault weapons pursuant to Penal Code section 30515, without limitation to [the] context of the new registration process” – which is the purported purpose behind the DOJ’s proposal to adopt 11 CCR section 5460 as a new regulation. Since section 5459 applies to section 5470, DOJ cannot also apply section 5460 to section 5471.</p>	<p>No change has been made to the regulation in response to this comment because the Department rejects this comment. Currently, the definitions in section 5471 apply only “[f]or purposes of Penal Code section 30900 and Articles 2 and 3 of this Chapter,” i.e., only for purposes of the registration of bullet-button assault weapons. This specific limitation overrides the general reference in section 5459 to Penal Code section 30515.” The purpose of the proposed regulation is to specifically apply the section 5471 definitions “to the identification of assault weapons pursuant to Penal Code section 30515.”</p>

#	Summarized Comment	DOJ Response
84.	All the DOJ is authorized to do is issue regulations for the specific, limited purpose of establishing an Internet-based electronic registration system that collects identifying information about the firearms and their owners in exchange for a small fee.	No change has been made to the regulation in response to the comment because the Department rejects this comment. Penal Code section 30520, subdivision (c) gives the Department 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 Penal Code, entitled “Assault Weapons and .50 BMG Rifles.” This chapter contains the statutory provisions restricting the possession, sale, and use of assault weapons, and Penal Code section 30515 falls within this chapter.
85.	In reality, as plaintiffs in both pending lawsuits regarding the regulations for registration of bullet-button assault weapons have explained, this regulatory scheme directly contravenes the language and intent of the AWCA by significantly altering the substantive law in numerous ways so as to force upon law-abiding gun owners far more onerous restrictions or conditions on their use and possession of firearms than the Legislature has ever provided or intended.	No change has been made to the regulation in response to the comment because it is a generalized comment in opposition to the regulation. The Department is adopting the proposed regulation for the reasons stated in the initial statement of reasons.
88.	Pursuant to the definition of semiautomatic, and with the understanding that the department will not register featureless firearms, fixed-magazine firearms, or firearms with a not-greater-than-10-round magazine contained inside the action, one can infer that the following two types of firearms remain legal in California (the only exception being specifically named or series firearms defined by the AWCA), regardless of the presence of any or all the features listed in Penal Code section 30515: any firearm that does not function in a semiautomatic manner to fire a single cartridge, eject the empty case, and reload the chamber each time the trigger is pulled and released (i.e., bolt action rifles); any firearm that does function in a semiautomatic manner so long as the magazine is permanently fixed to, or contained in the firearm, according to the definitions established pursuant to these new regulations proposed for Penal Code section 30515.	Comment noted. The purpose of the final statement of reasons is not to provide legal advice on application of the underlying statute or the proposed regulation to a specific set of facts. But it is generally correct that a bolt-action, pump action, single shot firearm (action types other than semiautomatic) that was assembled using some AR-15 or AR-10 components would not be an assault weapon under Penal Code section 30515. No change has been made to the regulation in response to the comment because the comment did not propose any changes.

#	Summarized Comment	DOJ Response
89.	<p>The conversion of a semiautomatic AR-15/AR-10-style firearm, or the assembly of an AR-15/AR-10 style receiver, into a firearm that operates as a bolt-action only rifle in conformance with the law as determined by these newly proposed regulations. A bolt-action rifle requires the manual loading of a single cartridge into the chamber, can only fire one shot during the pull and release of the trigger, and requires the manual extraction and ejection of the spent casing. This form of operation remains true for all types of magazine feed types, including detachable box magazine, internal or fixed magazine, or tube magazine. Most importantly, a bolt-action rifle is not semiautomatic pursuant to any statute or regulation in California.</p>	<p>Comment noted. The purpose of the final statement of reasons is not to provide legal advice on application of the underlying statute or regulation to a specific set of facts. But it is generally correct that a bolt-action firearm (action type other than semiautomatic), even if assembled using some AR-15 or AR-10 components, would not be an assault weapon under Penal Code section 30515. No change has been made to the regulation in response to the comment because the comment did not propose any changes.</p>
90.	<p>AR-15 and AR-10 style firearms utilize a gas feed system that cycles gas under pressure through a gas tube in order to function in a semiautomatic manner. Pursuant to the proposed regulations, it would seem that any AR-15 or AR-10 style rifle that operates in a non-semiautomatic manner remains legal in California, with the exception of any AR-15 or AR-10 style rifle banned by make, model, or series specified in any version of the AWCA. Further, this would hold true regardless of the presence of any or all the features listed in Penal Code section 30515, as long as those features were installed after the conversion or assembly to bolt-action-only operation.</p>	<p>Comment noted. The purpose of the final statement of reasons is not to provide legal advice on application of the underlying statute or proposed regulation to a specific set of facts. But it is generally correct that a bolt-action, pump action, single shot firearm (action types other than semiautomatic) that was assembled using some AR-15 or AR-10 components would not be an assault weapon under Penal Code section 30515. No change has been made to the regulation in response to the comment because the comment did not propose any changes.</p>

#	Summarized Comment	DOJ Response
91.	<p>An AR-15 or AR-10 style firearm that has had its gas tube removed will still function, but it will not function in a semiautomatic manner. As the gas tube is a crucial part of the firearm and is specifically listed among the necessary components of a semiautomatic firearm in the AB 1135, SB 880, and newly proposed Penal Code section 30515 regulations, its absence means the firearm cannot be deemed semiautomatic.</p>	<p>Comment noted. The purpose of the final statement of reasons is not to provide legal advice on application of the underlying statute or proposed regulation to a specific set of facts. But it is generally correct that the definitions of the term “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, subdivision (a), and 30900. No change has been made to the regulation in response to the comment because the comment did not recommend any changes.</p>

<p>92. a. The hot gasses emitted from an AR-15 or AR-10 pose a serious safety hazard to the operator of the firearm. To mitigate against this safety hazard, the rifle will need to have the hot gasses cut off or redirected. For the application specific to the AR-15 or AR-10 style firearm, this can be accomplished through any of the following methods: Removing the gas block so that the gasses are directed upwards and away from the shooter. Installing the gas block backwards to cut off the escaping gases. Plugging the gas block with a gas tube that has been cut short and crimped-off to cut off the escaping gases. (This effectively and permanently re-designs a gas tube into a gas plug.) Plugging the gas block with a setscrew to cut off the escaping gases. Installing a gas block that has been plugged via welding or soldering to cut off the escaping gases. Welding over the gas-impingement hole on the barrel. Installing an adjustable gas block that is adjusted to not allow the passage of gases into the action. (In this example, I must reiterate that the gas tube remains removed). All of these methods are commonly employed by competitive shooters because they yield greater accuracy from the firearm while minimizing wear on the firearm and reloadable ammunition components. All the methods result in a firearm that is not only missing a critical component (the gas tube), but also does not function as a semiautomatic rifle pursuant to the cited statutes and regulations. I seek your concurrence that each of these conversion or assembly methods results in a firearm that is compliant with the newly proposed regulations and is therefore exempt from assault weapon registration and legal for use and ownership in California, regardless of the presence of any or all of the features listed in Penal Code section 30515 that are installed after the modification or assembly to bolt-action-only operation.</p> <p>b. I feel these modifications are legal and these modifications should be present in the regulations to provide absolute clarity to law enforcement and the people of California so that weapons that do not constitute assault weapons do not land innocent people in legal jeopardy.</p>	<p>a. Comment noted. The purpose of the final statement of reasons is not to provide legal advice on application of the underlying statute or proposed regulation to a specific set of facts. But it is generally correct that the definitions of the term “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, subdivision (a), and 30900. No change has been made to the regulation in response to the comment because the comment did not recommend any changes.</p> <p>b. Comment noted. The purpose of the final statement of reasons is not to provide legal advice on application of the underlying statute or proposed regulation to a specific set of facts. But it is generally correct that a bolt-action, pump action, single shot firearm (action types other than semiautomatic) that was assembled using some AR-15 or AR-10 components would not be an assault weapon under Penal Code section 30515. No change has been made to the regulation in response to the comment because the comment did not recommend any changes.</p>
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#	Summarized Comment	DOJ Response
93.	<p>a. Pursuant to the newly proposed Penal Code section 30515 regulations, it would seem that any semiautomatic rifle or pistol converted or assembled to operate in a non-semiautomatic manner would remain legal in California, so long as the firearm is: 1) not banned by make, model, or series; and 2) is on the roster of approved handguns or was first legally acquired, and/or legally built, and/or entered into the database as a single-shot exempt handgun (if the firearm is a handgun).</p> <p>b. Further, it would seem that such a firearm would remain legal in California regardless of the presence of any features listed in Penal Code section 30515, so long as those features were installed after the conversion or assembly to bolt-action-only operation.</p>	<p>a. Comment noted. The purpose of the final statement of reasons is not to provide legal advice on application of the underlying statute or proposed regulation to a specific set of facts. But it is generally correct that a bolt-action, pump action, single shot firearm (action types other than semiautomatic) that was assembled using some AR-15 or AR-10 components would not be an assault weapon under Penal Code section 30515. No change has been made to the regulation in response to the comment because the comment did not recommend any changes.</p>

<p>94. a. A formerly semiautomatic rifle or pistol, or a stripped receiver or frame, could be converted or assembled to operate in a bolt-action-only operation through the following methods:</p> <ol style="list-style-type: none"> 1. Removing the gas block, or gas tube, or gas piston from the firearm. These are both a critical part of the firearm and are necessary for semiautomatic functionality. 2. Modifying the gas system to prevent the passage of gases necessary for semiautomatic operation. This could include, but is not limited to: <ol style="list-style-type: none"> 1. Plugging, welding, or soldering the gas port, or gas tube, or barrel impingement hole to prevent the flow of gases. 2. Installing an adjustable gas block that has been adjusted to block the flow of gases. 3. Repositioning or rotating a functional gas block to prevent the flow of gases. 4. Installing a setscrew inside critical gas system components to block the flow of gases. <p>b. In regard to semiautomatic, blow back or roller-lock firearms, a conversion to bolt-action-only necessitates completely preventing the cycling of the action through recoil impulse. In all applications, this would require disassembly of the firearm action to load, fire, and eject each individual shot. This can be accomplished through the following methods:</p> <ol style="list-style-type: none"> 1. Installing a blocking device (such as a dowel, or a wood or metal block) that functionally prevents the firearm from loading, firing, and ejecting a spent case with each pull and release of the trigger. 2. Removing or replacing the recoil assembly (such as a buffer tube, a buffer, a buffer spring, or tube/spring/buffer combo) with a rod, dowel, or movement limiting block that functionally prevents the firearm from loading, firing, and ejecting a spent case with each pull and release of the trigger. 3. Installing a sleeve over the recoil spring, which prevents the firearm from loading, firing, and ejecting a spent case with each pull and release of the trigger. 	<p>Comment noted. The purpose of the final statement of reasons is not to provide legal advice on application of the underlying statute or proposed regulation to a specific set of facts. But it is generally correct that the definitions of the term “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, subdivision (a), and 30900.</p>
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#	Summarized Comment	DOJ Response
	<p>c. Some of these methods result in a firearm that is missing a critical part, but all of the above methods result in a firearm that does not operate in a semiautomatic manner. I seek your concurrence that each of these conversion or assembly methods results in a firearm that is compliant with the newly proposed regulations and is therefore exempt from assault weapon registration and legal for use and ownership in California, regardless of the presence of any or all of the features listed in Penal Code section 30515 that are installed after the modification or assembly to bolt-action-only operation. I feel these modifications are legal and these modifications should be present in the regulations to provide absolute clarity to law enforcement and the people of California so that weapons that do not constitute assault weapons do not land innocent people in legal jeopardy.</p>	

<p>95. a. Clarification on what constitutes a permanent, "fixed" magazine, or a magazine contained in the firearm pursuant to the newly proposed regulations. The department is clear in that it will not register any semiautomatic firearms meeting the definition of "fixed magazine", as defined by these new regulations to Penal Code section 30515. It should be noted that the definition of fixed magazine present in the newly proposed regulations matches, verbatim, the definition of fixed magazine present in the text of SB 880. Thus, in both instances of the definition, we see that a clear either/or statement is present in the text. Specifically, the text states a "Fixed Magazine" is either contained in, OR permanently attached to, a firearm.</p> <p>b. According to such a statement, this means a "Fixed Magazine" can be one of three things: 1) A magazine permanently attached to the firearm such that it cannot be readily detached; 2) A magazine contained in the firearm such that its removal necessitates disassembly of the firearm action; or 3) A magazine both permanently attached to and contained in the firearm.</p> <p>c. Within the definition of "permanently attached to" as written in the newly proposed regulations pursuant to Penal Code section 30515, an example of a fixed magazine that is both permanently attached to and contained in the firearm is presented. By itself, this example suggests that a magazine both permanently attached to and contained in the firearm is the only means of compliance with the regulation. As the law specifically includes an either/or statement, other means of compliance must be recognized. These include:</p> <ol style="list-style-type: none"> 1. Welding the magazine to the magazine well 2. Epoxying the magazine to the magazine well 3. Riveting the magazine to the magazine well 4. Sealing the magazine well, so that the magazine can only be removed after disassembling the firearm action. In the case of an AR-15 Firearm, and according to the proposed definition of "disassembly of the firearm action" in these regulations, this means pushing the rear takedown pin into the disengaged position and 	<p>No change has been made to the regulation in response to these comments because the Department rejects this comment. The purpose of section 5471(p) is to provide a non-exclusive list of examples of when a magazine is considered to be permanently attached to a firearm. Any combination of the methods outlined by the commenter for permanently affixing a magazine are acceptable.</p>
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#	Summarized Comment	DOJ Response
	<p>then pivoting the upper and lower receivers apart using the front takedown pin as a fulcrum.</p> <p>5. Riveting, welding, or epoxying a magazine into a sealed magazine well</p> <p>6. Any combination of the above</p> <p>d. I seek your concurrence that each of these methods results in a firearm that conforms to the proposed regulations and is therefore exempt from assault weapon registration, remaining legal for use and ownership in California, regardless of the presence of any or all the features listed in Penal Code section 30515 that are installed after the modification or assembly to a fixed magazine. All of these means of compliance should be added to the proposed definition of "permanently attached to" since they would provide absolute clarity to law enforcement and the people of California so that weapons that do not constitute assault weapons do not land innocent people in legal jeopardy.</p>	

#	Summarized Comment	DOJ Response
96.	<p>a. The proposed regulations define the term: "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." I request striking the example for AR-15 style firearms because it appears to contradict the proposed language for "disassembly of the firearm action". I suggest the following language for clarity and consistency with the proposed language for "disassembly of the firearm action":</p> <p>"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 by both receiver takedown pins. This language provides absolute clarity to law enforcement and the people of California so that weapons that do not constitute assault weapons do not land innocent people in legal jeopardy. For that reason, this language must be implemented. There is no good-faith reason to not implement this language.</p>	<p>No change has been made to the regulation in response to this comment, because the Department rejects this comment. It is not necessary that both pins be removed to consider the firearm disassembled.</p>

97. a. The proposed regulations define the term: "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." The language contained in this definition is clear. However, the example for an AR-15 should be modified because the disassembly of an AR-15 action, such that the action has been interrupted, does not require removal of the rear takedown pin. Takedown pins are captive pins held in place by springs and detents. They are not readily removable without tools. I recommend clarifying that the intent of the example was not to actually require the removal of the rear takedown pin, but to require that the pin be pushed into the disengaged position. I recommend revising the definition to state: "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 upper receiver lifted upwards and away from the lower receiver using the front pivot pin as the fulcrum, before the magazine may be removed."
- b. Alternatively, the word "removed" could be replaced with "pushed into the disengaged position" as follows: "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 pushed into the disengaged position, 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."

No change has been made to the regulation in response to these comments because the Department rejects these comments. Whether the rear takedown pin is pulled or pushed the critical result is that the action is disassembled. Removing or disengaging the rear takedown pin must be read in the context of disassembling an AR-15 style firearm, which means both pushing and pulling the pin in such a way until the upper receiver is disconnected from the lower receiver.

#	Summarized Comment	DOJ Response
	<p>I request that one of these changes be implemented. The above language provides absolute clarity to law enforcement and the people of California so that weapons that do not constitute assault weapons do not land innocent people in legal jeopardy. For that reason this language must be implemented. There is no good-faith reason to not implement this language.</p>	

<p>98. The proposed regulations define the term: "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 either has 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." The proposed definition of flash suppressor is subject to too much debate. Compensator and muzzle brakes are designed, intended, and function to reduce recoil. Some may or may not have incidental flash reducing or flash redirecting capability that was neither designed nor intended. This gets complicated further because retailers commonly sell muzzle devices under the label of "flash hidere" or "flash suppressors" that, in actuality, are not any such device as designed and intended by the manufacturer. Naturally, this creates a grey area in regards to which muzzle devices are legal and which are not.</p> <p>Given this grey area and potential for overreach, the regulations should both specify specific muzzle devices that do not meet the definition of flash suppressor and also revise the definition for clarity. The following definition of "Flash suppressor" is clear: "Flash suppressor" means any device attached to the end of the barrel that is designed, intended, and advertised by the manufacturer to reduce or redirect muzzle flash from the shooter's field of vision. A device advertised by the manufacturer as a "flash hider" or "flash suppressor" or has advertised flash suppressing properties would be deemed a flash suppressor. Devices designed, intended, and advertised by manufacturers solely as compensators, muzzle breaks, or recoil eliminators are not flash suppressors. The following muzzle devices are not flash suppressors: (list compliant devices here).</p> <p>Muzzle devices are items, which are subject to differences in opinion. This creates too much room for error and inconsistency. Accordingly, it is in the best interest of both the citizenry and law enforcement to have a list of approved devices so that there can be no doubt as to which devices are legal.</p>	<p>No change has been made to the regulation in response to this comment, because the Department rejects this comment. Manufacturer's labeling practices should conform to changes in laws affecting firearms. The Department is not authorized to issue opinions on the legality of a specific product. Although the purpose of the regulation is to promote a clear understanding of Penal Code section 30515 for purposes identifying assault weapons, not every invention can be addressed in them. In questionable cases, the Department suggests that individuals seek the advice of a knowledgeable attorney.</p>
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#	Summarized Comment	DOJ Response
99.	<p>The proposed regulations define the term: "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.)</p> <p>The proposed definition of overall length includes requires that muzzle devices be permanently attached in order for their length to count towards the overall length of the firearm. This has never been written into any version of the AWCA. Accordingly, this is an underground regulation with no basis in law and must be removed from the proposed regulations. I request that the definition for overall length be revised as follows: "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.)</p>	<p>No change has been made to the regulation in response to this comment because the Department rejects this comment. The definition cannot be an underground regulation because it is being promulgated in accordance with the APA. Moreover, the definition conforms to federal practice. The procedure of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives for measuring barrel length is to measure from the closed bolt (or breech-face) to the furthestmost end of the barrel <i>or permanently attached muzzle device</i>.</p>

#	Summarized Comment	DOJ Response
100.	<p>The proposed regulations define the term: "Stock, fixed" means a stock that does not move, fold, or telescope.</p> <p>The language of the AWCA, specifically Penal Code section 30515, only lists folding or telescoping stocks as banned features. Naturally, it would seem that a fixed stock is one that does not fold or telescope to effectively reduce the overall length of the firearm. Adding the requirement that a fixed stock not be able to "move", without specifying the prohibited form of movement, is very ambiguous and certainly not specific. There are many ways a stock can move without violating the movement of the listed features specified in Penal Code section 30515. These include, but are not limited to, vertically or horizontally adjustable butt plates, swiveling butt plates that adjust length of pull biased on a threaded shank, and adjustable cheek pieces, and adjustable sling or monopod attachments. None of these are prohibited movements for a stock.</p> <p>Accordingly, I request that the definition of "Stock, fixed" be changed to "Stock, fixed" means a stock that does not fold or telescope to reduce the overall length of the rifle.</p> <p>This language provides absolute clarity to law enforcement and the people of California so that weapons that do not constitute assault weapons do not land innocent people in legal jeopardy. For that reason, this language must be implemented. There is no good-faith reason to not implement this language.</p>	<p>No change has been made to the regulation in response to this comment, because the Department rejects this comment. The suggested change to the definition does not take into consideration all of the related definitions. For example, the term "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. This, by definition, eliminates such things as cheek risers, etc., because they are not used to hold the weapon to the shoulder. The definitions of "stock folding" and "stock, telescoping" further specify the applicability of the definitions.</p>
101.	<p>It appears the DOJ does not value having a two-way dialogue with citizens who are trying to comply with the regulations, as the hearing was not attended by responsive DOJ staff.</p>	<p>No change was made in response to this comment because it is a generalized comment in opposition to the regulation. The purpose of the public comment period, the public hearing, and these responses to public comments (as provided for by the APA) is to allow the Department to hear from citizens to help ensure public participation in the regulation process.</p>

#	Summarized Comment	DOJ Response
102.	<p>a. These regulations cannot be adopted to exceed DOJ's authority under the APA.</p> <p>b. They fail on the APA standards, and on consistency, necessity and clarity standards that are set forward.</p>	<p>No change has been made to the regulation in response to the comment because it is a generalized comment in opposition to the regulation. The Department is adopting the proposed regulation for the reasons stated in the initial statement of reasons.</p>
103.	<p>Adoption of these regs could cause irreparable harm to thousands of Californians.</p>	<p>No change has been made to the regulation in response to the comment because it is a generalized comment in opposition to the regulation. The Department is adopting the proposed regulation for the reasons stated in the initial statement of reasons.</p>
105.	<p>These regulations make California very uninviting for shooting competitions and tourism, leading to fiscal impact for the state.</p>	<p>No change has been made to the regulation in response to the comment because it is a generalized comment in opposition to the regulation. The Department is adopting the proposed regulation for the reasons stated in the initial statement of reasons.</p>
106.	<p>a. The regulations are unfair for people who build a competition rifle. Participants are afraid if they have to register it, only because of the pistol grip, they will then be taxed in the future and there will be special taxes on it.</p> <p>b. The people who register these rifles for matches should get some sort of break on complying with the regulations.</p>	<p>a. No change has been made in response to these comments because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it. The Legislature has taken into account the special needs of certain competitive shooters. Penal Code section 30515, subdivision (c) provides: The Legislature finds a significant public purpose in exempting from the definition of "assault weapon" pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of "assault weapon" pursuant to this section are exempt, as provided in subdivision (d). At this time, the Legislature has not given a broad exemption to "competition" rifles.</p>

#	Summarized Comment	DOJ Response
107.	It's a big issue being taxed for these firearms or firearm parts.	No change has been made to the regulation in response to the comment because it is a generalized comment in opposition to the regulation. The Department is adopting the proposed regulation for the reasons stated in the initial statement of reasons.
110.	With these regulations, if you don't have a lawyer in your back pocket you can commit a felony without actually knowing you are committing a felony.	No change has been made to the regulation in response to the comment because it is a generalized comment in opposition to the regulation. The Department is adopting the proposed regulation for the reasons stated in the initial statement of reasons.
111.	Will the state be releasing figures on what the effectiveness of this law has on crime, whether it decreases or makes no difference?	No change has been made in response to these comments because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.
112.	A double feed primarily is when the magazine fails and it feeds two rounds in the chamber. With these new laws, where you have to break the action open on an AR-15, that bolt is riding right back into the buffer tube right where it meets up with the receivers and you can't break that open. So now, you have a weapon where there is a possibility for negligent discharge.	No change has been made in response to these comments because the Department determines that this comment objects to the underlying statute rather than to the way the agency proposes to interpret it.
114.	DOJ is a federal agency. Why does the federal government get to come in and say they are going to rewrite the law and add stipulations for the people of California who elected the legislators and Governor?	This regulation is proposed by the California Department of Justice, not the United States Department of Justice.

IRRELEVANT PUBLIC COMMENTS RELATING TO REGISTRATION

#	Summarized Irrelevant Comment	DOJ Response
17.	Do these new assault weapon definition regulations change the registration process?	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
21.	SB 880 called for descriptive info only; there was never language by the legislature requiring photographic records. DOJ is seeking records it was never entitled to by the legislature.	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
22.	The DOJ failed to complete a timeline set forth by the legislature.	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
27.	What if someone owns more than one complete upper for the same registered lower? There is no provision for this, since the rifle needs to be photographed and described to register it.	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
29.	<p>a. Why is the DOJ having a hearing on the rule making now when this was supposed to go into effect on January 1?</p> <p>b. Why was the process pushed back?</p> <p>c. When is the expected rulemaking process supposed to conclude and the law to take effect?</p> <p>d. How many weapons have been registered under the law in the past year?</p>	These comments are irrelevant because they are not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.

IRRELEVANT PUBLIC COMMENTS RELATING TO REGISTRATION

#	Summarized Irrelevant Comment	DOJ Response
32.	Proposed regulations and forms for “bullet-button assault weapons” are flawed and have vague language, which makes their administration, interpretation, and enforcement highly problematic. This is burdensome to law enforcement.	This comment is irrelevant because it is not specifically directed at the agency’s proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
34.	It is not fair that a person who owned a rifle before a certain date can legally have it, but their relatives cannot purchase a similar rifle because it has a prohibited feature. I purchase a rifle under the laws in 2015, and to force me to add anything to it per a different law is illegal.	This comment is irrelevant because it is not specifically directed at the agency’s proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
35.	Why do the AW laws not allow me to pass my AW to my step granddaughter in my will? It is unscrupulous to make a law that I cannot pass a gun on to my children, or transfer to my spouse or children.	This comment is irrelevant because it is not specifically directed at the agency’s proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
36.	I have had bullet-buttoned semiauto firearms for more than a decade and cannot find the receipts. Can I register mine with a “guesstimate?”	This comment is irrelevant because it is not specifically directed at the agency’s proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
43.	a. These new regulations add additional registration, which is unfair. My firearms were already registered when purchased; I should not have to register again. b. This is double taxation and fees on the part of the owner.	These comments are irrelevant because they are not specifically directed at the agency’s proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
44.	These regulations make no allowance for service members deployed overseas who cannot return home to register or modify their firearms in time.	This comment is irrelevant because it is not specifically directed at the agency’s proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.

IRRELEVANT PUBLIC COMMENTS RELATING TO REGISTRATION

#	Summarized Irrelevant Comment	DOJ Response
48.	<p>a. The registration website is beyond difficult to use and to upload photos.</p> <p>b. The current registration process is unreasonable-you need access to a computer, camera and internet</p>	These comments are irrelevant because they are not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
49.	There has been no program or attempt to inform the public about the need to register their weapons or what criteria makes their firearms AWs in the eyes of the State. It's morally corrupt to allow these regulations to go into effect without communicating with the affected Californians.	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
57.	I am not happy that you want more information about me than any other government agency has ever requested from me in my life.	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
58.	<p>a. The DOJ has overstepped its authority in creating these regulations. The legislation as passed did not include any new restrictions on what one could or could not do with a registered assault weapon (RAW). Yet, the DOJ submitted regulations that would prohibit changing the magazine release mechanism on a RAW.</p> <p>b. Further, in redefining terms concerning overall length, the DOJ has again changed the meanings of legislated laws. I believe that the DOJ should have ONLY created a simple and straightforward mechanism to register AWs and stopped there. Changing the substantive meaning of legislation and defining new prohibitions oversteps their authority. DOJ should consider changing the regulations to simplify the registration process to stay within the mandates provided by the legislation.</p>	These comments are irrelevant because they are not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.

IRRELEVANT PUBLIC COMMENTS RELATING TO REGISTRATION

#	Summarized Irrelevant Comment	DOJ Response
60.	<p>a. The fact is regarding transfer to family members any firearm that falls under the description of 'so called ' assault weapons, as part of an individual's estate, is nothing more than stealing personal property that would, under normal circumstances, be handed down through a will or other inheritance procedure.</p> <p>b. This is a violation of the 5th amendment.</p> <p>c. The regulations are using public fear to take away legally owned firearms. This is a thinly disguised way to ban firearms.</p>	<p>These comments are irrelevant because they are not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.</p>
63.	<p>My safe is jammed and I cannot open it. When unable to access my rifles, do these regulations then prohibit registration when I am able to access them? I can provide a photograph of the jammed safe and the drilled key lock. The standard method for accessing a jammed safe has failed. Eventually I will find a way to access my rifles. They are not within my residence but are at another property that I own in California. I do not plan to be there with time and tools for this project before the registration deadline.</p>	<p>This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.</p>
64.	<p>a. I cannot recall how my firearms are currently configured. Am I required to guess when registering?</p> <p>b. One may or may not be configured as a rim fire and may now be exempt. May I later reconfigure it to a centerfire rifle for hunting?</p> <p>c. The other is probably configured exactly as it was when I purchased it in California just prior to when the registration bill was proposed. It has an adjustable stock and might have a factory-installed device to improve stability and accuracy. The adjustable stock is important because otherwise it will not fit into my gun safe.</p>	<p>This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.</p>

IRRELEVANT PUBLIC COMMENTS RELATING TO REGISTRATION

#	Summarized Irrelevant Comment	DOJ Response
65.	<p>a. The rifle now probably configured as a rim fire is also my hunting rifle when reconfigured as a centerfire .458. Do these regulations require that I must purchase another rifle for hunting?</p> <p>b. If required to acquire a replacement hunting rifle will California compensate me?</p> <p>c. If required by these regulations to purchase a new gun safe because an adjustable stock is prohibited, will California compensate me?</p> <p>d. When configured as a .458 rifle I cannot use it as my hunting rifle because these regulations may or may not prohibit the magazine that holds nine rounds. The magazine that was designed by the manufacturer can hold either 30 rounds of .556 or 9 rounds of .458.</p> <p>e. Because I am a retired law enforcement officer I may possess a "large capacity" magazine. Under these regulations, must I guess if I may also import one? The manufacturer legally shipped to me in California but refused to also ship the nine round magazine. Under these proposed regulations how may I import the magazine needed to fire this hunting rifle?</p>	<p>This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.</p>
66.	<p>I legally acquired a stripped lower planning to eventually build a dedicated hunting rifle. Do these regulations in any way limit my plan to later complete this project?</p>	<p>This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.</p>

IRRELEVANT PUBLIC COMMENTS RELATING TO REGISTRATION

#	Summarized Irrelevant Comment	DOJ Response
68.	<p>a. What justification do you have for prohibiting me from using my rifle for hunting and my existing gun safe?</p> <p>b. Do these regulations prohibit legally using my property?</p> <p>c. Do they require that I purchase new firearms, ammunition, and a new gun safe? This justification needs to be detailed enough to inform the Small Claims Court judge in rendering a legal finding.</p>	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
86.	Concomitantly, the DOJ should seek another legislative amendment to further extend the "assault weapons" registration deadline by at least the amount of time that the DOJ has wasted in promulgating and enforcing its illegal regulatory scheme.	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
87.	<p>a. Currently, the State will not register firearms that are "featureless\ where featureless has been defined by your department as a firearm that lacks any of the features listed in Penal Code section 30515 (a pistol grip, a thumbhole stock, a folding or telescoping stock, a grenade launcher or flare launcher, a flash suppressor, or a forward pistol grip).</p> <p>b. Firearms that are not semiautomatic are not required to be registered.</p>	These comments are irrelevant because they are not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.

IRRELEVANT PUBLIC COMMENTS RELATING TO REGISTRATION

#	Summarized Irrelevant Comment	DOJ Response
104.	DOJ used to assist the general public, through practices, procedures, when they did not understand the regulations. They would issue statements to answer questions that would help people to comply with the law. Now they do not answer questions until the regulations have been adopted and tell people they have to go find their own attorney to understand the laws. That is the one thing lacking with these regulations is an established process where people can ask questions of the DOJ and get a response so they can continue to abide by the law.	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
108.	<p>a. I am most concerned that by registering a firearm, it means someone can come knock on your door and take your firearm when it has been paid for and bought under current laws.</p> <p>b. I object to the fact that the laws were not grandfathered in as we were told when we initially purchased the firearms.</p>	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
109.	I am bothered by the approved list of firearms. Many manufacturers have given up on California because of the approved list. The list is limiting the freedom of gun owners	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.
113.	Working at a range, I want to follow the laws, but how do I know if someone that has a bullet-button AR-15 has that thing registered as an assault weapon? How am I supposed to know if they have taken all the legal precautions?	This comment is irrelevant because it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action. Thus, the Department does not need to provide a response.