



STATE OF CALIFORNIA  
COURT OF APPEAL  
FIFTH APPELLATE DISTRICT

**BRIAN A. COTTA**  
CLERK/EXECUTIVE OFFICER

2424 VENTURA STREET  
FRESNO, CALIFORNIA 93721-3004

TELEPHONE (559) 445-5491  
FAX (559) 445-5769

**MARIANA CORDOVA**  
ASSISTANT CLERK/EXECUTIVE OFFICER

December 1, 2020

**SENT VIA EMAIL**

Anna M. Barvir  
Sean A. Brady  
Michel & Associates  
180 East Ocean Boulevard, Suite 200  
Long Beach, CA 90802  
[abarvir@michellawyers.com](mailto:abarvir@michellawyers.com)  
[sbrady@michellawyers.com](mailto:sbrady@michellawyers.com)

P. Patty Li, Deputy Attorney General  
Office of the Attorney General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7020  
[Patty.li@doj.ca.gov](mailto:Patty.li@doj.ca.gov)

**Re: *Villanueva et al. v. Becerra et al. (F078062)***

Dear Counsel:


This court has been advised of the existence of a supplemental authority that may have a bearing on issues before us in the present appeal. Specifically, respondents point out that the Legislature recently amended Penal Code section 30515, effective August 6, 2020. Under that amendment, the statutory definition of an “assault weapon” was revised regarding *shotguns* by providing that an assault weapon shall include “[a] semiautomatic shotgun that does not have a fixed magazine.” (Pen. Code, § 30515, subd. (a)(7); Stats. 2020, ch. 29, § 38.)

One of the issues raised by appellants in the present appeal may be summarized in the following terms: Whether the regulations adopted by the California Department of Justice (DOJ) to implement the registration of bullet-button assault weapons as defined under Senate Bill No. 880 (Stats. 2016, ch. 48, § 1; SB 880)/Assembly Bill No. 1135 (Stats. 2016, ch. 40, § 1; AB 1135) impermissibly included the registration of *shotguns*, since the 2016 legislation to close the bullet-button loophole (i.e., SB 880/AB 1135) did not revise the then existing statutory definition of when a semiautomatic shotgun would constitute an assault weapon, but only did so as to semiautomatic *rifles* and *pistols*.

We note this discrete issue, as so framed, is potentially affected by the 2020 amendment to Penal Code section 30515, subdivision (a)(7) referenced above. Specifically, the 2020 amendment to Penal Code section 30515, subdivision (a)(7), by substituting the language “does not have a fixed magazine,” appears to have added semiautomatic *shotguns* to the statutory categories of weapons that may constitute bullet-button assault weapons. Assuming that is correct, appellants’ argument that DOJ’s registration regulations were improper because the governing statute (i.e., Pen. Code, § 30515) did not expressly include bullet-button shotguns as assault weapons is now potentially rendered moot or academic.

Inasmuch as the parties have not had an opportunity to comment on this recent development in their regular briefing, we will allow an opportunity for supplemental briefing on this limited issue. Accordingly, the parties shall have until December 15, 2020, to file a supplemental letter brief in this matter, not exceeding three pages in length, addressing the sole question of whether the above identified issue has been rendered moot by the 2020 amendment to Penal Code section 30515, subdivision (a)(7).

Very truly yours,  
BRIAN A. COTTA  
Clerk/Executive Officer

By:   
Deputy Clerk

cc: All Counsel