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OPEN LETTER TO FIREARM DEALERS AND OWNERS REGARDING CALIFORNIA FIREARM COMPLIANCE DEVICES

The Assault Weapons Control Act (California Penal Code sections 30500 through 31115) regulates and criminalizes the unlawful possession, manufacture, distribution, transportation, importation into the state, keeping/offering for sale, giving or lending of “assault weapons.” Last year, California expanded the definition of “assault weapons,” by legislatively changing and expanding the types of firearm & feature configurations that are deemed “assault weapons.” These “feature based”¹ type “assault weapons” are described in Penal Code section 30515 (a) and (b):

- (a) Notwithstanding Section 30510, “assault weapon” also means any of the following:
- (1) A semiautomatic, centerfire rifle that does not have a **fixed magazine** but has any one of the following:
 - (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
 - (B) A thumbhole stock.
 - (C) A folding or telescoping stock.
 - (D) A grenade launcher or flare launcher.
 - (E) A flash suppressor.
 - (F) A forward pistol grip.
 - (2) A semiautomatic, centerfire rifle that has a **fixed magazine** with the capacity to accept more than 10 rounds.
 - (3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.
 - (4) A semiautomatic pistol that does not have a **fixed magazine** but has any one of the following:
 - (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
 - (B) A second handgrip.
 - (C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer’s hand, except a slide that encloses the barrel.
 - (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.
 - (5) A semiautomatic pistol with a **fixed magazine** that has the capacity to accept more than 10 rounds.
 - (6) A semiautomatic shotgun that has both of the following:
 - (A) A folding or telescoping stock.
 - (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.
 - (7) A semiautomatic shotgun that has the ability to accept a detachable magazine.
 - (8) Any shotgun with a revolving cylinder.
- (b) For purposes of this section, “fixed magazine” means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.²**

While there are a number of devices that have been designed and created to ensure that firearms comply with the Assault Weapons Control Act by rendering the firearm a fixed magazine – not all compliance devices are created equally! **Improper installation and/or improper design that allows the removal of an installed compliance device without disassembly of the firearm action may result in the ammunition feeding device also being removed without disassembly of the firearm action. IT IS IMPORTANT TO CHECK THE INSTALLATION OF YOUR COMPLIANCE DEVICE TO ENSURE THAT IT CANNOT BE REMOVED WITHOUT DISASSEMBLY OF THE FIREARM ACTION; AND IF THE COMPLIANCE DEVICE CAN BE REMOVED, CHECK TO SEE IF THE AMMUNITION FEEDING DEVICE CAN THEN BE REMOVED WITHOUT DISASSEMBLY OF THE FIREARM ACTION. IF IT CAN, IT MAY NOT BE DEEMED A FIXED MAGAZINE!**

Sincerely,
THE DAVIS LAW FIRM

Sl. Jason Davis

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¹ The regulations defining many of the terms used in Penal Code section 30515 are available at the Department of Justice – Bureau of Firearms website, here: <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/regs/text-adopted-regulations-bullet-button.pdf>

² 11 CCR §5471(p) defines “fixed magazine” the same as Penal Code section 30515(b).