



Department of Justice
Bureau of Firearms
Attn: Jacqueline Dosch
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Office of Administrative Law
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Re: Opposition to Proposed Emergency Adoption of Regulations Regarding Large-Capacity Magazines

To whom it may concern,

I am writing on behalf of the San Diego County Gun Owners (SDCGO).

SDCGO strongly opposes the Department of Justice's (DOJ) proposed regulations regarding large-capacity magazines and respectfully requests the proposed regulations be rejected in their entirety.

Founded in 2015, the SDCGO was formed in response to aggressive and successful efforts to significantly limit or eliminate the ownership and use of firearms in California at the local and state levels through unduly restrictive legislation and needless regulations. The SDCGO is the local-level volunteer organization comprised of law-abiding citizens dedicated to promoting responsible gun ownership and safety while at the same time working to ensure gun owners' rights are not stripped away through such laws and regulations. SDCGO strongly opposes the Department of Justice's proposed regulations regarding large-capacity magazines.

Recently, the Department of Justice submitted a "Finding of Emergency" along with "Proposed Emergency Adoption of Regulations Regarding Large-Capacity Magazines." The DOJ states "these emergency regulations are necessary for the implementation and on-going enforcement of the ban on large-capacity magazines," and that "these regulations need to be established as soon as possible so the Department has time to notify gun owners and gun owners

have time to make the necessary changes to comply with the ban.” However, a majority of the statutes that the DOJ has claimed to base their proposed regulations on were enacted as far back as 1999 and 2013. Gun owners have been requesting guidance on these statutes for years with no answer from the DOJ. For years the DOJ has chosen to withhold any guidance but now has conveniently decided to submit a Finding of Emergency at the last possible minute. The DOJ’s decision to withhold guidance does not create an “emergency.” By approving a Finding of Emergency solely because the DOJ has refused to act, the possibility of abuse of process is endless.

According to the DOJ’s own Finding of Emergency, “there are likely hundreds of thousands of large-capacity magazines in California at this time...The Department therefore expects many gun owners to be affected by the new ban.” This is precisely the reason that the Proposed Emergency Regulations should be rejected. The state of California has an obligation to the citizens of this state to provide an open, deliberative, and transparent process before any new regulations are approved.

The Proposed Regulations state that an individual may, prior to July 1, 2017, permanently alter a legally possessed large-capacity magazine so that it reduces the capacity to 10 rounds or less. The regulations state that a magazine will only be considered “permanently altered” if both of the following alterations are made:

- (1) A rigid magazine capacity reduction device (e.g., a magazine block) is installed in a boxed magazine and then affixed to the floor plate of the magazine with permanent epoxy; and
- (2) Once the capacity of the magazine has been reduced by inserting a rigid magazine block, it shall be riveted in place through either the floor plate or side wall of the magazine body.

Restrictions on large-capacity magazines have been in place 1999. Yet, the DOJ has never issued guidance on what constitutes a permanently altered large-capacity magazine until now. Thus, a large number of magazines have been sold with only one of the two methods of alteration stated above. Further, some magazines are blocked by both a rivet and a magazine block, but the block is epoxied to the follower of the magazine and not the baseplate. By suddenly requiring individuals to install both features to their currently lawfully owned magazines in the *exact* manner proscribed, the DOJ is subjecting these individuals to possible criminal penalties for insufficient compliance and is requiring owners to incur significant costs to have their magazines altered, often by licensed gunsmiths. The Proposed Regulations need to be rejected until adequate language is included allowing for more options of approved alternations requiring *either* a rivet or a magazine block.

Further, under sections 5491(b)(4)-(5), the Proposed Regulations specifically identify four models of shotguns that incorporate multiple separate magazines that have a 10 round or less capacity. While stating that two firearms do not contain high capacity magazines (e.g., the Kel Tec, KSG and the SRM-1216), the DOJ has now redefined the other two firearms (e.g., the

Standard Manufacturing DP-12 and the UTAS Makine LTD, Model UTS-15) as firearms that contain large-capacity magazines. The DP-12 and the UTS-15 have been legally manufactured and sold under California law since 2015 and 2013, respectively. By issuing new regulations stating that these firearms suddenly incorporate large-capacity magazines, the DOJ is potentially criminalizing individuals who are in current possession of these firearms, have previously purchased these firearms, and any that is awaiting delivery of one of these shotguns. This new definition of a large-capacity magazine for these two firearms also subjects the federal firearms license dealers who sold these shotguns to significant criminal liability. Additionally, these regulations also will require significant costs to any individual who owns one of these firearms to permanently alter the capacity of the magazines and may force the owner to make modifications that essentially destroy the mechanical function of the firearm. The DP-12 and the UTS-15 shotguns have separate integrated magazines that only allow the firearms operator to fire one shot for every pull of the trigger. Their function complies with the current magazine capacity restriction. The Proposed Regulations need to be rejected until they clarify that the use of multiple 10 round or less magazines incorporated into a firearm's design is not considered a large-capacity magazine, regardless of the firearm having a magazine selector feature.

Finally, under section 5492 of the Proposed Regulations, it states that a "magazine extension" is considered a large-capacity magazine conversion kit because it is "capable of increasing the magazine capacity of a magazine." Under the proposed regulations, these would be illegal to buy, sell, transfer, manufacture, receive, give, or possess. However, the Proposed Regulations do not distinguish between magazine extenders that extend the magazine capacity beyond 10 rounds and those extenders that may extend a magazine's capacity while still remaining 10 rounds or less capacity. This obscure definition potentially criminalizes the possession and purchase of a magazine extension that does not have the ability to extend the capacity of a magazine beyond 10 rounds. The Proposed Regulations need to be rejected unless a specific exception is made that allows for a magazine extension to be legally purchased, sold, transferred, manufactured, received, given, and possessed if it does not extend the magazine capacity beyond 10 rounds or less when installed.

Proposing these new regulations through a Finding of Emergency, under the cover of a holiday weekend, and after refusing to provide any guidance in years past is in stark contrast with the DOJ's position that these regulations will "avert serious harm to public peace, health, safety, or general welfare." It is for these reasons the San Diego County Gun Owners Association vehemently oppose these proposed regulations and urge you to reject them in their entirety.

Sincerely,



John W. Dillon
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for
San Diego County Gun Owners Association