

# SB 47 – YEE

## ASSAULT WEAPONS

### BACKGROUND

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California has led the nation in prohibiting the ownership of military style, anti-personnel assault weapons. While California has some of the strictest gun control laws in the country, gun manufacturers are circumventing the state's assault weapon prohibition by exploiting a loophole inadvertently created by imprecise language in statute and regulation. Now these firearms are proliferating California once again. Their growing popularity and sales are quite troubling, since California has an assault weapon prohibition already on the books and the legal clones of these firearms are indistinguishable from their illegal counterparts.

For several years gun makers have manufactured assault weapon with a magazine locking device called the "bullet button," which requires a tool, which may include a tip of a bullet, a magnet, or even a glove, to disengage the magazine yet allow for the easy reloading of a weapon in a matter of seconds. Since a tool is used to disengage the ammunition feeding device, the firearm's magazine is not classified as "detachable" and the firearm in question is legal.

### BILL SUMMARY

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SB 47 would clarify existing law by defining "fixed magazine" in statute. This bill would also give the California Department of Justice (DOJ) the authority to update and bring into compliance existing regulations. This bill seeks to reestablish the original intent of the assault weapon ban by slowing down the process of easily reloading a firearm. Furthermore, identification and enforcement of a complex set of gun laws subjects the Assault Weapon Ban to judicial review (*Haynie/Richards v. Harris*), and may result in the law being ruled unconstitutionally vague and unenforceable. Absent this bill, the assault weapon ban is effectively subverted, severely weakened and vulnerable to judicial review.

### EXISTING LAW

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Existing law prohibits, with certain exceptions, the possession, transfer or sale of an assault weapon. A category 3 assault weapon is defined as a "semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine" in combination with any affixed accessories, such as a telescoping stock, pistol grip, flash suppressor, or forward grip. Most AR-15 or AK-47 type firearms sold in the state would be classified as an assault weapon if it weren't for a loophole in an unauthorized DOJ regulation that defined a detachable magazine as "any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a tool." (11 CCR § 5469 (a).) Consequentially, if a magazine release requires a tool to disengage the ammunition feeding device, then the magazine is not detachable and the firearm in question is legal.

### SUPPORT

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California Brady Campaign  
Law Center to Prevent Gun Violence  
Violence Policy Center  
Women Against Gun Violence  
California Nurses Association

### OPPOSITION

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