

OF COUNSEL:
ROBERT C. MOIST
JOHN F. MACHTEIGER
MICHAEL ALLEN
LOS ANGELES, CA

TRUTANICH • MICHEL, LLP
ATTORNEYS AT LAW
PORT OF LOS ANGELES OFFICE
407 NORTH HARBOR BOULEVARD
SAN PEDRO, CALIFORNIA 90731-3356
TELEPHONE (310) 548-0410 • FAX (310) 548-4813

DON B. KATZ
SAN FRANCISCO, CA
MARK E. BENEDSON
NEW YORK, N.Y.
DAVID T. HARDY
TUCSON, AZ

January 29, 2001

Via Fax & U.S. Mail
Mr. David DeAlba
Mr. Tim Rieger
Department of Justice
1300 "I" Street
Sacramento, CA 95814

Re: -SB-23 "Detachable" Magazine Regulations

Dear Messrs. DeAlba & Rieger:

Many members of my associational clients have been inquiring about what qualifies as a "non-detachable" magazine. The DOJ regulations define a "detachable" magazine as "any ammunition feeding device that can be removed readily from a firearm with *neither* disassembly of the firearm action *nor* use of a tool being required." (Emphasis added).

It would seem in reading the regulation that, conversely, a "non-detachable" magazine would be any magazine that requires *either* disassembly of the firearm action *or* the use of a tool to remove the magazine being required. In other words, for a magazine to be non-detachable it is not necessary that *both* disassembly of the firearm action *and* use of a tool be necessary, only one or the other.

I'd appreciate it if you could clarify this. I look forward to hearing from you shortly.

Sincerely,
TRUTANICH • MICHEL, LLP



C. D. Michel

CDM/hv

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile: (916) 263-0676
(916) 263-0802

February 22, 2001

C.D. Michel
TRUTANICH - MICHEL, LLP
407 North Harbor Boulevard
San Pedro, CA 90731-3356

Re: SB 23 "Detachable" Magazine Regulations

Dear Mr. Michel:

Thank you for your letter of January 29, 2001, requesting clarification of the SB-23 "detachable" magazine regulations. The regulation states, in pertinent part, that a detachable magazine is "any ammunition feeding device that can be readily removed from a firearm with neither disassembly of the firearm action nor use of a tool being required."

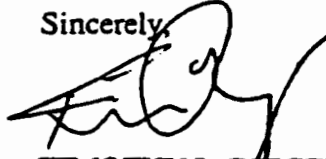
The Attorney General's office agrees that your interpretation is reasonable regarding the converse of the wording of the statute. A non-detachable magazine could mean a magazine that requires either disassembly of the firearm action or the use of a tool to remove the magazine, but not both disassembly and the use of a tool.

However, this office once again cautions that attempts to circumvent the law could lead to litigation of the kind seen in *People v. Dingman*. You and your clients presented the hypothetical of a 10-round magazine with a screw drilled through the receiver into the magazine as an example of a conversion which would require a tool for removal, thus exempting such a firearm from the definition of an assault weapon. A modification maneuver of this type is viewed with scepticism by this office and violates the spirit, if not the letter of the law within the meaning of Penal Code section 12276.1. The fifty-eight district attorneys within this state are likely to share such scepticism and proceed with a prosecution pursuant to Penal Code section 12280 in a case of this nature.

C.D. Michel
February 22, 2001
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I trust this response is in someway helpful to you and your clients.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy L. Rieger', written over the printed name.

TIMOTHY L. RIEGER
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General

TLR:ls