

## California Compliance Issues In Detail

### **DISCLAIMER: THIS IS LEGAL INFORMATION ONLY.**

**If you want professional assurance that this information, and your interpretation of it, is appropriate to your particular situation you should speak to your FFL holder and/or consult an attorney.**

**Category 3** – are firearms defined by characteristic features listed in CA PC 30515 (former section 12276.1). These are sometimes referred to as “SB23 features” (CA Senate Bill 23). Firearms that do not possess any of the prohibited characteristics under Category 3 are commonly referred to as “featureless” firearms. This discussion is limited to rifles.

#### Characteristics of an Assault Weapon under California PC 30515 (former Sec.12276.1 (a))

Sec. 30515 (former Sec. 12276.1) (a) Notwithstanding PC section 30510 (former Sec. 12276), assault weapon shall also mean the following: Rifles

(Bold portions apply to CA semi-auto M249 project)

**(1) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine**  
California Code of Regulations CCR 11 § 5469 (a) **and any one of the following:**

**(A) A pistol grip. CCR 11 § 5469 (d)**

**(B) A thumbhole stock. CCR 11 § 5469 (e)**

**(C) A folding or telescoping stock.**

**(D) A grenade launcher or flare launcher.**

**(E) A flash suppressor. CCR 11 § 5469 (b)**

**(F) A forward pistol grip. CCR 11 § 5469 (c)**

**(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.**

**Category 3 will NOT apply** as long the CA M249 **does not possess** any of the prohibited characteristics (1a-f, 2, and 3).

**(A) A pistol grip - CCR 11 § 5469 (d)**

A "pistol grip that protrudes conspicuously beneath the action of the weapon" means a grip that allows for a pistol style grasp in which the web of the trigger hand (between the thumb and index finger) can be placed below the top of the exposed portion of the trigger while firing.

California law only applies to the attached pistol grip. The mere presence of a pistol grip mounting hole on the trigger pack does not meet the criteria of pistol grip.

**(B) A thumbhole stock. CCR 11 § 5469 (e)**

A thumbhole stock is not applicable to the CA M249 rifle

**(C) A folding or telescoping stock.**

A folding or telescoping stock is any stock that is designed to be folded or telescope and still allow the firearm to discharge.

The CA M249 utilizes a standard factory, fixed, non-telescoping stock attached to the rear of the rifle. The factory fixed stock does not meet the criteria of a folding or telescoping stock. Thus, the fixed stock complies with California regulations.

**(F) A forward pistol grip. CCR 11 § 5469 (c)**

Under 5469(c), a "forward pistol grip" means a grip that allows for a pistol style grasp forward of the trigger.

California only regulates an attached forward pistol grip. The railed MIL-STD 1913 handguard by itself does not allow the user to grip the front of the rifle with a pistol style grasp. The presence of the MIL-STD 1913 railed handguard does not meet the criteria of a forward pistol grip. Therefore, a railed handguard by itself on the rifle complies with California regulations.

**(E) A flash suppressor. CCR 11 § 5469 (b)**

**Definition of a "Flash Suppressor" CCR 11 § 5469 (b)**

"Flash suppressor" means any device designed, intended, or that functions to perceptibly reduce or redirect muzzle flash from the shooter's field of vision. CCR 11 § 5469 (b)

A Flash Suppressor/ Flash Hider is a device attached to or integral with the muzzle of a firearm, designed to eliminate or reduce the incandescent flash of the firearm's discharge. Although they can reduce the visibility of the firearm's location when fired, they are primarily designed to prevent the shooter's vision from being blinded by the flash at night. Many flash hidere also act as a muzzle brake.

Characteristics of a flash suppressor:

The majority of these devices come in two styles. The multi prong and the birdcage flash suppressor. The inner cavity of the muzzle device is usually several times the diameter of the bore. The muzzle device usually has large slots to allow the propelling gasses to blow through: redirecting, reducing, and eliminating the muzzle flash from the shooters field of vision.

#### Muzzle Break

A Muzzle Brake/ Muzzle Compensator is a device attached to or integral with the muzzle of a firearm, designed to redirect the propelling gasses to counter the firearm's: recoil, muzzle rise.

#### Characteristics of muzzle brake:

The major difference between a flash suppressor and a muzzle brake is the size of the inner cavity. The inner cavity of a muzzle brake is usually just slightly larger than the diameter of the bore. This better traps the propelling gasses behind the bullet. This forces/redirects more of the gasses to escape through small ports/slots in the muzzle device. These ports/slots are usually machined/drilled in strategic locations or angled to divert the gasses to reduce the firearm's: recoil, muzzle rise.

California only prohibits the attachment of a flash suppressor. The barrel may be threaded and, left exposed, capped with a removable thread protector, or have a muzzle break attached. California does not require the threaded muzzle cap or the muzzle break to be permanently attached to the barrel (unless the purpose of the attached muzzle break to extend the overall length of the barrel to meet the minimum Federal requirement of 16” on a long gun)

**The presence of a threaded barrel or the presence of a muzzle break does not meet the criteria of a flash hider.** Thus, the threaded barrel alone, or the threaded barrel with an attached muzzle break complies with California regulations (barrel length must be greater than 16 inches).

#### **(3) A semiautomatic, center fire rifle that has an overall length of less than 30 inches.**

The firearm must have an overall length of greater than 30 inches in the proposed configuration to be compliant with California regulations. Again, the barrel must have a minimum length of 16 inches under federal law to avoid being regulated under NFA requirements.

The CA M249 utilizes a fixed stock in combination with an 18 inch barrel giving an overall length of approximately 41 inches. Thus, it exceeds the minimum overall length requirements and complies with California regulations.