

## Clarification of HB 1240

I would like to thank you in advance for taking the time to instruct us as to the technical aspects of HB1240. While the bill is well written, a few questions have arisen as to certain terms used within it. We would like to have the ability to inform our citizens as to the finer details of the bill to prevent any misunderstanding of the regulations it contains. Specifically, I would like to ask for your interpretation of the relationship between a couple of terms used in HB 1240.

There are two main terms used inversely in HB 1240 which I would like to discuss.

“Fixed magazine” is the first one. It can be found in the following sections:

“(v) A semiautomatic, center fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds” (page 5 lines 5-6)

“(b) For the purposes of this subsection, “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.” (page 6 lines 10-13)

The term “Fixed Magazine” is defined within the bill, so it is self-explanatory. Obviously, the fixed magazine cannot contain more than 10 rounds and can only be removed by breaking the action.

“Capacity to accept a detachable magazine” is the second term in question. There is no definition of this term in the bill. It can be found in the following sections:

“(iv) A semiautomatic, center fire rifle that has the capacity to accept a detachable magazine and has one or more of the following:” (page 5 lines 5-6)

“(vi) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:” (page 5 lines 28-29)

We can assume these two terms (“fixed magazine” and “capacity to accept a detachable magazine”) describe the legal or banned configuration of a firearm. Having a fixed magazine being the legal configuration, and having the ability to accept a detachable magazine being the banned configuration.

Let us examine this a little further. In HB 1240 “fixed magazine” and “the capacity to accept a detachable magazine” are used as two different configurations. Either you have a fixed magazine or you have the capacity to accept a detachable magazine. When a fixed magazine is installed, the magazine well would be blocked by the fixed magazine and unable to accept a detachable magazine.

It would then be my understanding that: If one has a fixed magazine installed in the firearm, the firearm would no longer have the capacity to accept a detachable magazine.

If this is the case, please inform me that this interpretation of the bill is correct. Thank you very much for your time and clarification in this matter.

If this is not the case, please read on to help me determine what is “the capacity to accept a detachable magazine”.

“Capacity” is the ability to do something. So, we are basically determining if the firearm is able to accept a detachable magazine.

It seems to me, from reading the text of the bill, that if there is a fixed magazine in the firearm, it is not capable of accepting a detachable magazine, unless you first break the action and remove the fixed magazine. One may argue, “Yes, but if you can remove the magazine, the capacity returns, so is the ability gone or just disabled?” It may just be disabled while the fixed magazine is installed, but when installed, the firearm does not have the ability or capacity to accept a detachable magazine, and the law does not state anything about permanence other than a fixed magazine cannot be removed without disassembly of the firearm action.

There are many other parts of a firearm that can determine whether or not a firearm is an assault weapon. These parts can be easily added and removed from a firearm. For example, features such as a pistol grip, forward grip, and retractable stock, can all be added and removed without breaking the action and often times without the use of tools.

Breaking the action seems to be a sufficient method of attaching a fixed magazine. When one disassembles the firearm by breaking the action, it becomes incapable of operating. Breaking the action will also allow you to remove other parts of the firearm as well (bolt, bolt carrier, return spring, etc.). The fixed magazine is now just as difficult to remove as other internal parts of the firearm. Even firearms with internal magazines can be disassembled, broken down, and the magazines removed by breaking the action, sometimes utilizing the use of tools.

For the sake of argument, let’s just say that we wanted to restrict the capacity further by making it more permanent and more difficult to remove. Permanence would be a hard term to clarify. What is permanent? Are any parts of a firearm permanent? All parts on a firearm can be taken apart with simple hand tools, and many can be taken apart without the use of tools. Nothing is together permanently on a firearm, there are only levels of difficulty when taking it apart.

As I see it, there are three different difficulty levels to the disassembly of a firearm, and it turn, to the removal of a fixed magazine.

All levels below require breaking the action of the firearm to access the internals. This can usually be done by hand.

Level 1. Disassembly/removal by hand. (Most firearms can be field stripped by hand.)

Level 2. Disassembly/removal requiring tools. (More structural parts sometimes need tools to be removed.)

Level 3. Disassembly/removal requiring tools plus additional processes such as drilling, grinding, or machining. (A small number of firearms need additional processes such as the ones listed above to fully disassemble them. Even these can be field stripped by hand.)

If a fixed magazine, as defined in HB 1240, would not be sufficient for removing the capacity to accept a detachable magazine, which level of disassembly to remove the magazine would be sufficient for removing the capacity?

Thank you very much for your time and expertise in this matter.