

COPY

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



FIREARMS DIVISION
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April 15, 2004

Alex J. Robinson, President
Robinson Armament Co.
P.O. Box 16776
Salt Lake City, UT 84116

Re: Determination of Suitability of M96 Rifle for Unrestricted Sale in California

Dear Mr. Robinson:

This letter is in response to the e-mail request your legal counsel sent to our office on February 9, 2004, regarding whether the part identified as the "pistol grip stud" in Exhibit A is a pistol grip.

The Department of Justice received and examined the Robinson's Armament model number M96 exemplar in March of 2001, and again examined the "pistol grip stud" in January of 2004.

The Robinson Armament M96 is a centerfire rifle that has the capacity to accept a detachable magazine. Because of this, any conspicuously protruding grips attached to a Robinson Armament M96 would render the firearm an "assault weapon" under California Penal Code section 12276.1. Our agents will confiscate any unregistered Robinson Armament M96 firearms with conspicuously protruding grips attached.

The Department of Justice, in response to your request and in light of the law and the pistol grip regulatory definitions, has made the following observations:

Pistol Grip Feature of 12276.1(a)(1)A)

Penal Code section 12276.1(a)(1), among other things, defines as assault weapons: "A semi-automatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

- (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
- (B) A thumbhole stock.
- (C) A folding or telescoping stock.
- (D) A grenade launcher or flare launcher.
- (E) A forward pistol grip."

The "capacity to accept" provision of Penal Code section 12276.1(a)(1) applies only to the detachable magazine and does not apply to the 12276.1(a)(1)(A) pistol grip provision.

11CCR 978.20(d) defines a pistol grip that protrudes conspicuously beneath the action of the

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weapon to mean "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."

A "pistol style grasp" allows the fingers to wrap around the grip.

Based upon the Robinson Armament model number M96 provided to the Department of Justice Firearms Division for evaluation in March of 2001 and as depicted in Exhibit A, the part identified as a "pistol grip stud" is too small to allow fingers to wrap around it so that the web of the trigger hand can be placed below the top of the exposed portion of the trigger while firing. The part identified as a "pistol grip stud" cannot be considered an assault weapon pistol grip because the device only allows for the thumb, and not all the fingers, to grasp the part.

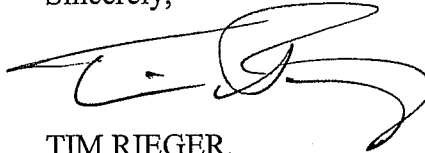
Although the Department of Justice views the pistol grip stud as insufficient to constitute a pistol grip within the meaning of Penal Code Section 12276.1, this stud, or bolt, comes dangerously close to violating the law. There are 58 duly elected District Attorney prosecutors in the state of California. These elected officials have not always viewed the law regarding assault weapons in the same manner as the elected Attorney Generals. While we stand by our interpretation, we would strongly advise eliminating to the extent possible any protrusion that could be construed as a pistol grip by law enforcement or the public.

Conclusion

The California Department of Justice opines that the part identified as the "pistol grip stud" in Exhibit A does not fall within the regulatory definitions of a pistol grip. The Robinson Armament model M96 exemplar provided to our office in March of 2001 did not have any of the features identified in California Penal Code section 12276.1(a)(1)(A)-(E). The exemplar provided is, therefore, not an assault weapon under California Penal Code section 12276.1.

Again, we caution you to eliminate or reduce this protrusion in order to avoid any unnecessary litigation with the 58 duly elected District Attorneys that may have a different opinion, but we stand by our analysis and conclusion.

Sincerely,



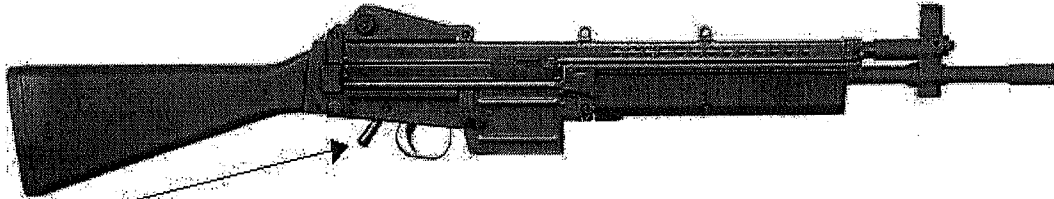
TIM RIEGER,
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General

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cc: Mr. Jason Davis
407 North Harbor Boulevard
San Pedro, CA 90731-3356

EXHIBIT A



"pistol grip stud"

