



THE CASE FOR BANNING ASSAULT WEAPONS



A report in the "Closing Illegal Gun Markets" series
by the Educational Fund to Stop Gun Violence

September 2003

Closing Illegal Gun Markets

Killing Machines: The Case for Banning Assault Weapons

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www.underassault.org

A message from Joshua Horwitz, Executive Director of the Educational Fund to Stop Gun Violence

Americans understand that military-style assault weapons have no place in our homes and on our streets. Banning these killing machines will help protect law enforcement and keep our communities safe. It is my hope that this report will serve to educate the public and policy makers about the danger these weapons pose and will provide the grassroots with the tools needed to advocate for an assault weapons ban at all levels of government. I want to acknowledge all the Educational Fund staff who worked on this report, with a special thanks to our Policy Director, Eric Gorovitz, for researching and writing the report.

Our Mission

The Educational Fund to Stop Gun Violence was founded in 1978 as an educational nonprofit dedicated to ending gun violence by fostering effective community and national action.

Introduction

Assault weapons possess features specifically designed by the world's militaries to make it easier for the shooter to fire a sustained, high volume of bullets into a wide area. Millions of these military assault weapons are in circulation around the globe, causing immeasurable destruction worldwide.¹ As a result of America's weak gun laws, military assault weapons entered our civilian marketplace decades ago, and criminals quickly learned how to exploit their military features.

For years, an overwhelming majority of Americans has recognized that assault weapons have no place in our communities or on our streets. Law enforcement groups agree. Yet, despite this stable, widely shared view, military-style assault weapons remain legal and easy to buy, often with no questions asked.

The continued, widespread availability of assault weapons poses myriad threats to our safety and security. Anti-American terrorist groups teach recruits how to arm themselves by exploiting our weak gun laws.² Murders and other violent crimes are once again on the rise after several years of decline.³ Law enforcement agencies regularly recover assault weapons during searches conducted while investigating other crimes.⁴ One in five police officers killed in the line of duty during 1998-2001 were slain with assault weapons, which may explain why the International Association of Chiefs of Police supports a federal ban.^{5,6}

Federal law should prohibit civilian trade in and possession of any firearm with the

ASSAULT WEAPONS AND HOMELAND SECURITY

- **Assault weapons are the guns of choice for criminals**
- **One in five police officers slain in the line of duty is killed with an assault weapon**
- **Violent crime is on the rise**
- **Terrorists train recruits to arm themselves with assault U.S.-bought weapons**

military features that make assault weapons so dangerous, and, as a result, particularly suited for criminal activity.

This report makes the case for banning assault weapons from the civilian marketplace. After briefly discussing the history of assault weapons and past efforts to ban them, the report explains the key elements of

a model law that can be adopted at the federal, state or local level. The text of the model law is included in the Appendix. Although political realities and practical constraints may require some modifications to this model in a given jurisdiction, we hope that this report serves as a roadmap for an effective assault weapon ban that will help enhance homeland security and reduce gun violence.

A Brief History of Assault Weapons

The two hallmarks of assault weapons, derived directly from their military lineage, are high ammunition capacity and the presence of features that enhance control during rapid firing. Some assault weapons also include devices, like folding or collapsible stocks, that make them easier to conceal or to carry. These special features of assault weapons, which can be pistols, rifles or shotguns, make assault weapons particularly useful for committing crimes, but offer no benefit for legitimate purposes beyond military applications.⁷ In fact, the federal Bureau of Alcohol, Tobacco and Firearms (ATF) determined that rifles capable of accepting large-capacity military magazines “are attractive to certain criminals,” and that these rifles “are not generally recognized as particularly suitable for or readily adaptable to sporting purposes.”⁸

The first assault weapons were fully automatic rifles intended to serve the needs of the world’s armies, and were produced in vast numbers for military use around the globe. Military assault weapons combined the high firepower of bigger, heavier guns, which were designed for medium-range use, with the relative ease of carrying and controlling smaller, lighter weapons, which were better suited for short-range combat.⁹ This balance was achieved by using smaller cartridges and large-capacity magazines, while retaining design features (like pistol grips, barrel shrouds or forward handgrips) necessary to control the gun during sustained, automatic fire.

The military’s fully automatic assault weapons eventually entered the civilian market, typically (though not always) after being modified to prevent operation in fully automatic mode.¹⁰ Gun makers and dealers who were eager to exploit the poorly regulated American civilian gun market began to import or manufacture innumerable semi-automatic variations of these military armaments. Before long, military-style assault weapons became readily available for the asking.

The emergence during the 1980s of the lucrative crack cocaine trade, with the associated violent turf battles, created a huge demand among criminals for guns, which the American marketplace was happy to supply.¹¹ Soon, assault weapons like the Israeli Uzi pistol and many variants of the Soviet-designed AK-47 rifle became commonplace on our streets.

STOCKTON SCHOOLYARD MASSACRE

(Stockton, CA; 1989)

On January 17, 1989, Patrick Purdy used an AK-47 to kill five schoolchildren and wound 39 other people in Stockton, California. The rapid-fire capabilities of the AK-47 allowed Purdy, a convicted criminal with mental health problems, to maximize the death and injury he sought to inflict.

The Stockton Schoolyard shooting prompted California and other states and localities to adopt provisions that banned assault weapons. The shooting also initiated calls for a federal ban on assault weapons, which ultimately became law in 1994. Unless Congress and the President act, the federal law will sunset in September 2004.

A Brief History of Assault Weapon Bans

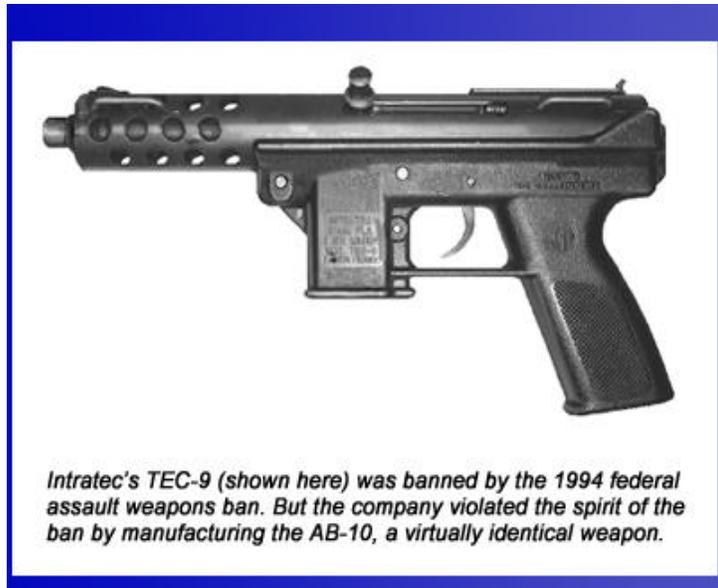
A Lethal Game of “Copycat”-and-Mouse

Despite the carnage caused by assault weapons in the hands of criminals, the civilian sale and possession of assault weapons remained legal throughout the United States until 1989. Early that year, a man with a history of crimes and mental health problems used an AK-47 assault rifle to shoot at a Stockton, CA, schoolyard full of small children, killing 5 and wounding 39 before killing himself. (*Box, p.2*) Within months, the California Legislature adopted the nation’s first ban on the sale and possession of assault weapons.¹²

The California law banned the manufacture, sale and possession of specified models of rifles, pistols and shotguns that were recognized at the time as assault weapons. To prevent manufacturers from subverting the ban by simply changing model designations, the California law also authorized the state’s Attorney General to add similar guns to the list.¹³ Most of the named guns were versions of the assault weapons used by military forces around the world, while some were copies or slightly altered variations originally intended for the civilian market.

Over the next several years, two competing trends evolved that affect the current debate over assault weapons. The first trend showed many cities and a handful of states following California’s lead and adopting assault weapon bans of their own. These statutes and ordinances ranged in strength and approach.

Hawaii, for example, banned only assault pistols, but applied a feature-based test rather than relying on model designations.¹⁴ Denver, CO, adopted an ordinance that referred to features of assault weapons, but relied primarily on the identification of specific models.¹⁵ The District of Columbia imposed strict liability on manufacturers of specified assault weapons for most injuries resulting from their use.¹⁶ At the far end of the spectrum, New York City’s 1991 ordinance prohibited the sale or possession of, among others, any semi-automatic rifle or shotgun with any one of a list of features, including a pistol grip.¹⁷



COLUMBINE HIGH SCHOOL

(Littleton, CO; 1999)

Armed with a TEC-DC9, a Hi-Point Carbine military-style rifle, and two sawed-off shotguns, Eric Harris and Dylan Klebold opened fire on teachers and fellow students at Columbine High School on April 20, 1999. When the shooting stopped, 15 people, including the gunmen, were dead. Twenty-three were wounded.

Though the 1994 assault weapons ban outlawed the manufacturing of new TEC-DC9 assault weapons, the sale of older models was grandfathered. To make matters worse, Intratec, Inc., the maker of the notorious weapon, refused to adhere to the spirit of the assault weapons ban, and introduced the AB-10, an assault weapon only slightly different from the TEC-DC9. "AB" stood for "after ban."

The second trend involved the gun industry's response to the first trend. While cities and states sought to eliminate assault weapons from their streets, gun makers began evading these new laws. Manufacturers changed the model designation of some guns, continuing to sell them under the new name with virtually no changes in design.¹⁸ Colt's banned AR-15, for example, became the non-listed, and arguably legal, Colt Sporter.¹⁹ Some manufacturers explicitly acknowledged their intent to evade the ban in the name of the new gun. Thus, Intratec's TEC-9 assault pistol became the virtually identical TEC-DC9, to evade the District of Columbia's assault weapon law, which referred to the TEC-9 by name.²⁰

The inevitable result of this patchwork of state and local regulations was that "copycat" assault weapons, functionally if

not cosmetically identical to their banned siblings, became widely available. These "legal" substitutes flooded the civilian marketplace, undermining the bans and returning assault weapons to our streets.²¹

Congress Steps In

The growing number of local and state assault weapon bans, combined with the gun industry's efforts to evade those laws and more mass shootings, convinced the United States Congress to adopt a federal assault weapon ban in 1994.²² The core of the federal ban relied upon the model-designation approach, banning both specific assault weapons and "copies or duplicates . . . in any caliber" of those weapons.

In addition to the model-designation test, the federal ban incorporated a features test, banning semi-automatic rifles and pistols that could accept a detachable magazine **and** included **two or more** specified features.

Taken together, the "copies and duplicates" provision and the features test were intended to end the rampant proliferation of "copycat" assault weapons. The law's reference to "copies and duplicates" implicitly acknowledged the gun industry's evasive maneuvering around the model-designation test, while the features test focused on the key components that make military-style assault weapons inappropriate for civilian use.

However, several major flaws in how the federal law was drafted, interpreted and implemented severely undermined its effectiveness. The biggest problem was a sweeping "grandfather clause" that allowed the continued possession and transfer of

assault weapons that were legally manufactured or owned prior to September 13, 1994, the date the ban was signed into law.²³ With millions of assault weapons already in civilian hands, and a long lead-time during which manufacturers greatly increased production, the grandfather clause ensured continuing commerce in otherwise-banned weapons.²⁴

The drafting of the federal law's two-feature test created a comparably large loophole. Under the statute, the ability to accept a detachable magazine, which gives assault weapons their essentially unlimited ammunition capacity, did not count against the two-feature limit. At the same time,

accessories like bayonet mounts or threaded barrels, which have nothing to do with enhancing control during rapid fire, did count, as did more central features like pistol grips and barrel shrouds. Under this definition, an assault weapon with both a detachable magazine and a pistol grip or barrel shroud remained legal, despite being capable of controlled, high-capacity firing. Some manufacturers evaded the ban by removing the bayonet mount or the threading on the barrel (which allows the addition of illegal accessories like silencers), while retaining the pistol grip or barrel shroud.

Even worse, the two-feature provision in the law did not account for the ingenuity of assault weapon manufacturers in designing around the listed features. Some manufacturers replaced pistol grips with "thumbhole" stocks, which serve precisely the same function. Others replaced prohibited flash suppressors (designed to conceal the shooter's location) with non-prohibited "muzzle brakes," or "compensators" (designed, ironically, to reduce "muzzle climb" during rapid firing).²⁵ A version of Colt's Match Target copy-cat includes a compensator in place of the banned AR-15's flash suppressor, arguably making the legal version a more effective assault weapon than its banned twin.

The interpretation and implementation of the "copies or duplicates" language by the Bureau of Alcohol, Tobacco and Firearms was another significant problem with the federal ban. In a document providing answers to frequently asked questions, ATF never mentions "copies or duplicates,"²⁶ and ATF regulations do not define the term.²⁷ Instead, ATF treats the federal statute as covering only the specifically named assault weapons and the assault weapons defined by the feature-based test. In ATF's view, "copies or duplicates" does not include any assault weapons that differ from their named siblings in any way, even if the differences are only cosmetic. In effect, this interpretation excises the "copies or duplicates" provision from the statute, giving manufacturers wide latitude to evade the spirit of the law by making cosmetic modifications while preserving the functional elements of an assault weapon. Taking advantage of this loophole, Colt again slightly altered the "Sporter," itself a ban-evading variation of the AR-15, by removing

FLAWS IN CURRENT FEDERAL LAW

- **Assault Weapons made before 1994 can still be sold legally**
- **"Copycat" weapons are not effectively banned**
- **The "two-feature" test is easy to evade**

the flash suppressor (which is not a central feature of an assault weapon) and renaming the gun the Colt “Match Target.” The Colt Match Target, which is functionally nearly identical to the AR-15, and many other copy-cat assault weapons remain on the market today.

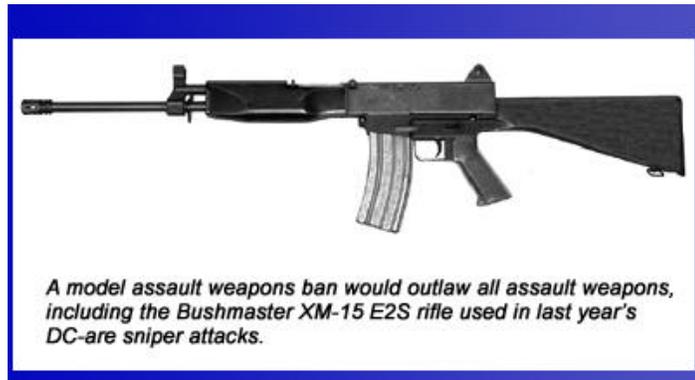
California Raises the Bar, Again

Recognizing that the federal model-designation test was inadequate and that the two-feature test was only a marginal improvement, California expanded its assault weapon ban in 1999.²⁸ The new law incorporated a one-feature test, banning pistols and rifles with a detachable magazine and any single listed feature. In addition, the new law encompassed the industry’s innovative alternatives, like the thumbhole stock and muzzle compensators, that are not on the federal list.²⁹ This new formulation focuses much more narrowly on the essential features of assault weapons. Thus, the new law effectively bans virtually every firearm possessing the two key components of an assault weapon: high ammunition capacity and enhanced control during rapid firing.

A Deadly Sunset

The federal assault weapon ban, limited though it is, will sunset on September 13, 2004.³⁰ Absent Congressional action to rescue the law, manufacturers will once again legally produce military assault weapons in any configuration, regardless of their deadly features. Manufacturers will no longer need to resort to tricks and evasions. Instead, they will simply return to the good old days of openly pumping out military assault weapons by the truckload and dumping them on our streets.

The federal sunset provision has grave implications nationwide. The open borders between states invite gun traffickers to evade the law in one state by importing assault weapons from other states. If the federal ban disappears, assault weapons that are currently unavailable will become readily accessible in the 43 states that have not yet banned them. California’s new, more effective ban will lose much of its power as a robust supply of formerly illegal assault weapons again becomes available in other states.



A strong federal assault weapon ban is the most effective way to eliminate assault weapons from our communities. In the absence of a strong federal law, however, states can and should act aggressively to adopt effective bans of their own. The following section describes the components of an effective assault weapon ban. A Model Law appears as an Appendix to this report.

A Model Assault Weapon Ban

Defining “Assault Weapon”

The definition of “assault weapon” must focus on the presence of the two key features that make assault weapons particularly dangerous: **high capacity** and **enhanced control during rapid firing**. The definition should not depend on the presence of other undesirable features like flash suppressors or bayonet mounts, although these features may also be prohibited.

High Capacity

A gun’s capacity depends on its design. Some guns are designed to fire a single shot at a time and must be manually reloaded after each discharge. Revolvers can hold one round in each of the chambers in the revolving cylinder, but are cumbersome to reload.³¹ Guns with non-detachable, or “fixed,” magazines can hold as much ammunition as will fit in the magazine, but the capacity of a fixed magazine is limited by the size of both the gun and the cartridge it is designed to fire. Like revolvers, fixed magazines also take time to reload. None of these designs promote sustained rapid firing.

Detachable magazines, on the other hand, give guns practically



unlimited capacity. The number of cartridges a detachable magazine can hold is not limited by the size of the gun, because the magazine can extend well beyond the frame. High-capacity magazines are readily available for most semi-automatic guns. With very little practice, a shooter can replace an empty magazine with a pre-loaded, full magazine in one or two seconds. The capacity of any gun with a detachable magazine, therefore, is limited only by the number and size of pre-loaded magazines the shooter is willing to carry. Accordingly, **any gun with the ability to accept a detachable magazine satisfies the “high capacity” component of the “assault weapon” definition.**

Enhanced Control During Rapid Firing

The powerful forces generated by the discharge of ammunition and the operation of the firing mechanism cause every gun to move when fired. When a second round of ammunition is discharged immediately after the first, before the shooter can reposition the gun, the movement accumulates. This explains the phenomenon of “muzzle climb,” in which the muzzle of a rapid-fire gun jumps up with each successive discharge. During sustained rapid firing, any gun can quickly become uncontrollable.

Assault weapons are designed to counter these effects. Various devices improve the shooter’s ability to overcome the forces that inhibit rapid-fire control, while others reduce or redirect those forces. The presence of any of these devices on a gun indicates that the gun was designed for rapid-fire use.

The most readily identifiable control-enhancing devices allow the shooter to exert leverage on the gun during rapid firing by holding it firmly with both hands. The presence of a pistol grip on a rifle or shotgun, for example, is a clear sign that the gun was designed for rapid fire. The traditional grip on a hunting rifle positions the shooting hand at an angle that is well suited to aiming and firing from the shoulder. Rapid firing, on the other hand, replaces aim with volume, freeing the shooter to fire from below the shoulder. A pistol grip provides better control than the traditional grip when rapidly firing from this position.³²

As for the non-shooting hand, the presence of a protruding grip located in front of the trigger allows the shooter to grasp the gun tightly with both hands, gaining leverage over an unruly weapon. A protruding magazine placed in front of the trigger can serve the same purpose. On a pistol, the placement of the magazine at any location other than inside the pistol grip creates a second handhold.

In the absence of a protruding, forward handgrip, a shooter could use the non-shooting hand to control an assault weapon by holding directly onto the barrel. However, the discharge of ammunition generates tremendous heat; during rapid discharge, the barrel quickly becomes too hot to handle. On some assault weapons, the barrel is encased in a heat-dissipating shroud that allows the shooter to hold on without getting burned. On others, an insulating forward stock, which may be sculpted to accommodate the hand, functions as a second grip.³³

Other control-enhancing devices directly affect the forces generated during discharge. Some assault weapons have a device called a “muzzle brake” or “compensator” on the end of the barrel.³⁴ The device consists of holes that redirect the gases that propel the bullet as they emerge from the barrel, reducing the movement, or “recoil,” of the gun. Other assault weapons have a similar-looking device called a “flash suppressor,” which ostensibly is designed to reduce the visible flash occurring at the muzzle as the bullet

THE DC-AREA SNIPER

(Washington, DC Metropolitan Area; 2002)

For three weeks in October 2002, sniper suspects John Allen Muhammad and John Lee Malvo allegedly terrorized the Washington, DC area with a Bushmaster XM-15 E2S assault rifle. In addition to killing 10 people and wounding three others, the snipers created a climate of fear throughout America.

Though clearly an assault weapon, the Bushmaster assault rifle is not banned under current law. The gun industry has purposefully manufactured “copycat” weapons like the Bushmaster XM-15 E2S to skirt the intent of the 1994 ban.

Since the attacks, victims of the sniper shootings have demanded the ban on assault weapons be strengthened. Sonia Wills, whose son Conrad Johnson was killed as he prepared to pick up morning bus commuters in Montgomery County, MD, is urging Americans to help her fight for a stronger assault weapons ban, arguing “guns of war have no business on our streets.” Former Montgomery County Police Chief Charles Moose has also endorsed a strong assault weapons ban.

leaves the barrel. However, some flash suppressors can also act as control-enhancing muzzle brakes. Accordingly, **any firearm that possesses control-enhancing features satisfies the second prong of the “assault weapon” definition.**

An assault weapon, therefore, is any firearm that a) can accept a detachable magazine and b) has any one feature that enhances control during sustained rapid firing.

Prohibitions and Exceptions

A complete assault weapon ban prohibits the manufacture, trade and possession of any gun that meets the definition of an assault weapon. However, narrow exceptions may be appropriate to accommodate specific practical issues.

MODEL LAW EXCEPTIONS
<ul style="list-style-type: none">■ Military and law enforcement officers■ Relinquishment of assault weapons to law enforcement agencies■ Current lawful ownership with annual registration■ Weapon permanently disabled

For example, military and law enforcement agencies use assault weapons for certain purposes. An exception permitting the manufacture of assault weapons for sale exclusively to military and law enforcement agencies allows them to buy what they need without supplying the civilian market.

A second exception allows a person to possess an assault weapon for the sole purpose of relinquishing it to a law enforcement agency.

A third exception allows continued possession of assault weapons legally owned at the time of the enactment of the ban, subject to specified conditions. The conditions attendant upon ownership are designed to ensure that the owner is not prohibited from owning or possessing firearms, remains accountable at all times for the whereabouts and use of the assault weapon and possesses the assault weapon only in specified places.

Conclusion

Military-style assault weapons do not belong in civilian hands. A well-crafted, comprehensive federal assault weapon ban can effectively remove them from our streets and communities. Until such a ban is adopted, states can and should adopt their own bans. The model law included in the Appendix addresses the issues raised in this report. Although practical and political constraints may affect the ability of a given jurisdiction to adopt the model law in its entirety, the model serves as a basis for a strong assault weapon ban in each jurisdiction.

References

¹ The United States Department of State recently said,

Estimates of the number of small arms and light weapons in circulation range from 100 to 500 million, with 50-80 million being AK-47 assault rifles. An increasing number of countries are becoming self-sufficient in the manufacturing of small arms and related ammunition either through indigenous or licensed production. It has been reported that an AK-47 assault rifle can be purchased on the streets of some developing countries for as little as \$10 (U.S.), or in exchange for a chicken or a goat. In other countries, AK-47s can be rented by the hour by criminals solely for the purpose of carrying out a criminal act. International transfers are also a major source of small arms and light weapons supply, through a host of channels, both legal and illegal.

U.S. Dept. of State, "Background Paper: Can small arms and light weapons be controlled?" (June, 2001) accessed on the World Wide Web at <http://www.state.gov/t/pm/rls/fs/2001/3768pf.htm> on August 22, 2003.

² Salopek, P, "A chilling look into terror's lair," Chi. Trib. at A1 (Nov. 18, 2001).

³ Bureau of Justice Statistics, Data Online accessed on the World Wide Web on August 7, 2003, at <http://bjsdata.ojp.usdoj.gov/dataonline/Search/Crime/State/TrendsInOneVar.cfm>. These data show that overall violent crime nationwide dropped every year between 1992 and 2000, but rose again in 2001.

Murders and nonnegligent homicides dropped every year between 1993 and 2000, but rose again in 2001.

⁴ For example, the Evidence Unit of the Oakland (CA) Police Department receives scores of assault weapons every year. Personal communication from Evidence Technician George Edwards, August 8, 2003.

⁵ Violence Policy Center, *Officer Down: Assault Weapons and the War on Law Enforcement* (2003).

⁶ See, e.g., Int'l Assoc. of Chiefs of Police, "Legislative Agenda for the 108th Congress" 12 (expressing support for the federal assault weapon ban and noting that "there are no legitimate sporting or hunting purposes recognized for certain semi-automatic, military-style guns")

⁷ In modern usage, the term "*pistol*" generally refers to a firearm that is designed to be held and fired with a single hand, with a short barrel and stock and a single, stationary firing chamber. Pistols differ from "*revolvers*," which are also designed to be fired with one hand, in that revolvers have multiple firing chambers arranged in a rotating cylinder. A *rifle* is a firearm with a long stock and a long, rifled barrel, which is designed to fire cartridges containing a single bullet. A *shotgun* is a firearm with a long stock and a long, unrifled barrel, which is designed to fire cartridges generally containing multiple projectiles.

⁸ Dept. of Treasury, "Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles," at 38 (1998).

⁹ See, e.g., Lewis, J, Steele, D, *The Gun Digest Book of Assault Weapons*, 5th Ed. 19 (2000) ("The Main Battle Rifle [the 7.62 mm M1 Garand] is designed to produce grazing fire out to about 600 yards However, the modern battlefield . . . is filled with support weapons that obviate the need for an infantryman rifle to be effective beyond 300 yards. Instead, the soldier is expected to place 'suppressive' fire on the enemy in the last phase of an attack, the assault. Instead of traditional, British-style aimed fire, the emphasis is on Soviet-style spray fire. Lighter ammo [sic] . . . is easier to carry and easier to control in full-auto. Combine this with a lighter, easier to carry rifle, and it should be no surprise that the 5.56mm M-16 rifle [became] U.S. Army and Allied country standard.")

¹⁰ For example, the AK-47 and the Uzi were originally designed for the military. The AR-15 is a slightly-modified, semi-automatic version of the M-16, mentioned in the previous note.

¹¹ Blumstein, A, "Youth Gun Violence, Guns, and the Illicit-Drug Industry," 86 J. Crim. L. Criminol. 10 (1995); Cork, D, "Examining Time-Space Interaction in City-Level Homicide Data: Crack Markets and the Diffusion of Guns Among Youth," 15 J. Quant. Criminol. 379 (1999).

¹² Roberti-Roos Assault Weapons Control Act of 1989, Ca. Penal Code § 12275 *et seq.*

¹³ Ca. Penal Code §§ 12276(d), 12276.5. The "add-on" provision, which required the Attorney General to petition a court for approval of any proposed addition to the list, survived a constitutional challenge. *Kasler v. Lockyer*, 23 Cal.4th 472 (2000), *cert. denied*, 531 U.S. 1149 (2001).

¹⁴ H.R.C. §§ 134-1, 134-4.

¹⁵ Denver Rev. Mun. Code § 38-130.

¹⁶ D.C. St. §§ 7-2551.01-03.

¹⁷ N. Y. C. Admin. Code § 10-301(16).

¹⁸ Unlike California's statute, many assault weapon bans failed to address the question of copycats directly.

¹⁹ According to assault weapon historian Duncan Long, "1990 saw the reintroduction of the AR-15 for civilian sales that was [sic] only slightly different from the previous model. This gun was no longer sold as the AR-15 Sporter II, but rather simply as the Sporter. The only outward difference between the Sporter and the AR-15 Sporter II was a missing bayonet lug." Long, D, *The Complete AR-15/M16 Sourcebook*, 57 (2001).

²⁰ See Olinger, D, "Following the Guns," Denver Post at A1 (Aug. 1, 1999). Intratec would play this game again a few years later, renaming TEC-DC9 as the "AB-10" in response to the 1994 federal assault weapon ban discussed below. "AB" is widely understood to stand for "after ban."

²¹ Roth, JA, *et al.*, "Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994, Final Report," The Urban Institute, March, 1997.

²² 18 U.S.C. 921(a)(30).

²³ 18 U.S.C. 922(v)(2).

²⁴ Roth, JA, *et al.*, "Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994, Final Report," The Urban Institute, March, 1997.

²⁵ As discussed more fully below, some devices are capable of performing both functions.

²⁶ See Bureau of Alcohol, Tobacco and Firearms FAQs, revised 12/27/02, question O2, accessed on the World Wide Web on June 24, 2003, at <http://www.atf.treas.gov/firearms/faq/faq2.htm#o>.

²⁷ See 27 C.F.R. 178.

²⁸ Ca. Penal Code § 12276.1.

²⁹ The law also encompasses some firearms, such as short-barreled rifles and rifles or pistols with high-capacity fixed magazines. Ca. Penal Code §§ 12276.1(a)(2), (3), (5).

³⁰ Pub. L. 103-322, § 110105 (1994). The sunset provision appears only in the bill; it does not appear in the United States Code.

³¹ There are devices that speed the reloading of revolvers, but even with such devices, reloading remains relatively slow and is limited to the capacity of the cylinder.

³² Of course, a pistol grip does not prevent a shooter from aiming an assault weapon, which can be both accurate and powerful, and firing it from the shoulder. Opponents of assault weapon bans often claim that assault weapons are actually hunting guns, because one can use them to hunt. This claim ignores the significance of the design features that are common to all assault weapons but entirely absent from hunting guns.

³³ Duncan Long wistfully describes the benefits of a shrouded barrel in this account of his first encounter with an AR-15: "I dry-fired the gun; the trigger pull was crisp and short. Nice. Shooting proved a revelation as well. The rifle seemed to put bullets right on target, about as far as I could see on the hilly Kansas field where I did this first test. And the 30-round magazines I'd bought [sic] along chugged ammunition like there was no tomorrow. Very quickly I fired several hundred rounds, and the barrel became scorching hot, oil smoking from it. Yet the handguard kept my fingers cool, and the point of impact didn't seem to wander despite the enormous heat buildup. Nor did the gun jam or malfunction, which would have happened with a hunting rifle had I put that much ammunition through it so fast." Long, D, *The Complete AR-15/M16 Sourcebook* 1 (2001).

³⁴ The United States Department of Defense defines a "muzzle brake" as "a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil." DOD Dictionary of Military and Associated Terms, accessed via the World Wide Web on July 11, 2003, at <http://www.dtic.mil/doctrine/jel/doddict/index.html>.