


<p>California Department of Justice DIVISION OF LAW ENFORCEMENT John Marsh, Chief</p> 	<h1>INFORMATION BULLETIN</h1>	
<p>Subject: Important Notice Re: Application of California's Assault Weapon Laws to the "Fixed It For You Fixed Magazine Cage," Also Known as the "FIFY"</p>	<p>No. 2022-DLE-19</p>	<p>Contact for information: Bureau of Firearms (916) 210-2300</p>
<p>Date: November 16, 2022</p>		

TO: All California Criminal Justice and Law Enforcement Agencies, Centralized List of Firearms Dealers, Manufacturers, and Exempt Federal Firearms Licensees

The Department of Justice (the "Department") recently became aware that Sky Tactical Supply has been selling to California residents the Fixed It For You Fixed Magazine Cage ("FIFY"). Sky Tactical Supply markets the FIFY as a product that, once installed in the pistol grip with a suggested five-round magazine, would render a firearm outside the scope of California's assault weapon laws, and accordingly legal to sell and possess in California. The Department has determined that this position is incorrect and firearms with a FIFY and five-round magazine remain illegal to sell and possess in California if they meet the requirements outlined in Penal Code section 30515. This Bulletin is intended to provide guidance regarding the Department's determination and the possession in California of a firearm that has a FIFY and five-round magazine installed.

The Department has determined that a FIFY installed with a suggested five-round magazine is not a "fixed magazine" under California's assault weapon laws. Thus, a semiautomatic, centerfire rifle installed with a FIFY and its suggested magazine installed "does not have a fixed magazine" under the relevant California definition of an assault weapon. (Cal. Pen. Code § 30515, subd. (a)(1).) This conclusion applies equally to a semiautomatic pistol, semiautomatic shotgun, and a semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun. (*Id.* at subds. (a)(4), (a)(7), (a)(9).) Manufacturing, or causing to be manufactured, an assault weapon is a felony offense. (*Id.* at § 30600, subd. (a).) The mere possession of an unregistered assault weapon in California can be a felony or a misdemeanor offense. (*Id.* at § 30605, subd. (a).)

Pictures of **the FIFY, with a suggested five-round magazine before being installed into a pistol grip**, retrieved from Sky Tactical Supply's website (<https://skytacticalsupply.com/fify/>), are below:



Installing the FIFY with its suggested five-round magazine is an attempt to evade California's assault weapon laws by adding a dummy ammunition feeding device to a rifle while also allowing the rifle to accept any type of ammunition feeding device for the actual loading, firing, and unloading of the weapon. California regulations define a "fixed magazine" as "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." (Cal. Code Regs. tit. 11, § 5471(p).) The suggested magazine installed with the FIFY is not an ammunition feeding device for the rifle in which it is installed. Because the FIFY and the suggested magazine are installed into the pistol grip, not the magazine well, the magazine in the FIFY does not actually feed any ammunition into the action of the rifle. (See id. § 5471(b) ("'Action' means the working mechanism of a semiautomatic firearm, which is the combination of the receiver or frame and breech bolt together with the other parts of the mechanism by which a firearm is loaded, fired, and unloaded."))

Instead, the FIFY magazine's five rounds of ammunition merely remain in the pistol grip—uninvolved in the loading, firing, and unloading of the rifle—while the magazine well is left open. **In other words, the FIFY's suggested magazine is a dummy ammunition feeding device because it is non-functional for the rifle in which it is installed.** With the magazine well left open, various functionally compatible magazines can be inserted into the magazine well and used to load, fire, and unload the rifle, including a fixed magazine with more than ten rounds, a detachable magazine, or a large capacity magazine.

The determination of whether a rifle is an assault weapon under Penal Code section 30515 depends on the ammunition feeding device used to load, fire, and unload the rifle. A dummy ammunition feeding device, such as the FIFY's five-round magazine, cannot be the basis for the assault weapon determination because doing so would wholly ignore the type of ammunition feeding device placed in the magazine well to actually load, fire, and unload the rifle.

For these reasons, the Department has concluded that the FIFY installed with its suggested magazine is not a "fixed magazine" under California law. **Therefore, a firearm is not exempt from California's assault weapon laws if it contains a FIFY and a five-round magazine in the pistol grip.** (See Cal. Pen. Code § 30515, subds. (a)(1), (a)(4), (a)(7), (a)(9).) **For example, if a person possesses a semiautomatic, centerfire rifle with a FIFY installed and that rifle also has one of the six features described in California Penal Code section 30515, subdivision (a)(1), then such a rifle is an assault weapon.**

A cease-and-desist letter demanding the immediate cessation of the marketing, sale, and distribution of the FIFY has been sent to Sky Tactical Supply.

Should you have any questions, please contact the Bureau of Firearms, Customer Support Center at (916) 210-2300 or via email at Firearms.Bureau@doj.ca.gov.