

Exhibit 35

To Defendants' Memorandum in Support of Motion for
Summary Judgment

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(ii) Notwithstanding subsection (h) of this section, may not be granted a wholesale alcoholic beverages license.

(5) The days and time of consumer sales under this license are as established for a Class B license in the jurisdictions listed in paragraph (1)(ii) of this subsection.

.110.

(e) The provisions of subsection (a) of this section do not apply to a holder of a Class 7 micro-brewery license [in Baltimore City or Dorchester County] with respect to the malt beverages brewed on the premises of the micro-brewery for the purpose of being licensed as a retailer for selling on the brewery licensed premises or in a restaurant or brewery pub owned, conducted, and operated by the holder in or adjacent to the brewery for which it is licensed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1994.

Approved May 2, 1994.

CHAPTER 456

(Senate Bill 619)

AN ACT concerning

Weapons - Interference with Legislative Process Regulation

FOR the purpose of prohibiting the possession, sale, offer for sale, transfer, purchase, receipt, or transport of certain assault pistols into or within the State after a certain date and subject to specified criteria; providing certain exceptions; authorizing the possession of certain assault pistols under certain circumstances; prohibiting the manufacture, sale, offer for sale, transfer, purchase, or receipt of high capacity ammunition magazines; providing certain exceptions; providing for certain mandatory minimum sentences for the use of assault pistols or high capacity ammunition magazines in the commission of certain crimes; revising a certain list of firearms the sale or transfer of which requires a certain background check to be performed is subject to certain provisions of law; expanding the kinds of weapons that a person may not bring into or have in any building where certain functions take place; providing a certain effective date; and generally relating to the regulation of weapons.

BY adding to

Article 27 - Crimes and Punishments

Section 36H-1 through 36H-6 to be under the new subheading "Assault Pistols"

Annotated Code of Maryland

(1992 Replacement Volume and 1993 Supplement)

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BY repealing and reenacting, with amendments,

Article 27 – Crimes and Punishments

Section 281A and 481E

Annotated Code of Maryland

(1992 Replacement Volume and 1993 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2-1702(e)

Annotated Code of Maryland

(1993 Replacement Volume and 1993 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 – Crimes and Punishments

ASSAULT PISTOLS

36H-1.

IN THIS SUBHEADING, "ASSAULT PISTOL" MEANS ANY OF THE FOLLOWING SPECIFIED FIREARMS OR THEIR COPIES REGARDLESS OF WHICH COMPANY PRODUCED AND MANUFACTURED THE FIREARM:

- (1) AA ARMS AP-9 SEMIAUTOMATICS;
- (2) BUSHMASTER SEMIAUTOMATIC PISTOL;
- (3) CLARIDGE HI-TEC, SEMIAUTOMATIC PISTOL;
- (4) D MAX INDUSTRIES SEMIAUTOMATIC PISTOL;
- (5) ENCOM MK-IV, MP-9, MP-45 SEMIAUTOMATIC PISTOLS;
- (6) HECKLER AND KOCH SEMIAUTOMATIC SP-89;
- (7) HOLMES MP-83 SEMIAUTOMATIC PISTOL;
- (8) INGRAM MAC 10/11 SEMIAUTOMATICS AND ANY VARIATION INCLUDING THE PARTISAN AVENGER AND THE SWD COBRAY;
- (9) INTRATEC TEC-9/DC-9 IN ANY CENTERFIRE VARIATION;
- (10) P.A.W.S. TYPE SEMIAUTOMATIC PISTOL;
- (11) SKORPION SEMIAUTOMATIC PISTOL;
- (12) SPECTRE DOUBLE ACTION SEMIAUTOMATIC PISTOL (SILE, F.I.E., MITCHELL);
- (13) UZI SEMIAUTOMATIC PISTOL;

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- (14) WEAVER ARMS SEMIAUTOMATIC NIGHTHAWK PISTOL; AND
- (15) WILKINSON SEMIAUTOMATIC "LINDA" PISTOL.

36H-2.

THE PROHIBITIONS UNDER § 36H-3 OF THIS SUBHEADING DO NOT APPLY TO:

(1) PERSONNEL OF THE UNITED STATES GOVERNMENT OR ANY AGENCY OR DEPARTMENT OF THE UNITED STATES, MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL OF THIS STATE OR ANY LOCAL AGENCY IN THIS STATE WHILE SUCH PERSONS ARE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL BUSINESS;

(2) ANY FIREARM MODIFIED TO RENDER IT PERMANENTLY INOPERATIVE;

(3) PURCHASES, SALES, AND TRANSPORT TO OR BY A LICENSED GUN DEALER OR MANUFACTURER WHO IS:

(I) PROVIDING OR SERVICING AN ASSAULT PISTOL FOR LAW ENFORCEMENT AGENCIES OR FOR ANY ENTITY EXEMPTED UNDER PARAGRAPH (1) OF THIS SECTION; OR

(II) ACTING TO SELL OR TRANSFER AN ASSAULT PISTOL TO A LICENSED GUN DEALER IN ANOTHER STATE;

(4) ORGANIZATIONS THAT ARE REQUIRED OR AUTHORIZED BY FEDERAL LAW OR REGULATIONS GOVERNING THEIR SPECIFIC BUSINESS OR ACTIVITY TO MAINTAIN ASSAULT PISTOLS AND APPLICABLE AMMUNITION;

(5) THE RECEIPT OF AN ASSAULT PISTOL BY INHERITANCE IF THE DECEDENT LAWFULLY POSSESSED THE ASSAULT PISTOL; OR

(6) THE RECEIPT OF AN ASSAULT PISTOL BY A PERSONAL REPRESENTATIVE OF AN ESTATE FOR PURPOSES OF EXERCISING THE POWERS AND DUTIES OF A PERSONAL REPRESENTATIVE OF AN ESTATE.

36H-3.

(A) SUBJECT TO THE PROVISIONS OF THIS SUBHEADING AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON OR AFTER JUNE 1, 1994, A PERSON MAY NOT:

(1) TRANSPORT AN ASSAULT PISTOL INTO THE STATE; OR

(2) POSSESS, SELL, OFFER TO SELL, TRANSFER, PURCHASE, OR RECEIVE AN ASSAULT PISTOL IN THE STATE.

(B) A PERSON WHO LAWFULLY POSSESSES AN ASSAULT PISTOL BEFORE JUNE 1, 1994 MAY CONTINUE TO POSSESS THE ASSAULT PISTOL IF THE PERSON REGISTERS THE ASSAULT PISTOL WITH THE SUPERINTENDENT OF THE MARYLAND STATE POLICE BEFORE AUGUST 1, 1994.

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36H-4.

ANY ASSAULT PISTOL TRANSPORTED, SOLD, TRANSFERRED, PURCHASED, RECEIVED, OR POSSESSED IN VIOLATION OF THIS SUBHEADING MAY BE SEIZED BY A LAW ENFORCEMENT AGENCY AS CONTRABAND AND DISPOSED OF ACCORDING TO REGULATION.

36H-5.

(A) THIS SECTION DOES NOT APPLY TO:

(1) THE PERSONNEL OR TO THE AGENCIES SPECIFIED UNDER § 36H-2(1) THROUGH (4) OF THIS SUBHEADING; OR

(2) A TRANSFER DESCRIBED UNDER § 36H-2(5) OR (6) OF THIS SUBHEADING.

(B) A PERSON MAY NOT POSSESS, MANUFACTURE, SELL, OFFER FOR SALE, PURCHASE, RECEIVE, OR TRANSFER A DETACHABLE MAGAZINE FOR ANY TYPE OF FIREARM, EXCEPT A .22 CALIBER RIFLE WITH A TUBULAR MAGAZINE, IF THE MAGAZINE HAS A CAPACITY OF MORE THAN 20 ROUNDS OF AMMUNITION.

36H-6.

(A) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBHEADING IS UPON CONVICTION GUILTY OF A MISDEMEANOR AND SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

(B) ANY PERSON WHO USES AN ASSAULT PISTOL, OR A MAGAZINE THAT HAS A CAPACITY OF MORE THAN 20 ROUNDS OF AMMUNITION, IN THE COMMISSION OF ANY FELONY OR ANY CRIME OF VIOLENCE AS DEFINED IN § 441 OF THIS ARTICLE SHALL BE GUILTY OF A SEPARATE MISDEMEANOR AND ON CONVICTION THEREOF SHALL, IN ADDITION TO ANY OTHER SENTENCE IMPOSED BY VIRTUE OF COMMISSION OF THE FELONY OR MISDEMEANOR:

(1) FOR A FIRST OFFENSE, BE SENTENCED TO THE MARYLAND DIVISION OF CORRECTION FOR A TERM OF NOT LESS THAN 5 NOR MORE THAN 20 YEARS, AND:

(I) IT IS MANDATORY UPON THE COURT TO IMPOSE NO LESS THAN THE MINIMUM SENTENCE OF 5 YEARS NO PART OF WHICH SHALL BE SUSPENDED; AND

(II) EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 31B, § 11 OF THE CODE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 5 YEARS; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, BE SENTENCED TO THE MARYLAND DIVISION OF CORRECTION FOR A TERM OF NOT LESS THAN 10 NOR MORE THAN 20 YEARS, AND IT IS MANDATORY UPON THE COURT TO IMPOSE NO LESS THAN A MINIMUM SENTENCE OF 10 YEARS WHICH SHALL BE SERVED CONSECUTIVELY AND NOT CONCURRENTLY TO ANY OTHER SENTENCE IMPOSED BY VIRTUE OF THE COMMISSION OF THE FELONY OR MISDEMEANOR.

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281A.

(a) (1) In this section the following terms have the meanings indicated.

(2) "Drug trafficking crime" means:

(i) Any felony involving the possession, distribution, manufacture, or importation of a controlled dangerous substance under §§ 286 and 286A of this article; or

(ii) Conspiracy to commit any felony involving possession, distribution, manufacture, or importation of a controlled dangerous substance under § 286 or § 286A of this article.

(3) "Firearm silencer or muffler" means any device that is designed for silencing, muffling, or diminishing the report of a firearm including any combination of parts designed, redesigned, or intended for use in assembling or fabricating a firearm silencer or muffler.

(b) During and in relation to any drug trafficking crime, a person who uses, wears, carries, or transports a firearm is guilty of a separate felony and on conviction shall, in addition to the sentence provided for the drug trafficking crime, be sentenced as follows:

(1) (i) For a first offense, for a term of not less than 5 nor more than 20 years.

(ii) It is mandatory upon the court to impose no less than the minimum sentence of 5 years, no part of which may be suspended and the person may not be eligible for parole except in accordance with the provisions of Article 31B, § 11 of the Code; and

(2) (i) For a second or subsequent offense, for a term of not less than 10 nor more than 20 years.

(ii) It is mandatory upon the court to impose no less than a minimum consecutive sentence of 10 years, no part of which may be suspended and the person may not be eligible for parole except in accordance with the provisions of Article 31B, § 11 of the Code.

(iii) The sentence shall be served consecutively and not concurrently to any other sentence imposed by virtue of the commission of the drug trafficking crime.

(c) The minimum mandatory sentence provided in subsection (b)(1) and (2) of this section shall be doubled if the firearm is:

(1) [Any of the following specific firearms or their copies regardless of which company produced and/or manufactured that firearm:

(i) Uzi 9mm in any format (micro, carbine, rifle);

(ii) Heckler and Koch HK 91 A3 (.308 caliber); 93-A (.223 caliber);

(iii) Galil 5.56mm and 7.62mm;

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(iv) FN LAR assault rifle/battle rifle in any format; Para 50.63 (.308 caliber), Para 50.64; HB Faló 50.41 (.308 caliber); or FN-FAR-HB Faló 50.42;

(v) Springfield armory SAR-48 (.308 caliber) in any format;

(vi) Mandell TAC-1 carbine in 45 ACP or 9mm;

(vii) Colt AR 15 in any format;

(viii) FNC .223 carbine;

(ix) Avtomat Kalashnikov semiautomatic rifle in any format;

(x) Calico M 900 9mm assault rifle;

(xi) SIG 550/551 assault rifle (.223 caliber);

(xii) MAC 10-11 in any format;

(xiii) Intratec TEC 9 and TEC 9mm;

(xiv) Cobray SWD 9mm in any format;

(xv) Famas 5.56mm (.223 caliber);

(xvi) Mossberg Model 500 Bullpup assault shotgun;

(xvii) USAS-12 semi-auto assault shotgun;

(xviii) Feather Centerfire AT-9 semi-auto;

(xix) STEYR-AUG-SA semi-auto (.223 caliber);

(xx) Valmet M-76 and M-78 in all formats;

(xxi) Sterling MK 6 carbine semi-auto 9mm;

(xxii) Barrett Light .50 caliber semi-auto;

(xxiii) Argentine L.S.R. semi-auto in all formats;

(xxiv) Dragunov sniper rifle (7.62 x 39mm);

(xxv) AP 9 assault pistol;

(xxvi) Striker 12 assault shotgun in all formats;

(xxvii) Thompson Ordnance M1 in all formats; or

(xxviii) Ruger Mini-14 folding stock model (.223 caliber);] ANY FIREARM LISTED IN § 36H-1 OR § 481E OF THIS ARTICLE;

(2) A machine gun; or

(3) Equipped with a firearm silencer or muffler.

(d) (1) Any firearm or ammunition seized under this section is contraband and shall be summarily forfeited.

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(2) If the owner or possessor of property seized under this section is acquitted or the charges against the person are dismissed, the seized property shall be returned to the owner or possessor within 90 days if not otherwise prohibited by law unless forfeiture proceedings have commenced.

(3) If the State enters a nolle prosequi against the owner or possessor of property seized under this section and does not charge the person within 90 days after the nolle prosequi is entered, the seized property shall be promptly returned to the owner or possessor if not otherwise prohibited by law.

481E.

(a) (1) In this section, "assault weapon" means any of the following specific firearms or their copies regardless of which company produced and manufactured that firearm:

- (i) Uzi 9mm in any format (carbine; rifle);
- (ii) Heckler and Koch HK 91 A3 (.308 caliber), 93-A (.223 caliber), or 94;
- (iii) Galil 5.56mm and 7.62mm;
- (iv) FN Lar and FN Fal assault rifle;
- (v) MAC 10-11 in any format;
- (vi) TAC-1 carbine in 45 ACP or 9mm;
- (vii) Colt AR 15 in any format;
- (viii) FNC .223 carbine;
- (ix) Avtomat Kalashnikov semiautomatic rifle in any format;
- (x) Calico M 900 9mm assault rifle or carbine;
- (xi) SIG 550/551 assault rifle (.223 caliber);
- (xii) Famas 5.56mm (.223 caliber);
- (xiii) Mossberg Model 500 Bullpup assault shotgun;
- (xiv) USAS-12 semi-auto assault shotgun;
- (xv) Feather Centerfire AT-9 semi-auto;
- (xvi) STEYR-AUG-SA semi-auto (.223 caliber);
- (xvii) Valmet M-76 and M-78 in all formats;
- (xviii) AP 9 assault-pistol;
- (xix) Dragunov sniper rifle (7.62 X 39mm);
- (xx) Striker 12 assault shotgun in all formats;

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(xxi) Thompson Ordnance 1927 and M1 in all formats;

(xxii) Ruger mini-14 folding stock model (.223 caliber);

(xxiii) Daewol AR 110-100; and

(xxiv) Intratec TEC 9 and TEC 9mm.]

CARBINE:

(I) AMERICAN ARMS SPECTRE DA SEMIAUTOMATIC PISTOL

(II) AK-47 IN ALL FORMS;

(III) ALGIMEC AGMI AGM-1 TYPE SEMI-AUTO;

(IV) AR 100 TYPE SEMI-AUTO;

(V) AR 180 TYPE SEMI-AUTO;

(VI) ARGENTINE L.S.R. SEMI-AUTO;

(VII) AUSTRALIAN AUTOMATIC ARMS SAR TYPE SEMI-AUTO;

(VIII) AUTO-ORDNANCE THOMPSON M1 AND 1927

SEMI-AUTOMATICS:

(IX) BARRETT LIGHT .50 CAL. SEMI-AUTO;

(X) BERETTA AR70 RIFLE, ~~BM 39~~ TYPE SEMI-AUTO;

(XI) BUSHMASTER SEMI-AUTO RIFLE;

(XII) CALICO MODELS M-100, ~~M 110, M 900, AND M 950~~ AND M-900;

(XIII) CIS SR 88 TYPE SEMI-AUTO;

(XIV) CLARIDGE HI TEC C-9 CARBINES;

(XV) COLT AR-15, CAR-15 AND ALL IMITATIONS EXCEPT COLT AR-15

SPORTER H-BAR RIFLE;

(XVI) DAEWOO ~~MAS~~ MAX 1 AND MAX 2, AKA AR 100, 110C, K-1, AND

K-2;

(XVII) DRAGUNOV CHINESE MADE SEMI-AUTO;

(XVIII) FAMAS SEMI-AUTO (.223 CALIBER);

(XIX) FEATHER AT-9 SEMI-AUTO;

(XX) FN LAR AND FN FAL ASSAULT RIFLE;

(XXI) FNC SEMI-AUTO TYPE CARBINE;

(XXII) F.I.E./FRANCHI LAW 12 AND SPAS 12 ASSAULT SHOTGUN;

(XXIII) ~~G35A~~ TYPE SEMI-AUTO STEYR-AUG-SA SEMI-AUTO;

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(XXIV) GALIL MODELS AR AND ARM SEMI-AUTO;

(XXV) HECKLER AND KOCH HK-91 A3, HK-93 A2, HK-94 A2 AND A3;

(XXVI) HOLMES MODEL 88 SHOTGUN;

(XXVII) AVTOMAT KALASHNIKOV SEMIAUTOMATIC RIFLE IN ANY
FORMAT;

(XXVIII) MANCHESTER ARMS "COMMANDO" MK-45, MK-9;

(XXIX) MANDELL TAC-1 SEMI-AUTO CARBINE;

(XXX) MOSSBERG MODEL 500 BULLPUP ASSAULT SHOTGUN;

(XXXI) PARTISAN AVENGER 45 ACP STERLING MARK 6;

(XXXII) P.A.W.S. CARBINE;

(XXXIII) RUGER MINI-14 FOLDING STOCK MODEL (.223 CALIBER);

(XXXIV) SIG 550/551 ASSAULT RIFLE (.223 CALIBER);

(XXXV) SKS WITH DETACHABLE MAGAZINE;

(XXXVI) SP74 AP-74 COMMANDO TYPE SEMI-AUTO;

(XXXVII) SPRINGFIELD ARMORY BM-59, SAR-48, G3, SAR-3, M-21
SNIPER RIFLE, M1A, EXCLUDING THE M1 GARAND;

(XXXVIII) STREET SWEEPER ASSAULT TYPE SHOTGUN;

(XXXIX) STRIKER 12 ASSAULT SHOTGUN IN ALL FORMATS;

(XL) UNIQUE F11 SEMI-AUTO TYPE;

(XLI) DAEWOO USAS 12 SEMI-AUTO SHOTGUN;

(XLII) UZI 9MM CARBINE OR RIFLE;

(XLIII) VALMET M-76 AND M-78 SEMI-AUTO;

(XLIV) WEAVER ARMS "NIGHTHAWK" SEMI-AUTO CARBINE; AND

(XLV) WILKINSON ARMS 9MM SEMI-AUTO "TERRY";

(2) "Assault weapon" does not include any firearm modified to render it
permanently inoperative.

(b) (1) A dealer or person may not sell or transfer any assault weapon to a
person whom the dealer or person knows or has reasonable cause to believe:

(i) Has been convicted of a crime of violence or of any of the
provisions of this subtitle OR § 281A OF THIS ARTICLE;

(ii) Is a fugitive from justice;

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(iii) Is an habitual drunkard or is addicted to or an habitual user of narcotics, barbiturates, or amphetamines;

(iv) Is of unsound mind;

(v) Is visibly under the influence of alcohol or drugs; or

(vi) Is under 21 years of age.

(2) A dealer may not sell or transfer any assault weapon until the dealer and the person making an application to purchase or transfer comply with all of the requirements for the sale or transfer of a pistol or revolver as provided for under § 442 of this article, including payment of the application fee.

(c) A person who knowingly violates any provision of this section or who knowingly gives false information in order to obtain an assault weapon shall, on conviction, be fined not more than \$10,000 or imprisoned for not more than 3 years or both.

Article - State Government

2-1702.

(e) (1) This subsection does not apply to:

(i) a law enforcement officer of any state or of the federal government who is carrying out duties of the office; or

(ii) a person whom the officer summons to help in making an arrest or in preserving the peace.

(2) A person may not willfully bring [a] AN ASSAULT WEAPON OR OTHER firearm, explosive, or incendiary device into or have [a] AN ASSAULT WEAPON OR OTHER firearm, explosive, or incendiary device in a building where:

(i) the Senate or the House has a chamber;

(ii) a member, officer, or employee of the General Assembly has an official office; or

(iii) a committee of the General Assembly, the Senate, or the House has an office.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 1994.

Approved May 26, 1994.

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(xxi) Thompson Ordnance 1927 and M1 in all formats;

(xxii) Ruger mini-14 folding stock model (.223 caliber);

(xxiii) Daewol AR 110-100; and

(xxiv) Intratec TEC 9 and TEC 9mm.]

CARBINE:

(I) AMERICAN ARMS SPECTRE DA SEMIAUTOMATIC PISTOL

(II) AK-47 IN ALL FORMS;

(III) ARGENTINE L.S.R. SEMI-AUTO;

(IV) AR 100 TYPE SEMI-AUTO;

(V) AR 180 TYPE SEMI-AUTO;

(VI) AUSTRALIAN AUTOMATIC ARMS SAR TYPE SEMI-AUTO;

(VII) AUTO-ORDNANCE THOMPSON M1 AND 1927 SEMI-AUTOMATICS;

(IX) BARRETT LIGHT .50 CAL. SEMI-AUTO;

(X) BERETTA AR70 RIFLE, BM 39 TYPE SEMI-AUTO;

(XI) BUSHMASTER SEMI-AUTO RIFLE;

(XII) CALICO MODELS M-100, M-110, M-900, AND M-950 AND M-900;

(XIII) CIS SR 88 TYPE SEMI-AUTO;

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(XV) COLT AR-15, CAR-15 AND ALL IMITATIONS EXCEPT COLT AR-15 SPORTER H-BAR RIFLE;

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(XXIII) G35A TYPE SEMI-AUTO STEYR-AUG-SA SEMI-AUTO;