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APNewsBreak: Calif. handgun ammo rules thrown out

By GARANCE BURKE - Associated Press

FRESNO, Calif. -- A trial court judge in central California has thrown out key sections of a state law restricting handgun ammunition sales, barring authorities from registering bullet buyers' thumb prints on the grounds that it would be unconstitutional.

Gun rights advocates applauded Tuesday's ruling in Fresno County Superior Court, saying the law would have created uncertainty by forcing local sheriffs and firearms shops to decide for themselves what caliber of bullets were covered under the regulations.

The statute also would have compelled customers to buy their handgun ammunition in face-to-face transactions, which they said would not have prevented a tragedy like the Jan. 8 shooting rampage in Arizona that killed six people and wounded 13 others, including U.S. Rep. Gabrielle Giffords.

Authorities said shooting suspect Jared Loughner legally purchased 9 mm ammunition the morning he opened fire at Giffords' district meet-and-greet outside a supermarket on the northern outskirts of Tucson.

Parts of the law may still be implemented, and California's newly elected attorney general Kamala Harris is considering an appeal, spokesman Jim Finefrock said Wednesday.

"This was just going to cost police and shell ammunition sellers money. It really wasn't going to stop violent crime or criminals from getting ammunition," said attorney Chuck Michel, who brought the case on behalf of the California Rifle and Pistol Association Foundation. "All this was going to do was impose a tremendous and expensive burden on law enforcement."

Democratic Senator Kevin De Leon introduced AB 962 in 2009 as an attempt to keep handgun ammo out of the hands of criminals, drug abusers or the mentally ill, and it was

signed into law that same year.

Fresno County Superior Court Judge Jeffrey Hamilton's oral ruling covers key sections of that law that rely on a state code defining handgun ammunition as "principally for use in pistols, revolvers, and other firearms capable of being concealed," a definition he said was so vaguely written it was unconstitutional.

The judge's decision blocks the creation of a licensing and registration system governing ammunition sales, and prevents gun shops from taking buyers' fingerprints, elements of the law that were set to go into effect on Feb. 1.

"This is deplorable, especially in light of what just took place in Tucson," said De Leon, of Los Angeles. "I'm very disappointed that this judge would, with very little analysis, discard an important statute that is a valuable law enforcement tool just to save ammunition purchasers from a minor inconvenience."

A spokesman for Gov. Jerry Brown did not immediately comment on the ruling.

Barry Bauer, the owner of a popular sporting goods store in Fresno, said the law would have kept his staff busy filling out paperwork about whether bullets were intended for deer hunting or target practice, rather than serving his customers.

Bauer, who sells about 10,000 boxes of ammunition a year to the thousands of hunters who travel to central California for dove, deer and duck seasons, said he doesn't keep records differentiating whether the ammunition he sells is used in long guns or handguns.

"Good old California was just a little too energetic and liberal in thinking that this would have made a difference in catching criminals," said Bauer, a co-plaintiff. "It's great that the judge saw that the law was defective and threw it out."