

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19		)	
20	Plaintiffs,	)	NOTICE OF MOTION AND MOTION
21		)	FOR SUMMARY JUDGMENT
22	v.	)	[Fed. R. Civ. P. 56]
23		)	
24	Stephen Lindley	)	
25		)	
26	Defendant.	)	
27	_____	)	

28 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 22, 2013 at 10:00 a.m. or as soon thereafter as the matter may be heard, in Courtroom 3 (15<sup>th</sup> Floor) of the United State District Court for the Eastern California, 501 I Street, Sacramento, California 95814 Plaintiffs Ivan Peña, Roy Vargas, Doña Croston, Brett Thomas, the Second Amendment Foundation, Inc., and the Calguns Foundation, Inc., by and through

1 undersigned counsel, will move this Honorable Court to enter a summary judgment  
2 in their favor and against Defendant pursuant to Fed. R. Civ. Proc. 56.

3  
4 Plaintiffs move for entry of summary judgment on all claims as the material  
5 facts in this case are not in dispute, and Defendant's challenged customs, practices  
6 and policies violate Plaintiffs' rights under the Second and Fourteenth Amendments  
7 to the United States Constitution.

8  
9 This motion is based upon this notice of motion and motion, the attached  
10 memorandum of points and authorities, exhibits, declarations, separate statement  
11 of undisputed facts, any material in the Court's files, and any other relevant matter  
12 to be considered by the Court.

13 Dated: October 25, 2013

Respectfully submitted,

14  
15 Alan Gura, Cal. Bar No.: 178221  
16 Gura & Possessky, PLLC  
17 101 N. Columbus St., Suite 405  
18 Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665  
alan@gurapossessky.com

Donald E.J. Kilmer, Jr., Cal. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Don @DKLawOffice.com

19 /s/ Alan Gura

/s/ Donald E.J. Kilmer, Jr.

Alan Gura

Donald E.J. Kilmer, Jr.

20  
21 Jason A. Davis, Cal. Bar No.: 224250  
22 Davis & Associates  
23 27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
949.310.0817/Fax 949.288.6894

Attorneys for Plaintiffs

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

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14	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
15		)	
16	Plaintiffs,	)	PLAINTIFFS' MEMORANDUM OF
17		)	POINTS AND AUTHORITIES IN
18	v.	)	SUPPORT OF PLAINTIFFS'
19		)	MOTION FOR SUMMARY
20	Stephen Lindley	)	JUDGMENT [Fed. R. Civ. P. 56]
21		)	
22	Defendant.	)	
23		)	

24 Come now Plaintiffs Ivan Peña, Roy Vargas, Doña Croston, Brett Thomas,  
25 the Second Amendment Foundation, Inc., and the Calguns Foundation, Inc., by and  
26 through undersigned counsel, and submit their Memorandum of Points and  
27 Authorities in Support of their Motion for Summary Judgment.  
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Dated: October 25, 2013

Respectfully submitted,

Alan Gura, Cal. Bar No.: 178221  
Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665  
alan@gurapossessky.com

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Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Don @DKLawOffice.com

/s/ Alan Gura  
Alan Gura

/s/ Donald E.J. Kilmer, Jr.  
Donald E.J. Kilmer, Jr.

Jason A. Davis, Cal. Bar No.: 224250  
Davis & Associates  
27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
949.310.0817/Fax 949.288.6894

Attorneys for Plaintiffs



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1 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
2 PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

3 INTRODUCTION

4 May the State of California demand that handguns contain unusual or even  
5 unavailable technologies as a condition of their lawful sale, or effectively prohibit  
6 gun sales based on arbitrary classifications, such as a gun's finish or color? Because  
7 the Second Amendment prohibits the state from banning firearms of the kind in  
8 common use for traditional lawful purposes, the answer to this question must be  
9 "no." *District of Columbia v. Heller*, 554 U.S. 570 (2008).  
10

11 Plaintiffs do not begrudge the state prohibiting truly dangerous and unusual  
12 firearms not suited to traditional lawful uses, nor do Plaintiffs challenge the state's  
13 authority to require that firearms function in a safe manner, that is, reliably, in the  
14 manner that reasonably knowledgeable firearms users would expect. But the  
15 Second Amendment's guarantee that individuals have access to the traditional tools  
16 of self-defense means little if the state can dictate rare or even hypothetical features  
17 into firearm designs, or prohibit firearms for arbitrary reasons having nothing to do  
18 with their design or actual function.  
19  
20

21 Several years ago, state lawmakers banned from retail sale any handgun  
22 that does not appear on a special roster. Originally, lawmakers aimed the rostering  
23 program at arguably "unsafe" handguns, barring the sale of handguns prone to  
24 malfunction, or misfire when dropped. In time, however, the character of the roster  
25 program changed, crossing the line from a means of excluding poorly manufactured  
26 guns to demanding positive and specific changes to handgun designs. As this  
27 program evolved to become ever-more restrictive, it has become impossible to sell  
28

1 any newly-designed semiautomatic handguns—the overwhelming majority of  
2 handguns in the United States—in California, while many previously-approved  
3 handguns have become prohibited for non-substantive, administrative reasons. And  
4 of course, the attempt to enumerate every single handgun that might be legally sold  
5 has predictably proved too ambitious a task not to yield arbitrary and irrational  
6 results.  
7

8       Whatever else one might say about California’s pre-*Heller* handgun rostering  
9 program, it is clearly not constitutional today. The program is founded on a theory  
10 specifically rejected in *Heller* as inconsistent with an individual’s Second  
11 Amendment rights – that common firearms might be banned merely owing to the  
12 government’s assessment that their possession is not in the public interest. In  
13 *Heller*’s wake, the District of Columbia’s City Council adopted California’s roster as  
14 its own. But in the face of a constitutional challenge, the District almost  
15 immediately modified the law, explicitly recognizing that California’s rostering  
16 scheme does not meet constitutional standards. Respectfully, this Court should  
17 reach the same conclusion.  
18  
19

## 20 STATEMENT OF FACTS

21 This case’s essential facts are not in dispute.

### 22 1. *The Handgun Rostering Program*

23 California law provides that

24 any person in this state who manufactures or causes to be manufactured,  
25 imports into the state for sale, keeps for sale, offers or exposes for sale, gives,  
26 or lends any unsafe handgun shall be punished by imprisonment in a county  
27 jail not exceeding one year.

28 Statement of Undisputed Facts (“SUF”) 4. California law presumes that all

1 handguns are “unsafe” and therefore, generally barred from importation and sale,  
2 unless those handguns have been placed on the state’s special roster of handguns  
3 “determined not to be unsafe.” SUF 5.

4  
5 a. Chamber Loaded Indicators and Magazine  
6 Disconnect Mechanisms

7 Since 2007, a center-fire<sup>1</sup> semi-automatic<sup>2</sup> handgun cannot make the roster if  
8 it does not have both a chamber loaded indicator (“CLI”) and, if it has a detachable  
9 magazine, a magazine disconnect mechanism. SUF 6. Since 2006, a rimfire<sup>3</sup> semi-  
10 automatic handgun must have a magazine disconnect mechanism if it has a  
11 detachable magazine. SUF 7. However, handguns rostered prior to the effective  
12 dates of these requirements can remain rostered despite lacking these features.  
13 SUF 8.

14  
15 A magazine disconnect mechanism is “a mechanism that prevents a  
16 semiautomatic pistol that has a detachable magazine from operating to strike the

17 <sup>1</sup>Most handguns use center-fire ammunition, which fires a bullet when the  
18 primer at the bottom-center of the cartridge case is struck and thus ignited by the  
gun’s firing pin.

19 <sup>2</sup>A semiautomatic handgun is a handgun that fires only one bullet each time  
20 the trigger is pulled, with the energy of the just-fired bullet causing the ejection of  
the spent case and loading of the next cartridge into the firing chamber.

21 Most handguns sold in the United States today are semiautomatic. See  
22 Bureau of Alcohol, Tobacco, Firearms & Explosives, *Annual Firearms*  
23 *Manufacturing and Export Report* (“ATF Report”), available at [http://www.atf.gov/](http://www.atf.gov/files/statistics/download/afmer/2011-final-firearms-manufacturing-export-report.pdf)  
24 [files/statistics/download/afmer/2011-final-firearms-manufacturing-export-](http://www.atf.gov/files/statistics/download/afmer/2011-final-firearms-manufacturing-export-report.pdf)  
25 [report.pdf](http://www.atf.gov/files/statistics/download/afmer/2011-final-firearms-manufacturing-export-report.pdf) (last visited Oct. 24, 2013). Almost all the rest are revolvers, *id.*, which  
26 hold several rounds in a rotating cylinder and also fire only one bullet each time the  
27 trigger is pulled. This suit does not address fully automatic firearms, also known as  
28 machine guns.

<sup>3</sup>Rimfire ammunition incorporates the primer into the bottom rim of the case  
which ignites the gun powder upon striking that rim. Rimfire ammunition is  
primarily used in small caliber firearms. For technical reasons, CLIs are not  
feasible for integration in firearms using rimfire ammunition.

1 primer of ammunition in the firing chamber when a detachable magazine is not  
2 inserted in the semiautomatic pistol.” SUF 9. A chamber load indicator (“CLI”) is “a  
3 device that plainly indicates that a cartridge is in the firing chamber.” SUF 10.  
4

5 Not all CLIs satisfy California’s requirement.

6 A device satisfies this definition if it is readily visible, has incorporated  
7 or adjacent explanatory text or graphics, or both, and is designed and  
8 intended to indicate to a reasonably foreseeable adult user of the  
9 pistol, without requiring the user to refer to a user’s manual or any  
other resource other than the pistol itself, whether a cartridge is in the  
firing chamber.

10 SUF 11. Although a CLI is sufficient if it is “designed and intended to indicate to a  
11 reasonable adult user” that the firearm is loaded, Cal. Penal Code § 16380, in  
12 practice the sufficiency of the CLI is determined by a different standard. Defendant  
13 tests the sufficiency of CLIs by asking his employees if they understand the CLI –  
14 and when the regulatory authority’s employees allegedly fail to understand the CLI,  
15 regardless of what the CLI is “designed and intended to indicate to a reasonable  
16 adult,” the CLI is ruled inadequate. SUF 12.<sup>4</sup>  
17

18 Given the rarity of CLIs and magazine disconnect devices, handguns lacking  
19 these features are in common use today, and comprise the overwhelming majority of  
20 handguns currently for sale in other states. SUF 13.  
21

22  
23  
24 <sup>4</sup> During the pendency of this case, California reorganized and renumbered  
25 its Penal Code. This memo and the SUF cite the law under its current renumbered  
26 scheme, while some of the evidentiary material submitted will refer to the older  
27 code sections. See California Law Revision Commission, *Nonsubstantive*  
28 *Reorganization of Deadly Weapons Statutes: Disposition of Existing Law*, available  
at: <http://www.clrc.ca.gov/pub/Misc-Report/M300-Tables/UpdatedDispoTable.pdf>  
(last visited October 24, 2013). A copy is provided in the concurrently filed Request  
for Judicial Notice.



1           Indeed, the rarity of CLIs and magazine disconnect mechanisms was a fact  
2 specifically relied upon by the California Legislature in mandating these features as  
3 part of the rostering program. California legislators considered that CLIs and  
4 magazine disconnects are available on only perhaps 11% and 14% of handguns,  
5 respectively, as proposed by the author of the bill mandating these features. SUF  
6 14. Because CLIs and magazine disconnect mechanisms were viewed as beneficial,  
7 it was hoped that mandating these features would alter the firearms market. SUF  
8 15. “[It] is arguable that a requirement in California would ‘drive’ the technology of  
9 chamber load indicators.” Exhibit B, California Senate Public Safety Committee  
10 Report, at 9. “It might also be assumed that a mandate in California would drive  
11 technology in the market for magazine disconnect devices.” *Id.* at 10.

14           Yet these “safety” features are not foolproof. A handgun safety mechanism  
15 may fail or be misused. SUF 16. A chamber loaded indicator is a mechanical device  
16 that may fail or be misinterpreted by the user of a handgun. SUF 17. A magazine  
17 disconnect mechanism is a mechanical device that may fail. SUF 18. As the state  
18 advises handgun purchasers, “Any machine can malfunction. A firearm is no  
19 different.” SUF 19.

21           In fact, to acquire any handgun in California, an individual must pass a  
22 written handgun safety test. SUF 20. The test requires knowledge of the basic rules  
23 of handgun safety, the first of which is: “Treat all guns as if they are loaded.” SUF  
24 21. The state’s study guide for the handgun safety test further provides:

26           Always assume that a gun is loaded even if you think it is unloaded. Every  
27 time a gun is handled for any reason, check to see that it is unloaded [by  
28 following specific instructions for unloading the gun]. If you are unable to

1 check a gun to see if it is unloaded, leave it alone and seek help from someone  
2 more knowledgeable about guns.

3 SUF 22.

4 The state's specific instructions for unloading a semi-automatic handgun  
5 contained in its gun safety study guide provides that a mechanical safety

6 [I]s not foolproof so do not rely on the safety to prevent an accidental  
7 discharge. A safety should only be used as an additional safety measure.  
8 Never pull the trigger on any firearm with the safety in the "safe" position  
9 because thereafter the firearm could fire at any time without the trigger ever  
being touched.

10 SUF 23.

11 The state's gun safety study guide does not discuss chamber load indicators  
12 or magazine disconnect devices. Yet it teaches, in order to pass the mandatory  
13 safety test, rules that would have gun owners ignore such devices. The study guide  
14 specifically instructs that in order to verify a semi-automatic handgun is unloaded,  
15 one must remove the magazine and visually inspect the chamber to verify that it is  
16 empty. SUF 24.

17  
18 In fact, in a large red box marked "CAUTION," the state's gun safety study  
19 guide provides:

20  
21 You should NOT assume a semiautomatic pistol is unloaded just because  
22 the magazine is removed from the handgun.

23 Do not allow the slide to go forward UNLESS you have:

- 24 1. Checked again to be sure the chamber is empty, and  
25 2. Checked again to be sure the magazine has been REMOVED

26 If you pull the slide back ejecting the cartridge, check the chamber, let the  
27 slide go forward, and THEN remove the magazine, you have a loaded,  
28 dangerous firearm (a cartridge is in the chamber) even though you have  
removed the magazine. It is common and sometimes fatal to make this error.

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ALWAYS REMOVE THE MAGAZINE FIRST!

SUF 25.

In order to purchase a handgun, the buyer must demonstrate that he or she knows how to safely operate the handgun, including following these instructions.

SUF 26. Moreover, California law also generally requires that all newly purchased firearms either be accompanied by an approved gun lock or the purchaser’s affidavit that she owns an adequate lock box or gun safe. SUF 27.

b. Microstamping

As of May 17, 2013, all semi-automatic handguns not already rostered cannot be submitted for roster listing unless they employ so-called “microstamping technology.” To comply, handguns must be:

designed and equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired, provided that the Department of Justice certifies that the technology used to create the imprint is available to more than one manufacturer unencumbered by any patent restrictions.

SUF 28.

“The Attorney General may also approve a method of equal or greater reliability and effectiveness in identifying the specific serial number of a firearm from spent cartridge casings discharged by that firearm than that which is set forth in this paragraph . . .” SUF 29.

The microstamping requirement of Cal. Penal Code § 31910(b)(7) became effective on May 17, 2013 because on that date, the California Department of

1 Justice issued Information Bulletin No.: 2013-BOF-03, wherein Defendant Lindley  
2 announced that the Department had determined that the technology described in  
3 Cal. Penal Code § 31910(b)(7) is now available to more than one manufacturer  
4 unencumbered by any patent restrictions. SUF 30.

5  
6 Defendant admits that no handguns for sale in the United States have the  
7 microstamping technology required by California's roster law. Exh. O, Response to  
8 Request for Admission No. 4. No firearms manufacturer has submitted any  
9 microstamping-compliant handguns, Exh. P, Response to Interrogatory Request No.  
10 8, and Defendant has no information as to whether any manufacturer will ever  
11 produce microstamping handguns, Exh. O, Response to Request for Admission No.  
12 5. Accordingly, the microstamping requirement imposes a *de facto* ban on the sale of  
13 all new semiautomatic handgun models in California. SUF 31.

14  
15 c. Maintenance Fees

16 Listings on the California handgun roster are valid for one year, and must be  
17 renewed annually, including payment of an annual fee, prior to expiration to  
18 remain valid. SUF 32. Defendant charges firearms manufacturers, importers, and  
19 dealers annual fees, ostensibly to operate the handgun roster program. Any  
20 handgun whose manufacturer fails to pay the required fees may be excluded from  
21 the roster for that reason alone. SUF 33. The initial and renewal annual listing fees  
22 for inclusion on the handgun roster are \$200. SUF 34.

23  
24  
25 Other than the California DOJ, only the manufacturer/importer of a handgun  
26 model is authorized to submit that handgun model to a DOJ-Certified Laboratory  
27 for testing. SUF 35. A handgun can remain on the roster if its manufacturer/  
28

1 importer goes out of business or discontinues the model, provided that the model is  
2 not being offered for sale to licensed dealers, and “a fully licensed wholesaler,  
3 distributor, or dealer submits a written request to continue the listing and agrees to  
4 pay the annual maintenance fee.” SUF 36. So long as a handgun is sold to dealers  
5 outside of California, the handgun’s manufacturer can cause the sale of that  
6 handgun to be forbidden inside California by failing to submit the gun for testing in  
7 that state or refusing to pay the annual \$200 fee. SUF 37.

9 A manufacturer/importer or other responsible party may submit a written  
10 request to list a handgun model that was voluntarily discontinued or was removed  
11 for lack of payment of the annual maintenance fee. The request may be approved,  
12 and the handgun restored to the “safe gun” roster, provided the fee is paid. SUF 38.

14 d. Exemptions

15 The following firearms and transactions are exempted from the handgun  
16 rostering requirement: (1) firearms defined as curios or relics under federal law; (2)  
17 the purchase of any firearm by any law enforcement officer – state or federal; (3)  
18 pistols that are designed expressly for use in Olympic target shooting events, as  
19 defined by rule; (4) certain single-action revolvers, as defined by rule; and (5) the  
20 sale, loan, or transfer of any firearm that is to be used solely as a prop during the  
21 course of a motion picture, television, or video production by authorized people  
22 related to the production. SUF 39.

25 It is also not illegal in California to import an unrostered handgun when  
26 moving into the state without the intention of selling it, nor is it illegal in California  
27 to possess or use an unrostered handgun that is otherwise lawful to possess or use.  
28

1 SUF 40. California also exempts private party transfers, intra-familial transfers  
2 including gifts and bequests, and various loans. SUF 41.<sup>5</sup>

3  
4 2. *Defendant's Enforcement of the "Handgun Roster" Program Against  
5 Plaintiffs*

6 Plaintiff Ivan Peña sought to purchase a Para USA (Para Ordnance)  
7 P1345SR / Stainless Steel .45 ACP 4.25", and has identified a willing seller who  
8 stands ready to deliver said handgun to him. SUF 42. The Para USA P1345SR that  
9 Peña wants to buy was listed on California's Handgun Roster until December 31,  
10 2005, when it was discontinued and its listing not renewed. SUF 43.

11 Peña cannot lawfully purchase and take possession of the handgun as that  
12 handgun is not on the California Handgun Roster. SUF 44. Peña fears arrest,  
13 prosecution, fine and incarceration if he completes this handgun purchase. SUF 45.

14  
15 Plaintiff Roy Vargas has sought to purchase a Glock 21 SF with an  
16 ambidextrous magazine release, and has identified a willing seller who stands  
17 ready to deliver said handgun to Plaintiff. SUF 46. However, Vargas cannot  
18 lawfully purchase and take possession of the handgun as that handgun is not listed  
19 on the California Handgun Roster. SUF 47. Vargas fears arrest, prosecution, fine  
20 and incarceration if he completes this handgun purchase. SUF 48.

21  
22 Vargas was born without an arm below the right elbow. SUF 49. The Glock  
23 21 SF-STD with a standard magazine release is listed on the California Handgun  
24 Roster. SUF 50. However, the Glock 21 SF with ambidextrous magazine release is  
25

26  
27 <sup>5</sup>"Single" or "Double" action refers to the gun's trigger function. If the trigger  
28 only drops the hammer (with the firing pin) after it is cocked, then the firearms is  
considered a "Single" action. If the trigger can also draw back the hammer and  
release it, the firearm is considered a "Double" action.

1 superior for left-handed shooters such as Mr. Vargas, as opposed to the approved  
2 version of the Glock 21. SUF 51. Glock's efforts to add the Glock 21 SF with  
3 ambidextrous magazine release to the California Roster have failed. SUF 52.  
4

5 However, Defendant permits Glock customers to have their Glock 21 SF-STD  
6 handguns fitted with an ambidextrous release at the Glock factory. SUF 53. As  
7 state officials wrote Glock in response to the gunmaker's pleas to include the  
8 ambidextrous Glock 21 SF on the roster:

9 A California owner of a Glock handgun model with a standard magazine  
10 release who wishes to have his or her handgun model retrofitted with an  
11 ambidextrous magazine release may send the firearm to Glock. Glock could  
12 then retrofit the handgun and return it to its owner. No further testing of the  
retrofitted handgun would be required.

13 Exhibit F. In other words, California permits the sale of a Glock 21 SF-STD, and  
14 the alteration of that handgun by Glock to add an ambidextrous magazine release,  
15 but will not allow consumers to purchase new Glock 21 SFs with an ambidextrous  
16 magazine release in the first place.  
17

18 Plaintiff Doña Croston has sought to purchase a Springfield Armory XD-45  
19 Tactical 5" Bi-Tone stainless steel/black handgun in .45 ACP, model number  
20 XD9623, and has identified a willing seller who stands ready to deliver said  
21 handgun to her. SUF 54. Croston cannot lawfully purchase and take possession of  
22 the handgun as that handgun is not on the California Handgun Roster. SUF 55.  
23 Croston fears arrest, prosecution, fine and incarceration if she completes this  
24 handgun purchase. SUF 56.  
25

26 Other models of this identical gun – but in different colors – are listed on the  
27 handgun roster and are thus available to Ms. Croston: the XD-45 Tactical 5" .45  
28

1 ACP in black (model XD9621), the XD-45 Tactical 5" .45 ACP in OD Green (model  
2 XD9622), and the XD-45 Tactical 5" .45 ACP in Dark Earth (XD9162). SUF 57.  
3 However, the particular Bi-Tone XD-45 that Ms. Croston would possess was not  
4 released until after California required newly-listed guns to have a chamber load  
5 indicator and magazine disconnect device. SUF 58. Springfield Armory could not get  
6 the XD-45 in .45 ACP and Bi-Tone finish registered given the new listing  
7 requirements. SUF 59. The XD-45 Bi-Tone in .45 has a loaded chamber indicator,  
8 but the California Department of Justice decided it does not qualify under Cal.  
9 Penal Code § 16380(c). SUF 60. The XD-45 also lacks a magazine disconnect device.  
10 SUF 61.

13 The handgun at issue in *Heller* was a High Standard 9-shot revolver in .22  
14 with a 9.5" Buntline-style<sup>6</sup> barrel. SUF 62. Plaintiff Brett Thomas has sought to  
15 purchase an identical High Standard 9-shot revolver in .22 with a 9.5" Buntline-  
16 style barrel, and has identified a willing seller who stands ready to deliver said  
17 handgun to Thomas. SUF 63. Thomas cannot lawfully purchase and take possession  
18 of the handgun as that handgun is not on the California Handgun Roster. SUF 64.  
19 Thomas fears arrest, prosecution, fine and incarceration if he completes this  
20 handgun purchase. SUF 65.

22 Plaintiffs Ivan Peña and Brett Thomas are law-abiding citizens, shooting  
23 enthusiasts and gun collectors, as are other members and supporters of Plaintiffs  
24 Second Amendment Foundation, Inc. ("SAF") and Calguns Foundation, Inc.  
25

26  
27 <sup>6</sup> A "Buntline" style is a Western-style extra-long barreled revolver. It is  
28 named for the 19<sup>th</sup> Century novelist Ned Buntline who was said to commission such  
guns for famous personalities of the day.



1 (“CGF”). Peña, Thomas, Croston, and other SAF and CGF members and supporters  
2 would acquire new semiautomatic handguns of the kind in common use throughout  
3 the United States, for traditional lawful purposes including self-defense, but cannot  
4 do so owing to the operation of California microstamping scheme. SUF 66.

5  
6 Moreover, even if Plaintiffs could procure the handguns they intend to  
7 purchase consistent with California law, the handgun rostering scheme  
8 substantially limits commerce in (and therefore Plaintiffs’ access to) these  
9 handguns, since no dealer can stock these firearms. This results in a significant loss  
10 of choice and price competition. SUF 67. Plaintiffs would also suffer increased costs  
11 in transporting and transferring their firearms from out-of-state dealers that they  
12 would not suffer if the firearms were available for sale in California. SUF 68.

13  
14 SAF is a non-profit membership organization incorporated under the laws of  
15 Washington with its principal place of business in Bellevue, Washington. SUF 69.  
16 SAF has over 650,000 members and supporters nationwide, including many in  
17 California. SUF 70. The purposes of SAF include education, research, publishing  
18 and legal action focusing on the Constitutional right to privately own and possess  
19 firearms, and the consequences of gun control. SUF 71.

20  
21 CGF is a non-profit organization incorporated under the laws of California  
22 with its principal place of business in San Carlos, California. SUF 72. The purposes  
23 of Calguns include supporting the California firearms community by promoting  
24 education for all stakeholders about firearm laws, rights and privileges, and  
25 securing the civil rights of California gun owners, who are among its members and  
26 supporters. SUF 73.  
27  
28

1 SAF and CGF expend their resources encouraging exercise of the right to  
2 bear arms, and advising and educating their members, supporters, and the general  
3 public about the legality of particular firearms. The issues raised by, and  
4 consequences of, Defendant's policies, are of great interest to SAF and Calguns'  
5 constituencies. Defendant's policies regularly cause the expenditure of resources by  
6 SAF and Calguns as people turn to these organizations for advice and information.  
7  
8 SUF 74, 75. Defendant's policies bar the members and supporters of SAF and  
9 Calguns, living in California, from obtaining numerous, if not most, handguns. SUF  
10 76. At a minimum, Defendants' policies make firearms less accessible to the public,  
11 reduce the opportunity for selection and purchase, lessen price competition, and  
12 impose additional expenses on the purchase of firearms. SUF 77.

#### 14 SUMMARY OF ARGUMENT

15 This case begins and ends with the fact that California will not roster  
16 handguns lacking features which are missing from many, if not the vast majority, of  
17 handguns of the kind in common use throughout the United States. Indeed, no new  
18 semiautomatic handgun models can be sold in California at all. The challenged  
19 requirements constitute a massive ban on handguns whose possession and use is  
20 secured by the Second Amendment.  
21

22 In unsuccessfully defending its blanket handgun ban, the District of  
23 Columbia argued that it could unilaterally determine which arms were too  
24 dangerous to be allowed ordinary citizens, and that handguns as a class of weapons  
25 failed to meet its criteria. The Supreme Court rejected this argument. The  
26 government's disdain for particular arms does not enable it to ban them if their  
27  
28

1 possession is protected by the Second Amendment. The test is whether the arms at  
2 issue are of the kind that would be in common use for lawful purposes.

3  
4 Defendant's handgun rostering program also violates basic principles of equal  
5 protection, in that it arbitrarily makes distinctions between otherwise identical  
6 firearms, inherently making arbitrary distinctions among the people who would  
7 possess them, and bars some classes of people from possessing handguns that are  
8 perfectly permissible to others. These practices cannot survive Fourteenth  
9 Amendment scrutiny.

#### 10 ARGUMENT

11  
12 I. The Second Amendment Protects the Acquisition of Arms of the Kind in  
13 Common Use for Traditional Lawful Purposes.

14 "[T]he sorts of weapons protected [by the Second Amendment are] those 'in  
15 common use at the time,'" *Heller*, 554 U.S. at 627 (quoting *United States v. Miller*,  
16 307 U. S. 174, 179 (1939)), "the sorts of lawful weapons that [citizens] possessed at  
17 home." *Id.* "[T]he Second Amendment does not protect those weapons not typically  
18 possessed by law-abiding citizens for lawful purposes." *Id.* at 625. Handguns plainly  
19 satisfy this test:

20  
21 It is enough to note, as we have observed, that the American people have  
22 considered the handgun to be the quintessential self-defense weapon . . .  
23 [H]andguns are the most popular weapon chosen by Americans for self-  
24 defense in the home, and a complete prohibition on their use is invalid.

25 *Id.* at 629.

26 The Second Amendment is binding on state actors through the Fourteenth  
27 Amendment. *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010).  
28

1           Because there is a right to keep and bear firearms, there is, necessarily, a  
2 right to acquire them. “[C]ertain unarticulated rights are implicit in enumerated  
3 guarantees . . . fundamental rights, even though not expressly guaranteed, have  
4 been recognized by the Court as indispensable to the enjoyment of rights explicitly  
5 defined.” *Richmond Newspapers v. Virginia*, 448 U.S. 555, 579-80 (1980). “The right  
6 to keep arms, necessarily involves the right to purchase them . . .” *Andrews v. State*,  
7 50 Tenn. 165, 178 (1871). A complete ban on gun commerce would violate the  
8 Second Amendment right at its core. *United States v. Marzzarella*, 614 F.3d 85, 92  
9 n.8 (3d Cir. 2010). The government can no more ban the sale of protected guns than  
10 it can ban the sale of protected books, *Virginia v. Am. Booksellers Ass’n*, 484 U.S.  
11 383, 393 (1988); contraceptives, *Carey v. Pop. Serv. Int’l*, 431 U.S. 678 (1977);  
12 *Griswold v. Connecticut*, 381 U.S. 479 (1965), or perhaps the sale of sex toys,  
13 *Reliable Consultants, Inc. v. Earle*, 517 F.3d 738 (5th Cir. 2008); but see *Williams v.*  
14 *Morgan*, 478 F.3d 1316 (11th Cir. 2007).<sup>7</sup>

15           Of course, Defendant is still free to ban “arms” that are nonetheless  
16 “dangerous and unusual weapons,” *Heller*, 554 U.S. at 627 (citations omitted),  
17 including “sophisticated arms that are highly unusual in society at large.” *Id.*  
18 “Historically, weapons like machine guns, sawed-off shotguns, grenade launchers,  
19  
20  
21  
22  
23

---

24           <sup>7</sup>Congress, too, has recognized that the Second Amendment extends to the  
25 acquisition of firearms. In enacting the Protection of Lawful Commerce in Arms Act,  
26 15 U.S.C. § 7901, et seq., Congress began by referencing the Second Amendment, 15  
27 U.S.C. § 7901(a)(1), and thereafter declared among the Act’s purposes “[t]o preserve  
28 a citizen’s access to a supply of firearms and ammunition for all lawful purposes,”  
and “[t]o guarantee a citizen’s rights, privileges, and immunities, as applied to the  
States, under the Fourteenth Amendment to the United States Constitution,” 15  
U.S.C. §§ 7901(b)(2), (3).

1 and other high-powered weapons have fallen into this category due to their extreme  
2 nature.” *Wilson v. County of Cook*, 2012 IL 112026, at ¶ 46.

3  
4 And while “all firearms constituted ‘arms,’” *Heller*, 554 U.S. at 581 (citation  
5 omitted), Defendant can ban those weapons which do not meet the historic legal  
6 definition of “arms” as used in the Second Amendment – “any thing that a man  
7 wears for his defence, or takes into his hands, or useth in wrath to cast at or strike  
8 another.” *Id.* (citing 1 A New and Complete Law Dictionary (1771); N. Webster,  
9 American Dictionary of the English Language (1828) (reprinted 1989)).

10  
11 But the acquisition of handguns of the kind in common use for lawful  
12 purposes, the sort of handguns that law-abiding citizens would expect to keep,  
13 cannot be prohibited– even if the state would prefer people use different (or no)  
14 firearms. In making this point, the Supreme Court notably did not reference any  
15 “standard of review” or means-ends balancing test. “It is enough” that handguns, as  
16 a general class of arms, are in common use for traditional lawful purposes. *Heller*,  
17 554 U.S. at 629.

18  
19 Nor did the Supreme Court utilize such tests in resolving *Heller’s* challenge  
20 to Washington, D.C.’s bans on the possession of functional firearms in the home,  
21 and handgun carrying within the home. With respect to Washington’s complete ban  
22 on the possession of functional firearms within the home, the Court simply offered  
23 that the ban “makes it impossible for citizens to use [guns] for the core lawful  
24 purpose of self-defense and is hence unconstitutional.” *Id.* at 630. This same  
25 process, identifying whether a regulation conflicts with a “core protection” of the  
26 Amendment without resort to interest-balancing, resolved *Heller’s* challenge to a  
27  
28

1 requirement that he obtain an unavailable permit to move a handgun inside his  
2 home. The D.C. Circuit found the restriction violated the Second Amendment’s core:

3  
4 It is sufficient for us to conclude that just as the District may not flatly ban  
5 the keeping of a handgun in the home, obviously it may not prevent it from  
6 being moved throughout one’s house. Such a restriction would negate the  
7 lawful use upon which the right was premised—i.e, self-defense.

8 *Parker v. District of Columbia*, 478 F.3d 370, 400 (D.C. Cir. 2007), *aff’d sub nom*,  
9 *Heller*.<sup>8</sup> The Supreme Court affirmed using the same approach, concluding the city  
10 had no discretion to refuse issuance of the permit: “Assuming that *Heller* is not  
11 disqualified from the exercise of Second Amendment rights, the District must  
12 permit him to register his handgun and must issue him a license to carry it in the  
13 home.” *Heller*, 554 U.S. at 635.

14 In its methodology, *Heller* repeatedly demonstrated a simple fact that is too-  
15 often forgotten: not every constitutional question is answered with balancing tests.  
16 Sometimes, interpretation is enough. At other times, categorical rules will apply.  
17 Means-ends scrutiny can play a role, but not where the problem is fairly basic. Just  
18 as some First Amendment cases turn on the question of whether something  
19 constitutes protected speech, and some Fourth Amendment cases turn on whether  
20 conduct constitutes a “search” or a “seizure,” *Heller* demonstrates that in the Second  
21 Amendment, categorical prohibitions on types of “arms” are resolved by the  
22 common-use test, derived from *Miller*. Were balancing tests required to discern  
23 whether handguns are protected “arms” under the Second Amendment, *Heller*  
24 would have utilized them.  
25  
26

27  
28 \_\_\_\_\_  
<sup>8</sup>Heller did not request a public-carry permit. *Id.*

1 Illinois' Supreme Court, considering a challenge to a so-called "assault  
2 weapons" ban, acknowledged the categorical nature of examining a prohibition on a  
3 class of arms. Remanding the case for further development, that court explained,  
4  
5 it cannot be ascertained at this stage of the proceedings whether these arms  
6 with these particular attributes as defined in this Ordinance are well suited  
7 for self-defense or sport or would be outweighed completely by the collateral  
8 damage resulting from their use, making them "dangerous and unusual" as  
9 articulated in *Heller*.

10 *Wilson*, 2012 IL 112026, at ¶ 49.

11 This case addresses not so-called "assault weapons," a discrete if  
12 inconsistently-defined subset of firearms purportedly possessing uniquely  
13 dangerous functions, but handguns—which the Supreme Court has already held are  
14 categorically within the Second Amendment's protection. Indeed, the rostering  
15 scheme begins with the now-unconstitutional presumption that *all* handguns are  
16 "unsafe" until declared otherwise by the state, including *all* new semiautomatic  
17 handgun models (since none contain microstamping). The state's burden of showing  
18 that somehow, all handguns that do not fit the legislature's complex rostering  
19 requirements are outside the Second Amendment's protection as defined in *Heller* is  
20 impossible.

21 II. Defendant's Handgun Rostering Program Violates the Second Amendment  
22 By Restricting Access to Handguns of the Kind in Common Use for  
23 Traditional Lawful Purposes.

24 The handguns banned by Defendant's rostering program – guns that do not  
25 microstamp (e.g., all new gun models for the foreseeable future if not forever), guns  
26 not incorporating CLIs and/or magazine disconnect mechanisms, guns that have not  
27 been (and cannot be) submitted by their manufacturer for government testing, and  
28

1 guns that would be perfectly acceptable by the government but for lack of an annual  
2 listing fee – are all nonetheless handguns of the kind in common use protected by  
3 the Second Amendment. None of these characteristics render a firearm “dangerous  
4 or unusual” or militarily “sophisticated,” or establish that it is not of the kind in  
5 common use for lawful purposes.  
6

7       The Supreme Court required no particular evidence to discern that handguns  
8 are in common use for traditional lawful purposes – “that the American people have  
9 considered the handgun to be the quintessential self-defense weapon.” *Heller*, 554  
10 U.S. at 629. Looking further, the federal government’s latest manufacturing report  
11 reveals that in 2011, the latest year for which numbers are available, the nation  
12 produced 3,170,990 handguns, of which 2,598,133—81.9%—were not revolvers, and  
13 thus, virtually all semi-automatic. See ATF Report, *supra* n.2. Of these, only  
14 427,448 were chambered in calibers up to .22, which would be rimfire pistols. The  
15 remainder, 68.5% of all handguns manufactured in the United States in 2011,  
16 utilized center-fire ammunition calibers. *Id.* Thus, not only are handguns generally  
17 arms of the kind in common use for traditional lawful purposes. SUF 1. Semi-  
18 automatic handguns with detachable magazines, including those utilizing center-  
19 fire ammunition, are in common use for traditional lawful purposes. SUF 2, 3.  
20  
21

22       The CLIs and magazine disconnect mechanisms required for rostering are  
23 rare features, found on perhaps only 11% and 14% of all handguns in the  
24 marketplace. Considering California’s particularly harsh and entirely arbitrary  
25 enforcement of its CLI requirement, that number of qualified CLI’s is surely lower  
26 than even 11% of the market.  
27  
28



1           Furthermore, microstamping guns currently command exactly 0% of the  
2 market for handguns in the United States. As much as California’s legislature  
3 would like for these guns to exist, they do not exist. Nor will they probably ever  
4 exist. Defendant, certainly, is not expecting them to show up any time soon.  
5  
6 Likewise, many guns are still protected by the Second Amendment even if they  
7 have not been manufactured for many years prior to the advent of the California  
8 Handgun Roster, or have been manufactured by a company that does not wish to  
9 sell its products in one particular state. And plainly, a gun model deemed “not  
10 unsafe” does not somehow alter its characteristics and become “unsafe” simply  
11 because a check has not been cashed in Sacramento within the year.

13           The four specific handguns denied Plaintiffs are plainly within the Second  
14 Amendment’s protection. New handguns manufactured and offered for sale in the  
15 other 49 states without microstamping technology are similarly protected. That the  
16 handgun roster law is incompatible with Supreme Court precedent is illustrated by  
17 the roster’s banning of Brett Thomas’s High Standard revolver. This is the exact  
18 same make and model gun the possession of which the Supreme Court ordered  
19 Washington, D.C. to allow Mr. Heller. This gun might not appear on the state’s list  
20 of approved handguns, but according to the Supreme Court, it appears in the  
21 Second Amendment.  
22

24           The handguns denied Ivan Peña and Doña Croston are likewise plainly  
25 within the Second Amendment’s protection. They cannot be considered “dangerous  
26 and unusual” by any stretch of imagination. Croston’s gun appears on Defendant’s  
27 approved list, albeit in different colors, but is unavailable in the black/stainless  
28

1 finish because it was not made available for testing in that particular color before  
2 the CLI and magazine disconnect requirements came into effect. It is not as though  
3 Croston’s gun failed any safety testing; California regulators refuse to test the gun  
4 because it does not contain features missing from the overwhelming majority of  
5 American handguns – as acknowledged by the California Legislature in enacting  
6 the requirements. Ivan Peña’s gun was once deemed safe enough for sale, but is  
7 only unavailable because its listing was not renewed. The gun did not suddenly  
8 become dangerous on January 1, 2006, when its listing expired because the  
9 manufacturer would not pay a fee and fill out a piece of paper.  
10  
11

12         The situation with respect to Roy Vargas’s handgun is absurd. It makes no  
13 sense that Vargas cannot simply purchase a Glock 21 SF with an ambidextrous  
14 magazine release, but that he can purchase the right-handed version of this exact  
15 same gun, and undergo the additional burden and expense of having the Glock  
16 factory make him a custom modification– resulting in the exact same handgun that  
17 Defendant will not place on the roster.  
18

19         The empirical evidence regarding handguns in common-use is conclusive, but  
20 it also bears noting that nothing about the lack of CLIs, magazine disconnect  
21 devices, or microstamping makes handguns “dangerous and unusual.” Indeed, the  
22 magazine disconnect and CLI requirements contravene the state’s own gun safety  
23 policies. The state mandates that all handgun purchasers pass a handgun safety  
24 test that specifically teaches people not to rely on gimmicks like magazine  
25 disconnects and CLIs. The state makes it absolutely clear that all guns must be  
26 treated as loaded, that the absence of a magazine is not to be interpreted as a sign  
27  
28

1 that the gun is unloaded, that the only way to know guns are unloaded is to  
2 physically inspect the chamber. Even then, treating all guns as loaded promotes  
3 safe handling practices. And on top of the mandatory instruction on such practices,  
4 and the requirement that handgun purchasers demonstrate safe handling  
5 techniques, the state mandates that each handgun sale be accompanied by the sale  
6 of a lock or a guarantee that room exists in a safe for the gun.  
7

8         The state's instructions with respect to safe gun handling and unloading are  
9 unassailable. Whatever the merits of the state's safe storage requirements, they do  
10 not ban a single gun, while making the magazine disconnect and CLI requirements  
11 redundant. It is irresponsible to rely on magazine disconnects and CLIs for gun  
12 safety, which is perhaps why the market has obviously rejected these features, and  
13 why the Defendant has such a difficult time agreeing to a standard of what actually  
14 constitutes a CLI.  
15

16         The application of these requirements leads to absurd results. Why is the  
17 Springfield Armory XD-45 acceptable in almost any finish, but will not even be  
18 considered for testing in Bi-Tone? If guns failing to include CLIs and magazine  
19 disconnects are unacceptably dangerous, why permit the continued manufacture  
20 and introduction of old, allegedly "unsafe" models? Croston is being denied the gun  
21 of her choice not because of any intrinsic quality it possesses, but because Croston  
22 prefers to have the gun in a particular color.  
23  
24

25         Since microstamping is, for all intents and purposes, more a piece of science  
26 fiction than commercial reality, it can hardly be said that guns *lacking* this concept  
27 are "dangerous and unusual." Microstamping may not be dangerous, but it is not  
28

1 merely “unusual”—it is non-existent. And plainly, administrative failures—the lack  
2 of a fee to support a gun’s continued listing, or the lack of a manufacturer to support  
3 the rostering of an historic firearm such as Heller’s—have nothing to do with  
4 whether a gun is “dangerous and unusual.”  
5

6 California’s legislature, operating in a pre-*Heller* environment, approached  
7 the handgun issue backwards from a constitutional, post-*Heller* perspective. The  
8 legislature sought to declare almost all handguns “unsafe” for failing to conform to  
9 its design preferences, or for the manufacturer’s inability or unwillingness to pay  
10 for and participate in the state’s regulatory scheme. Consciously, the state sought to  
11 “drive” the market towards its preferred outcomes. But *Heller* stands for the  
12 proposition that it is the regulatory environment that must accommodate itself to  
13 the choices made by the lawful, constitutionally-protected market for arms, and not  
14 the other way around.  
15

16  
17 III. Defendant’s Handgun Rostering Program Violates the Fourteenth  
18 Amendment’s Equal Protection Clause.

19 The Equal Protection Clause “is essentially a direction that all person  
20 similarly situated should be treated alike.” *City of Cleburne v. Cleburne Living*  
21 *Center*, 473 U.S. 432, 439 (1985) (citation omitted). Strict scrutiny usually applies to  
22 government classifications that “impinge on personal rights protected by the  
23 Constitution.” *Id.*, 473 U.S. at 440 (citations omitted). “Where fundamental rights  
24 and liberties are asserted under the Equal Protection Clause, classifications which  
25 might invade or restrain them must be closely scrutinized.” *Hussey v. City of*  
26 *Portland*, 64 F.3d 1260, 1265 (9th Cir. 1995) (quoting *Harper v. Virginia Board of*  
27 *Elections*, 383 U.S. 663, 670 (1966)).  
28

1 The Supreme Court rejected rational basis as a standard of review for Second  
2 Amendment claims, holding that the standard of review in Second Amendment  
3 cases is no less rigorous than for evaluating other enumerated rights:  
4

5 Obviously, [rational basis] could not be used to evaluate the extent to which a  
6 legislature may regulate a specific, enumerated right, be it the freedom of  
7 speech, the guarantee against double jeopardy, the right to counsel, or the  
8 right to keep and bear arms.

9 *Heller*, 554 U.S. at 629 n. 27 (citing *United States v. Carolene Products Co.*, 304 U.S.  
10 144, 152 n.4 (1938)). Second Amendment rights are fundamental. *McDonald*, 130 S.  
11 Ct. at 3042.

12 That does not mean that there is a one-size-fits-all standard for Second  
13 Amendment claims, in those contexts where means-ends scrutiny is relevant (and it  
14 is not relevant to resolve, under the common-use test, Plaintiffs' primary claim,  
15 supra). "[A]s has been the experience under the First Amendment, we might expect  
16 that courts will employ different types of scrutiny in assessing burdens on Second  
17 Amendment rights, depending on the character of the Second Amendment question  
18 presented." *United States v. Masciandaro*, 638 F.3d 458, 470 (4th Cir. 2011).

19 "Borrowing from the Court's First Amendment doctrine, the rigor of this  
20 judicial review will depend on how close the law comes to the core of the Second  
21 Amendment right and the severity of the law's burden on the right." *Ezell v. City of*  
22 *Chicago*, 651 F.3d 684, 708 (7th Cir. 2011) (citations omitted).

23 Labels aside, we can distill this First Amendment doctrine and extrapolate a  
24 few general principles to the Second Amendment context. First, a severe  
25 burden on the core Second Amendment right of armed self-defense will  
26 require an extremely strong public-interest justification and a close fit  
27 between the government's means and its end. Second, laws restricting  
28 activity lying closer to the margins of the Second Amendment right, laws that  
merely regulate rather than restrict, and modest burdens on the right may be

1 more easily justified. How much more easily depends on the relative severity  
2 of the burden and its proximity to the core of the right.

3 *Id.*

4 Thus, while courts typically reduce the level of scrutiny given laws  
5 addressing criminal misconduct or irresponsibility, see, *e.g.*, *United States v.*  
6 *Chester*, 628 F.3d 673 (4th Cir. 2010) (intermediate scrutiny for domestic abuser),  
7 or conduct that the court believes to fall outside the Second Amendment’s “core”  
8 purpose, see, *e.g.*, *Masciandaro* (possessing handgun in park), courts employ higher  
9 levels of scrutiny where the conduct being impacted is closer to the Second  
10 Amendment’s perceived “core,” and/or exercised by responsible, law-abiding adults.  
11 “[W]e assume that any law that would burden the ‘fundamental,’ core right of  
12 self-defense in the home by a law-abiding citizen would be subject to strict  
13 scrutiny.” *Masciandaro*, 638 F.3d at 470; *Ezell*, 651 F.3d at 708 (greater than  
14 intermediate “if not quite strict scrutiny” for regulating traditional gun ranges).  
15  
16

17 To the extent Defendant’s practices implicate equal protection concerns, the  
18 proper standard of review would be strict scrutiny. After all, at issue is the  
19 acquisition of handguns, by law-abiding, responsible adults, for self-defense within  
20 the home.  
21

22 The sort of classifications created by the handgun roster and microstamping  
23 requirements are unacceptable under any sort of scrutiny reserved for enumerated  
24 rights. In California, unrostered guns are permitted by private importation or as  
25 intra-family gifts, just not as retail purchases. The roster thus privileges people who  
26 move into the state, or who have family out-of-state. Yet all people, not just  
27 relatives, may transfer unrostered handguns inside the state. These classifications  
28

1 make no sense. Any of the Plaintiffs might live next door to individuals who  
2 lawfully obtained the same handguns denied by the roster law, prior to moving to  
3 the state, or as a gift from an out-of-state relative.  
4

5 California's wide exemptions for law enforcement personnel, allowing them to  
6 purchase unrostered guns for personal use, is completely irrational. If a gun is  
7 unacceptably dangerous, it is odd to allow it to those perhaps most likely to use it.  
8 And if the harm to be ameliorated is the unauthorized use of guns by people not  
9 knowledgeable in their use, police weapons, including those owned privately by  
10 police officers, are no less likely to be stolen or mishandled by unauthorized users.  
11

12 The exceptions for curios and relics seems particularly egregious. Brett  
13 Thomas's High Standard revolver is not quite old enough to be exempt from the  
14 rostering law as a curio or relic, though in perhaps ten years, it would qualify.  
15 Ironically, Mr. Heller's particular gun might qualify today based on the fact of its  
16 involvement in an historic Supreme Court case. 27 C.F.R. § 478.11. But then, if  
17 Thomas prevails here, his gun, too, by that virtue, might also be transformed into  
18 an exempted curio or relic.  
19

20 Then there are the exceptions for movie and television production, which are  
21 not merely irrational, but also underscore the fact that unrostered handguns are so  
22 common in American culture that audiences would not expect to see only those guns  
23 approved by Defendant in realistic depictions of American life.  
24

25 The distinctions between different guns on the basis of whether they have an  
26 acceptable chamber loaded indicator are also unconstitutional given the wholly  
27 arbitrary manner in which California regulators determine whether a CLI is  
28

1 sufficient – asking around at the office whether random regulatory employees  
2 understand the CLI’s message. While the California Legislature might have  
3 established “minimal guidelines,” *City of Chicago v. Morales*, 527 U.S. 41, 60 (1999)  
4 defining a CLI based on design intent and characteristics, Cal. Penal Code § 16380,  
5 the regulatory practice is untethered from the legislative standard and in the end  
6 amounts to “because we said so.” Of course, since the government does not ban  
7 revolvers or exceedingly popular handguns that fire rimfire rounds such as the .22,  
8 CLIs will always be missing from significant numbers of handguns.  
9

10  
11         These and other senseless distinctions are inevitable considering the  
12 audacious mission of the handgun roster law: to make a complete list of all lawful  
13 handguns, and substitute the design and feature preferences of legislators and  
14 regulators for that of a market comprising hundreds of millions of people over the  
15 course of generations. That this project intrudes into the exercise of a fundamental  
16 right calls for its abandonment.  
17

18         The D.C. City Council reluctantly came to the same conclusion. Having  
19 adopted the California roster as their own, with all the usual public assurances that  
20 their law was constitutional, District officials re-considered upon being served with  
21 a very similar motion for summary judgment. On June 17, 2009, in the United  
22 States District Court for the District of Columbia, the District gave notice that it  
23 was adopting an emergency regulation, abandoning its reliance on the California  
24 roster, by creating a “District roster” that, while still unconstitutional, eliminated  
25 many of the burdens associated with the laws challenged in that (and this) action.  
26 The District based its emergency rule-making, in part, on the following findings:  
27  
28



1 1) recognition that California permits sale of firearms that have superficial  
2 differences to those firearms on its roster; 2) recognition that some handguns  
3 that have been placed on the California roster as safe handguns have been  
4 removed for administrative reasons not related to the handguns' safety; and  
5 3) review of similar safe gun rosters maintained by Maryland and  
6 Massachusetts.

7 Exhibit J .

8 The new "District Roster" consists not only of the California and  
9 Massachusetts rosters, but also that of Maryland. 24 DCMR § 2323.1. The addition  
10 of the Maryland roster is significant, as that state allows anyone to petition for  
11 additions to the roster, it does not require an annual maintenance fee for guns to  
12 remain rostered, and it does not require handguns to have either a magazine  
13 disconnect device nor CLI nor microstamping. Not surprisingly, the Maryland  
14 roster contains approximately twice the number of handguns as does the California  
15 roster. Exhibit K.

16 Moreover, the new District roster expressly includes models removed from  
17 the California roster for lack of payment, as well as guns that have only minor  
18 cosmetic differences from those listed. 24 DCMR §§ 2323.2, 2323.3. Exhibit K.

19 On June 25, 2009, the District imported another critical piece of Maryland's  
20 law into its own: an exemption from rostering requirements of all handguns  
21 manufactured prior to 1985. Exhibit L & Exhibit M.

22 All of these improvements made by Washington, D.C. to address its adoption  
23 of the California roster have resulted in a bloated regulatory regime that, in the  
24 end, does not actually ban very many handguns – and would allow all of the  
25 handguns at issue in this case to be sold in California. It appears unlikely that the  
26  
27  
28

1 California Legislature will be able to avoid summary judgment by timely repealing  
2 or significantly modifying its roster law.

3  
4 CONCLUSION

5 The facts in this case are well-established, as are the controlling legal  
6 principles: the State of California cannot ban handguns of the kind in common use  
7 for lawful purposes, regardless of its policy preferences. Nor are the design  
8 requirements here consistent with other California laws aimed at improving gun  
9 safety, which condition the public to ignore these mandatory features in the name of  
10 safety. Finally, the classifications riddling the rostering scheme are irrational and  
11 beyond defense. The Court should enter summary judgment for Plaintiffs.  
12

13 Dated: October 25, 2013

Respectfully submitted,

14 Alan Gura, Cal. Bar No.: 178221  
15 Gura & Possessky, PLLC  
16 101 N. Columbus St., Suite 405  
17 Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665  
alan@gurapossessky.com

Donald E.J. Kilmer, Jr., Cal. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Don @DKLawOffice.com

18 /s/ Alan Gura

19 Alan Gura

/s/ Donald E.J. Kilmer, Jr.

Donald E.J. Kilmer, Jr.

20 Jason A. Davis, Cal. Bar No.: 224250  
21 Davis & Associates  
22 27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
23 949.310.0817/Fax 949.288.6894

Attorneys for Plaintiffs

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possesky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>DECLARATION OF PEÑA</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 I, Ivan Peña, am competent to state, and to declare the following based on my personal  
27 knowledge:

- 28 1. I am a citizen of the United States and the State of California.
- 29 2. I am a member of the Second Amendment Foundation and a supporter of their  
30 activities.
- 31 3. I am a board member of the CalGuns Foundation, Inc. and a supporter of their  
32 activities.
- 33 4. I sought to purchase a Para USA (Para Ordnance) P1345SR / Stainless Steel .45  
34 ACP 4.25", and identified a willing seller who stands ready to deliver said handgun to me.

1           5.       The Para USA P1345SR I sought to purchase was listed on California's Handgun  
2 Roster until December 31, 2005, when it was discontinued and its listing not renewed.

3           6.       I cannot lawfully purchase and take possession of the handgun as that handgun is not  
4 on the California Handgun Roster.

5           7.       I fear arrest, prosecution, fine and incarceration if I complete this handgun purchase.

6           8.       I am a law-abiding citizens, shooting enthusiast and gun collector. I would acquire  
7 new semiautomatic handguns of the kind in common use throughout the United States, for  
8 traditional lawful purposes including self-defense, but cannot do so owing to California's rostering  
9 scheme.  
10

11           9.       Based on my experiences as a gun owner and collector, I know that California's  
12 handgun rostering scheme substantially limits commerce in unrostered handguns, since no dealer  
13 can stock these firearms. This results in a significant loss of choice and price competition.  
14

15           10.      I am also aware through my activities as a hobbyist and lawful gun owner that  
16 transporting and transferring firearms from out-of-state dealers, that would be unnecessary if the  
17 firearms were available for sale in California, increases the costs of acquiring firearms for self-  
18 defense. The fact that California firearms dealers cannot sell the Para USA P1345SR to the public  
19 greatly limits my access to this handgun, reduces price competition for it, and would cause me to  
20 expend money I would otherwise not spend in shipping the handgun from out of state and then  
21 transferring it through an in-state dealer, even were that legal.  
22

23           I declare under penalty of perjury that the foregoing is true and correct.

24           Executed this the 24<sup>th</sup> day of October, 2013, in San Francisco, California.  
25

26           \_\_\_\_\_  
Ivan Peña  
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1           5.       The Para USA P1345SR I sought to purchase was listed on California's Handgun  
2 Roster until December 31, 2005, when it was discontinued and its listing not renewed.

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20           I declare under penalty of perjury that the foregoing is true and correct.

21           Executed this the 24<sup>th</sup> day of October, 2013, in San Francisco, California.

22  
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25             
26           Ivan Peña

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1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possesky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>DECLARATION OF CROSTON</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 I, Doña Croston, am competent to state, and to declare the following based on my personal  
27 knowledge:

- 28 1. I am a citizen of the United States and the State of California.
- 29 2. I am a member of the Second Amendment Foundation and a supporter of their  
30 activities.
- 31 3. I am a board member of the CalGuns Foundation, Inc. and a supporter of their  
32 activities.

1           4.       I sought to purchase a Springfield Armory XD-45 Tactical 5" Bi-Tone stainless  
2 steel/black handgun in .45 ACP, model number XD9623, and have identified a willing seller who  
3 stands ready to deliver said handgun to me.

4           5.       But, I cannot lawfully purchase and take possession of the handgun as that handgun  
5 is not on the California Handgun Roster.

6           6.       I fear arrest, prosecution, fine and incarceration if I complete this handgun purchase.  
7 Additionally, the fact that California firearms dealers cannot sell this handgun to the public greatly  
8 limits my access to this handgun, reduces price competition for it, and would cause me to expend  
9 money I would otherwise not spend in shipping the handgun from out of state and then transferring it  
10 through an in-state dealer, even were that legal.

11           7.       I would acquire new semiautomatic handguns of the kind in common use throughout  
12 the United States, for traditional lawful purposes including self-defense, but cannot do so owing to  
13 California's rostering scheme.

14           I declare under penalty of perjury that the foregoing is true and correct.

15           Executed this the 24<sup>th</sup> day of October, 2013, in San Francisco, California

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21           Doña Croston  
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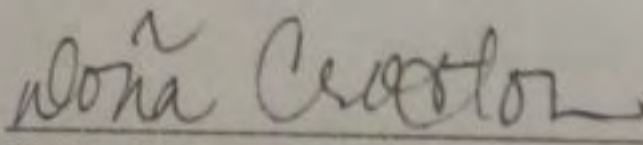
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12 the United States, for traditional lawful purposes including self-defense, but cannot do so owing to  
13 California's rostering scheme.

14           I declare under penalty of perjury that the foregoing is true and correct.

15           Executed this the 24<sup>th</sup> day of October, 2013, in San Francisco, California

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20           Doña Croston  
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1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possesky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>DECLARATION OF VARGAS</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 I, Roy Vargas am competent to state, and to declare the following based on my personal  
27 knowledge:

28 1. I am a citizen of the United States and the State of California. I am a citizen of the  
United States and the State of California.

2. I am a member of the Second Amendment Foundation and a supporter of their  
activities.

3. I am a participant in CalGuns Foundation, Inc. activities.

1 4. I sought to purchase a Glock 21 SF with an ambidextrous magazine release, and  
2 have identified a willing seller who stands ready to deliver said handgun to Plaintiff.

3 5. However, I cannot lawfully purchase and take possession of the handgun as that  
4 handgun is not listed on the California Handgun Roster.

5 6. I fear arrest, prosecution, fine and incarceration if I complete this handgun purchase.  
6 Additionally, the fact that California firearms dealers cannot sell this handgun to the public greatly  
7 limits my access to this handgun, reduces price competition for it, and would cause me to expend  
8 money I would otherwise not spend in shipping the handgun from out of state and then transferring it  
9 through an in-state dealer, even were that legal.  
10

11 7. I was born without an arm below the right elbow.

12 8. The Glock 21 SF with a standard magazine release is listed on the California  
13 Handgun Roster.  
14

15 9. However, the Glock-21 SF with ambidextrous magazine release is superior for left-  
16 handed shooters such myself, as opposed to the approved version of the Glock 21.

17 I declare under penalty of perjury that the foregoing is true and correct

18 Executed this the 24<sup>th</sup> day of October, 2013, in Covina, California.  
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21 \_\_\_\_\_  
22 Roy Vargas  
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1           4.       I sought to purchase a Glock 21 SF with an ambidextrous magazine release, and  
2 have identified a willing seller who stands ready to deliver said handgun to Plaintiff.

3           5.       However, I cannot lawfully purchase and take possession of the handgun as that  
4 handgun is not listed on the California Handgun Roster.

5           6.       I fear arrest, prosecution, fine and incarceration if I complete this handgun purchase.  
6 Additionally, the fact that California firearms dealers cannot sell this handgun to the public greatly  
7 limits my access to this handgun, reduces price competition for it, and would cause me to expend  
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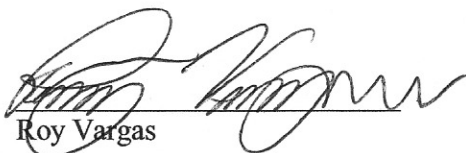
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14

15           9.       However, the Glock-21 SF with ambidextrous magazine release is superior for left-  
16 handed shooters such myself, as opposed to the approved version of the Glock 21.

17           I declare under penalty of perjury that the foregoing is true and correct

18           Executed this the 24<sup>th</sup> day of October, 2013, in Monterey Park, California.  
19

20  
21             
22           Roy Vargas

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possesky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

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12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
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15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>DECLARATION OF THOMAS</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 I, Brett Thomas, am competent to state, and to declare the following based on my personal  
27 knowledge:

- 28 1. I am a citizen of the United States and the State of California.
- 29 2. I am a member of the Second Amendment Foundation and a supporter of their  
30 activities.
- 31 3. I am a board member of the CalGuns Foundation, Inc. and a supporter of their  
32 activities.

1           4.       The handgun at issue in *District of Columbia v. Heller*, 554 U.S. 570 (2008), was a  
2 High Standard 9-shot revolver in .22 with a 9.5" Buntline-style<sup>1</sup> barrel.

3           5.       I sought to purchase an identical High Standard 9-shot revolver in .22 with a 9.5"  
4 Butline-style barrel, and has identified a willing seller who stands ready to deliver said handgun to  
5 me.

6           6.       I cannot lawfully purchase and take possession of the handgun as that handgun is not  
7 on the California Handgun Roster.

8           7.       I fear arrest, prosecution, fine and incarceration if I complete this handgun purchase.

9           8.       I am a law-abiding citizens, shooting enthusiast and gun collector. I would acquire  
10 new semiautomatic handguns of the kind in common use throughout the United States, for  
11 traditional lawful purposes including self-defense, but cannot do so owing to California's rostering  
12 scheme.

13           9.       Based on my experiences as a gun owner and collector, I know that California's  
14 handgun rostering scheme substantially limits commerce in unrostered handguns, since no dealer  
15 can stock these firearms. This results in a significant loss of choice and price competition.

16           10.      I am also aware through my activities as a hobbyist and lawful gun owner that  
17 transporting and transferring firearms from out-of-state dealers, that would be unnecessary if the  
18 firearms were available for sale in California, increases the costs of acquiring firearms for self-  
19 defense. The fact that California firearms dealers cannot sell the High Standard 9 shot .22 revolver  
20 with a 9.5" Buntline-style barrel to the public greatly limits my access to this handgun, reduces price  
21 competition for it, and would cause me to expend money I would otherwise not spend in shipping the  
22 handgun from out of state and then transferring it through an in-state dealer, even were that legal.

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28           <sup>1</sup>       A "Buntline" is a Western-style extra-long barrel revolver, named for 19<sup>th</sup>-century  
novelist Ned Buntline who was said to commission such guns for famous  
personalities of the day.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 24<sup>th</sup> day of October, 2013, in California.

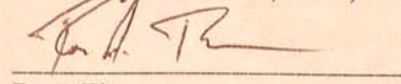
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Brett Thomas



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I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 24<sup>th</sup> day of October, 2013, in California.



\_\_\_\_\_  
Brett Thomas

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>DECLARATION OF GOTTLIEB</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 I, Alan Gottlieb, am competent to state, and to declare the following based on my  
27 personal knowledge:

28 1. I am the Founder and Executive Vice President of the Second Amendment  
Foundation, Inc.

2. The Second Amendment Foundation, Inc. ("SAF") is a non-profit membership  
organization incorporated under the laws of Washington with its principal place of business in  
Bellevue, Washington.

3. SAF has over 650,000 members and supporters nationwide, including many in the  
state of California.



1           4.       The purposes of SAF include education, research, publishing and legal action  
2 focusing on the Constitutional right to privately own and possess firearms, and the consequences  
3 of gun control.

4  
5           5.       SAF expends their resources encouraging exercise of the right to bear arms, and  
6 advising and educating their members, supporters, and the general public about the legality of  
7 particular firearms. The issues raised by, and consequences of, Defendant's policies, are of great  
8 interest to CGF constituencies.

9  
10          6.       Defendant's policies regularly cause the expenditure of resources by SAF as  
11 people turn to our organizations for advice and information.

12          7.       Defendant's policies bar the board members and supporters of CGF from  
13 obtaining numerous, if not most, handguns.

14          8.       Members and supporters of the Second Amendment Foundation, Inc. ("SAF")  
15 would acquire new semiautomatic handguns of the kind in common use throughout the United  
16 States, for traditional lawful purposes including self-defense, but cannot do so owing to  
17 California's rostering scheme.

18  
19          9.       California's handgun rostering scheme substantially limits commerce in (and  
20 therefore SAF members and supporters' access to) unrostered handguns, since no dealer can  
21 stock these firearms. This results in a significant loss of choice and price competition for  
22 members and supporters of SAF.

23  
24          10.       Members and supporters of SAF who seek to conduct private party sales of off-  
25 roster firearms would suffer increased costs in transporting and transferring their firearms from  
26 out-of-state dealers even were these transfers lawful. They would not suffer these costs if the  
27 firearms were available for sale in California.  
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11. Defendants' policies make firearms less accessible to the public, reduce the opportunity for selection and purchase, lessen price competition, and impose additional expenses on the purchase of firearms.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 24<sup>th</sup> day of October, 2013, in Bellevue, WA.



Alan Gottlieb  
Executive Vice President / Founder  
Second Amendment Foundation

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
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14 Mission Viejo, CA 92691  
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16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>DECLARATION OF HOFFMAN</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 I, Gene Hoffman, Jr., am competent to state, and to declare the following based on my  
27 personal knowledge:

- 28 1. I am the Chairman of the CalGuns Foundation, Inc. ("CGF")
- 29 2. CFG is a non-profit organization incorporated under the laws of California with its  
30 principal place of business in San Carlos, California.
- 31 3. The purposes of CGF include supporting the California firearms community by  
32 promoting education for all stakeholders about California and federal firearm laws, rights and  
33 privileges, and securing, defending and protecting the civil rights of California gun owners, who are  
34 its members and supporters.

1 4. CGF expends their resources encouraging exercise of the right to bear arms, and  
2 advising and educating their members, supporters, and the general public about the legality of  
3 particular firearms. The issues raised by, and consequences of, Defendant's policies, are of great  
4 interest to CGF constituencies.  
5

6 5. Defendant's policies regularly cause the expenditure of resources by CGF as people  
7 turn to our organization for advice and information.

8 6. Defendant's policies bar the board members and supporters of CGF from obtaining  
9 numerous, if not most, handguns.

10 7. Exhibit F is a true and correct copy of documents provided to me by the State of  
11 California in response to a request for official records pursuant to the California Public Records Act,  
12 Cal. Government Code §6250, et seq.  
13

14 8. Exhibit G is a true and correct copy of a portion of a portion of the current California  
15 Roster of Handgun Certified for Sale, available at <http://certguns.doj.ca.gov/>

16 9. Exhibit E is a true and correct copy of a portion of a list maintained by the California  
17 Department of Justice of handguns that have been removed from the California Roster of Handguns  
18 Certified for Sale, available at [http://caag.state.ca.us/firearms/forms/pdf/](http://caag.state.ca.us/firearms/forms/pdf/removed.pdf)  
19 removed.pdf  
20

21 10. Exhibit A is a true and correct copy of the request I made of the California  
22 Department of Justice pursuant to the California Public Records Act, Cal. Government Code  
23 §6250, et seq., and the response received thereto.

24 11. Members and supporters of the Calguns Foundation, Inc., would acquire new  
25 semiautomatic handguns of the kind in common use throughout the United States, for traditional  
26 lawful purposes including self-defense, but cannot do so owing to California's rostering scheme.  
27  
28

1           12. California's handgun rostering scheme substantially limits commerce in (and  
2 therefore CGF members and supporters' access to) unrostered handguns, since no dealer can stock  
3 these firearms. This results in a significant loss of choice and price competition for members and  
4 supporters of the Calguns Foundation, Inc.  
5

6           13. Members and supporters of the Calguns Foundation, Inc., who seek to conduct  
7 private party sales of off-roster firearms would suffer increased costs in transporting and transferring  
8 their firearms from out-of-state dealers even if these transfers were lawful. They would not suffer  
9 these costs if the firearms were available for sale in California.  
10

11           14. Defendants' policies make firearms less accessible to the public, reduce the  
12 opportunity for selection and purchase, lessen price competition, and impose additional expenses on  
13 the purchase of firearms.  
14

15           15. As a firearms enthusiast myself and avid collector of firearms, I am familiar with  
16 firearms and the nomenclature of the firearms industry. I have personally reviewed the ATF's  
17 Annual Firearms Manufacturing and Export Report for the Year 2011, available at:  
18 [http://www.atf.gov/files/statistics/download/afmer/2011-final-firearms-manufacturing-export-report.](http://www.atf.gov/files/statistics/download/afmer/2011-final-firearms-manufacturing-export-report.pdf)  
19 pdf. The report was last accessed on October 24, 2013. This report prepared by the ATF lists all  
20 firearms (handguns, rifles and shotguns) that were manufactured and/or exported from the United  
21 States in 2011. The report breaks down handguns into "pistols" and "revolvers," with a further  
22 breakdown under each category showing different caliber ranges.  
23

24           16. In modern times, virtually all handguns that are not revolvers are semi-automatics. It  
25 is all but unheard of to see a modern handgun that is neither a revolver nor semi-automatic. It is  
26 common knowledge that most semi-automatic handguns utilize detachable magazines. In common  
27 usage, anything smaller than a .22 would be a rimfire cartridge, while any cartridge larger than a .22,  
28 would be center-fired.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 25<sup>th</sup> day of October, 2013, in California.

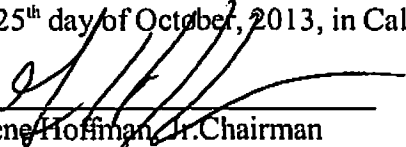
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Gene Hoffman, Jr. Chairman  
Calguns Foundation, Inc.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 25<sup>th</sup> day of October, 2013, in California.

  
\_\_\_\_\_  
Gene Hoffman, Jr. Chairman  
Calguns Foundation, Inc.

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

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15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT A</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
28 Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

Jason A. Davis, Calif. Bar No.: 224250  
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27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
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Donald E.J. Kilmer, Jr., Calif. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs





FIREARMS DIVISION  
P.O. BOX 160487  
SACRAMENTO, CA 95816-0487  
Facsimile: (916) 263-0676  
(916) 263-0699

February 8, 2007

Mr. Kevin B. Reid, Sr.  
Sturm, Ruger & Co, Inc.  
Lacey Place  
Southport, CT 06890

Re: Ruger P345 (CLI)

Dear Mr. Reid:

I am writing to inform you that the Firearms Division of the California Department of Justice has determined that the Ruger P345 (CLI) does not have a "chamber load indicator as defined in Section 12126" as required by California Penal Code section 12130(d)(1). Only handguns that satisfy the requirements of Penal Code section 12126 are considered "not unsafe" handguns that are eligible for listing on the roster of handguns approved for sale in California. (Penal Code §§ 12126; 12126.)

Penal Code section 12126(c) defines a chamber load indicator as "a device that plainly indicates that a cartridge is in the firing chamber. A device satisfies this definition if it is readily visible, has incorporated or adjacent explanatory text or graphics, or both, and is designed and intended to indicate to a reasonably foreseeable adult user of the pistol, without requiring the user to refer to a user's manual or any other resource other than the pistol itself, whether a cartridge is in the firing chamber." DOJ regulations further clarify how a chamber load indicator would "indicate to a reasonably foreseeable adult user of the pistol, without requiring the user to refer to a user's manual or any other resource other than the pistol itself, whether a cartridge is in the firing chamber." (Penal Code §12126(c).)

DOJ regulations require that "[a] functioning chamber load indicator must meet all of the following conditions:

- (A) Explanatory text and/or graphics either incorporated within the chamber load indicator or adjacent to the chamber load indicator is/are permanently displayed by engraving, stamping, etching, molding, casting, or other means of permanent marking.
- (B) Each letter of explanatory text must have a minimum height of 1/16 inch.
- (C) The explanatory text and/or graphics shall be of a distinct visual contrast to

Mr. Reid  
February 8, 2007  
Page 2

that of the firearm.

(D) The "loaded" indication, that portion of the chamber load indicator that visually indicates there is a round in the chamber, shall be of a distinct color contrast to the firearm.

(E) Only when there is a round in the chamber, the "loaded" indication is visible on the firearm from a distance of at least twenty-four inches. When there is no round in the chamber, the "loaded" indication must not be visible.

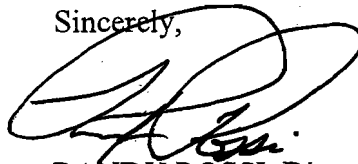
(F) The text and/or graphics and the "loaded" indication together inform a reasonably foreseeable adult user of the pistol, that a round is in the chamber, without requiring the user to refer to a user's manual or any other resource other than the pistol itself. (Cal. Code Regs., tit. 11, § 4060, subd. (d), par. (1).)

In order to determine whether the Ruger P345 (CLI) has "text and/or graphics and the "loaded" indication together inform a reasonably foreseeable adult user of the pistol, that a round is in the chamber, without requiring the user to refer to a user's manual or any other resource other than the pistol itself," we randomly selected six employees of the Firearms Division who have varying degrees of familiarity with firearms. We loaded the Ruger P345 (CLI) with an expended metal ammunition casing and asked the six individuals if they were able to determine whether the P345 (CLI) was loaded. Of the six people, none were able to determine whether the P345 (CLI) was loaded.

Under the totality of the circumstances, the purported chamber load indicator of the P345 (CLI) fails to inform a reasonably foreseeable adult user of the firearm that there is a round in the chamber of the firearm. Based upon our examination of the firearm and the fact that none of the individuals who were asked to examine the firearm were able to determine that it was loaded with an expended round out ammunition, it is clear that a reasonable foreseeable user would not be able to determine whether the firearm was loaded without referring to a user's manual or another resource.

Please feel free to contact me if you have any questions, or need any additional information.

Sincerely,



RANDY ROSSI, Director  
Firearms Division

For EDMUND G. BROWN JR.  
Attorney General



FIREARMS DIVISION  
P.O. BOX 160487  
SACRAMENTO, CA 95816-0487  
Facsimile: (916) 263-0676  
(916) 263-0699

February 9, 2007

Mrs. Debra Else  
Springfield Armory, Inc.  
420 West Main Street  
Geneseo, IL 61254

Re: Springfield Armory XD9611, XD9660, and XD9665 (CLI)

Dear Mrs. Else:

I am writing to inform you that the Firearms Division of the California Department of Justice has determined that the Springfield Armory XD9611, XD9660, and XD9665 (CLI's) do not have a "chamber load indicator as defined in Section 12126" as required by California Penal Code section 12130(d)(1). Only handguns that satisfy the requirements of Penal Code section 12126 are considered "not unsafe" handguns that are eligible for listing on the roster of handguns approved for sale in California. (Penal Code §§ 12126; 12126.)

Penal Code section 12126(c) defines a chamber load indicator as "a device that plainly indicates that a cartridge is in the firing chamber. A device satisfies this definition if it is readily visible, has incorporated or adjacent explanatory text or graphics, or both, and is designed and intended to indicate to a reasonably foreseeable adult user of the pistol, without requiring the user to refer to a user's manual or any other resource other than the pistol itself, whether a cartridge is in the firing chamber." DOJ regulations further clarify how a chamber load indicator would "indicate to a reasonably foreseeable adult user of the pistol, without requiring the user to refer to a user's manual or any other resource other than the pistol itself, whether a cartridge is in the firing chamber." (Penal Code §12126(c).)

DOJ regulations require that "[a] functioning chamber load indicator must meet all of the following conditions:

- (A) Explanatory text and/or graphics either incorporated within the chamber load indicator or adjacent to the chamber load indicator is/are permanently displayed by engraving, stamping, etching, molding, casting, or other means of permanent marking.
- (B) Each letter of explanatory text must have a minimum height of 1/16 inch.
- (C) The explanatory text and/or graphics shall be of a distinct visual contrast to

Mrs. Else  
February 9, 2007  
Page 2

that of the firearm.

(D) The "loaded" indication, that portion of the chamber load indicator that visually indicates there is a round in the chamber, shall be of a distinct color contrast to the firearm.

(E) Only when there is a round in the chamber, the "loaded" indication is visible on the firearm from a distance of at least twenty-four inches. When there is no round in the chamber, the "loaded" indication must not be visible.


(F) The text and/or graphics and the "loaded" indication together inform a reasonably foreseeable adult user of the pistol, that a round is in the chamber, without requiring the user to refer to a user's manual or any other resource other than the pistol itself. (Cal. Code Regs., tit. 11, § 4060, subd. (d), par. (1).)

In order to determine whether the Springfield Armory XD9611, XD9660, and XD9665 (CLI's) have "text and/or graphics and the "loaded" indication together inform a reasonably foreseeable adult user of the pistol, that a round is in the chamber, without requiring the user to refer to a user's manual or any other resource other than the pistol itself," we randomly selected six non-sworn employees of the Firearms Division who have varying degrees of familiarity with firearms. We loaded the Springfield Armory XD9611, XD9660, and XD9665 (CLI's) with an expended metal ammunition casing and asked the six individuals if they were able to determine whether the XD9611, XD9660, and XD9665 (CLI's) were loaded. Of the six people, one person was able to determine whether the XD9611, XD9660, and XD9665 (CLI's) were loaded.

Under the totality of the circumstances, the purported chamber load indicator of the XD9611, XD9660, and XD9665 (CLI's) fails to inform a reasonably foreseeable adult user of the firearm that there is a round in the chamber of the firearm. Based upon our examination of the firearms and the fact that only one of the individuals who were asked to examine the firearms were able to determine that it was loaded with an expended round of ammunition, it is clear that a reasonable foreseeable user would not be able to determine whether the firearms were loaded without referring to a user's manual or another resource.

Please feel free to contact me if you have any questions, or need any additional information.

Sincerely,



RANDY ROSSI, Director  
Firearms Division

For EDMUND G. BROWN JR.  
Attorney General





DIVISION OF LAW ENFORCEMENT  
P.O. BOX 160487  
SACRAMENTO, CA 95816-0487  
(916) 263-0699  
Facsimile: (916) 263-0676

October 3, 2007

Mrs. Debra Else  
Springfield Armory, Inc.  
420 West Main Street  
Geneseo, IL 61254

Re: Springfield Armory XD9611, XD9660, and XD9665 .

Dear Mrs. Else:

I am writing in response to your request for the Bureau of Firearms to re-evaluate whether the Springfield Armory models XD9611, XD9660, and XD9665 have chamber load indicators. We are unable to comply with your request because none of the models had text that met the minimum text height requirement for text on chamber load indicators when they were submitted to DOJ in 2006, and none of the models have magazine disconnect mechanisms, as now required by California law.

Penal Code section 12130(d)(1) provides that "[c]ommencing January 1, 2006, no center-fire semiautomatic pistol may be submitted for testing pursuant to this chapter if it does not have either a chamber load indicator as defined in subdivision (c) of Section 12126, or a magazine disconnect mechanism as defined in subdivision (d) of Section 12126." As of January 1, 2007, every center-fire semiautomatic pistols submitted for testing must have *both* a chamber load indicator as defined in subdivision (c) of Section 12126, *and* a magazine disconnect mechanism as defined in subdivision (d) of Section 12126, if the pistol has a detachable magazine.

Penal Code Section 12126(c) defines a chamber load indicator as "a device that plainly indicates that a cartridge is in the firing chamber. A device satisfies this definition if it is readily visible, has incorporated or adjacent explanatory text or graphics, or both, and is designed and intended to indicate to a reasonably foreseeable adult user of the pistol, without requiring the user to refer to a user's manual or any other resource other than the pistol itself, whether a cartridge is in the firing chamber." DOJ regulations further clarify how a chamber load indicator "indicate[s] to a reasonably foreseeable adult user of the pistol, without requiring the user to refer to a user's manual or any other resource other than the pistol itself, whether a cartridge is in the firing chamber." (Pen. Code §12126, subd. (c).)

DOJ regulations require that a "functioning chamber load indicator must meet all of the following conditions:

Mrs. Else  
October 3, 2007  
Page 2

(A) Explanatory text and/or graphics either incorporated within the chamber load indicator or adjacent to the chamber load indicator is/are permanently displayed by engraving, stamping, etching, molding, casting, or other means of permanent marking.

**(B) Each letter of explanatory text must have a minimum height of 1/16 inch.**

(C) The explanatory text and/or graphics shall be of a distinct visual contrast to that of the firearm.

(D) The "loaded" indication, that portion of the chamber load indicator that visually indicates there is a round in the chamber, shall be of a distinct color contrast to the firearm.


(E) Only when there is a round in the chamber, the "loaded" indication is visible on the firearm from a distance of at least twenty-four inches. When there is no round in the chamber, the "loaded" indication must not be visible.

(F) The text and/or graphics and the "loaded" indication together inform a reasonably foreseeable adult user of the pistol, that a round is in the chamber, without requiring the user to refer to a user's manual or any other resource other than the pistol itself. (Cal. Code Regs., tit. 11, § 4060, subd. (d), par. (1).)

When they were submitted for testing in 2006, the Springfield Armory XD9611, XD9660, and XD9665 models had explanatory text, but each letter of the text did not have a minimum height of 1/16 inch according to the DOJ-certified testing laboratory that tested the firearms. Because the text did not meet the minimum requirements set forth above, by the terms of DOJ regulations, none of the firearms had a "chamber load indicator" as defined in and required by California law. As of January 1, 2007, all models of semi-automatic pistols with detachable magazines must have magazine disconnect mechanisms, as well as chamber load indicators. Even if DOJ were to determine that the models tested in 2006 have chamber load indicators, DOJ could not approve the models because none of the handguns has a magazine disconnect mechanism. Therefore, we are unable to comply with your request to re-evaluate our decision.

Please feel free to contact me if you have any questions, or need any additional information.

Sincerely,



ALISON Y. MERRILEES  
Deputy Attorney General  
Bureau of Firearms

For EDMUND G. BROWN JR.  
Attorney General

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
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14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT B</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

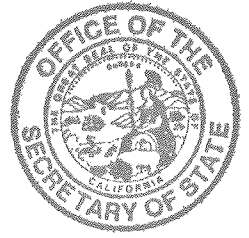
26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
28 Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
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Jason A. Davis, Calif. Bar No.: 224250  
Davis & Associates  
27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
949.310.0817/Fax 949.288.6894

Donald E.J. Kilmer, Jr., Calif. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs



**State of California**  
Secretary of State

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify: SELECTED PAGES, AUTHOR BILL FILE, (SCOTT), SB 489, 2003

That the attached transcript of 16 page(s) is a full, true and correct copy of the original record in the custody of this office.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

APR 10 2003

*Debra Bowen*

DEBRA BOWEN  
Secretary of State



**SENATE COMMITTEE ON PUBLIC SAFETY**

Senator Bruce McPherson, Chair  
2003-2004 Regular Session

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SB 190 (Scott)  
As Amended April 10, 2003  
Hearing date: April 29, 2003  
Penal Code  
SAH:mc

SEMIAUTOMATIC FIREARMS:

CHAMBER LOAD INDICATORS/MAGAZINE DISCONNECT MECHANISMS

HISTORY

Source: Brady Campaign to Prevent Violence, United with the Million Mom March;  
Coalition to Stop Gun Violence (co-sponsors)

Prior Legislation: SB 510 (Scott) – Chapter 608, Statutes of 2002 (provisions deleted prior to  
enactment dealing with a different subject)  
AB 576 – failed passage, Assembly Committee on Public Safety, 1/16/96  
AB 1818 – passage refused in Senate, 8/31/94

Support: Legal Community Against Violence; California Chapter of the American College  
of Emergency Physicians; individual letter

Opposition: California Rifle and Pistol Association; National Rifle Association; Gun Owners  
of California; National Shooting Sports Foundation, Inc.; California Association of  
Firearms Retailers; 14 individual communications

KEY ISSUES

EXISTING LAW PROVIDES THAT COMMENCING JANUARY 1, 2001, NO "UNSAFE  
HANDGUN" MAY BE MANUFACTURED OR SOLD IN CALIFORNIA BY A LICENSED  
DEALER, AS SPECIFIED, AND REQUIRES THAT THE DEPARTMENT OF JUSTICE  
PREPARE AND MAINTAIN A ROSTER OF HANDGUNS WHICH ARE DETERMINED  
NOT TO BE UNSAFE HANDGUNS.

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SHOULD, COMMENCING JANUARY 1, 2005, A CENTER-FIRE SEMIAUTOMATIC PISTOL THAT IS NOT ALREADY DETERMINED NOT TO BE AN UNSAFE HANDGUN, BE DEEMED AN "UNSAFE HANDGUN" IF IT DOES NOT HAVE A CHAMBER LOAD INDICATOR OR A MAGAZINE DISCONNECT MECHANISM, AS SPECIFIED (THUS ALLOWING A TWO-YEAR WINDOW FOR HANDGUNS PREVIOUSLY DEEMED NOT "UNSAFE" TO BE SOLD NEW IN CALIFORNIA WITHOUT EITHER DEVICE)?

SHOULD, COMMENCING JANUARY 1, 2007, A CENTER-FIRE SEMIAUTOMATIC PISTOL BE DEEMED AN "UNSAFE HANDGUN" IF IT DOES NOT HAVE BOTH A CHAMBER LOAD INDICATOR AND A MAGAZINE DISCONNECT MECHANISM IF IT HAS A DETACHABLE MAGAZINE, AS SPECIFIED?

SHOULD, COMMENCING JANUARY 1, 2007, A RIMFIRE SEMIAUTOMATIC PISTOL BE DEEMED AN "UNSAFE HANDGUN" IF IT DOES NOT HAVE A MAGAZINE DISCONNECT MECHANISM IF IT HAS A DETACHABLE MAGAZINE, AS SPECIFIED?

SHOULD THE FOLLOWING DEFINITIONS BE ADDED TO THE "UNSAFE HANDGUN" LAW:

- A "CHAMBER LOAD INDICATOR" MEANS A PLAINLY VISIBLE DEVICE IN A CONTRASTING COLOR THAT CLEARLY INDICATES TO A PERSON WHO IS UNFAMILIAR WITH THE OPERATION OF A SEMIAUTOMATIC PISTOL THAT A CARTRIDGE IS IN THE FIRING CHAMBER?
- A "MAGAZINE DISCONNECT MECHANISM" MEANS A MECHANISM THAT PREVENTS A SEMIAUTOMATIC PISTOL THAT HAS A DETACHABLE MAGAZINE FROM OPERATING TO STRIKE THE PRIMER OF AMMUNITION IN THE FIRING CHAMBER WHEN A DETACHABLE MAGAZINE IS NOT INSERTED IN THE PISTOL?

SHOULD SEMIAUTOMATIC PISTOLS BE PROHIBITED FROM BEING SUBMITTED FOR TESTING PURSUANT TO THE "UNSAFE HANDGUN" LAWS UNLESS THEY MEET THE FOLLOWING REQUIREMENTS:

- COMMENCING JANUARY 1, 2005, IF IT IS A CENTER-FIRE SEMIAUTOMATIC PISTOL, IT HAS EITHER A "CHAMBER LOAD INDICATOR" OR, IF IT HAS A DETACHABLE MAGAZINE, IT HAS A MAGAZINE DISCONNECT MECHANISM, BOTH AS SPECIFIED?
- COMMENCING JANUARY 1, 2007, IF IT IS A CENTER-FIRE SEMIAUTOMATIC PISTOL, IT HAS BOTH A "CHAMBER LOAD INDICATOR" AND, IF IT HAS A DETACHABLE MAGAZINE, IT HAS A MAGAZINE DISCONNECT MECHANISM, BOTH AS SPECIFIED?

(CONTINUED)

- COMMENCING JANUARY 1, 2005, IF IT IS A RIMFIRE SEMIAUTOMATIC PISTOL AND HAS A DETACHABLE MAGAZINE IT HAS A MAGAZINE DISCONNECT MECHANISM, AS SPECIFIED?

SHOULD RELATED CHANGES IN LAW BE MADE?

### ***PURPOSE***

***The purpose of this bill is to add to the existing "unsafe handgun" law requirements for semiautomatic pistols, as specified.***

Existing law provides that commencing January 1, 2001, no "unsafe handgun" may be manufactured or sold in California by a licensed dealer, as specified, and requires that the Department of Justice prepare and maintain a roster of handguns which are determined not to be unsafe handguns. Private party sales and transfers of handguns through a licensed dealer or sheriff in smaller counties are exempted from those restrictions. (Penal Code §§ 12125-12133.)

Existing law provides that for purposes of the "unsafe handgun" law, new models of previously tested handguns must be submitted for testing, as follows:

Penal Code section 12131.5. (a) A firearm shall be deemed to satisfy the requirements of subdivision (a) of Section 12131 [listed on Department of Justice roster as not an "unsafe handgun"] if another firearm made by the same manufacturer is already listed and the unlisted firearm differs from the listed firearm only in one or more of the following features:

(1) Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving.

(2) The material from which the grips are made.

(3) The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

(4) Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

(b) Any manufacturer seeking to have a firearm listed under this section shall provide to the Department of Justice all of the following:

(1) The model designation of the listed firearm.

(2) The model designation of each firearm that the manufacturer seeks to have listed under this section.

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(3) A statement, under oath, that each unlisted firearm for which listing is sought differs from the listed firearm only in one or more of the ways identified in subdivision (a) and is in all other respects identical to the listed firearm.

(c) The department may, in its discretion and at any time, require a manufacturer to provide to the department any model for which listing is sought under this section, to determine whether the model complies with the requirements of this section.

Existing law provides that:

All firearms sold or transferred in this state by a licensed firearms dealer, including private transfers through a dealer, and all firearms manufactured in this state, shall include or be accompanied by a firearms safety device that is listed on the Department of Justice's roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm, or to the physical characteristics of the firearm that match those listed on the roster for use with the device, as specified. (Penal Code § 12088.1.)

Existing law provides that:

Every one is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself. The design, distribution, or marketing of firearms and ammunition is not exempt from the duty to use ordinary care and skill that is required by this section. (Civil Code § 1714.)

This bill makes the following changes to the definition of an "unsafe handgun" that may not be sold "new" in California:

- Commencing January 1, 2005, for a center fire automatic semiautomatic pistol that is not already determined not to be an unsafe handgun listed on the roster pursuant to Section 12131 (Department of Justice roster of handguns found to not be "unsafe" and therefore available for sale new in California), it does not have either a chamber load indicator, or if it has a detachable magazine, a magazine disconnect mechanism.
- Commencing January 1, 2007, for all center fire automatic semiautomatic pistols, it does not have both a chamber load indicator and if it has a detachable magazine, a magazine disconnect mechanism.
- Commencing January 1, 2005, for all rimfire semiautomatic pistols that are not already listed on the Department of Justice roster it does not have a magazine disconnect mechanism, if it has a detachable magazine.

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- Commencing January 1, 2007, for all rimfire semiautomatic pistols that have a detachable magazine, it does not have a magazine disconnect mechanism.

This bill adds the following definitions to the "unsafe handgun" law:

- a "chamber load indicator" means a plainly visible device in a contrasting color that clearly indicates to a person who is unfamiliar with the operation of a semiautomatic pistol that a cartridge is in the firing chamber.
- a "magazine disconnect mechanism" means a mechanism that prevents a semiautomatic pistol that has a detachable magazine from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the semiautomatic pistol.
- a "semiautomatic pistol" means a pistol, as defined in subdivision (a) of Section 12001, the operating mode of which uses the energy of the explosive in a fixed cartridge to extract a fired cartridge and chamber a fresh cartridge with each single pull of the trigger.

This bill prohibits semiautomatic pistols from being submitted for testing pursuant to the "unsafe handgun" law unless they meet the following requirements:

- Commencing January 1, 2005, no center fire semiautomatic pistol may be submitted for testing pursuant to this chapter if it does not have either a "chamber load indicator" or a magazine disconnect mechanism if it has a detachable magazine.
- Commencing January 1, 2007, no center-fire semiautomatic pistol may be submitted for testing pursuant to this chapter if it does not have both a "chamber load indicator" and a magazine disconnect mechanism.
- Commencing January 1, 2005, no rimfire semiautomatic pistol may be submitted for testing if it has a detachable magazine and does not have a magazine disconnect mechanism.

This bill makes related changes in law.

## COMMENTS

### 1. Need for This Bill

Background provided by the author includes the following:

From 1987 to 1996, nearly 2,200 American children 14 years of age and younger died from unintentional shootings. For every child who dies after being shot, an estimated 4 children are treated in U.S. hospitals for nonfatal gunfire injuries. In 1995 and 1996, 8,832 Californians were killed as a result of gunfire. According to data reported by hospitals to the California Department of Health Services, there were 13,153 nonfatal

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injuries which required hospitalization during the same period. About 10% of the injuries during that period of time were determined to be the result of unintentional shootings.

Many of these injuries and deaths were the result of unintentional shootings by users who thought that the guns they fired were not loaded. Gun users are often unaware that semiautomatic weapons can be fired when their loading mechanism – the magazine – is removed or emptied. A live round of ammunition may remain in the chamber of the firearm after the magazine is removed. When the trigger of a semiautomatic firearm with a live round in its chamber is pulled, it will fire, even though it does not have a magazine inserted, unless the gun has a magazine disconnect mechanism.

A 1997 survey by the Johns Hopkins Center for Gun Policy and Research and the National Opinion Research Center found that almost 35% of respondents (who were all *adults*) either did not know that a gun could be fired, or believed that a gun *could not be fired* with the magazine removed. 28% of those respondents lived in households where guns were present. Undoubtedly, many of those households also included children.

Teaching children how to "safely handle guns" is not the answer. Study after study has shown that gun safety programs for children are ineffective and may even increase the risk of unintentional firearm injury to children. In two recent experiments (one by the University of North Carolina and one by ABC News), guns were hidden in rooms where children were playing. Both studies found that children who previously had been taught not to touch guns and to instead immediately notify an adult are just as likely to handle guns than those who have not been so instructed. Another study released in July 2002 by the David and Lucille Packard Foundation found that parents overestimate the ability of their children to deal safely with guns. The report found that the easiest way to save lives is to make guns more "childproof" with built-in safety devices.

One such safety device is a chamber load indicator. A chamber load indicator alerts the gun user when there is a bullet in the firing chamber of the gun. Currently, chamber load indicators are installed on only about 11% all semiautomatic handguns. Chamber load indicators are effective safety devices. A 1991 General Accounting Office (GAO) study of shootings in 10 randomly selected cities across the nation found that 23% of the accidental shootings could have been prevented by chamber load indicators. The GAO report explained that "[a]lthough we cannot project to the country as a whole, were there actually to be the same ratio nationwide as in the 10 cities we studied, that would mean there were approximately 157,600 such injuries each year."

Magazine disconnect mechanisms prevent a semiautomatic weapon from being fired when its ammunition magazine is removed. They are passive safety devices, which require no training on the part of the user to be effective, which is particularly important to prevent accidents involving children. Magazine disconnect devices are currently installed on only about 14% of the semiautomatic handguns on the market.

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Like chamber load indicators, magazine disconnect mechanisms are effective safety devices. Although there is no statistical data at this time about how many deaths the devices could prevent, a 1999 report by the Johns Hopkins Center for Gun Policy and Research concluded that magazine disconnect mechanisms are inexpensive and effective safety devices.

2. Difference Between This Bill as First Heard by the Committee on March 18, 2003 and as Now Amended

When testimony was first taken on this bill in committee on March 18, the bill required that all semiautomatic firearms manufactured and sold in California after January 1, 2005, have a chamber load indicator and, if the firearm has a detachable magazine, a magazine disconnect mechanism, as specified. Those requirements were added in a new title of the Penal Code.

As now amended, this bill amends the current "unsafe firearms law" and requires that any center-fire semiautomatic pistol added to the Department of Justice roster of firearms not found to be "unsafe" from January 1, 2005, to December 31, 2006, shall have either a chamber load indicator or a detachable magazine disconnect, as specified, and that any new rimfire semiautomatic pistol added during that time must have a magazine disconnect if the firearm has a detachable magazine. Only centerfire semiautomatic pistols with both devices and rimfire semiautomatic pistols with a magazine disconnect mechanism may be listed on the roster and available for sale new in California commencing January 1, 2007. The submission of semiautomatic pistols for testing purposes is similarly "phased in."

3. The Addition of Either or Both Devices to a Pistol Previously Approved Would Require a New "unsafe handgun" Testing Procedure

The addition of either or both a chamber load indicator and/or a magazine disconnect would require that any previously tested handgun model approved as not an "unsafe handgun" would require retesting pursuant to Penal Code section 12131.5, cited in the Purpose section above. The current "unsafe handgun" law only allows "cosmetic" changes to a handgun model without requiring a retest. That code section mentions finish (color or plating, for example), grip material, general shape or texture of grips if not affecting dimensions and function, and other purely cosmetic features.

IS IT APPROPRIATE TO REMOVE ALL PREVIOUSLY TESTED SEMIAUTOMATIC FIREARMS FROM THE APPROVED ROSTER AFTER JANUARY 1, 2007, IF THEY DO NOT HAVE THE DEVICES MANDATED BY THIS BILL, AS SPECIFIED?

4. Evolution of the Definition of "chamber load indicator"

As introduced on February 22, 2001, SB 510 contained the following definition:

As used in this article, "chamber load indicator" means a device that plainly indicates to an untrained user that a cartridge is in the firing chamber.

As subsequently amended, that SB 510 definition went through the following evolution:

- As used in this article, "chamber load indicator" means a plainly visible device in a contrasting color that clearly that a cartridge is in the firing chamber. (as amended April 5, 2001)
- As used in this article, "chamber load indicator" means a plainly visible device in a contrasting color that clearly indicates to a person who has not been formally trained in handgun safety and is unfamiliar with the operation of that handgun that a cartridge is in the firing chamber. (as amended June 20, 2001)
- As used in this article, "chamber load indicator" means a plainly visible device in a contrasting color that clearly indicates to a person who is unfamiliar with the operation of a semiautomatic pistol that a cartridge is in the firing chamber. (as amended July 3, 2001)

This bill uses the last definition from SB 510 as amended on July 3, 2001. It also now requires chamber load indicators on only center-fire pistols. This bill, as amended, does add the new requirements for a chamber load indicator to the existing "unsafe handgun" law so that the Department of Justice will be involved through regulations in defining an indicator that meets the testing requirements.

IS IT FEASIBLE TO REQUIRE CHAMBER LOAD INDICATORS ON NEW CENTER-FIRE SEMIAUTOMATIC HANDGUNS BY JANUARY 1, 2007, BEYOND THOSE CURRENTLY AVAILABLE ON THE MARKET?

One may contrast the potential difficulty of defining "chamber load indicator" in an arguably - and necessarily - "subjective" way with the definition of a "magazine disconnect mechanism" which "means a mechanism that prevents a semiautomatic pistol from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the semiautomatic pistol." The magazine disconnect definition is essentially self-enforcing. Does a firearm "fire" with a live round in the chamber and the magazine "disconnected" or not although it may not be entirely clear whether or not "disconnected" means fully inserted or totally removed from the pistol altogether or simply not fully inserted and engaged.

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##### 5. Additional Information About "chamber load indicator"

Background provided by the author last year regarding SB 510 does indicate that there have been patents on file in the United States for chamber load indicators for handguns since the late 1800's. ("I didn't know the gun was loaded" . . . Venick et al; Journal of Public Health Policy, Vol. 20, No. 4, pp. 427-440.) Such indicators may be a metal protrusion or a colored-indicator which is flush with the surface of the semiautomatic firearm but which is visible and shows that a round is in the firing chamber. The background provided indicated that a 1988 patent was issued to Colt for a "light-emitting diode." Some semiautomatic handguns currently are sold with a chamber load indicator.

There is also an ongoing discussion about what could, should, or would be an "appropriate" chamber load indicator. For example, how does one construct a chamber load indicator which is sufficient to make its purposes and true indication known to a person who is both familiar with the weapon as well as to a person who is not familiar with the weapon or with firearms in general—or to a child? It may be possible in the not too distant future to have a device, similar to the car seatbelt warning voice that was popular in some cars, announce that a firearm is loaded. There are times when that might prove inopportune, but the technology of the future is not yet known. (There is also an ongoing discussion about the future sale of "smart guns" which would only fire when used by their owner or a person with the ability to enable the firearm.)

Regardless, it is arguable that a requirement in California would "drive" the technology of chamber load indicators. The background provided by the author last year also indicates a review of semiautomatic new handguns available in 1998 indicated that around 11% had some chamber load indicator mechanism. While those indicators were more likely to be available on more expensive firearms, there were some less expensive handguns with such devices, as well.

IS THE DEFINITION OF "CHAMBER LOAD INDICATOR" CONTAINED IN THIS BILL APPROPRIATE AND IF NOT IS THERE ANY BETTER DEFINITION?

##### 6. Magazine Disconnect Mechanisms

This bill as currently amended requires either a chamber load indicator or a magazine disconnect mechanism for center-fire semiautomatic pistols to be listed as not an unsafe handgun in California commencing January 1, 2005, and both those features commencing January 1, 2007, as specified. It also now requires a magazine disconnect mechanism on any rimfire semiautomatic pistol after January 1, 2007, as specified.

This bill defines a magazine disconnect mechanism as:

a mechanism that prevents a semiautomatic pistol that has a detachable magazine from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the semiautomatic pistol.

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As with chamber load indicators, such devices are currently available on semiautomatic handguns. Committee staff knows of no such devices on long guns. The background provided by the author suggests the availability in 1998 of such devices on 14% of the handguns reviewed. Price again was a factor in availability, although not exclusively. In addition, there is some mention of peace officer concern that if they needed to fire their weapon and accidentally pushed a magazine release, they would still want to be able to fire the last round in the chamber. Patent issues are also pertinent to the mandate to include a magazine disconnect device. It might also be assumed that a mandate in California would drive technology in the market for magazine disconnect devices.

IS IT FEASIBLE TO REQUIRE SUCH DEVICES ON NEW CENTER-FIRE AND RIMFIRE SEMIAUTOMATIC HANDGUNS BY JANUARY 1, 2007, BEYOND THOSE CURRENTLY AVAILABLE ON THE MARKET?

NOTE: Committee staff does not know how many of the new semiautomatic handguns which are currently available in California, i.e., those approved by the Department of Justice as not "unsafe handguns," have either or both a chamber load indicator and a detachable magazine with magazine disconnect device. Any new model semiautomatic handgun with one or the other of the mandated items sold after January 1, 2005, which have not previously been tested by the Department of Justice and designated as not unsafe handguns, would have to be re-tested and designated as not unsafe before it could be sold in California. See Penal Code section 12131.5 cited in the Purpose section, above. Any new model with the items added as required after January 1, 2007, would have to be re-tested before it could be sold new in California

There were 244,569 handguns sold in 1999 in California legally through licensed dealers and sheriff's in smaller counties (that number includes both new and used handguns). It is not possible for Committee staff to discern how many of those handguns had either or both of the items mandated by this bill. However, recent news accounts indicate that 70% of those handguns were semi-automatic pistols. (See Ascribe Newswire September 20, 2002, "California Handgun Study to Fortify Crime Prevention")

7. Change Effective January 1, 2003, Pertaining to Liability and Firearms and Ammunition

Prior to January 1, 2003, the following applied to liability lawsuits pertaining to firearms:

- (a) In a products liability action, no firearm or ammunition shall be deemed defective in design on the basis that the benefits of the product do not outweigh the risk of injury posed by its potential to cause serious injury, damage, or death when discharged. The potential of a firearm or ammunition to cause serious injury, damage, or death when discharged does not make the product defective in design. Injuries or damages resulting from the discharge of a firearm or ammunition are not proximately caused by its potential to cause serious injury, damage, or death, but are proximately caused by the actual discharge of the product. This section shall not affect a products liability cause of action

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based upon the improper selection of design alternatives. (This section, enacted in 1983, is stated to be declaratory of existing law.) (Civil Code § 1714.4.)

Effective January 1, 2003, Civil Code section 1714.4 was deleted from law and Civil Code section 1714 was amended to read (underline indicates new language effective at the first of this year):

Every one is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself. The design, distribution, or marketing of firearms and ammunition is not exempt from the duty to use ordinary care and skill that is required by this section. (Civil Code § 1714.)

That change in liability law could arguably change the legal scrutiny applied to determine whether or not the requirements of this bill are met in the future. For historical reference, SB 1818 (Gotch) in 1994 and SB 576 (Villaraigosa) from 1995 which both required a loaded chamber indicator on semi-automatic pistols included specific language about liability for damages caused by the failure to comply with that requirement and neither contained a definition of the required indicator.

#### 8. Massachusetts AG Regulations Pertaining to Handguns

The Attorney General of the Commonwealth of Massachusetts has adopted the following regulations that apply to the sale of handguns in that state:

##### 16.01: Definitions

Load indicator: shall mean a device which plainly indicates that a cartridge is in the firing chamber within the handgun.

Magazine safety disconnect: shall mean a device that prevents the firing of the handgun when the magazine is detached from the handgun. (940 CMR 16.01 (2001))

##### 16.05: Sale of Handguns Without Childproofing or Safety Devices

(3) It shall be an unfair or deceptive practice for a handgun-purveyor to transfer or offer to transfer to any customer located within the Commonwealth any handgun which does not contain a load indicator or magazine safety disconnect.

(4) . . . 16.05(3) applies only to handguns that have a mechanism to load cartridges via a magazine. (940 CMR 16.05 (2001))

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It should be noted first that the Massachusetts " Handgun Performance Test" does not mention either a "load indicator" or a "magazine safety disconnect" and that the restrictions on the sale of handguns in 16.05 uses the conjunctive "or" so that the handgun shall have at least one or the other but both are not required for sale. In addition, those requirements are for sales, not manufacture in that state.

Questions raised about the Massachusetts law during the committee hearing on March 18, 2003, have resulted in inquiries about the Massachusetts law with the following now provided after telephone calls made between Attorney General staff of both states:

*3/20/03 - Questions asked by CA DOJ staff of MA DOJ staff with answers provided:*

*1. Are there regulations that define exactly what a chamber load indicator is?*

No. The definition is extremely limited. The definition simply says, "the load indicator shall mean a device which plainly indicates that a cartridge is in the firing chamber within the handgun." MA DOJ is working on a new definition that has more specific details, but that will be for prosecutorial discretion BECAUSE, in MA, the responsibility is on the dealer to determine whether or not a gun meets the standard. The AG's office is developing that regulation. It is in their bureaucratic process right now. It has to do with color, size and other characteristics.

*2. How do you enforce your law?*

In MA, the state police do records checks at gun dealers (like what our DOJ field reps do). The AG's office will also go in and purchase guns undercover to make sure all the laws or being followed (including MSD and CLI). They have done that with over one half their dealers. They only have 300 dealers in MA. 3 years ago, they had over a thousand dealers. Presumably, the new laws have caused more than a 66% decrease in gun dealers in MA.

*3. How many handguns were sold in MA last year, 2001, 2000, 1999? When did the law come into effect?*

[not available at time of call] ... It is about 40 to 50 thousand a year. The number had gone down; however, it is on its way back up.

*4. How many makes/models are on the approved list of handguns that have:*

a. magazine safety disconnects; b. chamber load indicators; c. both

They have 360 handguns on their roster; however, they currently do not test for the magazine safety disconnect OR the load indicator. So, they cannot say definitively which have the devices. They estimate that only a couple dozen have either a MSD or CLI.

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It is incumbent upon the dealer to certify that one or the other are present. HOWEVER, they are moving towards the laboratories certifying existence of a CLI or MSD. But, the new definition of a CLI has to be complete before they can do that.

Guns manufactured on or before October 1998 are exempt from the CLI/MSD law. MA tracks serial numbers as part of its enforcement activities to determine when a gun was manufactured. They subpoenaed the serial numbers from gun manufacturers.

5. *Did gun manufacturers have to redesign firearms?*

Yes, that is why there are so few new guns on the list when compared to California.

6. *Does MA require guns manufactured in MA to meet the requirements of CLI's or MSD's?*

No. Only sales.

7. *Can we have a copy of their regulations?*

Regulations:

[http://www.ago.state.ma.us/con\\_pro/cmr2.pdf?section=17&head2=Handguns&head3=Regulations](http://www.ago.state.ma.us/con_pro/cmr2.pdf?section=17&head2=Handguns&head3=Regulations)

More info:

[http://www.ago.state.ma.us/con\\_pro/guns.asp](http://www.ago.state.ma.us/con_pro/guns.asp)

Mass. Roster:

[http://www.state.ma.us/eops/publications/approved\\_roster2002.pdf](http://www.state.ma.us/eops/publications/approved_roster2002.pdf)

8. *Any other thoughts on the MA law?*

There are five million residents in MA. One million of those have gun licenses.

The requirements for Chamber Load Indicators in Massachusetts are really designed for people who are somewhat familiar with guns. This is how they are approaching the new regulations as well.

The Massachusetts AG staff also indicates that since neither device is part of the state Handgun Performance Test, adding either device does not entail retesting of the firearm if a device is added to a previously approved firearm model and the manufacturer indicates that is the only change.

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In addition, sponsors of this bill have also ascertained that (following edited by committee staff for inclusion; any ambiguity or errors are the responsibility of committee staff and not to be attributed to others):

First, although the requirements do not apply to manufacture, Smith & Wesson has modified those of its models that did not already comply with the requirements. [It appears that] their full line now complies with the MA requirements [having one or the other of the devices].

Second, the major gun manufacturers have made design changes to keep their guns available in MA, demonstrating that they are both able and willing to do so. Sig Arms, Smith & Wesson, Taurus and Walther (and perhaps many others) communicated to the MA AG's office that they would do so soon after the adoption of the requirements, and their guns are currently available for sale in MA.

Third, although the MA AG does not evaluate the devices or apply specific standards, they have explored the adoption of standards and have received suggestions about possible definitions. One suggestion ... describes "a red, yellow or orange colored area of at least four square millimeters" that is "visible on the exterior of the surface of the handgun when the appropriate caliber cartridge is in the chamber, but no red, yellow or orange is visible when no cartridge is in the chamber." [That may or may not be appropriate but it is also suggested that] the indicator be accompanied by adjacent labeling that unambiguously defines the meaning of the indicator.

#### 9. Interstate Commerce

This bill would place restrictions on the sale, importation, and manufacture of semiautomatic firearms in California. There are enough similar restrictions on firearms in this state that it might be surprising if interstate commerce issues are raised by this bill. This bill would also generally prohibit the manufacture in California of semiautomatic firearms without the mandated items, even if those firearms are manufactured for export outside of the state. That is the same restriction which currently exists for the unsafe handgun law and the assault weapons law. (Penal Code §§ 12125-12133 and Penal Code §§ 12275-12290.) However, any such restriction at least may raise peripheral issues pertaining to interstate commerce. NOTE: Title 18, United States Code Service, section 927, does provide that:

#### § 927. Effect of State law

No provision of this chapter [18 USCS §§ 921 et seq. - Federal Firearms Act]] shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

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10. Opposition to This Bill

The NRA letter in opposition to this bill includes:

The accident rate in the United States involving firearms is at its lowest level since 1903. This accident rate has declined almost 40 percent in the past 25 years alone and the decline in fatal firearm accidents has occurred in a century which has seen a four hundred percent increase in the number of firearms in circulation in the United States.

Senate Bill 190, would force the adoption into the design of firearms, unproven and untested technology. The requirements of SB 190 will make not firearms safer or reduce the number of firearms accidents.

Firearms safety training, such as the NRA has provided to millions of Americans, is the key to reducing firearms accidents, not the mandating of technical gadgets added to firearms.

11. Differences Between This Bill and SB 510 as Passed by the Committee Last Year

This bill has now been changed from the versions of SB 510 in 2001 by adding the new provisions to the "unsafe handgun" law; by exempting rimfire pistols from the chamber load indicator requirements; and by allowing semiautomatic center-fire pistols to have only one of those devices in order to be sold from January 1, 2005, to January 1, 2007.

When SB 510 was heard by this committee last year, it applied to all firearms. It was amended in the committee by the author to apply to handguns.

This bill further reflects the changes subsequently to SB 510 that changed the definition of "chamber load indicator"; refined the exemptions from the bill's requirements, including adding an exemption for the motion picture, television, and video production industry; and other minor changes.

12. Personal Handgun Importers

The Department of Justice "California Firearms Laws - 2003" contains the following on page 47:

Any person who meets the definition of a *personal handgun importer* who moves into California with the intention of establishing residency in this state, must report his or her ownership of any handgun acquired outside California to the Department of Justice within 60 days.

A personal handgun importer means an individual who meets specific criteria, which includes, but is not limited to, any person age 18 or older, who is not a licensed firearms

(More)

dealer or manufacturer, and who owns and intends to possess within this state on or after January 1, 1998, any pistol, revolver, or other firearm capable of being concealed upon the person that is not an assault weapon or machinegun, as defined by law. (Penal Code § 12001(n).)

Personal handgun importers shall report handgun ownership by choosing one of the following options:

- Forward by prepaid mail or deliver in person to the Department of Justice, a report prescribed by the department. Forms are available from the Department of Justice, firearms dealers, law enforcement agencies, and the Department of Motor Vehicles;
- Sell or transfer the firearm in accordance with the provisions of Penal Code section 12072(d);
- Sell or transfer the firearm to a dealer licensed pursuant to Penal Code section 12071;
- Sell or transfer the firearm to a sheriff or police department. (If this option is chosen, individuals should notify the agency in advance that they intend to transport the handgun to that agency, and it should be transported unloaded and in a locked container). (Penal Code §§ 12026.2 (a)(18), 12072(f)(2)(A).)

There is no indication from the sponsors or author of this bill that it is intended to apply to those specifically defined importers who move to California and otherwise lawfully possess handguns even though they are called a unique kind of "importer" of firearms. Those persons are not specifically excluded from the "unsafe handgun" laws which, does exempt private party transfers from its restrictions. However, one of the options for a personal handgun importer is to sell the handgun in a private party transaction or to a dealer. That could remotely be considered importation for sale in an arguably overly broad interpretation, although staff does not know of any circumstance where that has been suggested, pursued, or argued under the existing "unsafe handgun" laws (nor during the legislative discussion of that law). If there is ever any confusion pertaining to that issue, it may be appropriate to specifically add those persons to those exempted from the provisions of the unsafe handgun law.

\*\*\*\*\*



1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT C</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
28 Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

Jason A. Davis, Calif. Bar No.: 224250  
Davis & Associates  
27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
949.310.0817/Fax 949.288.6894

Donald E.J. Kilmer, Jr., Calif. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs



**State of California**  
Secretary of State

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify: SELECTED PAGES, SENATE FLOOR ANALYSES SB 489, 2003

That the attached transcript of 9 page(s) is a full, true and correct copy of the original record in the custody of this office.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

APR 10 2009

---

Handwritten signature of Debra Bowen in cursive script.

DEBRA BOWEN  
Secretary of State

**SENATE RULES COMMITTEE**

SB 489

Office of Senate Floor Analyses  
1020 N Street, Suite 524  
(916) 445-6614 Fax: (916) 327-4478

---

UNFINISHED BUSINESS

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Bill No: SB 489  
Author: Scott (D), et al  
Amended: 8/18/03  
Vote: 21

---

SENATE PUBLIC SAFETY COMMITTEE: 4-1, 5/6/03

AYES: Vasconcellos, Burton, Romero, Sher

NOES: McPherson

NO VOTE RECORDED: Margett

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 23-16, 6/2/03

AYES: Alarcon, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia,  
Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata,  
Romero, Scott, Sher, Soto, Speier, Torlakson, Vincent

NOES: Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Ducheny,  
Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson,  
Morrow, Oller, Poochigian

NO VOTE RECORDED: Vasconcellos

ASSEMBLY FLOOR: 44-34, 9/4/03 - See last page for vote

---

SUBJECT: Semiautomatic firearms: chamber load indicators and  
magazine disconnected mechanisms

SOURCE: Brady Campaign to Prevent Violence, United with the  
Million Mom March  
Coalition to Stop Gun Violence

---

CONTINUED

**DIGEST:** This bill adds to the existing “unsafe handgun” law requirements for semiautomatic pistols, as specified.

Assembly Amendments (1) expand and is more specific in the definition of a “chamber load indicator,” (2) change the operative date from January 1, 2005 to January 1, 2006, and (3) add co-authors.

**ANALYSIS:** Existing law provides that, commencing January 1, 2001, no “unsafe handgun” may be manufactured or sold in California by licensed dealer, as specified, and requires that the State Department of Justice (DOJ) prepare and maintain a roster of handguns which are determined not to be unsafe handguns. Private party sales and transfers of handguns through a licensed dealer or sheriff in small counties are exempted from those restrictions.

Existing law provides that for purposes of the “unsafe handgun” law, new models of the previously tested handguns must be submitted for testing, as follows:

“Penal Code section 12131.5. (a) A firearm shall be deemed to satisfy the requirements of subdivision (a) of Section 12131 (listed on Department of Justice roster as not an ‘unsafe handgun’) if another firearm is made by the same manufacturer is already listed and the unlisted firearm differs from the listed firearm only in one or more of the following features:

1. Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving.
2. The material from which the grips are made.
3. The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.
4. Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

CONTINUED

- (b) Any manufacturer seeking to have a firearm listed under this section shall provide to the Department of Justice all of the following:
1. The model designation of the listed firearm.
  2. The model designation of each firearm that the manufacturer seeks to have listed under this section.
  3. A statement, under oath, that each unlisted firearm for which listing is sought differs from the listed firearm only in one or more of the ways identified in subdivision (a) and is in all other respects identical to the listed firearm.
- (c) The department may, in its discretion and at any time, require a manufacturer to provide to the department any model for which listing is sought under this section, to determine whether the model complies with the requirements of this section.”

Existing law provides that all firearms sold or transferred in this state by a licensed firearms dealer, including private transfers through a dealer, and all firearms manufactured in this state, shall include or be accompanied by a firearms safety device that is listed on the DOJ’s roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm, or to the physical characteristics of the firearm that match those listed on the roster for use with the device, as specified.

Existing law provides that every one is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself. The design, distribution, or marketing of firearms and ammunition is not exempt from the duty to use ordinary care and skill that is required by this section.

This bill makes the following changes to the definition of “unsafe handgun” that may not be sold “new” in California:

CONTINUED

1. Commencing January 1, 2006, for a center fire automatic semiautomatic pistol that is not already determined not to be an unsafe handgun listed on the roster pursuant to Section 12131 DOJ roster of handguns found to not be “unsafe” and therefore available for sale new in California), it does not have either a chamber load indicator, or if it has a detachable magazine, a magazine disconnect mechanism.
2. Commencing January 1, 2007, for all center fire automatic semiautomatic pistols, it does not have both a chamber load indicator and if it has a detachable magazine, a magazine disconnect mechanism.
3. Commencing January 1, 2007, maintaining on the DOJ roster of firearms not found “unsafe” handguns listed pursuant to Section 12131 prior to that date.
4. Commencing January 1, 2006, for all rimfire semiautomatic pistols that are not already listed on the DOJ roster it does not have a magazine disconnect mechanism, if it has a detachable magazine.
5. Commencing January 1, 2007, for all rimfire semiautomatic pistols that have a detachable magazine, it does not have a magazine disconnect mechanism.

This bill adds the following definitions to the “unsafe handgun” law:

1. A “chamber load indicator” means a device that plainly indicates that a cartridge is in the firing chamber. A device satisfies this definition if it is readily visible, has incorporated or adjacent explanatory text or graphics, or both, and is designed and intended to indicate to a reasonably foreseeable user of the pistol, without requiring the user to refer to a user’s manual or any other resource other than the pistol itself, whether a cartridge is in the firing chamber.
2. A “magazine disconnect mechanism” means a mechanism that prevents a semiautomatic pistol that has a detachable magazine from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the semiautomatic pistol.

CONTINUED

3. A “semiautomatic pistol” means a pistol, as defined in subdivision (a) of Section 12001, the operating mode of which uses the energy of the explosive in a fixed cartridge to extract a fired cartridge and chamber a fresh cartridge with each single pull of the trigger.

This bill prohibits semiautomatic pistols from being submitted for testing pursuant to the “unsafe handgun” law unless they meet the following requirements:

1. Commencing January 1, 2006, no center fire semiautomatic pistol may be submitted for testing pursuant to this chapter if it does not have either a “chamber load indicator” or a magazine disconnect mechanism if it has a detachable magazine.
2. Commencing January 1, 2007, no center-fire semiautomatic pistol may be submitted for testing pursuant to this chapter if it does not have both a “chamber load indicator” and a magazine disconnect mechanism.
3. Commencing January 1, 2006, no rimfire semiautomatic pistol may be submitted for testing if it has a detachable magazine and does not have a magazine disconnect mechanism.

This bill makes related changes in law.

#### Prior Legislation

SB 510 (Scott), Chapter 608, Statutes of 2002. Passed the Senate on 5/30/01 with a vote of 24-11 (NOES: Ackerman, Brulte, Haynes, Johannessen, Johnson, Knight, McClintock, Monteith, Morrow, Oller, Poochigian). Provisions deleted in the Assembly.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

**SUPPORT:** (Verified 9/4/03)

Brady Campaign to Prevent Violence, United with the Million Mom March  
(co-source)

Coalition to Stop Gun Violence (co-source)

American Academy of Pediatrics

Legal Community Against Violence

CONTINUED



California Chapter of the American College of Emergency Physicians  
Firearms Law Center  
Physicians for Social Responsibility  
California Nurses Association  
Women Against Gun Violence

**OPPOSITION:** (Verified 9/4/03)

**BERETTA**

California Sportsmen's Lobby  
National Shooting Sports Foundation, Inc.  
Outdoor Sportsmen's Coalition  
Safari Club International  
Sporting Arms and Ammunition Manufacturers' Institute  
Sturm, Ruger and Company  
**TAURUS**

**ARGUMENTS IN SUPPORT:** According to the author's office:

“From 1987 to 1996, nearly 2,200 American children 14 years of age and younger died from unintentional shootings. For every child who dies after being shot, an estimated 4 children are treated in U.S. hospitals for nonfatal gunfire injuries. In 1995 and 1996, 8,832 Californians were killed as a result of gunfire. According to data reported by hospitals to the California Department of Health Services, there were 13,153 nonfatal injuries which required hospitalization during the same period. About 10% of the injuries during that period of time were determined to be the result of unintentional shootings.

“Many of these injuries and deaths were the result of unintentional shootings by users who thought that the guns they fired were not loaded. Gun users are often unaware that semiautomatic weapons can be fired when their loading mechanism – the magazine – is removed or emptied. A live round of ammunition may remain in the chamber of the firearm after the magazine is removed. When the trigger of a semiautomatic firearm with a live round in its chamber is pulled, it will fire, even though it does not have a magazine inserted, unless the gun has a magazine disconnect mechanism.

“A 1997 survey by the Johns Hopkins Center for Gun Policy and Research and the National Opinion Research Center found that almost

CONTINUED



35% of respondents (who were all adults) either did not know that a gun could be fired, or believed that a gun could not be fired with the magazine removed. 28% of those respondents lived in households where guns were present. Undoubtedly, many of those households also included children.

“Teaching children how to “safely handle guns” is not the answer. Study after study has shown that gun safety programs for children are ineffective and may even increase the risk of unintentional firearm injury to children. In two recent experiments (one by the University of North Carolina and one by ABC News), guns were hidden in rooms where children were playing. Both studies found that children who previously had been taught not to touch guns and to instead immediately notify an adult are just as likely to handle guns than those who have not been so instructed. Another study released in July 2002 by the David and Lucille Packard Foundation found that parents overestimate the ability of their children to deal safely with guns. The report found that the easiest way to save lives is to make guns more “childproof” with built-in safety devices.

One such safety device is a chamber load indicator. A chamber load indicator alerts the gun user when there is a bullet in the firing chamber of the gun. Currently, chamber load indicators are installed on only about 11% all semiautomatic handguns. Chamber load indicators are effective safety devices. A 1991 General Accounting Office (GAO) study of shootings in 10 randomly selected cities across the nation found that 23% of the accidental shootings could have been prevented by chamber load indicators. The GAO report explained that “[a]lthough we cannot project to the country as a whole, were there actually to be the same ratio nationwide as in the 10 cities we studied, that would mean there were approximately 157,600 such injuries each year.’

“Magazine disconnect mechanisms prevent a semiautomatic weapon from being fired when its ammunition magazine is removed. They are passive safety devices, which require no training on the part of the user to be effective, which is particularly important to prevent accidents involving children. Magazine disconnect devices are currently installed on only about 14% of the semiautomatic handguns on the market.

CONTINUED

“Like chamber load indicators, magazine disconnect mechanisms are effective safety devices. Although there is no statistical data at this time about how many deaths the devices could prevent, a 1999 report by the Johns Hopkins Center for Gun Policy and Research concluded that magazine disconnect mechanisms are inexpensive and effective safety devices.”

**ARGUMENTS IN OPPOSITION:** BERETTA states that, “Beretta U.S.A. Corp. supplies pistols to the Los Angeles County and City Police Departments, the San Francisco Police Department, to the California Department of Corrections and to numerous other county and city law enforcement departments throughout California. We also provide a substantial number of the sidearms used by California citizens to protect themselves, their families and businesses and for recreational purposes.

“We recently received a copy of California Senate Bill 498, which seeks to require that magazine disconnect safety devices and loaded chamber indicators be added to handguns available for sale in California within the next few years. After reading the bill, we realize that it creates a potential financial liability for the State of California that may not have been considered by the sponsors of the bill.

“SB 489 calls any handgun that does not include a loaded chamber indicator and a magazine disconnect safety as ‘unsafe handgun’. Virtually no law enforcement handguns used in California have a magazine disconnect safety. Only some law enforcement handguns have loaded chamber indicators.

“By calling such guns ‘unsafe’, SB 489 will be used by plaintiffs’ attorneys as an admission by the State that handguns purchased for the police are, in fact, ‘unsafe’. Even though these are important firearm design considerations that argue against the use of these two features in a particular sidearm (for example, the design of some semi-automatic pistols makes a loaded chamber indicator impossible to incorporate due to the shape of the slide and for pistols that use a tip-up barrel), it will be difficult for a law enforcement department to argue such a defense if, for example, an accident occurs involving a police sidearm and the accident arguably involves the absence of one of these features when the state legislature has already agreed in advance that the gun is ‘unsafe’.

The U.S. Military uses Beretta pistols and requires that such pistols not have a magazine disconnect safety. This feature is also rejected by the Los

CONTINUED

Angeles and San Francisco Police Departments, as well as by numerous civilian users – namely, because they intend the pistol to fire in an emergency, with or without a magazine, in order to protect their lives. Most users of semiautomatic pistols expect the pistol to fire with or without a magazine. SB 489 confounds this commonplace expectation.

“People who want a pistol with a magazine disconnect safety can already purchase one. If, on the other hand, someone in California is injured or killed by an assailant because their pistol did not function as expected – namely, by discharging when the trigger is pulled, with or without the magazine—they will be able to thank the California legislature for making this choice for them.

“California already has an extensive system for testing and approving the safety of handguns sold in the State. We urge you to reject SB 489 because of the liability issues created for the State of California, its political subdivisions and its citizens.”

**ASSEMBLY FLOOR:**

AYES: Berg, Bermudez, Calderon, Canciamilla, Chan, Chavez, Chu, Cohn, Corbett, Diaz, Dutra, Dymally, Frommer, Goldberg, Hancock, Jerome Horton, Jackson, Kehoe, Koretz, Laird, Leno, Levine, Lieber, Liu, Longville, Lowenthal, Matthews, Montanez, Mullin, Nakano, Nation, Negrete McLeod, Nunez, Oropeza, Pavley, Ridley-Thomas, Salinas, Simitian, Steinberg, Vargas, Wiggins, Wolk, Yee, Wesson

NOES: Aghazarian, Bates, Benoit, Bogh, Campbell, Cogdill, Correa, Cox, Daucher, Dutton, Garcia, Harman, Haynes, Houston, Keene, La Malfa, La Suer, Leslie, Maddox, Maldonado, Maze, McCarthy, Mountjoy, Nakanishi, Pacheco, Parra, Plescia, Reyes, Richman, Runner, Samuelian, Spitzer, Strickland, Wyland

RJG:cm 9/16/03 Senate Floor Analyses

SUPPORT/OPPPOSITION: SEE ABOVE

\*\*\*\* **END** \*\*\*\*

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT D</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
28 Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

Jason A. Davis, Calif. Bar No.: 224250  
Davis & Associates  
27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
949.310.0817/Fax 949.288.6894

Donald E.J. Kilmer, Jr., Calif. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

**H S C**

# Handgun Safety Certificate



**STUDY GUIDE**

California Department of Justice  
Office of the Attorney General

**CALIFORNIA DEPARTMENT OF JUSTICE  
BUREAU OF FIREARMS**



<http://oag.ca.gov/firearms>

JANUARY 2012

P R E F A C E

Handgun safety is the law in California. Every handgun owner should understand and follow handgun safety practices, have a basic familiarity with the operation and handling of a handgun, and be fully aware of the responsibility of handgun ownership. Pursuant to Penal Code section 26840, subdivision (b), any person who acquires a handgun must have a Handgun Safety Certificate (HSC), unless they are exempt from the HSC requirement. In order to obtain an HSC, a person must pass a Department of Justice (DOJ) written test on handgun safety. The test is administered by DOJ Certified Instructors, who are often located at firearms dealerships.

This study guide provides you with the basic handgun safety information necessary to pass the test. Following the handgun safety information in this guide will also help reduce the potential for accidental deaths and injuries, particularly those involving children, caused by the unsafe handling and storing of handguns.

Included in this study guide is a general summary of the laws that govern the sale and use of firearms. A glossary is also provided at the end of this study guide that contains definitions of the more technical terms used.

Simply reading this study guide will not make you a safe handgun owner. To be a safe handgun owner you must practice the handgun safety procedures described in the following pages.



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# Introduction



## WHY HANDGUN SAFETY?

Handgun safety is important to all Californians. No one wants handgun accidents to happen yet they do everyday. Handgun accidents involving children are especially disturbing. Studies show that easy access to loaded handguns in homes is a major cause of accidental shootings of children.

While there may be no way to guarantee safety, handgun owners can take steps to help prevent many accidental shootings. This study guide will give you valuable information to help you become a safe and responsible handgun owner.

## HANDGUN SAFETY IS THE LAW

The intent of the California Legislature in enacting the Handgun Safety Certificate (HSC) law is to ensure that persons who obtain handguns have a basic familiarity with those firearms, including but not limited to, the safe handling and storage of those firearms. It is not the intent of the Legislature to require an HSC for the mere possession of a firearm. (Pen. Code, § 31610.)

## HANDGUN SAFETY CERTIFICATE INFORMATION

To obtain an HSC, you must take the DOJ written test and receive a passing score of at least 75% (the information necessary for passing the test is contained in this study guide).

An HSC is valid for five years from the date of issuance. If your HSC is lost, stolen or destroyed, a replacement may be obtained from the DOJ Certified Instructor who issued your original HSC.

Pursuant to Penal Code section 31700, there are exemptions from the HSC requirement based on specific categories of persons. Some of the exempt categories are:

- Federal Firearms License Collectors with a Certificate of Eligibility (for Curio and Relic transactions only);
- Active, active reserve, or honorably retired military;
- Carry Concealed Weapon (CCW) permit holders; and
- Persons who have completed Peace Officers Standards and Training (POST) (Pen. Code, § 832) firearms training.

For a complete list of exemptions visit the DOJ website at <http://oag.ca.gov/firearms> or contact the DOJ Bureau of Firearms, General Information Line at (916) 227-7527. You are required to provide documentation of your exemption to the firearms dealer each time you acquire a handgun.

## SAFE HANDLING DEMONSTRATION

Prior to taking delivery of a handgun, you must successfully perform a safe handling demonstration with the handgun being purchased or acquired. The safe handling demonstration must be performed in the presence of a DOJ Certified Instructor on or after the date the Dealer Record of Sale (DROS) is submitted to the DOJ and before the handgun is delivered.

The appendix at the end of this guide lists each of the statutorily mandated steps that constitute the safe handling demonstration for the three most common handgun types (semiautomatic pistols, double-action revolvers and single-action revolvers). The appendix is provided to help you prepare for the safe handling demonstration only. The information needed to answer all questions that appear on the DOJ handgun safety written test can be found within this study guide.

## CAUSES OF HANDGUN ACCIDENTS

Ignorance and carelessness are major causes of handgun accidents. To help reduce the number of handgun accidents, it is critical that gun safety rules are understood and practiced at all times by every family member.

Following are some examples of handgun accidents that could have been avoided if the basic gun safety rules had been practiced:

*Two young children playing in their home found a loaded handgun with the magazine removed on a bedside table. One child was injured when the handgun was fired.*

*A handgun owner assumed a handgun was unloaded. While cleaning it, he accidentally fired the handgun, causing injury to himself.*

*While practicing target shooting, a shooter was distracted by a noise behind her. She turned with her finger on the trigger and accidentally fired, injuring a person standing nearby.*

Knowing the safety rules and applying them most of the time is not enough. Handgun accidents can happen even if a person knows the safety rules, but is careless in practicing them. For example, you may think you can leave your loaded handgun out on the kitchen table just for a moment while you go outside to turn off the garden hose. Although you know you should never leave a firearm where a child may find it, you carelessly think it will be alright “just this once.”

**REMEMBER:** Ignorance and carelessness are major causes of handgun accidents. Basic gun safety rules must be applied **ALL OF THE TIME**.

## **PREVENTING MISUSE TRAGEDIES**

It is a fact many depressed, intoxicated, substance abusive, or enraged individuals commit suicide every year with firearms, principally handguns. The developmental issues associated with adolescence make teenagers particularly susceptible to this unfortunate outcome. Safe and responsible handgun storage practice, particularly when a member of the household is experiencing one of the aforementioned conditions, can help prevent tragedies.

## **BECOMING A SAFE AND RESPONSIBLE HANDGUN OWNER**

Becoming a safe handgun owner is similar to becoming a safe driver—you combine a good working knowledge of the equipment, the basic skills of operation, and a mind set dedicated to safe and responsible usage and storage.

This means you must have:

- Respect for the danger of handguns.
- An awareness and concern about the possible safety hazards related to handguns.
- A desire to learn and practice safe conduct with handguns.

Developing a mind set for safe and responsible handgun usage and storage is the first step in actually becoming a responsible handgun owner. The next step is building your knowledge of handguns and gun safety, which you can do by reading and understanding the information in this study guide. The final steps are becoming skillful in handling handguns and using the safety knowledge that you have acquired.





## CHAPTER 1

# Gun Safety Rules



This chapter will introduce you to specific gun safety rules to give you a better understanding of handgun safety.

### THE SIX BASIC GUN SAFETY RULES

There are six basic gun safety rules for gun owners to understand and practice at all times:

1. Treat all guns as if they are loaded.
2. Keep the gun pointed in the safest possible direction.
3. Keep your finger off the trigger until you are ready to shoot.
4. Know your target, its surroundings and beyond.
5. Know how to properly operate your gun.
6. Store your gun safely and securely to prevent unauthorized use. Guns and ammunition should be stored separately.

#### **1. Treat all guns as if they are loaded.**

- Always assume that a gun is loaded even if you think it is unloaded.
- Every time a gun is handled for any reason, check to see that it is unloaded. For specific instructions on how to unload a handgun, see Chapter 3.
- If you are unable to check a gun to see if it is unloaded, leave it alone and seek help from someone more knowledgeable about guns.

#### **2. Keep the gun pointed in the safest possible direction.**

- Always be aware of where the gun is pointing. A “safe direction” is one where an accidental discharge of the gun will not cause injury or damage.
- Only point a gun at an object that you intend to shoot.
- Never point a gun toward yourself or another person.

#### **3. Keep your finger off the trigger until you are ready to shoot.**

- Always keep your finger off the trigger and outside the trigger guard until you are ready to shoot.

- Even though it may be comfortable to rest your finger on the trigger, it also is unsafe.
- If you are moving around with your finger on the trigger and stumble or fall, you could inadvertently pull the trigger.
- Sudden loud noises or movements can result in an accidental discharge because there is a natural tendency to tighten the muscles when startled.
- The trigger is for firing, the handle is for handling.

#### **4. Know your target, its surroundings and beyond.**

- Check that the areas in front of and behind your target are safe before shooting.
- Be aware that if the bullet misses or completely passes through the target, it could strike a person or object.
- Identify the target and make sure it is what you intend to shoot. If you are in doubt, DON'T SHOOT!
- Never fire at a target that is only a movement, color, sound or unidentifiable shape.
- Be aware of all the people around you before you shoot.

#### **5. Know how to properly operate your gun.**

- It is important to become thoroughly familiar with your gun. You should know its mechanical characteristics including how to properly load, unload and clear a malfunction from your gun.
- Obviously, not all guns are mechanically the same. Never assume that what applies to one make or model is exactly applicable to another.
- You should direct questions regarding the operation of your gun to your firearms dealer, or contact the manufacturer directly.

#### **6. Store your gun safely and securely to prevent unauthorized use. Guns and ammunition should be stored separately.**

- Even when the gun is not in your hands, you must still think of safety.
- Use a California-approved firearms safety device on the gun, such as a trigger lock or cable lock, so it cannot be fired.
- Store your gun unloaded in a locked container, such as a California-approved lock box or a gun safe.
- Store your gun in a different location than the ammunition.
- For maximum safety you should use both a locking device and a storage container.

## ADDITIONAL SAFETY POINTS

The six basic safety rules are the foundational rules for gun safety. However, there are additional safety points which must not be overlooked:

- Never handle a gun when you are in an emotional state such as anger or depression. Your judgment may be impaired.
- Never shoot a gun in celebration (the Fourth of July or New Year's Eve, for example). Not only is this unsafe, but it is generally illegal. A bullet fired into the air can return to the ground with enough speed to cause injury or death.
- Do not shoot at water, flat or hard surfaces. The bullet can ricochet and hit someone or something other than the target.
- Hand your gun to someone only after you verify that it is unloaded and the cylinder or action is open. Take a gun from someone only after you verify that it is unloaded and the cylinder or action is open.
- Guns, alcohol and drugs don't mix. Alcohol and drugs can negatively affect judgment as well as physical coordination. Alcohol and any other substances are likely to impair normal mental or physical functions and should not be used before or while handling guns. Avoid handling and using your gun when you are taking medications that cause drowsiness or include a warning to not operate machinery while taking this drug.
- The loud noise from a fired gun can cause hearing damage, and the debris and hot gas that is often emitted can result in eye injury. Always wear ear and eye protection when shooting a gun.



## CHAPTER 1: Self Test

1. A safe practice when handling a gun is to rest your finger on the outside of the trigger guard or along the side of the gun until you are ready to shoot. (page 9)  
True    False
2. To “know your target, its surroundings and beyond,” you must consider that if the bullet misses or completely passes through the target, it could strike a person or object. (page 10)  
True    False
3. Drinking alcohol while handling firearms is safe if your blood alcohol level remains below the legal limit. (page 11)  
True    False
4. Which of the following safety points should you remember when handling a gun? (page 11)
  - A. Never shoot a gun in celebration.
  - B. Do not fire at water, flat or hard surfaces.
  - C. Wear ear and eye protection when shooting a gun.
  - D. All of the above.
5. Safety Rule Number Two is keep the gun pointed: (page 9)
  - A. To the north.
  - B. In the safest possible direction.
  - C. Up.
  - D. Down.
6. Safety Rule Number Five is know how to properly: (page 10)
  - A. Clear a malfunction.
  - B. Operate your gun.
  - C. Load your gun.
  - D. Clean your gun.

Answers: 1: True, 2: True, 3: False, 4: D, 5: B, 6: B

## CHAPTER 2

# Handguns and Children



### HANDGUN OWNER RESPONSIBILITY

It is a handgun owner's responsibility to take all possible steps to make sure a child cannot gain access to handguns. In fact, this responsibility is mandated by California law. The overall abiding rule is to store your gun in a safe and responsible manner at all times. As a handgun owner, you should be aware of the laws regarding children and firearms.

### Summary of Safe Storage Laws Regarding Children

You may be guilty of a misdemeanor or a felony if you keep a loaded firearm within any premises that are under your custody or control and a child under 18 years of age obtains and uses it, resulting in injury or death, or carries it to a public place, unless you stored the firearm in a locked container or locked the firearm with a locking device to temporarily keep it from functioning. Please refer to Page 40 for more specific information regarding safe storage laws related to children.

### You Cannot Be Too Careful with Children and Guns

There is no such thing as being too careful with children and guns. Never assume that simply because a toddler may lack finger strength, they can't pull the trigger. A child's thumb has twice the strength of the other fingers. When a toddler's thumb "pushes" against a trigger, invariably the barrel of the gun is pointing directly at the child's face. NEVER leave a firearm lying around the house. Please refer to Pages 29 and 30 for more information regarding safe storage and methods of childproofing your handgun.

Child safety precautions still apply even if you have no children or if your children have grown to adulthood and left home. A nephew, niece, neighbor's child or a grandchild may come to visit. Practice gun safety at all times.

To prevent injury or death caused by improper storage of guns in a home where children are likely to be present, you should store all guns unloaded, lock them with a firearms safety device and store them in a locked container. Ammunition should be stored in a location separate from the gun.

## Talking to Children about Guns

Children are naturally curious about things they don't know about or think are "forbidden." When a child asks questions or begins to act out "gun play," you may want to address his or her curiosity by answering the questions as honestly and openly as possible. This will remove the mystery and reduce the natural curiosity. Also, it is important to remember to talk to children in a manner they can relate to and understand. This is very important, especially when teaching children about the difference between "real" and "make-believe." Let children know that, even though they may look the same, real guns are very different than toy guns. A real gun will hurt or kill someone who is shot.

## Instill a Mind Set of Safety and Responsibility

The American Academy of Pediatrics reports that adolescence is a highly vulnerable stage in life for teenagers struggling to develop traits of identity, independence and autonomy. Children, of course, are both naturally curious and innocently unaware of many dangers around them. Thus, adolescents as well as children may not be sufficiently safeguarded by cautionary words, however frequent. Contrary actions can completely undermine good advice. A "do as I say and not as I do" approach to gun safety is both irresponsible and dangerous.

Remember that actions speak louder than words. Children learn most by observing the adults around them. By practicing safe conduct you will also be teaching safe conduct.

### RULES FOR KIDS

Adults should be aware that a child could discover a gun when a parent or another adult is not present. This could happen in the child's own home; the home of a neighbor, friend or relative; or in a public place such as a school or park. If this should happen, a child should know the following rules and be taught to practice them.

#### 1. Stop

The first rule for a child to follow if he/she finds or sees a gun is to stop what he/she is doing.

#### 2. Don't Touch!

The second rule is for a child not to touch a gun he/she finds or sees. A child may think the best thing to do if he/she finds a gun is to pick it up and take it to an adult. A child needs to know he/she should NEVER touch a gun he/she may find or see.

#### 3. Leave the Area

The third rule is to immediately leave the area. This would include never taking a gun away from another child or trying to stop someone from using gun.

#### **4. Tell an Adult**

The last rule is for a child to tell an adult about the gun he/she has seen. This includes times when other kids are playing with or shooting a gun.

Please note that, while there is no better advice at this time for children or adolescents who encounter a gun by happenstance, the California Chapter of the American College of Emergency Physicians reports that such warnings alone may be insufficient accident prevention measures with children and adolescents.





## CHAPTER 2: Self Test

1. When not using a gun, use a firearms safety device and store the gun in a locked container. (page 13)  
True    False
2. You may face misdemeanor or felony charges if you keep a loaded firearm where a child obtains and improperly uses it. (page 13)  
True    False
3. There is no such thing as being too careful with children and guns. (page 13)  
True    False
4. An important lesson children should learn is that guns are not toys. (page 14)  
True    False
5. The four safety “Rules for Kids” if they see a gun are: (page 14)  
A. \_\_\_\_\_  
B. \_\_\_\_\_  
C. \_\_\_\_\_  
D. \_\_\_\_\_
6. Child safety precautions only apply if you have children. (page 13)  
True    False

Answers: 1: True, 2: True, 3: True, 4: True, 5: A. Stop, B. Don't Touch, C. Leave the Area, D. Tell an Adult, 6: False

## CHAPTER 3

# Handgun Operation

### TYPES OF HANDGUNS

An important part of being a safe handgun owner is knowing how your handgun works. This begins with learning the difference between the two most common types of handguns – revolvers and semiautomatic pistols.

### REVOLVER PARTS AND OPERATION

#### Parts of a Revolver

The basic parts of a revolver are:



#### How a Revolver Works

A revolver has a rotating cylinder containing a number of chambers. There are usually five or six chambers. The action of the trigger or hammer will line up a chamber with the barrel and firing pin. Releasing the cylinder latch allows the cylinder to swing out for loading, unloading and inspection.

Revolvers are either single or double action. The primary difference between these two types of revolvers is the function of the trigger. On a single-action revolver the trigger has a single function to release the hammer. The trigger on a double-action revolver has two functions to cock the hammer and to release it.

This section focuses on the double-action revolver because most of the revolvers sold are double-action. However, you can get detailed information on single-action revolvers from firearms dealers or manufacturers.

## To Load a Double-Action Revolver

Always refer to the owner's manual for information specific to your handgun. Remember to keep the gun pointed in the safest possible direction and keep your finger off the trigger.

The steps to load a double-action revolver are:

1. Release the cylinder latch.
2. Swing the cylinder out.
3. Insert a cartridge of ammunition into each chamber.
4. Close the cylinder.



The double-action revolver is now loaded.

## To Check or Unload a Double-Action Revolver

Always refer to the owner's manual for information specific to your handgun. Remember to keep the gun pointed in the safest possible direction and keep your finger off the trigger.

The steps to unload a double-action revolver are:

1. Release the cylinder latch.



2. Swing the cylinder out.



3. Inspect each chamber in the cylinder. If cartridges are in any chamber of the cylinder, use the ejector rod to remove them.



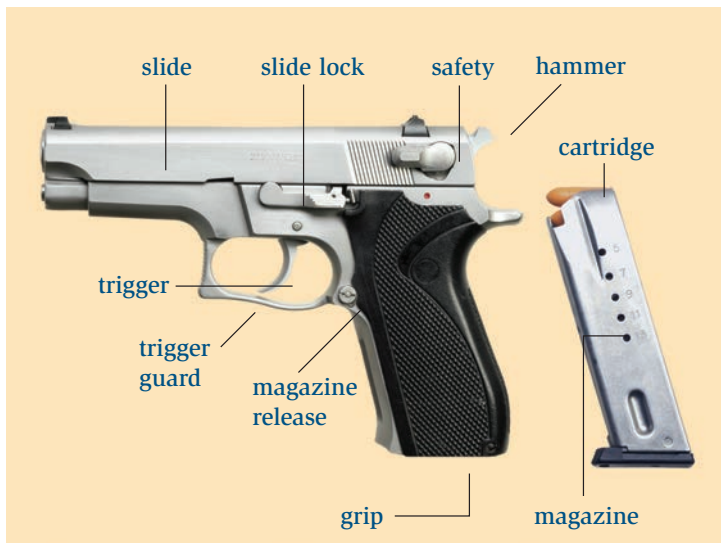
The double-action revolver is now unloaded.

**NOTE:** Simply spinning a revolver to an empty chamber does not unload it or make it safe. The cylinder rotates to the next chamber before the hammer falls.

## SEMIAUTOMATIC PISTOL PARTS AND OPERATION

### Parts of a Semiautomatic Pistol

The basic parts of a semiautomatic pistol are:



### How a Semiautomatic Pistol Works

A semiautomatic pistol has a single chamber. Each time the trigger is pulled, a cartridge is fired, the empty case is automatically extracted and ejected, the hammer is cocked, and a new cartridge is loaded into the chamber.

The primary difference between revolvers and semiautomatic pistols is how the ammunition is held. Revolvers use a cylinder to hold ammunition. Semiautomatic pistols use a magazine to hold ammunition. A magazine is a separate metal boxlike container into which cartridges are loaded. It is usually located within the grip. A button or catch releases the magazine.

Another difference is most semiautomatic pistols have a “safety” that is designed to prevent firing when engaged. However, it is not foolproof so do not rely on the safety to prevent an accidental discharge. A safety should only be used as an additional safety measure.

Never pull the trigger on any firearm with the safety in the “safe” position because thereafter the firearm could fire at any time without the trigger ever being touched. If a firearm is dropped, it may land hard enough to activate the firing mechanism without the trigger being touched.

## To Load a Semiautomatic Pistol

Procedures differ for various semiautomatic pistols. Always refer to the owner's manual for information specific to your firearm. Remember to keep the gun pointed in the safest possible direction and keep your finger off the trigger.

Generally, the steps to load a semiautomatic pistol are:

1. Push the magazine release.
2. Remove the magazine.
3. Insert the appropriate cartridges into the magazine as described in the owner's manual.
4. Insert the magazine firmly into the pistol.
5. Pull the slide to the rear and release it.
6. Move any safety to "ON".



The semiautomatic pistol is now loaded.

**Note:** If you release the slide before inserting the magazine, there will NOT be a cartridge in the chamber.

## To Check or Unload a Semiautomatic Pistol

Procedures differ for various semiautomatic pistols. Always refer to the owner's manual for information specific to your firearm. Remember to keep the gun pointed in the safest possible direction and keep your finger off the trigger.

Generally, the steps to unload a semiautomatic pistol are:

1. Push the magazine release.
2. Remove the magazine.
3. Pull the slide to the rear and lock it back, if possible. Pulling the slide back should eject any cartridge in the chamber. The action is now open.
4. Visually check the chamber to ensure it is empty.



The semiautomatic pistol is now unloaded.

**C A U T I O N**

You should **NOT** assume a semiautomatic pistol is unloaded just because the magazine is removed from the handgun.

Do not allow the slide to go forward **UNLESS** you have:

1. Checked again to be sure the chamber is empty, and
2. Checked again to be sure the magazine has been **REMOVED**.

If you pull the slide back ejecting the cartridge, check the chamber, let the slide go forward, and **THEN** remove the magazine, you have a loaded, dangerous firearm (a cartridge is in the chamber) even though you have removed the magazine. It is common and sometimes fatal to make this error.

**ALWAYS REMOVE THE MAGAZINE FIRST!**



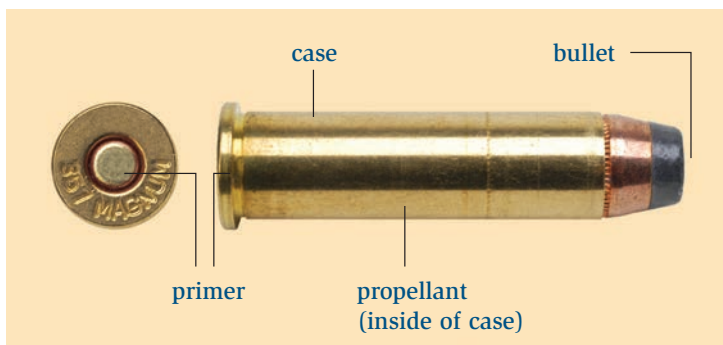
## AMMUNITION

An often overlooked aspect of safe firearm operation is knowing about the ammunition you use. It is important for you to know which ammunition can be used safely in your firearm.

### Ammunition Components

A firearm cartridge, commonly referred to as a “round,” is a single unit of ammunition made up of four parts: the case, the primer, the propellant and the bullet.

### Components of a Cartridge



The case is the metal cylinder that is closed at one end and contains the other three components.

The primer is the impact-sensitive chemical compound used for ignition.

The propellant is a fast-burning chemical compound.

The bullet is the projectile fired from a firearm. It is usually made of lead, sometimes covered with a layer of copper or other metal and is located at the tip of the cartridge. People often mistakenly refer to the entire cartridge as a “bullet.” Actually the bullet is just one part of a cartridge.

## PHYSICS OF GUNFIRE

To understand the power of a firearm, it is helpful to know some of the physics of gunfire. The fall of the hammer causes the primer to ignite the powder, which burns to produce gases. These rapidly-expanding gases push the bullet through the barrel and toward the target. The push of gases against the firearm results in what is called recoil. Some shooters are startled by recoil. Firearms vary in how much recoil they generate. Anticipation of recoil may cause an inexperienced shooter to grasp the firearm too tightly or flinch. Shooting a firearm properly minimizes the negative effects of recoil on the shooter.

## FIREARM AND AMMUNITION CALIBERS

Firearms and ammunition are made in various calibers. Firearm caliber refers to barrel diameter. Revolvers generally have the caliber information on the barrel. Semiautomatic pistols generally have the caliber information on the slide. Ammunition caliber refers to bullet diameter. Ammunition has the caliber information on the box. Some of the more common calibers are the .22, .45, and 9 mm. You must only use the caliber of ammunition recommended by the manufacturer of your firearm.



Just because a cartridge fits your firearm does not necessarily mean the cartridge is safe to shoot. A firearm may not be able to handle the pressure created by using incorrect ammunition. This could result in damage to the firearm and possible injury to yourself or bystanders.

Never shoot ammunition that is old, dirty, corroded or wet, or ammunition that cannot be fully identified. This could cause a malfunction such as a jam or a misfire, or explosion of the firearm. Never throw ammunition in the trash. Call your local refuse department and ask for proper disposal instructions.

Some ammunition is illegal. Your firearms dealer can help you identify the correct and legal ammunition for your firearm. Purchase your ammunition from an authorized ammunition dealer only.

## DANGEROUS RANGE

In order to shoot a firearm safely, you need to know not only your target but also the dangerous range of your ammunition. The dangerous range is the distance that a bullet can travel. Most ammunition can travel at least a mile, with some having the capability of traveling MORE than two miles. Therefore, even though you may fire at a target only a few feet or yards away, your bullet could travel far beyond your target. As it travels, the potential for damage widens. The importance of the dangerous range is that you must consider how much farther the bullet can travel beyond the target. This is because a bullet that misses or passes through a target could strike a person or object. If you think only of your target and not the dangerous range, you might mistakenly think someone or something is “too far away” to be in danger.

Another important point to remember in considering the dangerous range is that most ammunition can easily penetrate the interior walls of a house and still travel some distance before losing its energy. High velocity or magnum ammunition has even greater penetration and distance capabilities.

**Remember: Once you fire, you are responsible for any damage or injuries your bullet causes.**

## MALFUNCTIONS

Any machine can malfunction. A firearm is no different. If your firearm malfunctions, always keep the basic safety rules in mind and do the following:

**CAUTION**

**STOP FIRING!**

**KEEP THE GUN POINTED IN A SAFE DIRECTION.**

**WAIT TEN SECONDS.**

**SEEK COMPETENT HELP.**

If you are at a range, the usual procedure to follow when a malfunction occurs is to keep your firearm pointed down range, keep your finger off the trigger and raise your non-shooting hand until a range official arrives. You have a potentially dangerous situation!



## CHAPTER 3: Self Test

1. The importance of the “dangerous range” is that a bullet can travel far beyond the intended target. (page 25)  
True    False
2. The safety on a semiautomatic pistol is not foolproof. (page 20)  
True    False
3. Just because a cartridge fits into your firearm does not necessarily mean it is safe to shoot. (page 24)  
True    False
4. The two most common types of handguns are: (page 17)
  - A. Single-action and double-action revolvers.
  - B. Semiautomatic revolvers and pistols.
  - C. Semiautomatic and automatic pistols.
  - D. Revolvers and semiautomatic pistols.
5. After ensuring a double-action revolver is pointed in a safe direction and with your finger off the trigger, you begin unloading the handgun by: (page 19)
  - A. Releasing the cylinder latch.
  - B. Removing the cylinder.
  - C. Swinging out the cylinder.
  - D. Pushing the magazine release.
6. Firearm or ammunition caliber refers to: (page 24)
  - A. Barrel length.
  - B. Magazine capacity.
  - C. Barrel or bullet diameter.
  - D. Bullet velocity.
7. A magazine is part of a: (page 20)
  - A. Single-action revolver.
  - B. Double-action revolver.
  - C. Semiautomatic pistol.
  - D. Single-action and a double-action revolver.

Answers: 1: True, 2: True, 3: True, 4: D, 5: A, 6: C, 7: C

## CHAPTER 4

# Handgun Ownership



### UNDERSTAND THE SAFETY ASPECTS OF YOUR HANDGUN

Get advice from a professional sales person on the safety aspects of the handgun you are considering buying. Select the handgun that best suits your personal needs. Ask a lot of questions! Ask about the correct ammunition for the handgun you have selected.

Become thoroughly familiar with the mechanics of the handgun you have selected. By knowing exactly how your handgun works, you are more likely to recognize any possible safety problems.

### CAREFULLY READ ALL INSTRUCTIONAL MATERIAL

An owner's manual from the manufacturer of your handgun should be provided when you buy a new handgun. Manuals for used handguns usually can be obtained by writing or calling the manufacturer.

Carefully read the manual and use it to familiarize yourself with the handgun and its operation.

### ENROLL IN A HANDGUN TRAINING COURSE

To help you learn to drive a car you probably had some "behind the wheel" training and practice before you got your driver's license. This also applies to handgun ownership. The best way to become skilled in using and understanding how your handgun operates is to enroll in a "hands-on" training course. There are many handgun training courses that can provide additional safety information.

For information on training courses in your area, contact a local firearms dealer or firearms safety organization.

### CLEANING AND REPAIR

Maintenance is part of being a responsible firearms owner. Firearms should be cleaned regularly and especially after prolonged storage. The barrel should be cleaned after every use. Accumulated moisture, dirt or grease can interfere with the efficient and safe operation of a firearm.

Firearm cleaning kits and materials can be purchased from most firearms dealers. Be aware that some firearm cleaning substances are toxic. Carefully read and follow the instructions on the cleaning products.

You should clean your firearm in a location where you will have no distractions. Before you begin, always check your firearm to ensure it is unloaded and remove any ammunition from the cleaning area. Accidents can happen if cleaning procedures are not followed correctly and safely. Therefore, you should follow the cleaning instructions in your owner's manual and on your cleaning products. Firearms dealers or gunsmiths also are good sources for cleaning information.

Care should be taken to ensure adequate ventilation at all times to reduce the risk of inhaling lead particles. To avoid accidental ingestion of lead particles, never handle food or drink without first washing your hands. Do not smoke when exposed to lead. Wash your hands thoroughly after exposure.

Periodically inspect all firearms you own to be sure that they are in good working condition. If you notice any problems, have your firearm checked by a competent gunsmith. Any repairs should be made only by a gunsmith or the manufacturer of the firearm. You should not attempt to make any major modifications to your firearm. Some modifications are illegal and dangerous. They also could void the manufacturer's warranty.

By keeping your firearm properly maintained, you will ensure that it is safe to operate and will function reliably for many years.



## SAFETY AND STORAGE DEVICES

If you decide to keep a firearm in your home you must consider the issue of how to store the firearm in a safe and secure manner. California recognizes the importance of safe storage by requiring that all firearms sold in California be accompanied by a DOJ-approved firearms safety device or proof that the purchaser owns a gun safe that meets regulatory standards established by the DOJ. The current list of DOJ-approved firearms safety devices and the gun safe standards can be viewed at the following DOJ website:  
<http://oag.ca.gov/firearms/fsdcertlist>.

There are a variety of safety and storage devices currently available to the public in a wide range of prices. Some devices are locking mechanisms designed to keep the firearm from being loaded or fired, but don't prevent the firearm from being handled or stolen. There are also locking storage containers that hold the firearm out of sight. For maximum safety you should use both a firearm safety device and a locking storage container to store your unloaded firearm.

Two of the most common locking mechanisms are trigger locks and cable locks. Trigger locks are typically two-piece devices that fit around the trigger and trigger guard to prevent access to the trigger. One side has a post that fits into a hole in the other side. They are locked by a key or combination locking mechanism. Cable locks typically work by looping a strong steel cable through the action of the firearm to block the firearm's operation and prevent accidental firing. However, neither trigger locks nor cable locks are designed to prevent access to the firearm.

Smaller lock boxes and larger gun safes are two of the most common types of locking storage containers. One advantage of lock boxes and gun safes is that they are designed to completely prevent unintended handling and removal of a firearm. Lock boxes are generally constructed of sturdy, high-grade metal opened by either a key or combination lock. Gun safes are quite heavy, usually weighing at least 50 pounds. While gun safes are typically the most expensive firearm storage devices, they are generally more reliable and secure.

**Remember: Safety and storage devices are only as secure as the precautions you take to protect the key or combination to the lock.**





## METHODS OF CHILDPROOFING

As a responsible handgun owner, you must recognize the need and be aware of the methods of childproofing your handgun, whether or not you have children.

Whenever children could be around, whether your own, or a friend's, relative's or neighbor's, additional safety steps should be taken when storing firearms and ammunition in your home.

- Always store your firearm unloaded.
- Use a firearms safety device AND store the firearm in a locked container.
- Store the ammunition separately in a locked container.

Always storing your firearm securely is the best method of childproofing your firearm; however, your choice of a storage place can add another element of safety. Carefully choose the storage place in your home especially if children may be around.

- Do not store your firearm where it is visible.
- Do not store your firearm in a bedside table, under your mattress or pillow, or on a closet shelf.
- Do not store your firearm among your valuables (such as jewelry or cameras) unless it is locked in a secure container.
- Make sure the location you store your firearm and ammunition is not easily accessible to children.
- Consider storing firearms not possessed for self-defense in a safe and secure manner away from the home.



## CHAPTER 4: Self Test

1. It is important to carefully read all instructional material you receive with your handgun. (page 27)  
True    False
2. Certain modifications, when made to a firearm, may void its warranty. (page 28)  
True    False
3. It is safe to store a loaded handgun in your bedside table. (page 30)  
True    False
4. Two common firearms safety devices are trigger locks and cable locks. (page 29)  
True    False
5. Which of the following steps should be taken to “childproof” your handgun? (page 30)
  - A. Use a firearms safety device AND store the firearm in a locked container.
  - B. Always store your firearm unloaded.
  - C. Store ammunition separately in a locked container.
  - D. All of the above.

# Prohibited Firearms Transfers and Straw Purchases



## **What is a straw purchase?**

A straw purchase is buying a gun for someone who is prohibited by law from possessing one, or buying a gun for someone who does not want his or her name associated with the transaction.

It is a violation of California law for a person who is not licensed as a California firearms dealer to transfer a firearm to another unlicensed person, without conducting such a transfer through a licensed firearms dealer. (Pen. Code, § 27545.) Such a transfer may be punished as a felony. (Pen. Code, § 27590.)

Furthermore, it is a violation of federal law to either (1) make a false or fictitious statement on an application to purchase a firearm about a material fact, such as the identify of the person who ultimately will acquire the firearm (commonly known as "lying and buying") (18 U.S.C. 922(a)(6)), or (2) knowingly transfer a firearm to a person who is prohibited by federal law from possessing and purchasing it. (18 U.S.C. 922(d).) Such transfers are punishable under federal law by a \$250,000 fine and 10 years in federal prison. (18 U.S.C. 924(a)(2).)

## **Things to Remember About Prohibited Firearms Transfers and Straw Purchases**

An illegal firearm purchase (straw purchase) is a federal crime.

An illegal firearm purchase can bring a felony conviction sentence of 10 years in jail and a fine of up to \$250,000.

Buying a gun and giving it to someone who is prohibited from owning one is a state and federal crime.

**Never buy a gun for someone who is prohibited by law or unable to do so.**

## CHAPTER 5

# Firearms Laws



### INTRODUCTION TO THE LAWS

As the owner of a firearm, it is your responsibility to understand and comply with all federal, state and local laws regarding firearms ownership. Many of the laws described below pertain to the possession, use and storage of firearms in the home and merit careful review. This section contains a general summary of the state laws that govern the use of firearms, particularly handguns, by persons other than law enforcement officers or members of the armed forces. It is not designed to provide individual guidance for specific situations, nor does it address federal or local laws. Persons having specific questions are encouraged to seek legal advice from an attorney, or consult their local law enforcement agency, local prosecutor or law library.

### SALES AND TRANSFERS OF FIREARMS

In California, only licensed California firearms dealers who possess a valid Certificate of Eligibility (COE) are authorized to engage in retail sales of firearms. These retail sales require the purchaser to provide personal identifier information for the Dealer Record of Sale (DROS) document that the firearms dealer must submit to the DOJ. There is a mandatory ten-day waiting period before the firearms dealer can deliver the firearm to the purchaser. During this ten day waiting period, the DOJ conducts a firearms eligibility background check to ensure the purchaser is not prohibited from lawfully possessing firearms. Although there are exceptions, generally all firearms purchasers must be at least 18 years of age to purchase a long gun (rifle or shotgun) and 21 years of age to purchase a handgun (pistol or revolver). Additionally, purchasers must be California residents with a valid driver's license or identification card issued by the California Department of Motor Vehicles.

Generally, it is illegal for any person who is not a California licensed firearms dealer (private party) to sell or transfer a firearm to another non-licensed person (private party) unless the sale is completed through a licensed California firearms dealer. "Private party transfers" can be conducted at any licensed California firearms dealership that sells handguns. The buyer and seller must complete the required DROS document in person at the licensed firearms dealership and deliver the firearm to the dealer who will retain possession of the firearm during the mandatory ten-day waiting period. In addition to the applicable state fees, the firearms dealer may charge a fee not to exceed \$10 per firearm for conducting the private party transfer.

The infrequent transfer of firearms between immediate family members is exempt from the law requiring private party transfers to be conducted through a licensed firearms dealer. For purposes of this exemption, “immediate family” means parent and child, and grandparent and grandchild but does not include brothers or sisters. Please note that if the firearm being transferred is a handgun, the transferee must comply with the Handgun Safety Certificate requirement described below, prior to taking possession of the firearm. Within 30 days of the transfer, the transferee must also submit a report of the transaction to the DOJ. To obtain the required report form (Firearm Ownership Record BOF 4542A), either contact the DOJ Bureau of Firearms at (916) 227-7527 or download the form from the DOJ’s website at [www.ag.ca.gov/firearms/forms](http://www.ag.ca.gov/firearms/forms).

The reclaiming of a pawned firearm is subject to the DROS and 10-day waiting period requirements.

Specific statutory requirements relating to sales and transfers of firearms follow:

### **Proof-of-Residency Requirement**

To purchase a handgun in California you must present documentation indicating that you are a California resident. Acceptable documentation includes a utility bill from within the last three months, a residential lease, a property deed or military permanent duty station orders indicating assignment within California. The address provided on the DROS must match either the address on the proof-of-residency document or the address on the purchaser’s California Driver license or Identification Card. (Pen. Code, § 26845.)

### **Handgun Safety Certificate Requirement**

To purchase or acquire a handgun, you must have a valid Handgun Safety Certificate (HSC). To obtain an HSC, you must score at least 75 % on an objective written test pertaining to firearms laws and safety requirements. The test is administered by DOJ Certified Instructors, who are generally located at firearms dealerships. An HSC is valid for five years. You may be charged up to \$25 for an HSC. Handguns being returned to their owners, such as pawn returns, are exempt from this requirement. In the event of a lost, stolen or destroyed HSC, the issuing DOJ Certified Instructor will issue a replacement HSC for a fee of \$15. You must present proof of identity to receive a replacement HSC. (Pen. Code, §§ 31610-31670.)

### **Safe Handling Demonstration Requirement**

Prior to taking delivery of a handgun, you must successfully perform a safe handling demonstration with the handgun being purchased or acquired. Safe handling demonstrations must be performed in the presence of a DOJ Certified Instructor sometime between the date the DROS is submitted to the DOJ and the delivery of the handgun, and are generally performed at the firearms dealership. The purchaser, firearms dealer and DOJ Certified Instructor must sign an affidavit stating the safe handling demonstration was completed. The steps required to complete the safe handling demonstration are described in the appendix. Pawn returns and intra-familial transfers are not subject to the safe handling demonstration requirement. (Pen. Code, § 26850.)

### Firearms Safety Device Requirement

All firearms (long guns and handguns) purchased in California must be accompanied with a firearms safety device (FSD) that has passed required safety and functionality tests and is listed on the DOJ’s official roster of DOJ-approved firearms safety devices. The current roster of certified FSDs is available on the Bureau of Firearms website at <http://oag.ca.gov/firearms/fsdcertlist>. The FSD requirement also can be satisfied if the purchaser signs an affidavit declaring ownership of either a DOJ-approved lock box or a gun safe capable of accommodating the firearm being purchased. Pawn returns and intra-familial transfers are not subject to the FSD requirement. (Pen. Code, §§ 23635-23690.)

### Roster of Handguns Certified for Sale in California

No handgun may be sold by a firearms dealer to the public unless it is of a make and model that has passed required safety and functionality tests and is listed on the DOJ’s official roster of handguns certified for sale in California. The current roster of handguns certified for sale in California is available on the Bureau of Firearms website at <http://certguns.doj.ca.gov/>. Private party transfers, intra-familial transfers, and pawn/consignment returns are exempt from this requirement. (Pen. Code, § 32000.)

### One-Handgun-per-Thirty-Days-Requirement

No person shall make an application to purchase more than one handgun within any 30-day period. Exemptions to the one-handgun-per-thirty-days requirement include pawn returns, intra-familial transfers and private party transfers. (Pen. Code, § 27540.)

### Handgun Sales and Transfer Requirements

	Retail Sales	Private Party Transfers	Intra-familial Transfers	Pawn Returns
Proof-of-Residency Requirement	Yes	Yes	No	Yes
Handgun Safety Certificate Requirement	Yes	Yes	Yes	No
Safe Handling Demonstration Requirement	Yes	Yes	No	No
Firearms Safety Device Requirement	Yes	Yes	No	No
Roster of Handguns Certified for sale in California	Yes	No	No	No
One Handgun Per 30 Days Requirement	Yes	No	No	No

## Long Gun Sales and Transfer Requirements

	Retail Sales	Private Party Transfers	Intra-familial Transfers	Pawn Returns
Proof-of-Residency Requirement	No	No	No	No
Firearms Safety Device Requirement	Yes	Yes	No	No

### NEW CALIFORNIA RESIDENT REQUIREMENT

Persons who move to California with the intention of establishing residency in this state must either report ownership of handguns to the DOJ within 60 days, or sell or transfer the handgun(s) pursuant to California law. (Pen. Code, § 28050.) Persons wishing to keep their handguns must submit a New Resident Handgun Ownership Report, along with a \$19 fee, to the DOJ. Forms are available at licensed firearms dealers, the Department of Motor Vehicles or on-line at the Bureau of Firearms web site at <http://oag.ca.gov/firearms/forms>. (Pen. Code, § 27560.)

### CARRYING A CONCEALED WEAPON

#### Carrying a Concealed Handgun Without a License on One's Person or in a Vehicle

It is illegal for any person to carry a handgun concealed upon his or her person or concealed in a vehicle without a license issued pursuant to Penal Code section 26150. (Pen. Code, § 25400.) A firearm locked in a motor vehicle's trunk or in a locked container carried in the vehicle other than in the utility or glove compartment is not considered concealed within the meaning of the Penal Code section 25400; neither is a firearm carried within a locked container directly to or from a motor vehicle for any lawful purpose. (Pen. Code, § 25610.)

The prohibition from carrying a concealed handgun does not apply to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from the hunting expedition. (Pen. Code, § 25640.) Notwithstanding this exception for hunters or fishermen, these individuals may not carry or transport loaded firearms when going to or from the expedition. The unloaded firearms should be transported in the trunk of the vehicle or in a locked container other than the utility or glove compartment. (Pen. Code, § 25610.)

There are also occupational exceptions to the prohibition from carrying a concealed weapon, including authorized employees while engaged in specified activities. (Pen. Code, §§ 25630, 25640.)



## Licenses to Carry Concealed Weapons

A license to carry a concealed handgun or other firearm may be granted by the sheriff of the county in which the applicant resides, or the chief of the city police department of the city in which the applicant resides. Such licenses are issued only after finding that the applicant is of good moral character, that good cause exists for such a license and the applicant is not prohibited from possessing firearms. (Pen. Code, § 26150.)

Where the population of the county is less than 200,000 persons, the licensing authority may issue a license to carry a pistol, revolver or other firearm capable of being concealed upon the person, loaded and exposed. (Pen. Code, § 26150.)

Unless otherwise restricted, a license is valid throughout the state.

## FIREARMS ABOARD COMMON CARRIERS

Federal and state laws generally prohibit a person from carrying any firearm or ammunition aboard any commercial passenger airplane. Similar restrictions may apply to other common carriers such as trains, ships and buses. Persons who need to carry firearms or ammunition on a common carrier should always consult the carrier in advance to determine conditions under which firearms may be transported.

## FIREARMS IN THE HOME, BUSINESS OR AT THE CAMPSITE

Unless otherwise unlawful, any person over the age of 18 who is not prohibited from possessing firearms may have a loaded or unloaded firearm at his or her place of residence, temporary residence, campsite or on private property owned or lawfully possessed by the person. Any person engaged in lawful business (including nonprofit organizations) or any officer, employee or agent authorized for lawful purposes connected with the business may have a loaded firearm within the place of business if that person is over 18 years of age and not otherwise prohibited from possessing firearms. (Pen. Code, §§ 25605, 26035.)

**NOTE: If a person's place of business, residence, temporary residence, campsite or private property is located within an area where possession of a firearm is prohibited by local or federal laws, such laws would prevail.**

## THE USE OF LETHAL FORCE IN SELF-DEFENSE

The question of whether use of lethal force is justified in self-defense cannot be reduced to a simple list of factors. This section is based on the instructions generally given to the jury in a criminal case where self-defense is claimed and illustrates the general rules regarding the use of lethal force in self-defense.

### Permissible Use of Lethal Force in Defense of Life and Body

The killing of one person by another may be justifiable when necessary to resist the attempt to commit a forcible and life-threatening crime, provided that a

reasonable person in the same or similar situation would believe that (a) the person killed intended to commit a forcible and life-threatening crime; (b) there was imminent danger of such crime being accomplished; and (c) the person acted under the belief that such force was necessary to save himself or herself or another from death or a forcible and life-threatening crime. Murder, mayhem, rape and robbery are examples of forcible and life-threatening crimes. (Pen. Code, § 197.)

### **Limitations on the Use of Force in Self-Defense**

The right of self-defense ceases when there is no further danger from an assailant. Thus, where a person attacked under circumstances initially justifying self-defense renders the attacker incapable of inflicting further injuries, the law of self-defense ceases and no further force may be used. Furthermore, a person may only use the amount of force, up to deadly force, as a reasonable person in the same or similar circumstances would believe necessary to prevent imminent injury. It is important to note the use of excessive force to counter an assault may result in civil or criminal penalties.

The right of self-defense is not initially available to a person who assaults another. However, if such a person attempts to stop further combat and clearly informs the adversary of his or her desire for peace but the opponent nevertheless continues the fight, the right of self-defense returns and is the same as the right of any other person being assaulted.

### **LOADED FIREARMS IN PUBLIC**

It is illegal to carry a loaded firearm on one's person or in a vehicle while in any public place, on any public street, or in any place where it is unlawful to discharge a firearm. (Pen. Code, § 25850, subd. (a).)

It is illegal for the driver of any motor vehicle, or the owner of any motor vehicle irrespective of whether the owner is occupying the vehicle to knowingly permit any person to carry a loaded firearm into the vehicle in violation of Penal Code section 25850, or Fish and Game Code section 2006. (Pen. Code, § 26100.) Also, see "Miscellaneous Prohibited Acts" on next page.

In order to determine whether a firearm is loaded, peace officers are authorized to examine any firearm carried by anyone on his or her person or in a vehicle while in any public place, on any public street or in any prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to these provisions is, in itself, grounds for arrest. (Pen. Code, § 25850, subd. (b).)

The prohibition from carrying a loaded firearm in public does not apply to any person while hunting in an area where possession and hunting is otherwise lawful or while practice shooting at target ranges. (Pen. Code, §§ 26005, 26040.)

There are also occupational exceptions to the prohibition from carrying a loaded firearm in public, including authorized employees while engaged in specified activities. (Pen. Code, §§ 26015, 26030.)

## MISCELLANEOUS PROHIBITED ACTS

### **Obliteration or Alteration of Firearm Identification**

It is illegal for any person to obliterate or alter the identification marks placed on any firearm including the make, model, serial number or any distinguishing mark lawfully assigned by the owner or by the DOJ. (Pen. Code, § 23900.)

It is illegal for any person to buy, sell or possess a firearm knowing its identification has been obliterated or altered. (Pen. Code, § 23920.)

### **Openly Carrying an Unloaded Handgun**

It is generally illegal for any person to carry upon his or her person or in a vehicle, an exposed and unloaded handgun while in or on:

- A public place or public street in an incorporated city or city and county; or
- A public street in a prohibited area of an unincorporated city or city and county. (Pen. Code, § 26350.)

### **Unauthorized Possession of a Firearm on School Grounds**

It is illegal for any unauthorized person to possess or bring a firearm upon the grounds of, or into, any public school, including the campuses of the University of California, California State University campuses, California community colleges, any private school (Kindergarten through 12th grade) or private university or college. (Pen. Code, § 626.9.)

### **Unauthorized Possession of a Firearm in a Courtroom, the State Capitol, etc.**

It is illegal for any unauthorized person to bring or possess any firearm within a courtroom, courthouse, court building or at any meeting required to be open to the public. (Pen. Code, § 171b.)

It is illegal for any unauthorized person to bring or possess a loaded firearm within (including upon the grounds of) the State Capitol, any legislative office, any office of the Governor or other constitutional officer, any Senate or Assembly hearing room, the Governor's Mansion or any other residence of the Governor or the residence of any constitutional officer or any Member of the Legislature. For these purposes, a firearm shall be deemed loaded whenever both the firearm and its unexpended ammunition are in the immediate possession of the same person. (Pen. Code, §§ 171c, 171d, 171e.)

### **Drawing or Exhibiting a Firearm**

If another person is present, it is illegal for any person, except in self defense, to draw or exhibit a loaded or unloaded firearm in a rude, angry or threatening manner or in any manner use a firearm in a fight or quarrel. (Pen. Code, § 417.)

### **Threatening Acts with a Firearm on a Public Street or Highway**

It is illegal for any person to draw or exhibit a loaded or unloaded firearm in a threatening manner against an occupant of a motor vehicle which is on a public street or highway in such a way that would cause a reasonable person apprehension or fear of bodily harm. (Pen. Code, § 417.3.)

### **Discharge of a Firearm in a Grossly Negligent Manner**

It is illegal for any person to willfully discharge a firearm in a grossly negligent manner which could result in injury or death to a person. (Pen. Code, § 246.3.)

### **Discharge of a Firearm at an Inhabited/Occupied Dwelling, Building, Vehicle, Aircraft**

It is illegal for any person to maliciously and willfully discharge a firearm at an inhabited dwelling, house, occupied building, occupied motor vehicle, occupied aircraft, inhabited house car or inhabited camper. (Pen. Code, § 246.)

### **Discharge of a Firearm at an Unoccupied Aircraft, Motor Vehicle, or Uninhabited Building or Dwelling**

It is illegal for any person to willfully and maliciously discharge a firearm at an unoccupied aircraft. It is illegal for any person to discharge a firearm at an unoccupied motor vehicle, building or dwelling. This does not apply to an abandoned vehicle, an unoccupied motor vehicle or uninhabited building or dwelling with permission of the owner and if otherwise lawful. (Pen. Code, § 247.)

### **Discharge of a Firearm from a Motor Vehicle**

It is illegal for any person to willfully and maliciously discharge a firearm from a motor vehicle. A driver or owner of a vehicle who allows any person to discharge a firearm from the vehicle may be punished by up to three years imprisonment in state prison. (Pen. Code, § 26100.)

### **Criminal Storage**

“Criminal storage of firearm of the first degree” – Keeping any loaded firearm within any premises that are under your custody or control and you know or reasonably should know that a child (any person under 18) is likely to gain access to the firearm without the permission of the child’s parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person. (Pen. Code, § 25100, subd. (a).)

“Criminal storage of firearm of the second degree” – Keeping any loaded firearm within any premises that are under your custody or control and you know or reasonably should know that a child (any person under 18) is likely to gain access to the firearm without the permission of the child’s parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or carries the firearm either

to a public place or in violation of Penal Code section 417. (Pen. Code, § 25100, subd. (b).)

Neither of the criminal storage offenses (first degree, second degree) shall apply whenever the firearm is kept in a locked container or locked with a locking device that has rendered the firearm inoperable. (Pen. Code, § 25105.)

## **Sales, Transfers and Loans of Firearms to Minors**

Generally, it is illegal to sell, loan or transfer any firearm to a person under 18 years of age, or to sell a handgun to a person under 21 years of age. (Pen. Code, § 27505.)

## **Possession of a Handgun or Live Ammunition by Minors**

It is unlawful for a minor to possess a handgun or live ammunition unless one of the following circumstances exists:

- The minor is accompanied by his or her parent or legal guardian and the minor is actively engaged in a lawful recreational sporting, ranching or hunting activity, or a motion picture, television or other entertainment event;
- The minor is accompanied by a responsible adult and has prior written consent of his or her parent or legal guardian and is involved in one of the activities cited above; or
- The minor is at least 16 years of age, has prior written consent of his or her parent or legal guardian, and the minor is involved in one of the activities cited above. (Pen. Code, §§ 29610-29655.)

## **PERSONS INELIGIBLE TO POSSESS FIREARMS**

The following persons are prohibited from possessing firearms (Pen. Code, §§ 29800-29825, 29900; Welf. & Inst. Code, §§ 8100, 8103.):

### **Lifetime Prohibitions**

- Any person convicted of any felony or any offense enumerated in Penal Code section 29905.
- Any person convicted of an offense enumerated in Penal Code section 23515.
- Any person with two or more convictions for violating Penal Code section 417, subdivision (a)(2).
- Any person adjudicated to be a mentally disordered sex offender. (Welf. & Inst. Code, § 8103, subd. (a)(1).)
- Any person found by a court to be mentally incompetent to stand trial or not guilty by reason of insanity of any crime, unless the court has made a finding of restoration of competence or sanity. (Welf. & Inst. Code, § 8103, subd. (b)(1), (c)(1), and (d)(1).)

### **10-Year Prohibitions**

- Any person convicted of a misdemeanor violation of the following: Penal Code sections 71, 76, 136.5, 140, 148 (d), 171b, 171c, 171d, 186.28, 240, 241, 242, 243, 244.5, 245, 245.5, 246, 246.3, 247, 273.5, 273.6, 417, 417.1, 417.2, 417.6, 422, 626.9, 646.9, 830.95(a), 17500, 17510(a), 25300, 25800, 27510, 27590(c), 30315, or 32625, and Welfare and Institutions Code sections 871.5, 1001.5, 8100, 8101, or 8103.

### **5-Year Prohibitions**

- Any person taken into custody as a danger to self or others, assessed, and admitted to a mental health facility under Welfare and Institutions Code sections 5150, 5151, 5152; or certified under Welfare and Institutions Code sections 5250, 5260, 5270.15.

### **Juvenile Prohibitions**

- Juveniles adjudged wards of the juvenile court are prohibited until they reach age 30 if they committed an offense listed in Welfare and Institutions Code section 707, subdivision (b).

### **Miscellaneous Prohibitions**

- Any person denied firearm possession as a condition of probation pursuant to Penal Code section 29900, subdivision (c).
- Any person charged with a felony offense, pending resolution of the matter (18 U.S.C. § 922(g).)
- Any person while he or she is either a voluntary patient in a mental health facility or under a gravely disabled conservatorship (due to a mental disorder or impairment by chronic alcoholism) and if he or she is found to be a danger to self or others (Welf. & Inst. Code, § 8103, subd. (e).)
- Any person addicted to the use of narcotics (Pen. Code, § 29800, subd. (a).)
- Any person who communicates a threat (against any reasonably identifiable victim) to a licensed psychotherapist which is subsequently reported to law enforcement, is prohibited for six months (Welf. & Inst. Code, § 8104, subd. (c).)
- Any person who is subject to a protective order as defined in Family Code section 6218, Penal Code section 136.2, or a temporary restraining order issued pursuant to Code of Civil Procedure sections 527.6 or 527.8.



## CHAPTER 5: Self Test

1. It is illegal for a person convicted of any felony offense to possess a firearm. (page 41)  
True    False
2. To legally give a firearm to your best friend as a birthday gift, you must complete the transfer of the firearm through a licensed firearms dealer. (page 33)  
True    False
3. It is illegal to lend a handgun to a minor without the permission of the minor's parent or legal guardian. (page 41)  
True    False
4. Generally, a person may legally have a loaded handgun, if otherwise lawful, at his or her campsite. (page 37)  
True    False
5. It is illegal to buy, sell or possess a handgun knowing its identification marks have been erased or altered. (page 39)  
True    False





## Appendix

### SAFE HANDLING DEMONSTRATION STEPS

Pursuant to Penal Code section 26850, prior to taking delivery of a handgun from a licensed firearms dealer in California, an individual must correctly perform a safe handling demonstration with the handgun he or she is acquiring. This appendix lists each of the statutorily mandated steps that constitute the safe handling demonstration for the three most common handgun types (semiautomatic pistols, double-action revolvers and single-action revolvers). However, this information will not appear on the DOJ written test on handgun safety. Please note that a dummy round as stated in this guide means one bright orange, red or other readily identifiable dummy round. If no readily identifiable dummy round is available, an empty cartridge casing with an empty primer pocket may be used.

### SEMI-AUTOMATIC PISTOL:



The demonstration shall commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness (that is, the firearm is pointed in a safe direction, preferably down at the ground) and trigger discipline (that is, the trigger finger is outside of the trigger guard and along side of the handgun frame) at all times, the handgun recipient shall correctly and safely perform the following:

I. Remove the magazine.



II. Lock the slide back. If the model of firearm does not allow the slide to be locked back, pull the slide back, visually and physically check the chamber to ensure that it is clear.



III. Visually and physically inspect the chamber, to ensure that the handgun is unloaded.



IV. Remove the firearm safety device, if applicable. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.



V. Load one dummy round into the magazine.



VI. Insert the magazine into the magazine well of the firearm.



- VII. Manipulate the slide release or pull back and release the slide.



- VIII. Remove the magazine.



- IX. Visually inspect the chamber to reveal that a round can be chambered with the magazine removed.



- X. Lock the slide back to eject the dummy round. If the handgun is of a model that does not allow the slide to be locked back, pull the slide back and physically check the chamber to ensure that the chamber is clear.



- XI. Apply the safety, if applicable.



- XII. Apply the firearm safety device, if applicable.



**DOUBLE-ACTION REVOLVER:**



The demonstration shall commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness (that is, the firearm is pointed in a safe direction, preferably down at the ground) and trigger discipline (that is, the trigger finger is outside of the trigger guard and along side of the handgun frame) at all times, the handgun recipient shall correctly and safely perform the following:

I. Open the cylinder



II. Visually and physically inspect each chamber to ensure that the revolver is unloaded.



- III. Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.



- IV. While maintaining muzzle awareness and trigger discipline, load one dummy round into a chamber of the cylinder and rotate the cylinder so that the round is in the next-to-fire position.



- V. Close the cylinder.



- VI. Open the cylinder and eject the round.



- VII. Visually and physically inspect each chamber to ensure that the revolver is unloaded.



- VIII. Apply the firearm safety device, if applicable.



## SINGLE-ACTION REVOLVER:



The demonstration shall commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness (that is, the firearm is pointed in a safe direction, preferably down at the ground) and trigger discipline (that is, the trigger finger is outside of the trigger guard and along side of the handgun frame) at all times, the handgun recipient shall correctly and safely perform the following:

I. Open the loading gate.



II. Visually and physically inspect each chamber to ensure that the revolver is unloaded.



- III. Remove the firearm safety device required to be sold with the handgun. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.



- IV. Load one dummy round into a chamber of the cylinder, close the loading gate and rotate the cylinder so that the round is in the next-to-fire position (the revolver may need to be placed on half-cock or the loading gate reopened).



- V. Open the loading gate and unload the revolver.



- VI. Visually and physically inspect each chamber to ensure that the revolver is unloaded.



- VII. Apply the firearm safety device, if applicable.



- \* 1873 Rule: Recipients of original versions of single-action army revolvers should be advised to carry five rounds in the cylinder and leave the chamber under the hammer empty.

## Safe Handling Demonstration Glossary

**Action:** A series of moving parts that allow a firearm to be loaded, fired and unloaded.

**Barrel:** The metal tube through which a bullet passes on its way to a target.

**Breech:** The part of a firearm at the rear of the barrel.

**Bullet:** The projectile located at the tip of the cartridge case.

**Caliber:** The bullet or barrel diameter.

**Cartridge:** A single unit of ammunition made up of the case, primer, propellant and bullet.

**Case:** A metal cylinder that is closed at one end and contains the other three components of the cartridge.

**Chamber:** The part of a gun where the cartridge is located when the gun is loaded.

**Cylinder:** The part of a revolver that holds ammunition in individual chambers.

**Cylinder Latch:** A latch on double-action revolvers that allows the cylinder to swing out.

**Double-Action:** A type of handgun action in which a single pull of the trigger both cocks the hammer and releases it.

**Dummy Round:** An inert cartridge without powder and primer.

**Ejector Rod:** The part used to remove cartridges from the cylinder.

**Grip:** The handle of the handgun.

**Hammer:** The part of the handgun

action that drives the firing pin forward.

**Jam:** A malfunction that prevents a firearm from firing properly.

**Magazine:** A separate box-like metal container for semi-automatic pistols into which cartridges are loaded.

**Magazine Release:** A device that releases the magazine so that it can be removed from the pistol.

**Magazine Well:** The opening in a firearm into which a magazine is inserted.

**Muzzle:** The front end of the barrel from which a bullet exits.

**Revolver:** A handgun that has a rotating cylinder containing a number of chambers.

**Round:** See cartridge.

**Safety:** A device located on most semiautomatic pistols that is designed to prevent firing.

**Semiautomatic pistol:** A handgun that fires a single cartridge each time the trigger is pulled and which automatically extracts and ejects the empty cartridge case and reloads the chamber.

**Single-action:** A type of handgun action in which pulling the trigger causes the hammer to release.

**Trigger Guard:** Located on the underside of the gun, the trigger guard is designed to protect the trigger.







If you have any comments or suggestions regarding this publication, please send them to:

Department of Justice  
Bureau of Firearms / HSC Unit  
P.O. Box 160367  
Sacramento, CA 95816-0367



or via our website at  
<http://oag.ca.gov/firearms>



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1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT E</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
28 Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

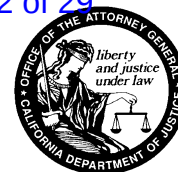
Jason A. Davis, Calif. Bar No.: 224250  
Davis & Associates  
27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
949.310.0817/Fax 949.288.6894

Donald E.J. Kilmer, Jr., Calif. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

# Department of Justice Bureau of Firearms

## De-Certified Handgun Models



The following handgun model listings have expired and consequently have been removed from the DOJ Handgun Roster and may no longer be sold, manufactured, etc., within California unless such sale, manufacture, etc., is otherwise expressly allowed under

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Walther USA (Carl Walther)	P99 (Titanium Coated) SKU WAP65032 / Steel, Polymer	.40 S&W	Pistol	4.12"	10/1/2013
Walther USA (Carl Walther)	P99 (Titanium Coated) SKU WAP66032 / Steel, Polymer	9mm	Pistol	4"	10/1/2013
Walther USA (Carl Walther)	P99 AS SKU WAP77000 / Steel and Polymer	9mm	Pistol	4"	9/30/2013
Walther USA (Carl Walther)	P99 AS SKU WAP78000 / Steel and Polymer	.40 S&W	Pistol	4.12"	9/30/2013
Walther USA (Carl Walther)	P99 QA SKU WAP77022 / Steel, Polymer	9mm	Pistol	4"	9/30/2013
Walther USA (Carl Walther)	P99 QA SKU WAP78022 / Steel, Polymer	.40 S&W	Pistol	4.12"	9/30/2013
Walther USA (Carl Walther)	P22CA / Polymer, Alloy, Steel	.22 LR	Pistol	5"	9/22/2013
Walther USA (Carl Walther)	P22CA (Black) SKU CAP 22003 / Polymer, Alloy, Steel	.22 LR	Pistol	3.42"	9/20/2013
Heckler & Koch	P7M8 / Blue Steel	9mm	Pistol	4.13"	9/10/2013
Mitchell	Mitchell Gold Series Stainless .45 ACP / Stainless Steel	.45 ACP	Pistol	5"	8/17/2013
Rossi	R971 / Steel	.357 Magnum	Revolver	4"	7/23/2013
Taurus	44 TKR / Stainless Steel	.44 Magnum	Revolver	4"	7/18/2013
Taurus	85 CHULT / Aluminum Alloy/Titanium	.38 spl	Revolver	2"	7/18/2013
Walther USA (Carl Walther)	SP22 M1 CA SKU CAP22201 / Polymer, Alloy, Steel	.22 LR	Pistol	4"	7/17/2013
Walther USA (Carl Walther)	SP22 M2 CA SKU CAP22202 / Polymer, Alloy, Steel	.22 LR	Pistol	6"	7/17/2013
Charter 2000 (Charter Arms)	53850 All American / Aluminum, Stainless Steel	.38 Spl	Revolver	2"	7/1/2013
Rossi	R461 Blue / Blue Steel	.357 Magnum	Revolver	2"	7/1/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229R (Blued) / Stainless Steel, Alloy	.40 S&W	Pistol	3.9"	6/28/2013

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Taurus	851 (Stainless) / Stainless Steel	.38 spl	Revolver	2"	6/20/2013
Taurus	850 / Stainless Steel	.38 Special	Revolver	2"	6/16/2013
Walther USA (Carl Walther)	P1 (Legacy Sports International) / Composite, Steel	9mm	Pistol	4.94"	6/5/2013
Colt	O1091Z Custom M1991A1 (West Point) / Stainless Steel	.45 ACP	Pistol	5"	5/30/2013
Colt	O1991Z Custom M1991A1 (West Point) / Steel	.45 ACP	Pistol	5"	5/30/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229R (Blued) / Stainless, Alloy	.357 SIG	Pistol	3.9"	5/24/2013
Browning	Buck Mark Camper MS Adj. Sight / Steel; Alloy	.22 LR	Pistol	5.5"	5/10/2013
Browning	Buck Mark Camper MS F/O Adj. Sight / Steel; Alloy	.22 LR	Pistol	5.5"	5/10/2013
Browning	Buck Mark Camper SS MS Adj. Sights / Stnls Steel; Alloy	.22 LR	Pistol	5.5"	5/10/2013
Taurus	17 / Stainless Steel	.17 HMR	Revolver	6.5"	4/16/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 Navy (Blued) / Stainless Steel, Alloy	9mm	Pistol	4.4"	4/12/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229R (Blued) / Stainless Steel, Alloy	9mm	Pistol	3.9"	4/12/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P220 (Blued) / Steel, Alloy	.45 ACP	Pistol	4.4"	4/7/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P220 (Two-Tone) / Steel, Alloy	.45 ACP	Pistol	4.4"	4/7/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P245 (Blued) / Steel, Alloy	.45 ACP	Pistol	3.9"	4/7/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P245 (Two-Tone) / Steel, Alloy	.45 ACP	Pistol	3.9"	4/7/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	SP2009 (Blued) / Stainless Steel, Polymer	9mm	Pistol	3.8"	4/7/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	SP2009 (Two-Tone) / Stainless Steel, Polymer	9mm	Pistol	3.8"	4/7/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	SP2340 (Blued) / Stainless Steel, Polymer	.357 SIG	Pistol	3.8"	4/7/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	SP2340 (Blued) / Stainless Steel, Polymer	.40 S&W	Pistol	3.8"	4/7/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	SP2340 (Two-Tone) / Stainless Steel, Polymer	.357 SIG	Pistol	3.8"	4/7/2013

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	SP2340 (Two-Tone) / Stainless Steel, Polymer	.40 S&W	Pistol	3.8"	4/7/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P228 (Blued) / Steel, Alloy	9mm	Pistol	3.9"	3/27/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 DAK / Stainless Steel, Alloy	9mm	Pistol	4.4"	3/23/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229 DAK / Stainless Steel, Alloy	9mm	Pistol	3.9"	3/23/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 FBINA / Stainless Steel, Alloy	.40 S&W	Pistol	4.4"	3/19/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P239 DAK (Blued) / Stainless Steel, Alloy	9mm	Pistol	3.6"	3/19/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R (Stainless) / Stainless Steel	.357 SIG	Pistol	4.4"	3/11/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R (Stainless) / Stainless Steel	.40 S&W	Pistol	4.4"	3/11/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R (Stainless) / Stainless Steel	9mm	Pistol	4.4"	3/11/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 (Two-Tone) / Stainless Steel, Alloy	.357 SIG	Pistol	4.4"	3/6/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 (Two-Tone) / Stainless Steel, Alloy	.40 S&W	Pistol	4.4"	3/6/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 (Two-Tone) / Stainless Steel, Alloy	9mm	Pistol	4.4"	3/6/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229 (Two-Tone) / Stainless Steel, Alloy	.357 SIG	Pistol	3.9"	3/6/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229 (Two-Tone) / Stainless Steel, Alloy	.40 S&W	Pistol	3.8"	3/6/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229 (Two-Tone) / Stainless Steel, Alloy	9mm	Pistol	3.9"	3/6/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P239 (Two-Tone) / Stainless Steel, Alloy	.357 SIG	Pistol	3.6"	3/6/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P239 (Two-Tone) / Stainless Steel, Alloy	.40 S&W	Pistol	3.6"	3/6/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P239 (Two-Tone) / Stainless Steel, Alloy	9mm	Pistol	3.6"	3/6/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P220R Carry SAO (Two-Tone) / Stainless Steel, Alloy	.45 ACP	Pistol	3.9"	2/27/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229 (Blued) / Stainless Steel, Alloy	.357 SIG	Pistol	3.9"	1/29/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229 (Blued) / Stainless Steel, Alloy	9mm	Pistol	3.9"	1/29/2013

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 DAK / Stainless Steel, Alloy	.357 SIG	Pistol	4.4"	1/26/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 DAK / Stainless Steel, Alloy	.40 S&W	Pistol	4.4"	1/26/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229 DAK / Stainless Steel, Alloy	.357 SIG	Pistol	3.9"	1/26/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229 DAK / Stainless Steel, Alloy	.40 S&W	Pistol	3.9"	1/26/2013
Rossi	R352 Stainless / Stainless Steel	.38 Spl	Revolver	2"	1/25/2013
Taurus	44 (Stainless 6 1/2") / Stainless Steel	.44 Magnum	Revolver	6.5"	1/25/2013
Taurus	454 (Stainless 8 3/8") / Stainless Steel	.454 Casull	Revolver	8.37"	1/25/2013
Taurus	617 Titanium (Shadow Gray) / Titanium	.357 Magnum	Revolver	2"	1/25/2013
Taurus	627 (Stainless 4") / Stainless Steel	.357 Magnum	Revolver	4"	1/25/2013
Taurus	66 (Stainless 6") / Stainless Steel	.357 Magnum	Revolver	6"	1/25/2013
Taurus	85 (Blue Ultra-Lite) / Blue Steel, Alloy Frame	.38 Spl	Revolver	2"	1/25/2013
Taurus	85 (Blue) / Blue Steel	.38 Spl	Revolver	2"	1/25/2013
Taurus	85 (Stainless Ultra-Lite) / Stainless Steel, Alloy	.38 Spl	Revolver	2"	1/25/2013
Taurus	85 (Stainless) / Stainless Steel	.38 Spl	Revolver	2"	1/25/2013
Taurus	85 Titanium (Shadow Gray) / Titanium	.38 Spl	Revolver	2"	1/25/2013
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 (Blued) / Stainless Steel, Alloy	.357 SIG	Pistol	4.4"	12/31/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 (Blued) / Stainless Steel, Alloy	.40 S&W	Pistol	4.4"	12/31/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226 (Blued) / Stainless Steel, Alloy	9mm	Pistol	4.4"	12/31/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229 (Blued) / Stainless Steel, Alloy	.40 S&W	Pistol	3.9"	12/31/2012
Sturm, Ruger & Co.	P89T / Blue Steel, Alum. Alloy, Stainless Steel	9mm	Pistol	4.5"	12/31/2012
Sturm, Ruger & Co.	P90T / Blue Steel, Alum. Alloy, Stainless Steel	.45 ACP	Pistol	4.5"	12/31/2012
Sturm, Ruger & Co.	P944T / Blue Steel, Alum. Alloy, Stainless Steel	.40 S&W	Pistol	4.2"	12/31/2012

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R Blackwater 226R-9-Blackwater / Stainless Steel, Alloy	9mm	Pistol	4.4"	12/19/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229R Equinox / Stainless Steel, Alloy	.40 S&W	Pistol	3.9"	12/19/2012
Bulgarian (Century Int'l Arms)	Makarov (Century Int'l) / Steel	9 mm Mak	Pistol	3.65"	12/6/2012
Bersa (Industria Argentina)	Thunder 380 / 4140 Steel, Alloy	.380	Pistol	3.5"	11/15/2012
Bersa (Industria Argentina)	Thunder 380 Duotone / 4140 Steel, Alloy	.380	Pistol	3.5"	11/15/2012
Bersa (Industria Argentina)	Thunder 380 Gold / 4140 Steel, Alloy	.380	Pistol	3.5"	11/15/2012
Bersa (Industria Argentina)	Thunder 380 Nickel / 4140 Steel, Alloy	.380	Pistol	3.5"	11/15/2012
Sturm, Ruger & Co.	KMKIII512-60 (Matte Stainless) / Stainless Steel	.22 LR	Pistol	5.5"	11/13/2012
Sturm, Ruger & Co.	MKIII512-60 (Black) / Blued Steel	.22 LR	Pistol	5.5"	11/13/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P225 (Blued) / Steel, Alloy	9mm	Pistol	3.9"	8/21/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P228R (Blue) / Steel, Alloy	9mm	Pistol	3.9"	8/17/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229R DAK / Stainless Steel, Alloy	.357 SIG	Pistol	3.9"	8/10/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229R DAK / Stainless Steel, Alloy	.40 S&W	Pistol	3.9"	8/10/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229 SAS / Stainless Steel, Alloy	.40 S&W	Pistol	3.9"	7/27/2012
Sturm, Ruger & Co.	LCR-BGXS (Black) / Stainless Steel; Polymer; Alloy	.38 Spl	Revolver	1.87"	7/22/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R (Blued) / Stainless Steel, Alloy	.357 SIG	Pistol	4.4"	7/17/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R (Blued) / Stainless Steel, Alloy	.40 S&W	Pistol	4.4"	7/17/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R (Blued) / Stainless Steel, Alloy	9mm	Pistol	4.4"	7/17/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R DAK / Stainless Steel, Alloy	.357 SIG	Pistol	4.4"	7/8/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R DAK / Stainless Steel, Alloy	.40 S&W	Pistol	4.4"	7/8/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R DAK / Stainless Steel, Alloy	9mm	Pistol	4.4"	7/8/2012



<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229R DAK / Stainless Steel, Alloy	9mm	Pistol	3.9"	7/8/2012
Sturm, Ruger & Co.	P95 / Steel, Polymer	9mm	Pistol	3.9"	7/2/2012
Sturm, Ruger & Co.	KRH-45-4 (Satin Stainless) / Stainless Steel	.45 Colt	Revolver	4"	6/25/2012
Colt	O1991Z Custom M1991A1 (NRA 2011 Gun of the Year) / Steel	.45 ACP	Pistol	5"	6/16/2012
Sturm, Ruger & Co.	KRH-444 / Stainless Steel	.44 Magnum	Revolver	4"	6/14/2012
Sturm, Ruger & Co.	KP944 / Stainless Steel, Alum Alloy	.40 S&W	Pistol	4.20"	5/15/2012
Sturm, Ruger & Co.	P944 / Blued Steel, Alum Alloy	.40 S&W	Pistol	4.20"	5/15/2012
Sturm, Ruger & Co.	P944T / Blued Steel, Alum Alloy	.40 S&W	Pistol	4.20"	5/15/2012
Sturm, Ruger & Co.	P944TH / Blued Steel, Alum Alloy	.40 S&W	Pistol	4.20"	5/15/2012
ISSC	M22 (Black) / Alloy; Polymer	.22 LR	Pistol	4"	4/26/2012
Colt	O1991Z Custom M1991A1 (USMA 2011) / Steel	.45 ACP	Pistol	5"	4/17/2012
Sturm, Ruger & Co.	KSRH-7480 / Stainless Steel	.480 Ruger	Revolver	7.5"	4/17/2012
Sturm, Ruger & Co.	KSRH-9480 / Stainless Steel	.480 Ruger	Revolver	9.5"	4/17/2012
Sturm, Ruger & Co.	KP89TH / Stainless Steel, Alum. Alloy	9mm	Pistol	4.5"	2/5/2012
Sturm, Ruger & Co.	KP90TH / Stainless Steel, Alum. Alloy	.45 ACP	Pistol	4.5"	2/5/2012
Sturm, Ruger & Co.	KP944TH / Stainless Steel, Alum. Alloy	.40 S&W	Pistol	4.2"	2/5/2012
Sturm, Ruger & Co.	GP-141 / Blue Steel	.357 Magnum	Revolver	4"	12/31/2011
Sturm, Ruger & Co.	KGP-160 / Stainless Steel	.357 Magnum	Revolver	6"	12/31/2011
Sturm, Ruger & Co.	KMK10 (Mark II Target) / Stainless Steel	.22 LR	Pistol	10"	12/31/2011
Sturm, Ruger & Co.	KMK4 / Stainless Steel	.22 LR	Pistol	4.75"	12/31/2011
Sturm, Ruger & Co.	KMK512 (Mark II Target) / Stainless Steel	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	KMK6 (Mark II) / Stainless Steel	.22 LR	Pistol	6"	12/31/2011
Sturm, Ruger & Co.	KMK678 / Stainless Steel	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	KMK678G / Stainless Steel	.22 LR	Pistol	6.87"	12/31/2011

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Sturm, Ruger & Co.	KMK678GC / Stainless Steel	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	KP512 (22/45 Target) / Stainless Steel, Polymer	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	KP94 / Stainless Steel, Alum. Alloy	9mm	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	KP944 / Stainless Steel, Alum. Alloy	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	MK4 / Blue Steel	.22 LR	Pistol	4.75"	12/31/2011
Sturm, Ruger & Co.	MK512 / Blue Steel	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	MK678 / Blue Steel	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	MK678G / Blue Steel	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	P4 / Blue Steel, Polymer	.22 LR	Pistol	4"	12/31/2011
Sturm, Ruger & Co.	P512 / Blue Steel, Polymer	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	P678GC (22/45 Comp. Target) / Blue Steel, Polymer	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	P89TH / Blue Steel, Alum. Alloy, Stainless Steel	9mm	Pistol	4.5"	12/31/2011
Sturm, Ruger & Co.	P90 / Blue Steel, Alum. Alloy	.45 ACP	Pistol	4.5"	12/31/2011
Sturm, Ruger & Co.	P90TH / Blue Steel, Alum. Alloy, Stainless Steel	.45 ACP	Pistol	4.5"	12/31/2011
Sturm, Ruger & Co.	P944 / Blue Steel, Alum. Alloy	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	P944TH / Blue Steel, Alum. Alloy, Stainless Steel	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	KBSR9-10-L (Black) / Stainless Steel, Polymer	9mm	Pistol	4.14"	12/16/2011
Sturm, Ruger & Co.	KODBSR9-10-L (Blk/Green) / Stainless Steel, Polymer	9mm	Pistol	4.14"	12/16/2011
Charter 2000 (Charter Arms)	53884 Undercover Lite (Orange/SS) Std / Aluminum, Stainless Steel	.38 Spl	Revolver	2"	7/1/2011
Taurus	PT24/7 (Blue 9mm) / Blue Steel, Polymer	9mm	Pistol	4"	6/20/2011
Taurus	PT24/7 (Stainless 9mm) 1-247099 / Stainless Steel, Polymer	9mm	Pistol	4"	6/20/2011
Taurus	PT911 (Stainless) / Aluminum Alloy, Stainless Steel	9mm	Pistol	4"	6/20/2011
Taurus	PT24/7 (40 S&W) / Stainless Steel, Polymer	.40 S&W	Pistol	4"	6/16/2011

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Taurus	PT24/7 (Blue 40 S&W) / Blued Steel, Polymer	.40 S&W	Pistol	4"	6/16/2011
Taurus	PT911 (Blue) / Blued Steel	9mm	Pistol	4"	6/16/2011
Browning	Buck Mark Camper SS MS / Stainless Steel, Alloy	.22 LR	Pistol	5.5"	4/25/2011
Browning	Buck Mark Challenge SE MS / Steel, Alloy	.22 LR	Pistol	5.5"	4/25/2011
Taurus	PT111 (Gray/Blue) / Blue Steel, Polymer	9mm	Pistol	3"	4/16/2011
Taurus	PT111 (Gray/Stainless) / Stainless, Polymer	9mm	Pistol	3"	4/16/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P6 (C.A.I.) / Steel, Alloy	9mm	Pistol	3.9"	4/10/2011
Browning	Buck Mark Camper MS FO Sight / Steel, Alloy	.22 LR	Pistol	5.5"	4/8/2011
Browning	Buck Mark Micro Bull MS / Steel, Alloy	.22 LR	Pistol	4"	4/7/2011
Browning	Buck Mark SE MS FLD PLUS RSWD UDX ADJ S / Steel, Alloy	.22 LR	Pistol	5.5"	4/7/2011
Taurus	PT111 (Stainless) / Stainless, Polymer	9mm	Pistol	3"	3/25/2011
Taurus	PT140 (Stainless) / Stainless, Polymer	.40 S&W	Pistol	3"	3/25/2011
Sturm, Ruger & Co.	KSP-831X / Stainless Steel	.38 Spl	Revolver	3.06"	3/12/2011
Browning	Buck Mark 5.5 Target Cocobolo SE MS / Steel, Alloy	.22 LR	Pistol	5.5"	3/8/2011
Browning	Buck Mark Plus Stainless UDX MS / Stainless Steel, Alloy	.22 LR	Pistol	5.5"	3/8/2011
Browning	Buck Mark Standard SS MS / Stainless Steel, Alloy	.22 LR	Pistol	5.5"	3/8/2011
Sturm, Ruger & Co.	KSP-3231X / Stainless Steel	.32 H&R Magnum	Revolver	3.063"	3/6/2011
Beretta	92FS Vertec (Black) / Steel, Stainless Steel, Alloy	9mm	Pistol	4.52"	3/5/2011
Browning	Buck Mark 5.5 Field Cocobolo SE MS / Steel, Alloy	.22 LR	Pistol	5.5"	3/5/2011
Browning	Buck Mark Contour 5.5 Lite URX SE MS / Steel, Alloy	.22 LR	Pistol	5.5"	3/5/2011
Browning	Buck Mark Contour 5.5 URX SE MS / Steel, Alloy	.22 LR	Pistol	5.5"	3/5/2011

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Browning	Buck Mark Contour 7.25 Lite URX SE MS / Steel, Alloy	.22 LR	Pistol	7.25"	3/5/2011
Browning	Buck Mark LT Splash 5.5 URX FO MS / Steel, Alloy	.22 LR	Pistol	5.5"	3/5/2011
Browning	Buck Mark LT Splash 7.25 URX FO SE MS / Steel, Alloy	.22 LR	Pistol	7.25"	3/5/2011
Browning	Buck Mark Micro Standard SS URX MS / Stainless Steel, Alloy	.22 LR	Pistol	4"	3/5/2011
Browning	Buck Mark Micro Standard URX SE MS / Steel, Alloy	.22 LR	Pistol	4"	3/5/2011
Browning	Buck Mark Plus UDX SE MS / Steel, Alloy	.22 LR	Pistol	5.5"	3/5/2011
Browning	Buck Mark Standard SS URX MS / Stainless Steel, Alloy	.22 LR	Pistol	5.5"	3/5/2011
Browning	Buck Mark Standard URX SE MS / Steel, Alloy	.22 LR	Pistol	5.5"	3/5/2011
Beretta	U22 Neos 7.5 In. Dlx / Steel, Polymer	.22 LR	Pistol	7.5"	3/4/2011
Beretta	U22 Neos 4.5 / Steel, Polymer	.22 LR	Pistol	4.5"	3/4/2011
Beretta	U22 Neos 6 / Steel, Polymer	.22 LR	Pistol	6"	3/4/2011
Beretta	U22 Neos 6 / Steel, Polymer	.22 LR	Pistol	6"	3/4/2011
Beretta	U22 Neos Inox 4.5 / Stainless Steel, Polymer	.22 LR	Pistol	4.5"	3/4/2011
Beretta	U22 Neos Inox 6 / Polymer, Stainless Steel	.22 LR	Pistol	6"	3/4/2011
Beretta	U22 Neos Inox 6 / Stainless Steel, Polymer	.22 LR	Pistol	6"	3/4/2011
Beretta	U22 Neos Inox 7.5 In. Dlx / Stainless Steel, Polymer	.22 LR	Pistol	7.5"	3/4/2011
Browning	Buck Mark Camper MS (Tolerance Band) / Steel, Alloy	.22 LR	Pistol	5.5"	2/28/2011
Beretta	96 Vertec (Black) / Steel, Stainless Steel, Alloy	.40 S&W	Pistol	4.7"	2/25/2011
Beretta	950 Jetfire / Blue Steel	.25 ACP	Pistol	61 mm	2/13/2011
Beretta	950 Jetfire Inox / Stainless Steel	.25 ACP	Pistol	61 mm	2/13/2011
Steyr Arms	S-A1 / Steel, Polymer	.40 S&W	Pistol	3.6"	2/8/2011
Sturm, Ruger & Co.	KP89D / Stainless Steel, Alum. Alloy	9mm	Pistol	4.5"	2/6/2011

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Sturm, Ruger & Co.	KP90D / Stainless Steel, Alum. Alloy	.45 ACP	Pistol	4.5"	2/6/2011
Sturm, Ruger & Co.	KP95D / Stainless Steel, Polymer	9mm	Pistol	3.9"	2/6/2011
Sturm, Ruger & Co.	KP97D / Stainless Steel, Polymer	.45 ACP	Pistol	4.2"	2/6/2011
Sturm, Ruger & Co.	P89D / Blue Steel, Alum. Alloy	9mm	Pistol	4.5"	2/6/2011
Sturm, Ruger & Co.	P95D / Blue Steel, Polymer	9mm	Pistol	3.9"	2/6/2011
Beretta	U22 Neos Inox 4.5 / Polymer, Stainless Steel	.22 LR	Pistol	4.5"	1/29/2011
Steyr Arms	M357-A1 / Steel, Polymer	.357 SIG	Pistol	4"	1/24/2011
Steyr Arms	M40-A1 / Steel, Polymer	.40 S&W	Pistol	4"	1/24/2011
Steyr Arms	M9-A1 / Steel, Polymer	9mm	Pistol	4"	1/24/2011
Taurus	PT111 (Blue w/night sight) / Blue Steel, Polymer	9mm	Pistol	3"	1/19/2011
Taurus	PT111 (Blue) / Blue Steel, Polymer	9mm	Pistol	3"	1/19/2011
Taurus	PT140 (Blue w/night sight) / Blue Steel, Polymer	.40 S&W	Pistol	3"	1/19/2011
Taurus	PT140 (Blue) / Blue Steel, Polymer	.40 S&W	Pistol	3"	1/19/2011
Springfield Armory	PX9181L (ambi safety) / Stainless Steel	.45 ACP	Pistol	5"	12/31/2010
Springfield Armory	PX9181L / Stainless Steel	.45 ACP	Pistol	5"	12/31/2010
Sturm, Ruger & Co.	RH-44 / Blue Steel	.44 Magnum	Revolver	7.5"	12/31/2010
Sturm, Ruger & Co.	RH-445 / Blue Steel	.44 Magnum	Revolver	5.5"	12/31/2010
Sturm, Ruger & Co.	RH-44R / Blue Steel	.44 Magnum	Revolver	7.5"	12/31/2010
Wilson Combat	CQB, Ambi, AT Tac Lt R1 (Blk) (WCQB-AL-CA) / Steel	.45 ACP	Pistol	5"	12/29/2010
Taurus	PT145P (Blue) / Blue Steel, Polymer	.45 ACP	Pistol	3.3"	12/8/2010
Taurus	PT145P (Stainless) / Stainless Steel, Polymer	.45 ACP	Pistol	3.3"	12/8/2010
Taurus	M22H SS (Raging Hornet) / Stainless Steel	.22 Hornet	Revolver	10"	11/2/2010
Taurus	PT24-7 (Two-Tone) / Stainless Steel	.45 ACP	Pistol	4"	10/26/2010
Springfield Armory	PB9162L / Carbon Steel	.45	Pistol	3.5"	10/4/2010

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Taurus	PT145 (Blue) / Blue Steel, Polymer	.45 ACP	Pistol	3.3"	10/3/2010
Taurus	PT145 (Stainless) / Stainless Steel, Polymer	.45 ACP	Pistol	3.3"	10/3/2010
Taurus	PT111P-CA (Blue) / Blued Steel/Polymer	9mm	Pistol	3.25"	10/1/2010
Taurus	PT140P-CA (Blue) / Blued Steel/Polymer	.40 S&W	Pistol	3.25"	10/1/2010
Taurus	PT145P-CA (Blue) / Blued Steel/Polymer	.45 ACP	Pistol	3.3"	10/1/2010
Springfield Armory	XD9524 / Polymer, Stainless Steel	.45 GAP	Pistol	4"	9/26/2010
Springfield Armory	XD9525 / Polymer, Stainless Steel	.45 GAP	Pistol	5"	9/26/2010
Springfield Armory	PX9806L / Stainless Steel	.45 ACP	Pistol	3"	9/22/2010
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P226R HSP / Stainless Steel, Alloy	.40 S&W	Pistol	4.4"	9/21/2010
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229R HSP / Stainless Steel, Alloy	.40 S&W	Pistol	3.9"	9/21/2010
Springfield Armory	PX9105L / Blue Steel	.45 ACP	Pistol	5"	9/6/2010
Springfield Armory	PX9505L / Alloy, Stainless Steel	9mm	Pistol	3.5"	9/6/2010
Springfield Armory	PX9808L / Blue Steel	.45 ACP	Pistol	3"	9/6/2010
Browning	Hi-Power MKIII Fixed Sights / Steel	.40 S&W	Pistol	4.66"	9/4/2010
Beretta	M9 "America's Defender" 20th Anniversary / Steel, Alloy	9mm	Pistol	4.9"	8/24/2010
Taurus	PT111P (Stainless) / Stainless	9mm	Pistol	3.25"	8/23/2010
Kimber	NRA Eclipse II / Stainless Steel	.45 ACP	Pistol	5"	8/16/2010
Springfield Armory	PX9802L / Alloy, Stainless Steel	.45 ACP	Pistol	3"	8/13/2010
Browning	Hi-Power Practical Fixed Sights / Stainless Steel, Steel	.40 S&W	Pistol	4.66"	8/12/2010
Springfield Armory	PX9609L / Carbon Steel	.45 ACP	Pistol	5"	7/31/2010
Browning	Hi-Power Practical Adj Sights / Steel	9mm	Pistol	4.66"	7/26/2010
Browning	Hi-Power Practical Fixed Sights / Steel	9mm	Pistol	4.66"	7/26/2010
Browning	Hi-Power Silver Chrome Fixed Sights / Steel	9mm	Pistol	4.66"	7/26/2010

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Magnum Research	Desert Eagle Mark XIX DE44CA/blk oxide / Steel	.44 Magnum	Pistol	6"	7/19/2010
Taurus	PT111P (Blue) / Blued Steel/Polymer	9mm	Pistol	3.25"	7/18/2010
Taurus	PT140P (Blue) / Blued Steel/Polymer	.40 S&W	Pistol	3.25"	7/18/2010
Taurus	PT140P (Stainless) / Stainless Steel/Polymer	.40 S&W	Pistol	3.25"	7/18/2010
Sturm, Ruger & Co.	MK4NRA / Blue Steel	.22 LR	Pistol	4.75"	7/10/2010
Walther USA (Carl Walther)	PPK/S-1 (Crimson Trace) / Stainless Steel	.380 ACP	Pistol	3.35"	6/16/2010
Walther USA (Carl Walther)	PPK/S-1 (Two-Tone) / Stainless Steel, Steel	.380 ACP	Pistol	3.35"	5/27/2010
Walther USA (Carl Walther)	PPK/S-1 / Stainless Steel	.380 ACP	Pistol	3.35"	5/8/2010
Browning	Buck Mark Camper MS / Steel, Alloy	.22 LR	Pistol	5.5"	4/25/2010
Springfield Armory	XD9504 / Polymer, Carbon Steel	.45	Pistol	4.05"	3/23/2010
Springfield Armory	XD9505 / Polymer, Carbon Steel	.45	Pistol	5.01"	3/23/2010
Browning	Buck Mark JMB NRA HG / Steel, Alloy	.22 LR	Pistol	5.5"	2/27/2010
Browning	Buck Mark JMB NRA MS / Steel, Alloy	.22 LR	Pistol	5.5"	2/27/2010
Walther USA (Carl Walther)	PPK 75th Anniversary / Stainless Steel, Steel	.380 ACP	Pistol	3.35"	2/27/2010
Wilson Combat	KZ-45 (Black) (WKZ-T-PA-CA) / Carbon Steel, Polymer	.45 ACP	Pistol	5"	2/26/2010
Mitchell	Mitchell White Lightning .17HMR / Stainless Steel/Polymer	.17 HMR	Pistol	8.5"	2/14/2010
Mitchell	Mitchell White Lightning .22 WMR / Steel, Polymer	.22 WMR	Pistol	8.5"	2/14/2010
Walther USA (Carl Walther)	PPK (Blued) / Stainless Steel, Steel	.380 ACP	Pistol	3.35"	2/14/2010
Wilson Combat	ADP (Black) (WC-ADP) / Steel, Polymer	9mm	Pistol	3.75"	2/14/2010
Magnum Research	Baby Dsr Eagle MR4500RS / Steel	.45 ACP	Pistol	3.9"	1/29/2010
Magnum Research	Baby Dsr Eagle MR9400 / Steel	.40 S&W	Pistol	4.52"	1/29/2010
Magnum Research	Baby Dsr Eagle MR9900 / Steel	9mm	Pistol	4.52"	12/31/2009

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Magnum Research	Baby Dsr Eagle MR9900RB / Steel	9mm	Pistol	3.64	12/31/2009
Sturm, Ruger & Co.	GP160 / Blue Steel	.357 Magnum	Revolver	6"	12/31/2009
Sturm, Ruger & Co.	GPF-331 / Blue Steel	.357 Magnum	Revolver	3"	12/31/2009
Sturm, Ruger & Co.	GPF-341 / Blue Steel	.357 Magnum	Revolver	4"	12/31/2009
Sturm, Ruger & Co.	KGPF-341 / Stainless Steel	.357 Magnum	Revolver	4"	12/31/2009
Sturm, Ruger & Co.	MK10 / Blue Steel	.22 LR	Pistol	10"	12/31/2009
Sturm, Ruger & Co.	MK8 / Blue Steel	.22 LR	Pistol	8"	12/31/2009
Sturm, Ruger & Co.	P8GC / Blue Steel, Polymer	.22 LR	Pistol	8"	12/31/2009
Kimber	Custom II/External Extractor / Blue Steel	.45 ACP	Pistol	5"	11/14/2009
Kimber	Ultra Carry Stainless II/External Extractor / Stainless Steel, Aluminum	.45 ACP	Pistol	3"	11/14/2009
Bersa (Industria Argentina)	Bersa Thunder 9 Ultra Compact / Blue Steel, Alloy	9mm	Pistol	3.25"	11/8/2009
Kimber	Raptor II/External Extractor / Blue Steel	.45 ACP	Pistol	5"	11/8/2009
Walther USA (Carl Walther)	PPK (Stainless) / Stainless Steel	.380 ACP	Pistol	3.35"	11/8/2009
Kimber	Eclipse Pro II w/External Extractor / Stainless Steel	.45 ACP	Pistol	4"	11/5/2009
Kimber	Stainless II/External Extractor / Stainless Steel	.45 ACP	Pistol	5"	11/5/2009
Kimber	Custom TLE/RL II / Blue Steel	.45 ACP	Pistol	5"	10/21/2009
Kimber	Pro Carry Ten II / Stainless Steel, Polymer	.45 ACP	Pistol	4"	10/10/2009
Kimber	LTP II / Stainless, Carbon	.45 ACP	Pistol	5"	9/17/2009
Bersa (Industria Argentina)	Thunder 45 Ultra Compact (Matte) / Alloy, 4140 Steel	.45 ACP	Pistol	3.6"	9/8/2009
Walther USA (Carl Walther)	P1 (Century Int'l) / Composite, Steel	9mm	Pistol	4.94"	8/21/2009
Kimber	Ultra Ten II / Stainless Steel, Polymer	.45 ACP	Pistol	3"	8/19/2009
Ed Brown Products	SF-BB-CAL (Special Forces) / Carbon Steel	.45 ACP	Pistol	5"	8/16/2009
Firestorm (Gabilondo)	Mini Fire Storm 9mm / Blue Steel, Alloy	9mm	Pistol	3.375"	7/29/2009



<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Ed Brown Products	Executive Target "ET-BB-CAL" / Carbon Steel	.45 ACP	Pistol	5"	7/18/2009
Kimber	Team Match II / Stainless Steel	.45 ACP	Pistol	5"	7/17/2009
Sturm, Ruger & Co.	P95L / Blued Steel, Stnls Steel, Polymer	9mm	Pistol	3.90"	6/25/2009
Ed Brown Products	KC-SS-CAL / Stainless Steel	.45 ACP	Pistol	4.25"	6/24/2009
Browning	Buck Mark Micro Standard URX SE MS / Steel, Alloy	.22 LR	Pistol	4"	6/18/2009
Browning	Buck Mark SE MS Lt Splash 7.25 URX FO, Adj S / Steel, Alloy	.22 LR	Pistol	7.25"	6/18/2009
Sturm, Ruger & Co.	KMK512GCUS / Stainless Steel	.22 LR	Pistol	5.5"	6/18/2009
Sturm, Ruger & Co.	P97D / Blue Steel, Polymer	.45 ACP	Pistol	4.25"	6/13/2009
Magnum Research	BE9900RB / Steel	9mm	Pistol	3.5"	6/11/2009
Sturm, Ruger & Co.	KGP-141TG / Stainless Steel	.357 Magnum	Revolver	4"	6/3/2009
Sturm, Ruger & Co.	KSP-321XTG / Stainless Steel	.357 Magnum	Revolver	2.25"	6/3/2009
Sturm, Ruger & Co.	P95DPR / Blue Steel, Polymer	9mm	Pistol	3.9"	5/27/2009
Sturm, Ruger & Co.	KP944D / Stainless Steel, Alum. Alloy	.40 S&W	Pistol	4.20"	5/15/2009
Kimber	Stainless TLE/RL II / Stainless Steel	.45 ACP	Pistol	5"	5/10/2009
Sturm, Ruger & Co.	KP345DPR / Stainless Steel, Polymer	.45 ACP	Pistol	4.2"	4/25/2009
Sturm, Ruger & Co.	KSRH-9454 / Stainless Steel	.454 Casull	Revolver	9.5"	4/17/2009
Charles Daly	CDGR6002 1911 A-1 / Blue Steel	.45 ACP	Pistol	5"	4/4/2009
Kimber	Tactical Pro II / Blue Steel, Aluminum	.45 ACP	Pistol	4"	3/27/2009
Springfield Armory	PX9503L (ambi safety) / Alloy, Steel	.45 ACP	Pistol	4"	3/27/2009
Springfield Armory	PX9503L / Alloy, Steel	.45 ACP	Pistol	4"	3/27/2009
Firestorm (Gabilondo)	Mini Firestorm / 4140 Steel, Alloy	.40 S&W	Pistol	3.25"	3/26/2009
Kimber	Tactical Custom II / Blue Steel, Aluminum	.45 ACP	Pistol	5"	3/20/2009
Firestorm (Gabilondo)	Mini Firestorm 45 / Alloy, 4140 Steel	.45 ACP	Pistol	3.6"	3/19/2009
Kimber	Tactical Ultra II / Blue Steel, Aluminum	.45 ACP	Pistol	3"	3/19/2009

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Sturn, Ruger & Co.	MK512GCL / Blue Steel	.22 LR	Pistol	5.5"	3/19/2009
Kimber	Royal II/External Extractor / Blue Steel	.45 ACP	Pistol	5"	3/16/2009
Browning	Buck Mark Micro Standard SS MS / Stainless Steel, Alloy	.22 LR	Pistol	4"	3/8/2009
Sturn, Ruger & Co.	KSP-241X / Stainless Steel	.22 LR	Revolver	4"	3/6/2009
Sturn, Ruger & Co.	KSP-3241X / Stainless Steel	.32 H&R Magnum	Revolver	4"	3/6/2009
Kimber	BP Ten II / Blue Steel, Poly	.45 ACP	Pistol	5"	3/4/2009
Kimber	Custom CDP II / Stainless, Aluminum	.45 ACP	Pistol	5"	3/4/2009
Kimber	Pro BP Ten II / Blue Steel, Poly	.45 ACP	Pistol	4"	3/4/2009
Kimber	Custom Target/External Extractor / Blue Steel	.45 ACP	Pistol	5"	2/25/2009
Kimber	Custom TLE II/External Extractor / Blue Steel	.45 ACP	Pistol	5"	2/25/2009
Kimber	Eclipse Pro Target II/External Extractor / Stainless Steel	.45 ACP	Pistol	4"	2/25/2009
Kimber	Gold Match II/External Extractor / Blue Steel	.45 ACP	Pistol	5"	2/25/2009
Kimber	Gold Stainless Combat II/External Extractor / Stainless Steel	.45 ACP	Pistol	5"	2/25/2009
Kimber	Stainless TLE/External Extractor / Stainless Steel	.45 ACP	Pistol	5"	2/25/2009
Springfield Armory	PX9129L (ambi safety) / Stainless Steel	.45 ACP	Pistol	6"	2/20/2009
Springfield Armory	PX9129L / Stainless Steel	.45 ACP	Pistol	6"	2/20/2009
Springfield Armory	PX9510L (ambi safety) / Stainless, Blue Carbon Steel	.45 ACP	Pistol	3.25"	2/20/2009
Springfield Armory	PX9510L / Stainless, Blue Carbon Steel	.45 ACP	Pistol	3.25"	2/20/2009
Kimber	Gold Match Ten II / Stainless, Polymer	.45 ACP	Pistol	5"	2/9/2009
Kimber	Gold Combat II/External Extractor / Stainless Steel	.45 ACP	Pistol	5"	2/4/2009
Kimber	Pro CDP II/External Extractor / Stainless Steel, Aluminum	.45 ACP	Pistol	4"	2/4/2009
Kimber	Pro HD II/External Extractor / Stainless Steel	.45 ACP	Pistol	4"	2/4/2009

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Springfield Armory	PX9629L (ambi safety) / Stainless Steel	.45	Pistol	6"	1/29/2009
Springfield Armory	PX9629L / Stainless Steel	.45	Pistol	6"	1/29/2009
Kimber	Stainless Ten II / Stainless/Polymer	.45 ACP	Pistol	5"	1/27/2009
Springfield Armory	PX9805L / Alloy, Stainless Steel	.45 ACP	Pistol	3"	1/17/2009
Kimber	Eclipse Ultra II/External Extractor / Stainless Steel	.45 ACP	Pistol	3"	1/9/2009
Kimber	Stainless Pro Carry II/External Extractor / Stainless Steel, Aluminum	.45 ACP	Pistol	4"	1/5/2009
Kimber	Super Match II/External Extractor / Stainless Steel	.45 ACP	Pistol	5"	1/5/2009
S Sturm, Ruger & Co.	GPF-340 / Blue Steel	.357 Magnum	Revolver	4"	12/31/2008
S Sturm, Ruger & Co.	KGPF-330 / Stainless Steel	.357 Magnum	Revolver	3"	12/31/2008
S Sturm, Ruger & Co.	KGPF-340 / Stainless Steel	.357 Magnum	Revolver	4"	12/31/2008
S Sturm, Ruger & Co.	KGPF-840 / Stainless Steel	.38 Spl	Revolver	4"	12/31/2008
S Sturm, Ruger & Co.	KP4 / Stainless Steel, Polymer	.22 LR	Pistol	4.75"	12/31/2008
S Sturm, Ruger & Co.	KRH-445 / Stainless Steel	.44 Magnum	Revolver	5.5"	12/31/2008
S Sturm, Ruger & Co.	KRH-45 / Stainless Steel	.45 Long Colt	Revolver	7.5"	12/31/2008
S Sturm, Ruger & Co.	KRH-45R / Stainless Steel	.45 Long Colt	Revolver	7.5"	12/31/2008
S Sturm, Ruger & Co.	MK6 (Mark II) / Blue Steel	.22 LR	Pistol	6"	12/31/2008
S Sturm, Ruger & Co.	P94 / Blue Steel, Alum. Alloy	9mm	Pistol	4.2"	12/31/2008
Detonics USA LLC	9-11-01 / Stainless Steel	.45 ACP	Pistol	5"	12/29/2008
Detonics USA LLC	Combat Master / Stainless Steel	.45 ACP	Pistol	3.5"	12/29/2008
Para USA (Para Ordnance)	PX745ELMB / Steel	.45 ACP	Pistol	5"	12/29/2008
Para USA (Para Ordnance)	PX745EMB / Steel	.45 ACP	Pistol	5"	12/29/2008
Para USA (Para Ordnance)	PX745ENMB / Steel	.45 ACP	Pistol	5"	12/29/2008
Springfield Armory	XD9102LE / Polymer, Steel	.40 S&W	Pistol	4.08"	12/20/2008
Springfield Armory	XD9103LE / Polymer, Steel	.357 SIG	Pistol	4.08"	12/20/2008
Kimber	Stainless Gold Match II/External Extractor / Stainless Steel	.45 ACP	Pistol	5"	12/17/2008

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Kimber	Eclipse Custom II/External Extractor / Stainless Steel	.45 ACP	Pistol	5"	12/16/2008
Kimber	Eclipse Target II/External Extractor / Stainless Steel	.45 ACP	Pistol	5"	12/16/2008
Kimber	Stainless Target II/External Extractor / Stainless Steel	.45 ACP	Pistol	5"	12/16/2008
Kimber	Ultra CDP II/External Extractor / Stainless Steel, Aluminum	.45 ACP	Pistol	3"	12/16/2008
Nighthawk Custom	Talon IV (Black/Blue) / Steel	.45 ACP	Pistol	3.65"	12/14/2008
Nighthawk Custom	Talon IV (Black/Sniper Gray) / Steel	.45 ACP	Pistol	3.65"	12/14/2008
Nighthawk Custom	Talon IV / Steel	.45 ACP	Pistol	3.65"	12/14/2008
Kimber	Rimfire Target Black 17M2 / Lightweight Alloy	.17 HM2	Pistol	5"	11/4/2008
Springfield Armory	XD9101LE / Steel, Polymer	9mm	Pistol	4.08"	10/21/2008
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	1911-45-S / Stainless Steel	.45 ACP	Pistol	5"	8/10/2008
Charles Daly	CDGR6269 1911A-1 / Stainless Steel	.45 ACP	Pistol	4"	8/2/2008
Charles Daly	CDGR8008 Field HP / Blue Steel	9mm	Pistol	4.625"	8/2/2008
Browning	Buck Mark Camper Splash MS / Steel, Alloy	.22 LR	Pistol	5.5"	7/29/2008
Browning	Buck Mark Plus SE MS NKL / Steel, Alloy	.22 LR	Pistol	5.5"	7/29/2008
Browning	Pro-9 / Stainless Steel, Polymer	9mm	Pistol	4"	7/29/2008
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	226-9-Sport-STK / Stainless Steel	9mm	Pistol	4.4"	6/28/2008
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P229R GCP / Stainless Steel, Alloy	.40 S&W	Pistol	3.8"	6/13/2008
Feg. Hungary (Hungarian Arm Works)	PA 63 Two-Tone (Century Int'l) / Aluminum, Steel	9 mm Mak	Pistol	3.9"	5/21/2008
Charles Daly	CDGR6505 1911-A1 / Blue Steel	.45 ACP	Pistol	5"	4/26/2008
Charles Daly	CDGR6556 1911-A1 / Stainless Steel	.45 ACP	Pistol	5"	4/26/2008
Charles Daly	CDGR6900 1911-A1 / Stainless Steel	.45 ACP	Pistol	5"	4/26/2008
Browning	Buck Mark Micro Standard SE MS / Steel, Alloy	.22 LR	Pistol	4"	4/25/2008

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Browning	Buck Mark Plus SE MS / Steel, Alloy	.22 LR	Pistol	5.5"	4/25/2008
Browning	Buck Mark Standard SE MS / Steel, Alloy	.22 LR	Pistol	5.5"	4/25/2008
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P228 (Two Tone) / Steel, Alloy	9mm	Pistol	3.9"	4/7/2008
Charles Daly	CDGR6051 1911 A-1 / Stainless Steel	.45 ACP	Pistol	5"	4/4/2008
Charles Daly	CDGR6228 1911 A-1 / Blue Steel	.45 ACP	Pistol	4"	4/4/2008
Charles Daly	CDGR6417 1911 A-1 / Blue Steel	.45 ACP	Pistol	3.5"	4/4/2008
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	P220 (Stainless) Sport / Stainless Steel	.45 ACP	Pistol	5.5"	12/31/2007
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig Arms)	Mosquito (Green) MOS-22-G / Steel, Polymer	.22 LR	Pistol	4"	12/19/2007
Sturm, Ruger & Co.	P90THGA / Blue Steel, Alum. Alloy, Stainless Steel	.45 ACP	Pistol	4.5"	12/18/2007
Sturm, Ruger & Co.	P90THGADLX / Blue Steel, Alum. Alloy, Stainless Steel	.45 ACP	Pistol	4.5"	12/18/2007
Browning	Buck Mark SE MS FLD PLUS RSWD / Steel, Alloy	.22 LR	Pistol	5.5"	10/4/2007
Browning	Buck Mark Camper SE MS NKL / Steel, Alloy	.22 LR	Pistol	5.5"	8/10/2007
Browning	Buck Mark Micro NKL SE MS / Steel, Alloy	.22 LR	Pistol	4"	7/29/2007
Browning	Buck Mark SE MS NKL / Steel, Alloy	.22 LR	Pistol	5.5"	7/29/2007
Browning	Buck Mark Micro Plus Std SE / Steel, Alloy	.22 LR	Pistol	4"	3/19/2007
Browning	Buck Mark Nickel SE / Steel, Alloy	.22 LR	Pistol	5.5"	3/19/2007
Browning	Buck Mark Plus Nickel SE / Steel, Alloy	.22 LR	Pistol	5.5"	3/19/2007
Browning	Buck Mark Plus SE / Steel, Alloy	.22 LR	Pistol	5.5"	3/19/2007
Browning	Buck Mark 5.5 Field SE / Steel, Alloy	.22 LR	Pistol	5.5"	3/8/2007
Browning	Buck Mark Camper Nickel / Steel, Alloy	.22 LR	Pistol	5.5"	3/8/2007
Browning	Buck Mark Micro Nickel SE / Steel, Alloy	.22 LR	Pistol	4"	3/8/2007
Browning	Buck Mark 5.5 Target SE / Steel, Alloy	.22 LR	Pistol	5.5"	3/4/2007

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Browning	Buck Mark Camper / Steel, Alloy	.22 LR	Pistol	5.5"	3/4/2007
Browning	Buck Mark Challenge SE / Steel, Alloy	.22 LR	Pistol	5.5"	3/4/2007
Browning	Buck Mark Micro Standard SE / Steel, Alloy	.22 LR	Pistol	4"	3/4/2007
Browning	Buck Mark Standard SE / Steel, Alloy	.22 LR	Pistol	5.5"	3/4/2007
Charles Daly	CDGR6473 1911A-1 / Stainless Steel	.45 ACP	Pistol	3.5"	11/27/2006
Browning	Buck Mark SE FLD PLUS RSWD / Steel, Alloy	.22 LR	Pistol	5.5"	10/4/2006
Shooters Arms Mfg.	M-1911 / Blue Steel	.45 ACP	Pistol	5"	9/10/2006
Browning	Buck Mark Camo Camper (MOBU) / Steel, Alloy	.22 LR	Pistol	5.5"	7/26/2006
European American Armory	Witness EA40B / Steel	.40 S&W	Pistol	4.5"	7/10/2006
European American Armory	Witness EA45B / Steel	.45 ACP	Pistol	4.5"	7/10/2006
Heckler & Koch	USP .357 Sig Compact / Steel, Polymer	.357 SIG	Pistol	3.58"	5/23/2006
Mauser	M2 / Steel, Alloy	.40 S&W	Pistol	3.5"	3/16/2006
Feg. Hungary (Hungarian Arm Works)	PJK--9HP / Blue Steel	9mm	Pistol	4.625"	1/17/2006
Firestorm (Gabilondo)	Gov't / Steel	.45 ACP	Pistol	5"	1/8/2006
Llama (Gabilondo)	MAX-I / Steel	.45 ACP	Pistol	5"	1/8/2006
Para USA (Para Ordnance)	P1345SL / Stainless Steel	.45 ACP	Pistol	4.25"	12/31/2005
Para USA (Para Ordnance)	P1345SN / Stainless Steel	.45 ACP	Pistol	4.25"	12/31/2005
Para USA (Para Ordnance)	P1345SR / Stainless Steel	.45 ACP	Pistol	4.25"	12/31/2005
Heckler & Koch	P7M8 Anniversary / Blue Steel	9mm	Pistol	4.13"	11/22/2005
Para USA (Para Ordnance)	CTX1345GL / Stainless Steel	.45 ACP	Pistol	4.25"	11/4/2005
Para USA (Para Ordnance)	CTX1345GN / Stainless Steel	.45 ACP	Pistol	4.25"	11/4/2005
Para USA (Para Ordnance)	CTX1345GR / Stainless Steel	.45 ACP	Pistol	4.25"	11/4/2005
Browning	HP Standard / Steel	.40 S&W	Pistol	4.66"	10/23/2005
Mauser	M2 / Steel, Alloy	.45 ACP	Pistol	3.5"	10/16/2005

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Para USA (Para Ordnance)	D745S / Stainless Steel	.45 ACP	Pistol	5"	10/16/2005
Para USA (Para Ordnance)	D745SL / Stainless Steel	.45 ACP	Pistol	5"	10/16/2005
Para USA (Para Ordnance)	D745SN / Stainless Steel	.45 ACP	Pistol	5"	10/16/2005
Firestorm (Gabilondo)	Firestorm Government Model .38 Super / Blue Steel	.38 Super	Pistol	5"	8/24/2005
Llama (Gabilondo)	Llama MiniMax Subcompact .45 / Blue Steel	.45 ACP	Pistol	3.63"	8/14/2005
Browning	Buck Mark Camper Blue / Steel, Alloy	.22 LR	Pistol	5.5"	7/26/2005
Browning	Buck Mark Camper Green / Steel, Alloy	.22 LR	Pistol	5.5"	7/26/2005
Browning	Buck Mark Camper Red / Steel, Alloy	.22 LR	Pistol	5.5"	7/26/2005
Browning	Hi-Power Silver Chrome Adj Sights / Steel	9mm	Pistol	4.66"	7/26/2005
Para USA (Para Ordnance)	C745S / Stainless Steel	.45 ACP	Pistol	3.5"	7/24/2005
Para USA (Para Ordnance)	C745SL / Stainless Steel	.45 ACP	Pistol	3.5"	7/24/2005
Para USA (Para Ordnance)	C745SN / Stainless Steel	.45 ACP	Pistol	3.5"	7/24/2005
Llama (Gabilondo)	Micro Max .380 Matte / Blue Steel	.380 ACP	Pistol	3.75"	7/16/2005
Para USA (Para Ordnance)	D1640SL / Stainless Steel	.40 S&W	Pistol	5"	6/4/2005
Para USA (Para Ordnance)	D1640SN / Stainless Steel	.40 S&W	Pistol	5"	6/4/2005
Para USA (Para Ordnance)	D1640SR / Stainless Steel	.40 S&W	Pistol	5"	6/4/2005
Para USA (Para Ordnance)	T1445EL / Steel	.45 ACP	Pistol	5"	6/4/2005
Para USA (Para Ordnance)	T1445EN / Steel	.45 ACP	Pistol	5"	6/4/2005
Para USA (Para Ordnance)	T1445ER / Steel	.45 ACP	Pistol	5"	6/4/2005
Fabrique Nationale	FN HP-SFS / Steel, Alloy	9mm	Pistol	4.6"	5/24/2005
Para USA (Para Ordnance)	CCW745S / Stainless Steel	.45 ACP	Pistol	4.25"	5/19/2005
Para USA (Para Ordnance)	CCW745SL / Stainless Steel	.45 ACP	Pistol	4.25"	5/19/2005
Para USA (Para Ordnance)	CCW745SN / Stainless Steel	.45 ACP	Pistol	4.25"	5/19/2005
Para USA (Para Ordnance)	CT1345S / Stainless Steel	.45 ACP	Pistol	4.25"	5/19/2005
Para USA (Para Ordnance)	CT1345SL / Stainless Steel	.45 ACP	Pistol	4.25"	5/19/2005

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Para USA (Para Ordnance)	CT1345SN / Stainless Steel	.45 ACP	Pistol	4.25"	5/19/2005
Para USA (Para Ordnance)	L1245SL / Stainless Steel	.45 ACP	Pistol	3.5"	5/17/2005
Para USA (Para Ordnance)	L1245SN / Stainless Steel	.45 ACP	Pistol	3.5"	5/17/2005
Para USA (Para Ordnance)	L1245SR / Stainless Steel	.45 ACP	Pistol	3.5"	5/17/2005
Para USA (Para Ordnance)	C6.45S / Stainless Steel	.45 ACP	Pistol	3"	5/8/2005
Para USA (Para Ordnance)	C6.45SL / Stainless Steel	.45 ACP	Pistol	3"	5/8/2005
Para USA (Para Ordnance)	C6.45SN / Stainless Steel	.45 ACP	Pistol	3"	5/8/2005
Para USA (Para Ordnance)	D1445SL / Stainless Steel	.45 ACP	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	D1445SN / Stainless Steel	.45 ACP	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	D1445SR / Stainless Steel	.45 ACP	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	D189EL / Steel	9mm	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	D189EN / Steel	9mm	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	D189ER / Steel	9mm	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	T1445SL / Stainless Steel	.45 ACP	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	T1445SN / Stainless Steel	.45 ACP	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	T1445SR / Stainless Steel	.45 ACP	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	T1640SL / Stainless Steel	.40 S&W	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	T1640SN / Stainless Steel	.40 S&W	Pistol	5"	5/7/2005
Para USA (Para Ordnance)	T1640SR / Stainless Steel	.40 S&W	Pistol	5"	5/7/2005
Colt	O2070E Govt Model MK IV / Stainless Steel	.38 Super	Pistol	5"	4/30/2005
Fabrique Nationale	BDA0 / Steel	9mm	Pistol	4.8"	4/30/2005
Fabrique Nationale	BDA9 / Steel	9mm	Pistol	4.8"	4/30/2005
STI International (Strayer Tripp, Inc.)	CA Trojan / 4140 Steel	.45 ACP	Pistol	5"	4/30/2005
Firestorm (Gabilondo)	45 Compact / 4140 Steel	.45 ACP	Pistol	4.25"	4/17/2005
Llama (Gabilondo)	Mini Max 45 / 4140 Steel	.45 ACP	Pistol	3.5"	4/17/2005
Firestorm (Gabilondo)	Firestorm 380 Duotone / 4140 Steel, Alloy	.380	Pistol	3.5"	4/9/2005



<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Firestorm (Gabilondo)	Firestorm Gov't Duotone / Steel	.45 ACP	Pistol	5"	4/9/2005
Browning	Buck Mark Camper Camo / Steel, Alloy	.22 LR	Pistol	5.5"	4/8/2005
Browning	Buck Mark Camper Gold / Steel, Alloy	.22 LR	Pistol	5.5"	4/8/2005
Browning	Buck Mark Camper Gray, FO Sights / Steel, Alloy	.22 LR	Pistol	5.5"	4/8/2005
Browning	Buck Mark Camper Gray, Lam. Grips / Steel, Alloy	.22 LR	Pistol	5.5"	4/8/2005
Browning	Buck Mark Camper Sanodal Black / Steel, Alloy	.22 LR	Pistol	5.5"	4/8/2005
Colt	MM3060 DT / Stainless Steel	.44 Magnum	Revolver	6"	3/12/2005
Colt	O2570E Govt Model Mark IV Ser 80 / Steel (blue)	.38 Super	Pistol	5"	3/12/2005
Para USA (Para Ordnance)	L1445SL / Stainless Steel	.45 ACP	Pistol	5"	3/12/2005
Para USA (Para Ordnance)	L1445SN / Stainless Steel	.45 ACP	Pistol	5"	3/12/2005
Para USA (Para Ordnance)	L1445SR / Stainless Steel	.45 ACP	Pistol	5"	3/12/2005
Para USA (Para Ordnance)	S1445EL / Steel	.45 ACP	Pistol	5"	3/12/2005
Para USA (Para Ordnance)	S1445EN / Steel	.45 ACP	Pistol	5"	3/12/2005
Para USA (Para Ordnance)	S1445ER / Steel	.45 ACP	Pistol	5"	3/12/2005
Para USA (Para Ordnance)	L1445EL / Steel	.45 ACP	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	L1445EN / Steel	.45 ACP	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	L1445ER / Steel	.45 ACP	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	L1640EL / Steel	.40 S&W	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	L1640EN / Steel	.40 S&W	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	L1640ER / Steel	.40 S&W	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	S1245SL / Stainless Steel	.45 ACP	Pistol	3.5"	2/28/2005
Para USA (Para Ordnance)	S1245SN / Stainless Steel	.45 ACP	Pistol	3.5"	2/28/2005
Para USA (Para Ordnance)	S1245SR / Stainless Steel	.45 ACP	Pistol	3.5"	2/28/2005
Para USA (Para Ordnance)	S1445SL / Stainless Steel	.45 ACP	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	S1445SN / Stainless Steel	.45 ACP	Pistol	5"	2/28/2005

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Para USA (Para Ordnance)	S1445SR / Stainless Steel	.45 ACP	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	S1640EL / Steel	.40 S&W	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	S1640EN / Steel	.40 S&W	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	S1640ER / Steel	.40 S&W	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	S1640SL / Stainless Steel	.40 S&W	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	S1640SN / Stainless Steel	.40 S&W	Pistol	5"	2/28/2005
Para USA (Para Ordnance)	S1640SR / Stainless Steel	.40 S&W	Pistol	5"	2/28/2005
Colt	O7860D / Alloy, Stainless Steel	.45 ACP	Pistol	3"	2/10/2005
Para USA (Para Ordnance)	P1245RL / Steel, Alloy	.45 ACP	Pistol	3.5"	1/25/2005
Para USA (Para Ordnance)	P1245RN / Steel, Alloy	.45 ACP	Pistol	3.5"	1/25/2005
Para USA (Para Ordnance)	P1245RR / Steel, Alloy	.45 ACP	Pistol	3.5"	1/25/2005
Taurus	PT92 (Blue w/night sight) / Blue Steel	9mm	Pistol	5"	1/19/2005
Taurus	PT92 (Stainless w/night sight) / Stainless Steel	9mm	Pistol	5"	1/19/2005
Taurus	PT92 (Stainless) / Stainless Steel	9mm	Pistol	5"	1/19/2005
Taurus	85 Titanium (Spectrum Blue) / Titanium	.38 Spl	Revolver	2"	1/13/2005
Bryco Arms	Jennings Nine CA / Zinc Die Cast	9mm	Pistol	3.75"	1/4/2005
Bryco Arms	Jennings T380-CA / Zinc Die Cast	.380	Pistol	4"	1/4/2005
Bryco Arms	M38-CA / Zinc Diecast	.380	Pistol	2.75"	1/3/2005
Para USA (Para Ordnance)	D1445EL / Steel	.45 ACP	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	D1445EN / Steel	.45 ACP	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	D1445ER / Steel	.45 ACP	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	D1640EL / Steel	.40 S&W	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	D1640EN / Steel	.40 S&W	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	D1640ER / Steel	.40 S&W	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	D745E / Steel	.45 ACP	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	D745EL / Steel	.45 ACP	Pistol	5"	12/31/2004

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Para USA (Para Ordnance)	D745EN / Steel	.45 ACP	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	L1245EL / Steel	.45 ACP	Pistol	3.5"	12/31/2004
Para USA (Para Ordnance)	L1245EN / Steel	.45 ACP	Pistol	3.5"	12/31/2004
Para USA (Para Ordnance)	L1245ER / Steel	.45 ACP	Pistol	3.5"	12/31/2004
Para USA (Para Ordnance)	P1245SL / Stainless Steel	.45 ACP	Pistol	3.5"	12/31/2004
Para USA (Para Ordnance)	P1245SN / Stainless Steel	.45 ACP	Pistol	3.5"	12/31/2004
Para USA (Para Ordnance)	P1245SR / Stainless Steel	.45 ACP	Pistol	3.5"	12/31/2004
Para USA (Para Ordnance)	P1345EL / Steel	.45 ACP	Pistol	4.25"	12/31/2004
Para USA (Para Ordnance)	P1345EN / Steel	.45 ACP	Pistol	4.25"	12/31/2004
Para USA (Para Ordnance)	P1345ER / Steel	.45 ACP	Pistol	4.25"	12/31/2004
Para USA (Para Ordnance)	P1445EL / Steel	.45 ACP	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	P1445EN / Steel	.45 ACP	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	P1445ER / Steel	.45 ACP	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	P1445SL / Stainless Steel	.45 ACP	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	P1445SN / Stainless Steel	.45 ACP	Pistol	5"	12/31/2004
Para USA (Para Ordnance)	P1445SR / Stainless Steel	.45 ACP	Pistol	5"	12/31/2004
Springfield Armory	PI9601L (ambi safety) / Carbon Steel	.45 ACP	Pistol	5"	12/31/2004
Springfield Armory	PI9601L / Carbon Steel	.45 ACP	Pistol	5"	12/31/2004
STI International (Strayer Tripp, Inc.)	2011 CA Edge / 4140 Carbon Steel, Polymer	.40 S&W	Pistol	5"	12/21/2004
Springfield Armory	PX9155L (ambi safety) / Stainless Steel	.40 S&W	Pistol	5"	11/6/2004
Springfield Armory	PX9155L / Stainless Steel	.40 S&W	Pistol	5"	11/6/2004
Springfield Armory	X-Treme Duty w/A.O. Tritium / Polymer, Steel	.40 S&W	Pistol	4.08"	9/24/2004
Springfield Armory	X-Treme Duty w/A.O. Tritium / Steel, Polymer	9mm	Pistol	4.08"	9/24/2004
Springfield Armory	PB9105L / Steel	.45 ACP	Pistol	5"	9/20/2004
Springfield Armory	PB9160L / Steel	.45 Ultra	Pistol	3.5"	9/20/2004
Para USA (Para Ordnance)	LC745S / Stainless Steel	.45 ACP	Pistol	3.5"	7/30/2004

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Para USA (Para Ordnance)	LC745SL / Stainless Steel	.45 ACP	Pistol	3.5"	7/30/2004
Para USA (Para Ordnance)	LC745SN / Stainless Steel	.45 ACP	Pistol	3.5"	7/30/2004
Bryco Arms	J-22-CA / Zinc Die Cast	.22 LR	Pistol	2.5"	6/4/2004
Sturm, Ruger & Co.	KP95DPR / Stainless Steel, Polymer	9mm	Pistol	3.9"	5/27/2004
Bryco Arms	M25-CA / Zinc Die Cast	.25	Pistol	2.5"	4/2/2004
Taurus	617 Titanium (Spectrum Blue) / Titanium	.357 Magnum	Revolver	2"	1/19/2004
Taurus	85 Titanium (Matte Spectrum Blue) / Titanium	.38 Spl	Revolver	2"	1/13/2004
Taurus	85 Titanium (Matte Spectrum Gold) / Titanium	.38 Spl	Revolver	2"	1/13/2004
Republic Arms, Inc.	Patriot / Stainless Steel	.45 ACP	Pistol	3"	1/4/2004
Beretta	8000 Mini Cougar F / Blue Steel	9mm	Pistol	3.7"	12/31/2003
Beretta	8040 Mini Cougar F / Blue Steel	.40 S&W	Pistol	3.6"	12/31/2003
Beretta	8045 Mini Cougar F / Blue Steel	.45 ACP	Pistol	3.7"	12/31/2003
Beretta	92FS Compact / Blue Steel	9mm	Pistol	4.3"	12/31/2003
Beretta	92FS Compact Inox / Stainless Steel	9mm	Pistol	4.3"	12/31/2003
Beretta	92FS Compact Type M Inox / Stainless Steel	9mm	Pistol	4.3"	12/31/2003
Beretta	92G Elite / Blue Steel	9mm	Pistol	4.7"	12/31/2003
Beretta	96G Elite / Blue Steel, Stainless	.40 S&W	Pistol	4.7"	12/31/2003
Phoenix Arms	HP22 (Nickel) / Alloy	.22 LR	Pistol	5"	12/31/2003
Smith & Wesson	342 / Alloy, Titanium	.38 Spl +P	Revolver	1.87"	12/31/2003
Springfield Armory	PX9242L (ambi safety) / Carbon Steel, Alloy	.45 ACP	Pistol	4"	12/31/2003
Springfield Armory	PX9242L / Carbon Steel, Alloy	.45 ACP	Pistol	4"	12/31/2003
Sturm, Ruger & Co.	KP4B (22/45 Target) / Stainless Steel, Polymer	.22 LR	Pistol	4"	12/31/2003
Beretta	U22 Neos 4.5 / Steel, Polymer	.22 LR	Pistol	4.5"	12/3/2003
Beretta	M9 Ltd. Edition / Blue Steel	9mm	Pistol	4.92"	11/14/2003
Springfield Armory	PI9603L (ambi safety) / Steel	.40 S&W	Pistol	5"	11/6/2003

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Springfield Armory	PI9603L / Steel	.40 S&W	Pistol	5"	11/6/2003
Charles Daly	CDGR6036 1911A-1 / Stainless, Blue Steel	.45 ACP	Pistol	5"	8/2/2003
Kimber	Ultra CDP Elite II / Stainless Steel, Alum. Alloy	.45 ACP	Pistol	3"	7/17/2003
Kimber	Ultra CDP Elite STS II / Stainless Steel, Alum. Alloy	.45 ACP	Pistol	3"	7/17/2003
Kimber	Pro Eclipse II / Stainless Steel	.45 ACP	Pistol	4"	6/27/2003
Bryco Arms	Valor 380 / Zinc Die Cast	.380	Pistol	3.75"	6/4/2003
Para USA (Para Ordnance)	T1640EL / Steel	.40 S&W	Pistol	5"	5/7/2003
Para USA (Para Ordnance)	T1640EN / Steel	.40 S&W	Pistol	5"	5/7/2003
Para USA (Para Ordnance)	T1640ER / Steel	.40 S&W	Pistol	5"	5/7/2003
Charles Daly	CDGR2077 DDA 10-45 / Blue Steel, Polymer, Chrome	.45 ACP	Pistol	3.62"	4/26/2003
Charles Daly	CDGR2084 DDA 10-45 / Blue Steel, Polymer, Chrome	.45 ACP	Pistol	3.62"	4/26/2003
Charles Daly	CDGR2099 DDA 10-45 / Blue Steel, Polymer, Chrome	.45 ACP	Pistol	3.62"	4/26/2003
Charles Daly	CDGR2141 DDA 10-45 / Blue Steel, Polymer, Chrome	.45 ACP	Pistol	4.37"	4/26/2003
Colt	Police Positive / Blue Steel	.38 Spl	Revolver	4"	4/26/2003
Davis Industries	D-22 Satin / Alloy	.22 LR	Derringer	2.4"	4/26/2003
Kimber	Custom Eclipse II / Stainless Steel	.45 ACP	Pistol	5"	4/26/2003
Kimber	STS Gold Match SE II / Stainless Steel	.45 ACP	Pistol	5"	4/26/2003
Davis Industries	D-38 Blue / Steel, Alloy	.38 Spl	Derringer	2.75"	4/5/2003
Davis Industries	D-38 Chrome / Steel, Alloy	.38 Spl	Derringer	2.75"	4/5/2003
Davis Industries	D-38 Satin / Steel, Alloy	.38 Spl	Derringer	2.75"	4/5/2003
Charles Daly	CDGR2020 DDA 10-45 / Blue Steel, Black Polymer	.45 ACP	Pistol	3.62"	4/4/2003
Charles Daly	CDGR2196 DDA 10-45 / Blue Steel, Polymer, Chrome Steel	.45 ACP	Pistol	4.37"	4/4/2003
Kimber	Custom Defender II / Stainless Steel	.45 ACP	Pistol	5"	3/29/2003
Kimber	Target Elite II / Stainless Steel	.45 ACP	Pistol	5"	3/29/2003

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Colt	O4012XS Combat Commander / Stainless Steel (brushed)	.45 ACP	Pistol	4.25"	3/12/2003
Davis Industries	D-22 Chrome / Alloy	.22 LR	Derringer	2.4"	3/5/2003
Davis Industries	D-32 Blue / Alloy, Steel	.32	Derringer	2.4"	3/5/2003
Davis Industries	D-32 Satin / Alloy, Steel	.32	Derringer	2.4"	3/5/2003
Davis Industries	DM-22 Chrome / Alloy	.22 Magnum	Derringer	2.4"	3/5/2003
Davis Industries	DM-22 Satin / Alloy	.22 Magnum	Derringer	2.4"	3/5/2003
Para USA (Para Ordnance)	L1440EL / Steel	.40 S&W	Pistol	3.5"	2/28/2003
Para USA (Para Ordnance)	L1440EN / Steel	.40 S&W	Pistol	3.5"	2/28/2003
Para USA (Para Ordnance)	L1440ER / Steel	.40 S&W	Pistol	3.5"	2/28/2003
Para USA (Para Ordnance)	P1045SL / Stainless Steel	.45 ACP	Pistol	3"	2/28/2003
Para USA (Para Ordnance)	P1045SN / Stainless Steel	.45 ACP	Pistol	3"	2/28/2003
Para USA (Para Ordnance)	P1045SR / Stainless Steel	.45 ACP	Pistol	3"	2/28/2003
Para USA (Para Ordnance)	P1445RL / Steel, Alloy	.45 ACP	Pistol	5"	2/28/2003
Para USA (Para Ordnance)	P1445RN / Steel, Alloy	.45 ACP	Pistol	5"	2/28/2003
Para USA (Para Ordnance)	P1445RR / Steel, Alloy	.45 ACP	Pistol	5"	2/28/2003
Para USA (Para Ordnance)	S1245EL / Steel	.45 ACP	Pistol	3.5"	2/28/2003
Para USA (Para Ordnance)	S1245EN / Steel	.45 ACP	Pistol	3.5"	2/28/2003
Para USA (Para Ordnance)	S1245ER / Steel	.45 ACP	Pistol	3.5"	2/28/2003
Springfield Armory	PX9162L (ambi safety) / Alloy, Carbon Steel	.45 ACP	Pistol	3.75"	2/8/2003
Springfield Armory	PX9162L / Alloy, Carbon Steel	.45 ACP	Pistol	3.75"	2/8/2003
Springfield Armory	PX9507L (ambi safety) / Alloy, Carbon Steel	.45 ACP	Pistol	3.25"	2/8/2003
Springfield Armory	PX9507L / Alloy, Carbon Steel	.45 ACP	Pistol	3.25"	2/8/2003
Davis Industries	D32 Chrome / Alloy, Steel	.32	Derringer	2.4"	2/6/2003
Davis Industries	D-22 Blue / Alloy	.22 LR	Derringer	2.4"	1/17/2003
Llama (Gabilondo)	MAX-I Deluxe Blue / Steel	.45 ACP	Pistol	5"	1/3/2003
Davis Industries	DM-22 Blue / Alloy	.22 Magnum	Derringer	2.4"	12/31/2002

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Type</b>	<b>Barrel Length</b>	<b>Date De-Certified</b>
Kimber	Comp. Alum. STS II / Stainless Steel, Alum. Alloy	.45 ACP	Pistol	4"	12/31/2002
Kimber	Compact II / Blue Steel	.45 ACP	Pistol	4"	12/31/2002
Para USA (Para Ordnance)	P1045RL / Steel, Alloy	.45 ACP	Pistol	3"	12/31/2002
Para USA (Para Ordnance)	P1045RN / Steel, Alloy	.45 ACP	Pistol	3"	12/31/2002
Para USA (Para Ordnance)	P1045RR / Steel, Alloy	.45 ACP	Pistol	3"	12/31/2002
Para USA (Para Ordnance)	P1245EL / Steel	.45 ACP	Pistol	3.5"	12/31/2002
Para USA (Para Ordnance)	P1245EN / Steel	.45 ACP	Pistol	3.5"	12/31/2002
Para USA (Para Ordnance)	P1245ER / Steel	.45 ACP	Pistol	3.5"	12/31/2002
Para USA (Para Ordnance)	P1640EL / Steel	.40 S&W	Pistol	5"	12/31/2002
Para USA (Para Ordnance)	P1640EN / Steel	.40 S&W	Pistol	5"	12/31/2002
Para USA (Para Ordnance)	P1640ER / Steel	.40 S&W	Pistol	5"	12/31/2002
Para USA (Para Ordnance)	P1640SL / Stainless Steel	.40 S&W	Pistol	5"	12/31/2002
Para USA (Para Ordnance)	P1640SN / Stainless Steel	.40 S&W	Pistol	5"	12/31/2002
Para USA (Para Ordnance)	P1640SR / Stainless Steel	.40 S&W	Pistol	5"	12/31/2002
Kimber	Pro Shadow / Blue Steel, Aluminum	.45 ACP	Pistol	4"	11/6/2002
Kimber	Ultra Shadow LE II / Blue Steel, Alum. Alloy	.45 ACP	Pistol	3"	11/6/2002
Kimber	Ultra Eclipse II / Stainless Steel	.45 ACP	Pistol	3"	9/10/2002
Firestorm (Gabilondo)	Firestorm Mini Compact .45 / Blue Steel	.45 ACP	Pistol	3.63"	8/14/2002
Walther USA (Carl Walther)	P99 QPQ / Steel, Polymer	.40 S&W	Pistol	4.12"	6/14/2002
Walther USA (Carl Walther)	P99 QPQ / Steel, Polymer	9mm	Pistol	4"	6/14/2002
IM Metal	HS 2000 / Steel, Polymer	9mm	Pistol	4.08"	3/19/2002
Kimber	Poly Gold Match STS II / Stainless Steel, Polymer	.45 ACP	Pistol	5"	1/18/2002
Kimber	Poly Stainles II / Stainless Steel, Polymer	.45 ACP	Pistol	5"	12/31/2001

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT F</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
28 Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

Jason A. Davis, Calif. Bar No.: 224250  
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Donald E.J. Kilmer, Jr., Calif. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs





FIREARMS DIVISION  
P.O. BOX 160487  
SACRAMENTO, CA 95816-0487  
Facsimile: (916) 263-0676  
(916) 263-5153

January 12, 2007

Mr. Carlos Guevara  
General Counsel  
Glock, Inc.  
6000 Highlands Parkway  
Smyrna, GA 30082

Re: Glock Proposed Ambidextrous Magazine Release

Dear Mr. Guevara:

I am writing in response to your request that the Firearms Division of the California Department of Justice (DOJ) waive the requirement that a number of Glock handguns that have been redesigned to have an ambidextrous magazine release be tested by an independent DOJ-certified laboratory. Upon review of the issue, we have determined that we do not have the authority to exempt a handgun on DOJ's roster that is redesigned to have an ambidextrous magazine release from the testing requirement.

California law makes it a crime to import into the state for sale, keep for sale, offer or expose for sale, give or lend any "unsafe handgun." (California Penal Code § 12125(a).) A handgun is considered unsafe if it fails to meet the criteria set forth in Penal Code section 12126 after testing and approval by a DOJ-certified handgun testing laboratory. (Pen. Code § 12130.) A handgun that is tested and approved is eligible for listing on DOJ's roster of handguns that have been tested and determined not to be unsafe. (Pen. Code § 12131(a).)

"A firearm shall be deemed to satisfy the requirements of subdivision (a) of Section 12131 if another firearm made by the same manufacturer is already listed and the unlisted firearm differs from the listed firearm only in one or more of the following features:

1. Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving.
2. The material from which the grips are made.
3. The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.
4. Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm." (Pen. Code § 12131.5(a).)

Mr. Guevara  
January 12, 2007  
Page 2

Handgun models that do not meet one of the criteria of Penal Code section 12131.5(a) are not "deemed to satisfy the requirements of subdivision (a) of Section 12131" and therefore must be tested, like all new models of handguns.

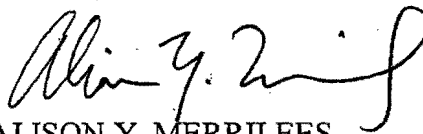
Glock proposes to alter the magazine catch on its models so that the catch grabs the magazine from the middle, rather than from the side, of the magazine. In order to do so, part of the frame must be cut to allow for a new magazine release button. The modification to the magazine release is a physical change to the firearm that is not listed in Penal Code section 12131.5(a). Physical changes to a listed handgun that do not qualify as exempt changes under section 12131.5(a) require that the redesigned handgun be tested prior to being listed on the DOJ roster of "not unsafe handguns."

The Penal Code does not give DOJ discretion to waive the testing requirement. Unless a statute gives a governmental agency such discretion, the agency is prohibited from expanding the scope of the statute. (See *Lockyer v. City and County of San Francisco* (2004) 33 Cal.4th 1055, 1081-1082 [illegal for a county clerk, charged with ministerial duty of issuing marriage licenses, to issue license to a same sex couple when statute authorized licenses only to couple of opposite sex; official improperly employed his own judgment or opinion concerning the statutes propriety or impropriety].)

A California owner of a Glock handgun model with a standard magazine release who wishes to have his or her handgun retrofitted with an ambidextrous magazine release may send the firearm to Glock. Glock could then retrofit the handgun and return it to its owner. No further testing of the retrofitted handgun would be required.

We apologize for any inconvenience caused by the delay in providing a final opinion to you about this matter. If you have any questions or concerns, please contact me at (916) 263-5153.

Sincerely,



ALISON Y. MERRILEES  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General

**From:** Justin Phillips  
**To:** Cheryle Massaro  
**Date:** 1/24/2007 3:20:27 PM  
**Subject:** Fwd: GLOCK Magazine Release

fyi

>>> Carlos Guevara [REDACTED] 11/20/2006 2:07 PM >>>

Dear Mr. Phillips,

According to our phone conversation, I am sending some pictures that show the proposed ambidextrous magazine release. As I mentioned, we plan to replace the current magazine release with the new ambidextrous part on all GLOCK models to better accommodate our left handed users.

We kindly request confirmation from the DOJ as to whether this minor improvement can be implemented on all GLOCK models currently approved for sale in California without additional testing.

We appreciate your assistance.

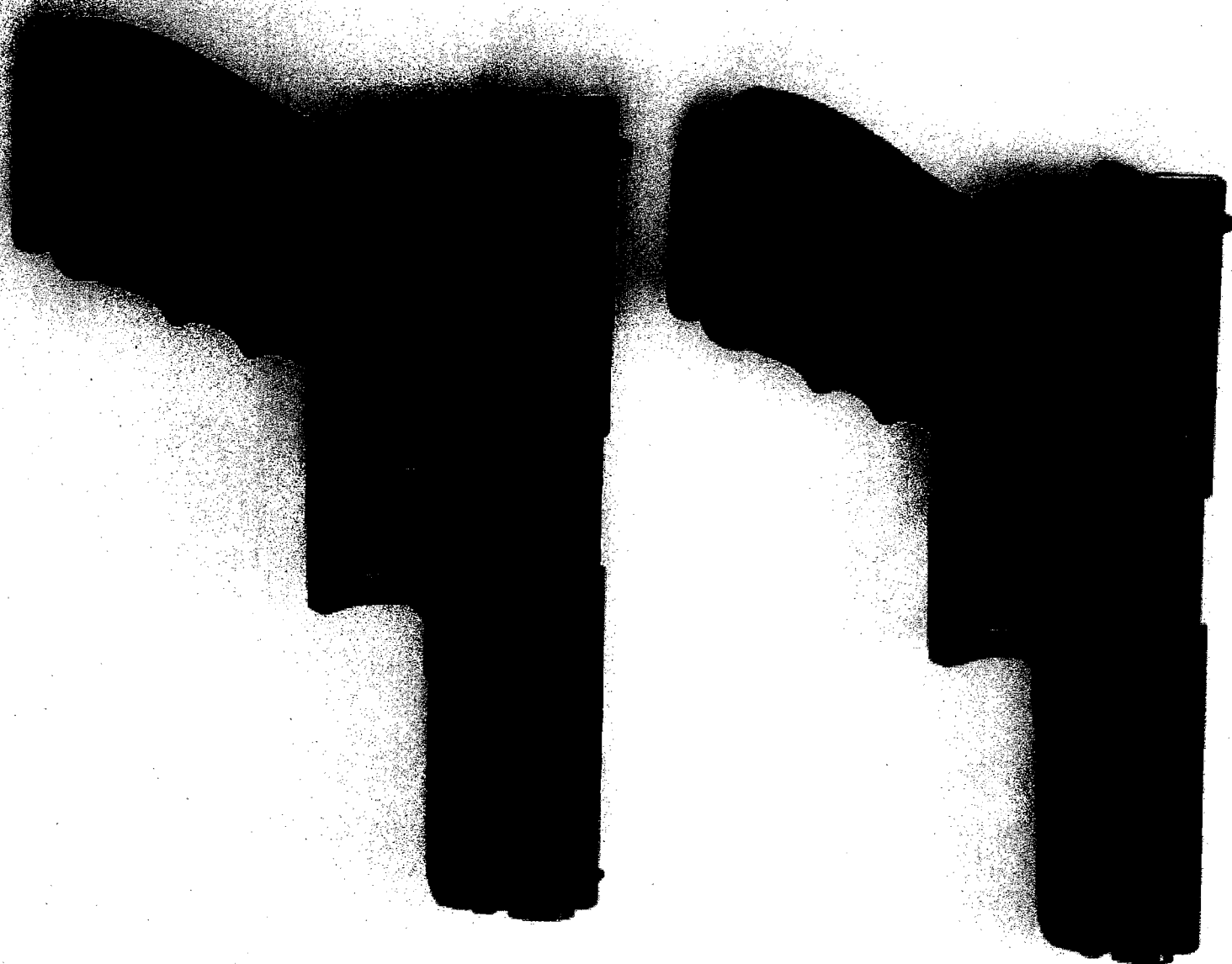
Best regards,

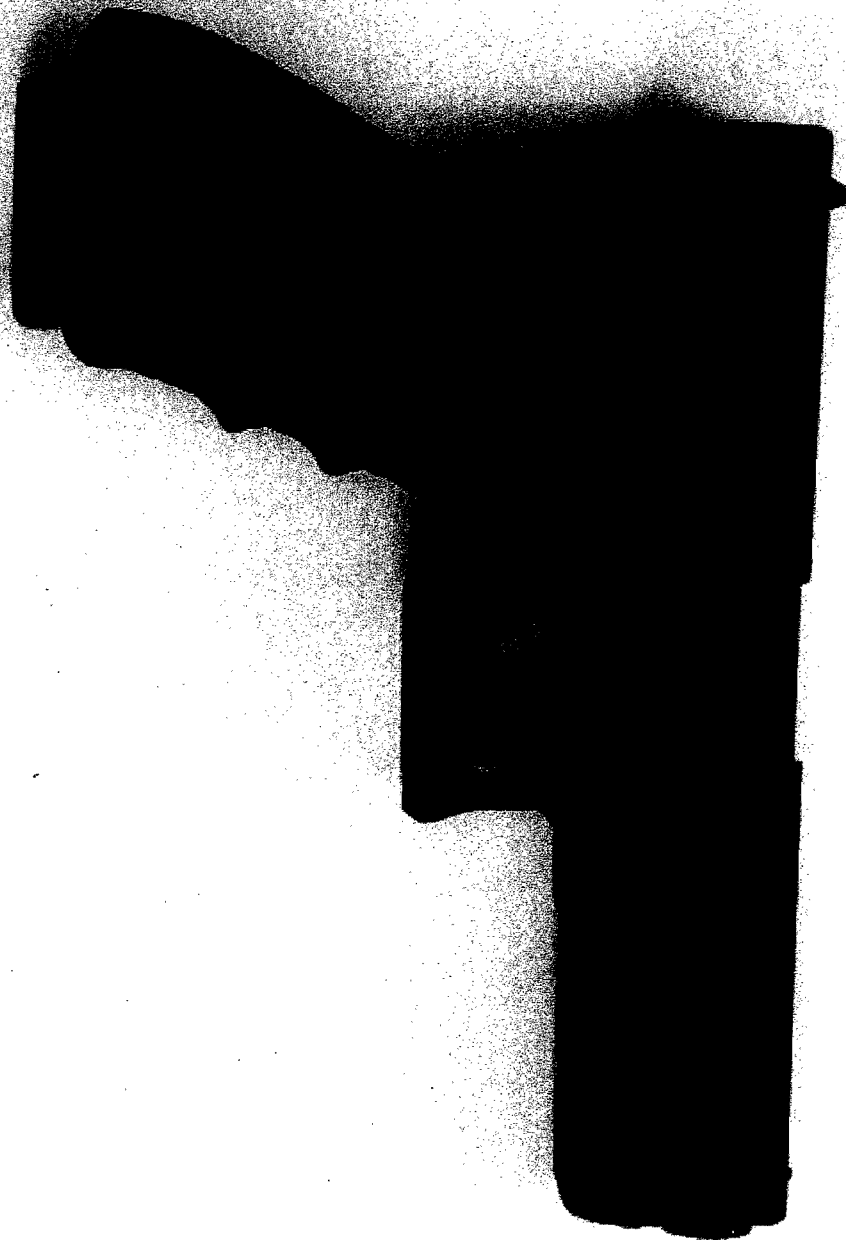
Carlos A. Guevara  
General Counsel  
GLOCK, Inc.  
Dir. 770-319-4778  
Fax. 770-437-4714

Disclaimer:

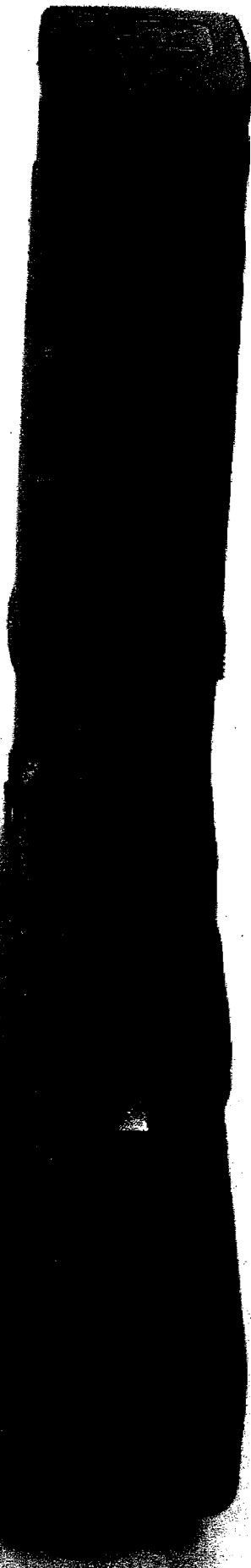
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**EDMUND G. BROWN JR.**  
Attorney General

*Chron*  
State of California  
DEPARTMENT OF JUSTICE



FIREARMS DIVISION  
P.O. BOX 160487  
SACRAMENTO, CA 95816-0487  
Facsimile: (916) 263-0676  
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January 12, 2007

Mr. Carlos Guevara  
General Counsel  
Glock, Inc.  
6000 Highlands Parkway  
Smyrna, GA 30082

Re: Glock Proposed Ambidextrous Magazine Release

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2. The material from which the grips are made.
3. The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.
4. Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm." (Pen. Code § 12131.5(a).)



Mr. Guevara  
January 12, 2007  
Page 2

Handgun models that do not meet one of the criteria of Penal Code section 12131.5(a) are not "deemed to satisfy the requirements of subdivision (a) of Section 12131" and therefore must be tested, like all new models of handguns.

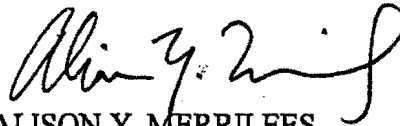
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The Penal Code does not give DOJ discretion to waive the testing requirement. Unless a statute gives a governmental agency such discretion, the agency is prohibited from expanding the scope of the statute. (See *Lockyer v. City and County of San Francisco* (2004) 33 Cal.4th 1055, 1081-1082 [illegal for a county clerk, charged with ministerial duty of issuing marriage licenses, to issue license to a same sex couple when statute authorized licenses only to couple of opposite sex; official improperly employed his own judgment or opinion concerning the statutes propriety or impropriety].)

A California owner of a Glock handgun model with a standard magazine release who wishes to have his or her handgun retrofitted with an ambidextrous magazine release may send the firearm to Glock. Glock could then retrofit the handgun and return it to its owner. No further testing of the retrofitted handgun would be required.

We apologize for any inconvenience caused by the delay in providing a final opinion to you about this matter. If you have any questions or concerns, please contact me at (916) 263-5153.

Sincerely,



ALISON Y. MERRILEES  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General

**GLOCK, Inc.**

**U.S.A.**

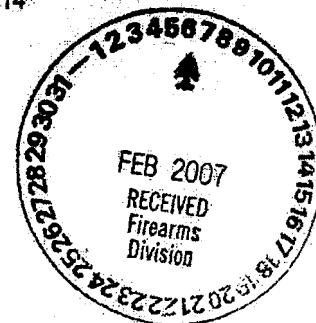


**PERFECTION**

GLOCK, Inc., P.O.Box 369, Smyrna,  
Georgia 30081, U.S.A.

Tel. +1 (770) 319 4778  
Fax +1 (770) 437 4714

**Ms. Allison Y. Merrilees  
Deputy Attorney General  
California Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487**



your reference    Dated    our reference    Smyrna,  
Ambidextrous Magazine Release                                  January 12, 2007    January 31, 2007

Re: GLOCK Ambidextrous Magazine Release

Dear Ms. Merrilees:

Thank you for your letter dated January 12, 2007 in which the California Department of Justice (DOJ) found, based primarily upon certain photographs provided by GLOCK, Inc., that the replacement of the standard magazine release for a new ambidextrous type on GLOCK pistols currently on the DOJ's roster of approved handguns does not fall within the Penal Code section 12131.5(a). We respectfully ask that you reconsider your initial findings for the following reasons: 1) the upgraded magazine release does not require a redesign of the pistol or an additional cut on the grip section of the frame, and 2) the physical change to the firearm is so limited, such that its differences, when compared to the listed firearms, eclipse those enumerated in section 12131.5(a).

In particular, the proposed magazine release does not require an additional cut in the frame to allow ambidextrous operation as initially believed by DOJ. A close look at the current design of the pistol, in particular the operation of its magazine release, clearly shows that it already provides the cut on the opposite side of the grip to be used for the upgraded part.

Moreover, the proposed ambidextrous magazine release does not require redesign of the pistol, but rather a very limited modification to the shape of the grip and some internal changes to accommodate proper engagement / release of the magazine. Please note that as required by Section 12131.5(a)3, the modification to the grip shape does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

In order to fully appreciate the limited modification to the grip and the operation of the proposed ambidextrous magazine release, we request and would welcome the opportunity to meet with DOJ representatives to further explain this limited modification and to make prototypes available for your examination.

// HK model (that was tested)



GLOCK, Inc.

USA

We truly appreciate your assistance with this matter. Should you have any questions or require any additional information, please feel free to contact me.

Sincerely,

Carlos A. Guevara  
GLOCK, Inc  
General Counsel  
Dir. 770-319-4778  
Fax 770-437-4774  
[carlos.guevara@glock.us](mailto:carlos.guevara@glock.us)

2 Changes

① Ambi mag re-lease

② Rail changes

12131. (a) On and after January 1, 2001, the Department of Justice shall compile, publish, and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that have been tested by a certified testing laboratory, have been determined not to be unsafe handguns, and may be sold in this state pursuant to this title. The roster shall list, for each firearm, the manufacturer, model number, and model name.

(b) (1) The department may charge every person in this state who is licensed as a manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster pursuant to subdivision (a) and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs necessary to implement this chapter.

(2) Any pistol, revolver, or other firearm capable of being concealed upon the person that is manufactured by a manufacturer who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, and who fails to pay any fee required pursuant to paragraph (1), may be excluded from the roster.

(3) If a purchaser has initiated a transfer of a handgun that is listed on the roster as not unsafe, and prior to the completion of the transfer, the handgun is removed from the roster of not unsafe handguns because of failure to pay the fee required to keep that handgun listed on the roster, the handgun shall be deliverable to the purchaser if the purchaser is not otherwise prohibited from purchasing or possessing the handgun. However, if a purchaser has initiated a transfer of a handgun that is listed on the roster as not unsafe, and prior to the completion of the transfer, the handgun is removed from the roster pursuant to subdivision (f), the handgun shall not be deliverable to the purchaser.

(c) The Attorney General may annually retest up to 5 percent of the handgun models that are listed on the roster described in subdivision (a).

(d) The retesting of a handgun model pursuant to subdivision (c) shall conform to the following:

(1) The Attorney General shall obtain from retail or wholesale sources, or both, three samples of the handgun model to be retested.

(2) The Attorney General shall select the certified laboratory to be used for the retesting.

(3) The ammunition used for the retesting shall be of a type recommended by the manufacturer in the user manual for the handgun. If the user manual for the handgun model makes no ammunition recommendation, the Attorney General shall select the ammunition to be used for the retesting. The ammunition shall be of the proper caliber for the handgun, commercially available, and in new condition.

(e) The retest shall be conducted in the same manner as the testing prescribed in Sections 12127 and 12128.

(f) If the handgun model fails retesting, the Attorney General

shall remove the handgun model from the roster maintained pursuant to subdivision (a).

(g) A handgun model removed from the roster pursuant to subdivision (f) may be reinstated on the roster if all of the following are met:

- (1) The manufacturer petitions the Attorney General for reinstatement of the handgun model.
- (2) The manufacturer pays the Department of Justice for all of the costs related to the reinstatement testing of the handgun model, including the purchase price of the handguns, prior to reinstatement testing.
- (3) The reinstatement testing of the handguns shall be in accordance with subdivisions (d) and (e).
- (4) The three handgun samples shall be tested only once for reinstatement. If the sample fails it may not be retested.
- (5) If the handgun model successfully passes testing for reinstatement, and if the manufacturer of the handgun is otherwise in compliance with this chapter, the Attorney General shall reinstate the handgun model on the roster maintained pursuant to subdivision (a).
- (6) The manufacturer shall provide the Attorney General with the complete testing history for the handgun model.
- (7) Notwithstanding subdivision (c), the Attorney General may, at any time, further retest any handgun model that has been reinstated to the roster.

12131.5. (a) A firearm shall be deemed to satisfy the requirements of subdivision (a) of Section 12131 if another firearm made by the same manufacturer is already listed and the unlisted firearm differs from the listed firearm only in one or more of the following features:

- (1) Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving. *NO*
- (2) The material from which the grips are made. *NO*
- (3) The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well the barrel, the chamber, or any of the components of the firing mechanism of the firearm. *NO*
- (4) Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

*OR ?*

*BE*

(b) Any manufacturer seeking to have a firearm listed under this section shall provide to the Department of Justice all of the following:

- (1) The model designation of the listed firearm.
- (2) The model designation of each firearm that the manufacturer seeks to have listed under this section.
- (3) A statement, under oath, that each unlisted firearm for which listing is sought differs from the listed firearm only in one or more of the ways identified in subdivision (a) and is in all other respects identical to the listed firearm.

(c) The department may, in its discretion and at any time, require a manufacturer to provide to the department any model for which

*NO GLOCK: "alters" engagement not function*

listing is sought under this section, to determine whether the model complies with the requirements of this section.



1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT G</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
28 Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

Jason A. Davis, Calif. Bar No.: 224250  
Davis & Associates  
27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
949.310.0817/Fax 949.288.6894

Donald E.J. Kilmer, Jr., Calif. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

State of California Department of Justice



Office of the Attorney General

Kamala D. Harris ~ Attorney General

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## Roster of Handguns Certified for Sale

Handgun models will be removed from the roster on the list expiration date unless the manufacturer renews the listing prior to the list expiration date.

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Showing all records matching **Springfield Armory**  
The matching records list is sorted by Barrel Length  
This list is valid for **Thursday, October 24, 2013**

Model	Gun Type	Barrel Length	Caliber	Exp Date
PX9801L (ambi safety) / Alloy, Stainless Steel	Pistol	3"	.45 ACP	12/20/2014
PX9801L / Alloy, Stainless Steel	Pistol	3"	.45 ACP	12/20/2014
PX9804L / Alloy, Stainless Steel	Pistol	3"	.45 ACP	1/17/2014
XD9801 / Composite, Steel	Pistol	3"	9mm	3/19/2014
XD9810 / Composite, Steel	Pistol	3"	9mm	7/29/2014
XD9811 / Composite, Steel	Pistol	3"	9mm	4/7/2014
XD9831 / Polymer, Steel	Pistol	3"	9mm	3/26/2014
XD9802 / Polymer, Steel	Pistol	3.01"	.40 S&W	10/25/2014
XD9812 / Polymer, Steel	Pistol	3.01"	.40 S&W	3/10/2014
XD9832 / Polymer, Steel	Pistol	3.01"	.40 S&W	3/26/2014
XD9842 / Polymer, Steel	Pistol	3.01"	.40 S&W	3/26/2014
1911 EMP Compact PI9209L / Alloy, Steel	Pistol	3.1"	9mm	2/6/2014
XD9821 / Polymer, Stainless Steel	Pistol	3.1"	9mm	3/23/2014
XD9822 / Polymer, Stainless Steel	Pistol	3.1"	.40 S&W	2/18/2014
PX9161L (ambi safety) / Stainless Steel	Pistol	3.5"	.45 ACP	12/31/2014
PX9161L / Stainless Steel	Pistol	3.5"	.45 ACP	12/31/2014
PX9171L (ambi safety) / Stainless Steel	Pistol	3.5"	.45 ACP	3/27/2014
PX9171L / Stainless Steel	Pistol	3.5"	.45 ACP	3/27/2014
PX9301L (ambi safety) / Carbon Steel	Pistol	3.5"	.45 ACP	12/31/2014
PX9301L / Carbon Steel	Pistol	3.5"	.45 ACP	12/31/2014
PX9142L (ambi safety) / Stainless Steel	Pistol	4"	.45 ACP	3/27/2014
PX9142L / Stainless Steel	Pistol	4"	.45 ACP	3/27/2014
PX9511L (ambi safety) / Carbon Steel	Pistol	4"	.45 ACP	12/31/2014



PX95111 / Carbon Steel	Pistol	4"	.45 ACP	12/31/2014
XD9161 / Polymer, Steel	Pistol	4"	.45 ACP	11/20/2014
XD9261 / Polymer, Steel	Pistol	4"	.45 ACP	3/26/2014
XD9611 / Polymer, Steel	Pistol	4"	.45 ACP	3/17/2014
XD9612 / Polymer, Steel	Pistol	4"	.45 ACP	1/23/2014
XD9614 / Polymer, Steel	Pistol	4"	.45 ACP	3/26/2014
XD9645 / Polymer, Steel	Pistol	4"	.45 ACP	3/17/2014
XD9646 / Polymer, Steel	Pistol	4"	.45 ACP	11/28/2014
XD9647 / Polymer, Steel	Pistol	4"	.45 ACP	1/23/2014
XD9648 / Polymer, Steel	Pistol	4"	.45 ACP	3/26/2014
XD9701 / Polymer, Steel	Pistol	4"	9mm	5/9/2014
XD9702 / Polymer, Steel	Pistol	4"	.40 S&W	9/6/2014
XD9704 / Polymer, Steel	Pistol	4"	9mm	8/26/2014
XD9781 / Polymer, Steel	Pistol	4"	9mm	3/17/2014
XD9782 / Polymer, Carbon Steel	Pistol	4"	.40 S&W	3/17/2014
PW9142L / Carbon Steel	Pistol	4.0"	.45	10/4/2014
PX9149L / Alloy, Carbon Steel	Pistol	4.0"	.45	10/4/2014
XD9221 / Polymer, Steel	Pistol	4.08	9mm	1/23/2014
XD9101 / Steel, Polymer	Pistol	4.08"	9mm	10/21/2014
XD9102 / Polymer, Steel	Pistol	4.08"	.40 S&W	12/20/2014
XD9103 / Polymer, Steel	Pistol	4.08"	.357 SIG	12/20/2014
XD9104 / Steel, Polymer	Pistol	4.08"	9mm	3/21/2014
XD9109 / Polymer, Steel	Pistol	4.08"	.40 S&W	3/21/2014
XD9113 / Polymer, Steel	Pistol	4.08"	.357 SIG	3/26/2014
XD9121 / Polymer, Steel	Pistol	4.08"	9mm	1/23/2014
XD9122 / Polymer, Steel	Pistol	4.08"	.40 S&W	1/23/2014
XD9201 / Steel, Polymer	Pistol	4.08"	9mm	3/26/2014
XD9202 / Composite, Steel	Pistol	4.08"	.40 S&W	3/26/2014
XD9222 / Polymer, Steel	Pistol	4.08"	.40 S&W	1/23/2014
XD9231 / Polymer, Steel	Pistol	4.08"	.40 S&W	3/26/2014
XD9301 / Steel, Polymer	Pistol	4.08"	9mm	1/17/2014
XD9302 / Polymer, Steel	Pistol	4.08"	.40 S&W	1/17/2014
XD9311 / Steel, Polymer	Pistol	4.08"	9mm	3/26/2014
XD9312 / Polymer, Steel	Pistol	4.08"	.40 S&W	3/27/2014
XD9501 / Steel, Polymer	Pistol	4.08"	9mm	12/3/2014
XD9502 / Polymer, Steel	Pistol	4.08"	.40 S&W	12/3/2014
PB9108 / Carbon Steel	Pistol	5"	.45 ACP	2/8/2014
PB9108L (Integrated Locking System)) / Carbon Steel	Pistol	5"	.45 ACP	2/8/2014
PB9113L (ambi safety) / Steel	Pistol	5"	.38 Super	9/20/2014

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PB9113L / Steel	Pistol	5"	.38 Super	9/20/2014
PB9114L / Steel	Pistol	5"	.38 Super	7/29/2014
PB9151L / Stainless Steel	Pistol	5"	.45 ACP	3/19/2014
PB9609L / Carbon Steel	Pistol	5"	.45 ACP	4/30/2014
PC9102 / Carbon Steel	Pistol	5"	.45 ACP	12/3/2014
PC9105LCA (ambi safety) / Steel	Pistol	5"	.45 ACP	9/20/2014
PC9105LCA / Steel	Pistol	5"	.45 ACP	9/20/2014
PC9106L / Steel	Pistol	5"	.45 ACP	9/22/2014
PC9107L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	3/29/2014
PC9107L / Stainless Steel	Pistol	5"	.45 ACP	3/29/2014
PC9108L (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	3/29/2014
PC9108L / Carbon Steel	Pistol	5"	.45 ACP	3/29/2014
PC9111 (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	3/29/2014
PC9111 / Carbon Steel	Pistol	5"	.45 ACP	3/29/2014
PC9111LR / Carbon Steel	Pistol	5"	.45 ACP	7/21/2014
PC9206 / Carbon Steel	Pistol	5"	.45 ACP	5/9/2014
PI9132L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	4/26/2014
PI9132L / Stainless Steel	Pistol	5"	.45 ACP	4/26/2014
PI9134L (ambi safety) / Stainless Steel	Pistol	5"	9mm	4/26/2014
PI9134L / Stainless Steel	Pistol	5"	9mm	4/26/2014
PI9140L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	3/27/2014
PI9140L / Stainless Steel	Pistol	5"	.45 ACP	3/27/2014
PW9108L / Steel	Pistol	5"	.45 ACP	9/22/2014
PW9151L / Stainless Steel	Pistol	5"	.45 ACP	4/30/2014
PW9609L / Steel	Pistol	5"	.45 ACP	4/21/2014
PX9103L (ambi safety) / Alloy, Carbon Steel	Pistol	5"	.45 ACP	2/8/2014
PX9103L / Alloy, Carbon Steel	Pistol	5"	.45 ACP	2/8/2014
PX9104L / Alloy, Stainless Steel	Pistol	5"	.45 ACP	5/9/2014
PX9106L / Steel	Pistol	5"	.45 ACP	9/22/2014
PX9109L (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	2/8/2014
PX9109L / Carbon Steel	Pistol	5"	.45 ACP	2/8/2014
PX9130L (ambi safety) / Stainless Steel	Pistol	5"	9mm	12/31/2014
PX9130L / Stainless Steel	Pistol	5"	9mm	12/31/2014
PX9151L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	2/20/2014
PX9151L / Stainless Steel	Pistol	5"	.45 ACP	2/20/2014
PX9152L / Stainless Steel	Pistol	5"	.45 ACP	5/9/2014
PX9154L / Stainless Steel	Pistol	5"	.45 ACP	10/25/2014
PX9608L (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	4/26/2014
PX9608L / Carbon Steel	Pistol	5"	.45 ACP	4/26/2014

XD9132 / Polymer, Steel	Pistol	5"	.40 S&W	11/28/2014
XD9162 / Polymer, Steel	Pistol	5"	.45 ACP	11/20/2014
XD9232 / Polymer, Steel	Pistol	5"	.40 S&W	3/26/2014
XD9262 / Polymer, Steel	Pistol	5"	.45 ACP	3/26/2014
XD9402 Tactical / Polymer, Steel	Pistol	5"	.40 S&W	9/6/2014
XD9405 / Polymer, Steel	Pistol	5"	.40 S&W	12/3/2014
XD9412 / Polymer, Steel	Pistol	5"	.40 S&W	3/26/2014
XD9621 / Polymer, Steel	Pistol	5"	.45 ACP	3/17/2014
XD9622 / Polymer, Steel	Pistol	5"	.45 ACP	1/23/2014
XD9624 / Polymer, Steel	Pistol	5"	.45 ACP	3/26/2014
PX9105ML / Carbon Steel	Pistol	5.0"	.45 ACP	10/25/2014
XD9131 / Polymer, Steel	Pistol	5.01"	9mm	1/23/2014
XD9401 / Polymer, Steel	Pistol	5.01"	9mm	3/10/2014
XD9404 / Polymer, Steel	Pistol	5.01"	9mm	6/23/2014
XD9411 / Polymer, Steel	Pistol	5.01"	9mm	3/26/2014
PX9628L (ambi safety) / Stainless Steel	Pistol	6"	.45 ACP	2/8/2014
PX9628L / Stainless Steel	Pistol	6"	.45 ACP	2/8/2014

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1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT H</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
28 Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

Jason A. Davis, Calif. Bar No.: 224250  
Davis & Associates  
27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
949.310.0817/Fax 949.288.6894

Donald E.J. Kilmer, Jr., Calif. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

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**2003  
AMERICAN RIFLEMAN  
HANDGUN OF THE YEAR  
XD® PISTOL**

**2006  
AMERICAN RIFLEMAN  
HANDGUN OF THE YEAR  
XD® 45ACP PISTOL**

**2006  
SHOOTING INDUSTRY ACADEMY OF EXCELLENCE  
HANDGUN OF THE YEAR  
XD® 45ACP PISTOL**





# THE STANDARDS

IN 2001, SPRINGFIELD ARMORY SET OUT TO SHOW CUSTOMERS, THE FIREARM'S INDUSTRY, AND THE REST OF THE WORLD A WHOLE NEW STANDARD IN ERGONOMIC DESIGN AND AVAILABLE FEATURES. WITH THE INTRODUCTION OF THE XD® POLYMER PISTOL, THEY DID JUST THAT ...



THE SHOOTER CAN CHECK THE STRIKER STATUS INDICATOR BY SIGHT OR TOUCH TO VERIFY THE STRIKER IS IN THE COCKED POSITION.



THE LOADED CHAMBER INDICATOR ALLOWS THE SHOOTER TO VERIFY VISUALLY OR BY TOUCH, AND WITHOUT A DOUBT, THAT THERE IS A ROUND IN THE CHAMBER.



THE ULTRA SAFETY ASSURANCE (USA) TRIGGER SYSTEM™ GUARDS AGAINST ACCIDENTAL DISCHARGE FROM DROPPING OR BUMPING BY LOCKING THE TRIGGER IN PLACE UNTIL DIRECT, REARWARD PRESSURE IS APPLIED.



THE GRIP SAFETY ON THE XD® ALLOWS IT TO FIRE ONLY WHEN THE SHOOTER HAS A FIRM GRIP ON THE PISTOL.



## **XD® AVAILABILITY BY SIZE**

MODEL	BARREL	CALIBER	MAG CAPACITY	BLACK	OD GREEN	DARK EARTH	BI-TONE SS/BLACK	BI-TONE SS/OD GREEN	BI-TONE SS/DARK EARTH
SUB-COMPACT	3.01"	9X19MM	10 OR 13 (16 W/ MAG X-TENSION™)	XD9801	XD9811		XD9821		
SUB-COMPACT	3.01"	40S&W	9 (12 W/ MAG X-TENSION™)	XD9802	XD9812		XD9822		
COMPACT	4.05"	45ACP	10 (13 W/ MAG X-TENSION™)	XD9645	XD9646	XD9647	XD9649	XD9650	XD9651
COMPACT	5.01"	45ACP	10 (13 W/ MAG X-TENSION™)	XD9655	XD9656	XD9657			
SERVICE	4.05"	9X19MM	16	XD9101	XD9201	XD9121	XD9301		
SERVICE	4.05"	40S&W	12	XD9102	XD9202	XD9122	XD9302		
SERVICE	4.05"	357SIG	12	XD9103					
SERVICE	4.05"	45GAP	9	XD9504					
SERVICE	4.05"	45ACP	13	XD9611	XD9612	XD9161	XD9613	XD9165	XD9163
SERVICE (THUMB SAFETY)	4.05"	45ACP	13	XD9661			XD9663		
PORTED V-10	4.05"	9X19MM	16	XD9701	XD9704				
PORTED V-10	4.05"	40S&W	12	XD9702	XD9706				
TACTICAL	5.01"	9X19MM	16	XD9401	XD9404	XD9131			
TACTICAL	5.01"	40S&W	12	XD9402	XD9405	XD9132			
TACTICAL	5.01"	357SIG	12	XD9403					
TACTICAL	5.01"	45GAP	9	XD9505					
TACTICAL	5.01"	45ACP	13	XD9621	XD9622	XD9162	XD9623		
TACTICAL (THUMB SAFETY)	5.01"	45ACP	13	XD9664			XD9666		

## **XD(M)™ AVAILABILITY BY SIZE**

4.5	4.5"	40S&W	16	XDM9202					
4.5	4.5"	40S&W	16				XDM9212		

\* HIGH-CAPACITY MAGAZINES MAY NOT BE AVAILABLE IN SOME STATES.

\* THIS IS NOT AN ALL-INCLUSIVE LIST OF PART NUMBERS. PLEASE ASK YOUR SPRINGFIELD ARMORY® REPRESENTATIVE ABOUT MAGAZINE CAPACITY OPTIONS IN YOUR AREA AND NIGHT SIGHT OPTIONS.

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
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11 Jason A. Davis, Calif. Bar No.: 224250  
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17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19 Plaintiffs,	)	
20 v.	)	<b><u>EXHIBIT I</u></b>
21	)	In Support of Plaintiffs' Motion
22 Stephen Lindley,	)	For Summary Judgment
23 Defendant.	)	
24 _____	)	

25 Respectfully October 24, 2013,

26 Alan Gura, Calif. Bar No.: 178221  
27 Gura & Possessky, PLLC  
28 101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

Jason A. Davis, Calif. Bar No.: 224250  
Davis & Associates  
27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
949.310.0817/Fax 949.288.6894

Donald E.J. Kilmer, Jr., Calif. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs



P.D. 249 Rev. 9/78

METROPOLITAN POLICE DEPARTMENT WASHINGTON, D.C.

APPLICATION FOR FIREARMS REGISTRATION CERTIFICATE

\$10.00 FEE REQUIRED WITH THIS APPLICATION PRINT ALL INFORMATION

This application for a Firearms Registration Certificate must be hand-carried to the Metropolitan Police Department, Firearms Registration Section, 300 Indiana Avenue, N.W. Washington, D.C. 20001 by the purchaser.

No transfer of a firearm between the seller and the purchaser may be made until a reply from the Chief of Police has been received by both parties involved.

REGISTRATION NUMBER  
DATE REGISTERED

DEALER'S LICENSE NO.

SELLER'S NAME

STREET ADDRESS

CITY

APT. NO.

ZIP CODE

HELLER, Dick A.  
PURCHASER/OWNER NAME  
263 KENTUCKY AVE SE.  
STREET ADDRESS  
WASH DC 20003  
CITY ZIP CODE

DESCRIPTION OF FIREARM

DESCRIPTION OF PURCHASER/OWNER

NEW  USED  
MAKE OF WEAPON HIGH STANDARD  
MODEL BUNTLINE  
MPG. I.D. NUMBER  
NO. OF BARRIERS/LENGTH 1 9 1/2  
FINISH BLACK  
IDENTIFYING MARKS  
SERIAL NUMBER M0499-17  
NO. OF SIGTS 9  
CALIBER .22  
TYPE OF ACTION SINGLE

DATE OF BIRTH  
PLACE OF BIRTH SAN Diego, CA  
OPERATOR'S PLWMI NUMBER  
RACE  
SEX M  
OCCUPATION Armed Security Guard  
BUSINESS NAME Blackhawk Sec.  
BUSINESS ADDRESS 5210 AUTH Rd  
SUITLAND MD 20746  
HOME PHONE NUMBER  
BUSINESS PHONE NUMBER

PURCHASER/OWNER'S ADDRESSES FOR THE PAST FIVE (5) YEARS WITH DATES OF RESIDENCE

263 KENTUCKY AVE SE. DC 20003

PURCHASER/OWNER'S OCCUPATION, BUSINESS NAME AND ADDRESSES FOR THE PAST FIVE (5) YEARS WITH DATES OF EMPLOYMENT

GSA Security, Black Hawk, 5210 AUTH Rd, Suitland, MD, Dec 01 - JY02 - DC SPO, STING SEC,  
635 MASS. AVE. NW, OCT 01 - DEC 01 - BURNS SEC, 701 S. 12th, ARLVA, NOV 99 - SEP 00 - VANCE SEC  
1000 Wilson Bl. ARLVA, JY98 - NOV 99, HUDCO. 415 7th SW DC, Teller, MAY 97 - OCT 97.

HAVE YOU PREVIOUSLY BEEN DENIED IN THE DISTRICT OF COLUMBIA BY RECEIVING ANY PISTOL, RIFLE OR SHOTGUN LICENSE OR REGISTRATION CERTIFICATE?  NO  YES IF YES, EXPLAIN WHY AND BY WHOM

HAVE YOU EVER BEEN INVOLVED IN ANY MISHAP INVOLVING A PISTOL, RIFLE OR SHOTGUN?  NO  YES IF YES, EXPLAIN CIRCUMSTANCES, INCLUDING DATES, PLACES, AND NAMES OF ANY PERSONS INJURED OR KILLED.

GIVE A BRIEF STATEMENT OF YOUR INTENDED USE OF THE FIREARM AND WHERE THE FIREARM WILL BE KEPT

PERSONAL PROTECTION

I HEREBY CERTIFY THAT I AM NOT FORBIDDEN BY EXISTING LAWS AND REGULATIONS FROM PURCHASING OR POSSESSING A FIREARM AND THAT THE INFORMATION GIVEN IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND DOES NOT KNOWINGLY CONTAIN ANY MATERIAL MISREPRESENTATION OF FACT

Dick A Heller 7-17-02  
SIGNATURE OF SELLER DATE

Dick A Heller 7-17-02  
SIGNATURE OF PURCHASER/OWNER DATE

The Seller and the Purchaser MUST SIGN IN THE PRESENCE OF EACH OTHER.

NOTICE

This application is VALID as a FIREARMS REGISTRATION CERTIFICATE only when stamped APPROVED by the Chief of Police and a REGISTRATION NUMBER is affixed thereto.

DIS APPROVED THIS IS NOT A LICENSE TO CARRY A CONCEALED FIREARM.  
DC Code 7-2502.02  
JUL 19 '02 11:00  
PAGE. 005

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT J</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

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Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
DICK ANTHONY HELLER, <i>et al.</i>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.08-01289 (RMU)
	)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	
TRACEY AMBEAU HANSON, <i>et al.</i>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 09-00454 (RMU)
	)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

NOTICE OF EMERGENCY RULEMAKING

The defendants respectfully note that, today, June 17, 2009, the Metropolitan Police Department (“MPD”) adopted emergency rules establishing the District Roster of Handguns Determined Not to be Unsafe (“District Roster”). It is anticipated that the regulations will be published in this Friday’s edition of the D.C. Register, 56 D.C. Reg. \_\_\_\_ (June 19, 2009).<sup>1</sup> A copy of the emergency regulations are attached hereto.

The emergency rules were adopted, *inter alia*, based on

<sup>1</sup> Under District law, emergency regulations are effective immediately, and will expire in 120 days or the publication of a Final Rulemaking, whichever occurs first. *See* D.C. Official Code § 2-505(c).

1) recognition that California permits sale of firearms that have superficial differences to those firearms on its roster; 2) recognition that some handguns that have been placed on the California roster as safe handguns have been removed for administrative reasons not related to the handguns' safety; and 3) review of similar safe gun rosters maintained by Maryland and Massachusetts.

*Id.*

The emergency rulemaking "is necessary to . . . immediately clarify those firearms that should be added to the [District Roster] to continue the District's compliance with [*Heller v. District of Columbia*, \_\_\_ U.S. \_\_\_, 128 S. Ct. 2783 (Jun. 26, 2008)] concerning a person's constitutional right to legally possess a firearm in a person's home for the purpose of self-defense." *Id.*

The regulations include within the District Roster handguns listed on similar rosters from California, Massachusetts, and Maryland, "unless such pistol is an unregisterable firearm" pursuant to D.C. Official Code § 7-2502.02. *Id.*, 24 DCMR § 2323.2.

Moreover,

A pistol shall be deemed to be included on the District Roster of Handguns Certified for Sale if another pistol made by the same manufacturer is already listed and the unlisted pistol differs from the listed firearm only in one or more of the following features:

- (a) Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving.
- (b) The material from which the grips are made.
- (c) The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the pistol.
- (d) Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the pistol.

*Id.*, § 2323.3.

Any denial of an application relying on § 2323.3 may be appealed in the same manner as any other denial of an application for registration may be appealed. 24 DCMR §§ 2323.4, 2323.5.

Also today, the MPD sent letters to persons who previously had had their firearms-registration applications denied, inviting them to reapply in light of the new provisions. To the extent the instant plaintiffs may not have yet received such letters, they are similarly invited to reapply.

The District believes that these emergency regulations will render moot a number of plaintiffs' claims. Moreover, while the District worked expeditiously to correct perceived flaws in its firearms-regulation regime, the timing of that process was dependent on a number of factors outside the defendants' control, including potential action by Congress. In light of these developments, the District does not object to an alteration of the instant briefing schedule to allow plaintiffs to analyze and incorporate these new regulations.

DATE: June 17, 2009

Respectfully submitted,

PETER J. NICKLES  
Attorney General for the District of Columbia

GEORGE C. VALENTINE  
Deputy Attorney General, Civil Litigation Division

/s/ Ellen A. Efros  
ELLEN A. EFROS, D.C. Bar No. 250746  
Chief, Equity Section I  
441 Fourth Street, N.W., 6<sup>th</sup> Floor South  
Washington, D.C. 20001  
Telephone: (202) 442-9886  
Facsimile: (202) 727-0431

/s/ Andrew J. Saindon

ANDREW J. SAINDON, D.C. Bar No. 456987

Assistant Attorney General

Equity I Section

441 Fourth Street, N.W., 6<sup>th</sup> Floor South

Washington, D.C. 20001

Telephone: (202) 724-6643

Facsimile: (202) 727-0431

andy.saindon@dc.gov

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
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16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT K</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

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101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

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Mission Viejo, CA 92691  
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1645 Willow Street, Suite 150  
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408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

**CHIEF, METROPOLITAN POLICE DEPARTMENT**

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chief of the Metropolitan Police Department, pursuant to subsections 504(e)(4), 504(f), and section 712 of the Firearms Regulations Control Act of 1975 (Act), effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365), hereby gives notice of the adoption on an emergency basis of an amendment to add sections 2323 and 2324 to Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR). The rulemaking: 1) revises the roster of handguns determined not to be unsafe prescribed by subsection 504(a) of the Act, and establishes which single action revolvers are permissible pursuant to subsection 504(e) of the Act, by adding suitable firearms, including single action revolvers, to the newly created District Roster of Handguns Determined Not to be Unsafe; and 2) interprets the term “assault weapons”, pursuant to § 101(3A) of the Act. The creation of the District Roster and the additions to it were made based upon: 1) recognition that California permits sale of firearms that have superficial differences to those firearms on its roster; 2) recognition that some handguns that have been placed on the California roster as safe handguns have been removed for administrative reasons not related to the handguns’ safety; and 3) review of similar safe gun rosters maintained by Maryland and Massachusetts.

Emergency rulemaking action is necessary to interpret and implement the provisions of sections 101(3A) and 504 of the Act and to add suitable weapons to the District’s Roster of Handguns Determined Not to be Unsafe. Emergency rulemaking will immediately clarify those firearms that should be added to the list to continue the District’s compliance with the Supreme Court’s decision and mandate in *District of Columbia v. Heller* concerning a person’s constitutional right to legally possess a firearm in a person’s home for the purpose of self-defense.

This emergency rulemaking was adopted on June 17, 2009, and became effective immediately. The emergency rulemaking will expire after one hundred and twenty (120) days, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

The Chief also gives notice of her intent to take final rulemaking action to adopt the proposed rulemaking in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

**Chapter 23 of Title 24 DCMR is amended to add section 2323 and 2324 to read as follows:**

**2323                   DISTRICT ROSTER OF HANDGUNS DETERMINED NOT TO BE UNSAFE**



2323.1 The Metropolitan Police Department shall establish the District Roster of Handguns Determined Not to be Unsafe (District Roster). Pursuant to subsections 504(e)(4) and 504(f) of the Firearms Regulations Control Act of 1975 (Act), effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365), the District Roster shall constitute the roster of pistols that may be manufactured, sold, given, loaned, exposed for sale, transferred, or imported into the District of Columbia notwithstanding subsection 504(a) of the Act, and that may be owned or possessed within the District of Columbia notwithstanding subsection 504(b) of the Act.

2323.2 The District Roster shall include:

- (a) Any pistol that is on the California Roster of Handguns Certified for Sale (also known as the California Roster of Handguns Determined Not to be Unsafe) (California Roster), pursuant to California Penal Code § 12131, as of January 1, 2009, unless such pistol is an unregistrable firearm pursuant to section 202 of the Firearms Regulations Control Act of 1975, effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365);
- (b) Any pistol that was listed on the California Roster prior to January 1, 2009, which was, or is subsequently, removed from the California Roster for any reason not related to the pistol's safety;
- (c) Any pistol listed on the January 1, 2009, Maryland Department of State Police Official Handgun Roster, as of January 1, 2009, published as Attachment A to this section, unless such pistol is an unregistrable firearm pursuant to section 202 of the Firearms Regulations Control Act of 1975, effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365); and
- (d) Any pistol listed on the Commonwealth of Massachusetts Executive Office of Public Safety and Security Approved Firearms Roster, as of April 2, 2009, published as Attachment B to this section, unless such pistol is an unregistrable firearm pursuant to section 202 of the Firearms Regulations Control Act of 1975, effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365).

2323.3 A pistol shall be deemed to be included on the District Roster if another pistol made by the same manufacturer is already listed and the unlisted pistol differs from the listed firearm only in one or more of the following features:

- (a) Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving.

- (b) The material from which the grips are made.
- (c) The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the pistol.
- (d) Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the pistol.

2323.4 Any applicant seeking to have a pistol registered under subsection 2323.3 shall provide to the Chief all of the following:

- (a) The model designation of the listed firearm.
- (b) The model designation of each firearm that the applicant seeks to have registered under this section.
- (c) A statement, under oath, that each unlisted pistol for which registration is sought differs from the listed pistol only in one or more of the ways identified in subdivision (a) and is in all other respects identical to the listed pistol.

2323.5 Any decision refusing registration pursuant to this section may be appealed to the Chief pursuant to section 210 of the Firearms Regulations Control Act of 1975, effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365), and thereafter to the Office of Adjudication and Hearings pursuant to subsection (b-2) of section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365). In any such appeal, the applicant shall bear the burden of demonstrating that the Chief's decision should be reversed and registration permitted.

2323.6 The make and model of any pistol registered pursuant to §§ 2323.3 through 2323.5 shall be recorded by the Metropolitan Police Department in such a manner to allow the Chief to waive the requirements of § 2323.4 in the event an additional applicant seeks registration for an identical pistol.

**2324 INTERPRETATION OF ASSAULT WEAPONS DEFINITION**

- 2324.1 Section 101 paragraph 3A of the Firearms Regulations Control Act of 1975 (Act), effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365.), defined the term “assault weapon”, and section 202(a)(6) of the Act declared that “assault weapons” may not be registered in the District.
- 2324.2 In those instances where the definition of “assault weapon” refers to a firearms manufacturer or description without including a specific model reference, the term “assault weapon” shall be interpreted to include only those firearms produced by such manufacturer, or possessing such description, that share characteristics similar to other enumerated firearms in section 101 paragraph 3A(A)(i)(I) through (III) of the Act, or possess any of the enumerated characteristics listed in section 101 paragraph 3A(A)(i)(IV) through (VIII) and 3A(A)(ii) through (iii) of the Act.
- 2324.3 A firearm that is produced by a manufacturer or possesses a description that is included in the definition of “assault weapon” referred to in § 2324.1, but which does not share characteristics similar to the enumerated firearms, or the enumerated characteristics described in § 2324.2, may be registered, provided that the firearm is not otherwise prohibited from registration under District or Federal law or regulation.

All persons interested in commenting on the subject matter of this proposed rulemaking action may file comments, in writing, with: Terrence D. Ryan, General Counsel, Metropolitan Police Department, Suite 4125, 300 Indiana Avenue, N.W., Washington, D.C. 20001. Comments must be received no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Copies of this proposal may be obtained, at cost, by writing to the above address.

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

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16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT L</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

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101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

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San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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DICK ANTHONY HELLER, <i>et al.</i>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.08-01289 (RMU)
	)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,	)	
	)	
Defendants.	)	
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	)	
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	)	
v.	)	Civil Action No. 09-00454 (RMU)
	)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

NOTICE OF EMERGENCY RULEMAKING

The defendants respectfully note that, today, June 25, 2009, the Metropolitan Police Department (“MPD”) adopted emergency rules to “exemp[t] certain single action pistols manufactured before 1985 from the application of section 504 of the Act, and establishes that certain other types of pistols manufactured before 1985 are deemed included on the newly created District Roster of Handguns Determined Not to be Unsafe.”

“The rulemaking will make the District’s safe gun laws identical to the State of Maryland as to Pre-1985 pistols.”

It is anticipated that the regulations will be published in next Friday's edition of the D.C. Register, 56 D.C. Reg. \_\_\_\_ (July 3, 2009).<sup>1</sup> A copy of the emergency regulations is attached hereto.

The District believes that these emergency regulations will render moot the claims of one of the instant plaintiffs. The District continues to discuss this rulemaking with opposing counsel, and the parties plan to file timely their joint status report proposing a revised briefing schedule tomorrow.

DATE: June 25, 2009

Respectfully submitted,

PETER J. NICKLES  
Attorney General for the District of Columbia

GEORGE C. VALENTINE  
Deputy Attorney General, Civil Litigation Division

/s/ Ellen A. Efros  
ELLEN A. EFROS, D.C. Bar No. 250746  
Chief, Equity Section I  
441 Fourth Street, N.W., 6<sup>th</sup> Floor South  
Washington, D.C. 20001  
Telephone: (202) 442-9886  
Facsimile: (202) 727-0431

/s/ Andrew J. Saindon  
ANDREW J. SAINDON, D.C. Bar No. 456987  
Assistant Attorney General  
Equity I Section  
441 Fourth Street, N.W., 6<sup>th</sup> Floor South  
Washington, D.C. 20001  
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<sup>1</sup> Under District law, emergency regulations are effective immediately, and will expire in 120 days or the publication of a Final Rulemaking, whichever occurs first. *See* D.C. Official Code § 2-505(c).

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Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

**CHIEF, METROPOLITAN POLICE DEPARTMENT**

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chief of the Metropolitan Police Department, pursuant to subsections 504(e)(4), 504(f), and section 712 of the Firearms Regulations Control Act of 1975 (Act), effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365), hereby gives notice of the adoption on an emergency basis of an amendment to add section 2325 to Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR). The rulemaking exempts certain single action pistols manufactured before 1985 from the application of section 504 of the Act, and establishes that certain other types of pistols manufactured before 1985 are deemed included on the newly created District Roster of Handguns Determined Not to be Unsafe. The rulemaking is informed by the reasonable laws and regulations of the State of Maryland. The rulemaking will make the District's safe gun laws identical to the State of Maryland as to Pre-1985 pistols.

Emergency rulemaking action is necessary to interpret and implement the provisions of 504 of the Act and to add suitable weapons to the District's Roster of Handguns Determined Not to be Unsafe and to exempt suitable weapons from the application of the roster. Emergency rulemaking will immediately clarify those firearms that are eligible for sale, transfer, ownership, or possession so as to continue the District's compliance with the Supreme Court's decision and mandate in *District of Columbia v. Heller* concerning a person's constitutional right to legally possess a firearm in a person's home for the purpose of self-defense.

This emergency rulemaking was adopted on June 25, 2009, and became effective immediately. The emergency rulemaking will expire after one hundred and twenty (120) days, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

The Chief also gives notice of her intent to take final rulemaking action to adopt the proposed rulemaking in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

**Chapter 23 of Title 24 DCMR is amended to add section 2325 to read as follows:**

**2325 PRE-1985 PISTOLS**

- 2325.1 Any pistol with a single action firing mechanism manufactured prior to 1985 shall be exempt from the application of section 504 of the Firearms Regulations Control Act of 1975, effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365).
- 2325.2 Any pistol manufactured prior to 1985, not subject to § 2325.1, shall be deemed included on the District Roster established pursuant to § 2323.



All persons interested in commenting on the subject matter of this proposed rulemaking action may file comments, in writing, with: Terrence D. Ryan, General Counsel, Metropolitan Police Department, Suite 4125, 300 Indiana Avenue, N.W., Washington, D.C. 20001. Comments must be received no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Copies of this proposal may be obtained, at cost, by writing to the above address.

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT N</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
28 Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

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Law Offices of Donald Kilmer, A.P.C.  
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San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

Kamala D. Harris, Attorney General

California Department of Justice <b>DIVISION OF LAW ENFORCEMENT</b> Larry J. Wallace, Director	<b>INFORMATION BULLETIN</b>
<i>Subject:</i>  <b>Certification of Microstamping Technology pursuant to Penal Code section 31910, subdivision (b)(7)(A)</b>	
<i>No:</i> 2013-BOF-03	<i>Contact for information:</i>  <b>Bureau of Firearms</b>
<i>Date:</i> May 17, 2013	

**TO: California Licensed Firearms Dealers, California Department of Justice Certified Laboratories, Firearm Manufacturers with Firearms listed on the Roster of Handguns Certified for Sale in California, and all other interested persons/entities**

The purpose of this bulletin is to inform California licensed firearms dealers, California Department of Justice certified laboratories, firearm manufacturers with firearms listed on the Roster of Handguns Certified for Sale in California, and all other interested persons/entities of the Department of Justice's certification on May 17, 2013 pursuant to Penal Code section 31910, subdivision (b)(7)(A) that the microstamping technology is available to more than one manufacturer unencumbered by any patent restrictions.

**Background**

In 2007, Assembly Bill 1471 was passed and signed into law, requiring all semiautomatic pistols to be equipped with microstamping technology—"a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired." (Pen. Code, § 31910, subd. (b)(7)(A).) The legislation further provided that this requirement becomes effective when the Department of Justice "certifies that the technology used to create the [microstamp] imprint is available to more than one manufacturer unencumbered by any patent restrictions." (*Ibid.*)

**Certification of the Microstamping Technology**

On May 17, 2013, the Department of Justice issued a certification that the microstamping technology is available to more than one manufacturer unencumbered by any patent restrictions. A copy of the certification is attached to this bulletin.

**Effect of the Department's Certification**

Following the issuance of the Department of Justice's certification, the provisions of Penal Code section 31910, subdivision (b)(7)(A) are in immediate effect. Therefore, to be listed on the Roster of Handguns Certified for Sale in California, a semiautomatic pistol must be equipped with microstamping technology—i.e., a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired. (Pen. Code, § 31910, subd. (b)(7)(A).) Semiautomatic pistols already listed on the Roster of Handguns Certified for Sale in California will remain on the roster and need not incorporate the microstamping technology provided that the firearms comply with Penal Code sections 32015, 32020, and 32030.

Also, please consult the Department's regulations for more information regarding how microstamping technology should be incorporated within all semi-automatic pistols and tested for compliance with Penal Code section 31910, subdivision (b)(7)(A). (See Cal. Code Regs., tit. 11, §§ 4046 et seq.) A link to a copy of the applicable regulations can be found at the following website: <http://oag.ca.gov/firearms>.

For any questions regarding the Roster of Handguns Certified for Sale in California and/or the certification of microstamping technology, please contact Leslie McGovern at (916) 227-4024 or [leslie.mcgovern@doj.ca.gov](mailto:leslie.mcgovern@doj.ca.gov).

Sincerely,



STEPHEN J. LINDLEY, Chief  
Bureau of Firearms

For KAMALA D. HARRIS  
Attorney General



STATE OF CALIFORNIA  
OFFICE OF THE ATTORNEY GENERAL  
ROCHELLE C. EAST  
CHIEF DEPUTY ATTORNEY GENERAL, LEGAL AFFAIRS

**CERTIFICATION UNDER  
CALIFORNIA PENAL CODE § 31910, SUBDIVISION (b)(7)(A)**

Under California Penal Code § 31910, subdivision (b)(7)(A), a semiautomatic pistol not already listed on the firearm roster pursuant to California Penal Code § 32015 is an "unsafe handgun" unless it is "designed and equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired, provided that the Department of Justice certifies that the technology used to create the imprint is available to more than one manufacturer unencumbered by any patent restrictions."

The California Department of Justice has conducted a review of the known and available patent restrictions applicable to the microscopic-imprinting technology described in § 31910, subdivision (b)(7)(A). Based on this review, the Department certifies that, as of May 17, 2013, this technology is available to more than one manufacturer unencumbered by any patent restrictions.

  
Rochelle C. East  
Chief Deputy Attorney General



1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
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16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT O</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
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Mission Viejo, CA 92691  
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Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

1 KAMALA D. HARRIS  
Attorney General of California  
2 PETER K. SOUTHWORTH  
Supervising Deputy Attorney General  
3 ANTHONY R. HAKL, State Bar No. 197335  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 322-9041  
6 Fax: (916) 324-8835  
E-mail: Anthony.Hakl@doj.ca.gov  
7 *Attorneys for Defendant Stephen Lindley*

8  
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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
12

13 **IVAN PEÑA, ROY VARGAS, DOÑA**  
14 **CROSTON, BRETT THOMAS, SECOND**  
15 **AMENDMENT FOUNDATION, INC. and**  
**THE CALGUNS FOUNDATION, INC.,**

16 Plaintiffs,

17 v.

18 **STEPHEN LINDLEY,**

19 Defendant.  
20

Case No. 2:09-CV-01185-KJM-CMK

**DEFENDANT STEPHEN LINDLEY'S  
RESPONSE TO REQUESTS FOR  
ADMISSION, SET ONE**

21  
22  
23 **PROPOUNDING PARTY: PLAINTIFFS, IVAN PEÑA, ROY VARGAS,**  
24 **DOÑA CROSTON, BRETT THOMAS, THE SECOND**  
25 **AMENDMENT FOUNDATION, INC., and THE CALGUNS**  
**FOUNDATION, INC.**

26 **RESPONDING PARTY: DEFENDANT STEPHEN LINDLEY**

27 **SET NO.: ONE**  
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**RESPONSES TO REQUESTS FOR ADMISSION**

**REQUEST FOR ADMISSION NO. 1:**

The Court has personal jurisdiction over all parties in the lawsuit.

**RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

Admitted, to the extent Defendant can admit jurisdiction. As the Ninth Circuit has stated: “While ‘[c]onsent of parties cannot give the courts of the United States jurisdiction, . . . the parties may admit the existence of facts which show jurisdiction, and the courts may act judicially upon such an admission.’” *Verzosa v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 589 F.2d 974, 977 (9th Cir. 1978) (quoting *Railway Co. v. Ramsey*, 89 U.S. [22 Wall] 322, 327).

**REQUEST FOR ADMISSION NO. 2:**

The Court has subject matter jurisdiction over the issues raised in this lawsuit.

**RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

Admitted, to the extent Defendant can admit jurisdiction. As the Ninth Circuit has stated: “While ‘[c]onsent of parties cannot give the courts of the United States jurisdiction, . . . the parties may admit the existence of facts which show jurisdiction, and the courts may act judicially upon such an admission.’” *Verzosa v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 589 F.2d 974, 977 (9th Cir. 1978) (quoting *Railway Co. v. Ramsey*, 89 U.S. [22 Wall] 322, 327). Additionally, the Court can at any time sua sponte dismiss an action for lack of subject matter jurisdiction. Fed. R. Civ. P. 12(h)(3).

**REQUEST FOR ADMISSION NO. 3:**

Plaintiff properly named the Defendant in the Second Amended Complaint filed on June 10, 2013. (Doc #53).

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

Defendant admits that he is properly named in the Second Amended Complaint as a defendant in his official capacity only.



1 **REQUEST FOR ADMISSION NO. 4:**

2 No handguns currently available for sale in the United States have microstamping  
3 technology that satisfies the requirements of California's Handgun Roster Law.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

5 Admitted.

6 **REQUEST FOR ADMISSION NO. 5:**

7 No firearms manufacturer currently has any plans to offer handguns for sale in the United  
8 States that incorporate microstamping technology compliant with the requirements of California's  
9 handgun roster law.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

11 After reasonable inquiry, the information Defendant knows or can readily obtain is  
12 insufficient to enable him to admit or deny this request. Defendant does not have knowledge of  
13 the plans of each and every firearms manufacturer in this regard.

14 **REQUEST FOR ADMISSION NO. 6:**

15 No firearms manufacturer will, in the foreseeable future, offer handguns for sale in the  
16 United States that incorporate microstamping technology compliant with the requirements of  
17 California's handgun roster law.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

19 After reasonable inquiry, the information Defendant knows or can readily obtain is  
20 insufficient to enable him to admit or deny this request. Defendant does not have knowledge of  
21 the plans of each and every firearms manufacturer in this regard.

22 **REQUEST FOR ADMISSION NO. 7:**

23 Adding microstamping technology to a handgun raises the manufacturing cost of the  
24 handgun.

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1 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

2 After reasonable inquiry, the information Defendant knows or can readily obtain is  
3 insufficient to enable him to admit or deny this request. Defendant does not have knowledge of  
4 the handgun manufacturing costs of each and every firearms manufacturer in this regard.

5 **REQUEST FOR ADMISSION NO. 8:**

6 The microstamping requirement prevents Plaintiff Peña from acquiring the firearm  
7 identified in paragraph 41 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

9 Denied.

10 **REQUEST FOR ADMISSION NO. 9:**

11 The microstamping requirement prevents Plaintiff Vargas from acquiring the firearm  
12 identified in paragraph 43 of the Second Amended Complaint.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

14 Denied.

15 **REQUEST FOR ADMISSION NO. 10:**

16 The microstamping requirement prevents Plaintiff Croston from acquiring the firearm  
17 identified in paragraph 49 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

19 Denied.

20 **REQUEST FOR ADMISSION NO. 11:**

21 The microstamping requirement prevents Plaintiff Thomas from acquiring the firearm  
22 identified in paragraph 54 of the Second Amended Complaint.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

24 Denied.

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1 Dated: August 19, 2013

Respectfully submitted,

2 KAMALA D. HARRIS  
Attorney General of California  
3 PETER K. SOUTHWORTH  
Supervising Deputy Attorney General

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5 ANTHONY R. HAKL  
6 Deputy Attorney General  
*Attorneys for Defendant Stephen Lindley*

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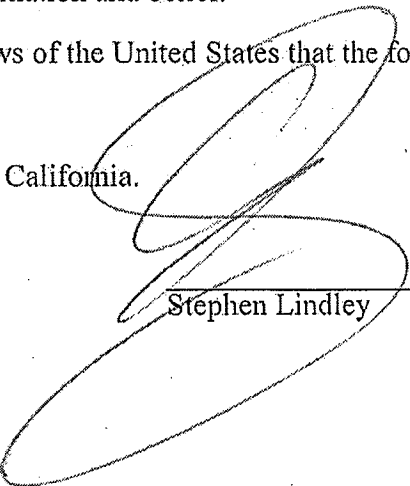
VERIFICATION

I, Stephen Lindley, declare:

I am the Chief of the Bureau of Firearms of the California Department of Justice. I have read Defendant Stephen Lindley's Response To Requests For Admission, Set One. I know their contents and the same are true to my knowledge, information and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on August 19, 2013 in Sacramento, California.



Stephen Lindley

**DECLARATION OF SERVICE BY U.S. MAIL and E-MAIL**

Case Name: **Ivan Pena, et al. v. Stephen Lindley**  
 No.: **2:09-CV-01185-KJM-CKD**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 19, 2013, I served the attached

**1. DEFENDANT STEPHEN LINDLEY'S RESPONSE TO INTERROGATORIES, SET ONE**

**2. DEFENDANT STEPHEN LINDLEY'S RESPONSE TO REQUESTS FOR ADMISSION, SET ONE**

by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Donald E.J. Kilmer, Jr. Attorney at Law Law Offices of Donald Kilmer, A.P.C. 1645 Willow Street, Suite 150 San Jose, CA 95125 E-Mail: <a href="mailto:don@dklawoffice.com">don@dklawoffice.com</a> <i>Co-Counsel for Plaintiffs</i>	Alan Gura Gura & Possessky, PLLC 101 North Columbus Street, Suite 405 Alexandria, VA 22314 E-Mail: <a href="mailto:alan@gurapossessky.com">alan@gurapossessky.com</a> <i>Co-Counsel for Plaintiffs</i>
Jason A. Davis Davis & Associates 30021 Tomas Street, Suite 300 Rancho Santa Margarita, CA 92688 E-Mail: <a href="mailto:Jason@calgunlawyers.com">Jason@calgunlawyers.com</a> <i>Co-Counsel for Plaintiffs</i>	

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 19, 2013, at Sacramento, California.

BRENDA APODACA  
 \_\_\_\_\_  
 Declarant

*Brenda Apodaca*  
 \_\_\_\_\_  
 Signature

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

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17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>EXHIBIT P</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 Respectfully October 24, 2013,

27 Alan Gura, Calif. Bar No.: 178221  
28 Gura & Possessky, PLLC  
101 N. Columbus St., Suite 405  
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703.835.9085/Fax 703.997.7665

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27201 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
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Donald E.J. Kilmer, Jr., Calif. Bar No. 179986  
Law Offices of Donald Kilmer, A.P.C.  
1645 Willow Street, Suite 150  
San Jose, CA 95125  
408.264.8489/Fax 408.264.8487  
Email: Don @DKLawOffice.com

By: /s/ Donald E.J. Kilmer, Jr.  
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

1 KAMALA D. HARRIS  
Attorney General of California  
2 PETER K. SOUTHWORTH  
Supervising Deputy Attorney General  
3 ANTHONY R. HAKL, State Bar No. 197335  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 322-9041  
6 Fax: (916) 324-8835  
E-mail: Anthony.Hakl@doj.ca.gov  
7 *Attorneys for Defendant Stephen Lindley*

8  
9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
12

13 **IVAN PEÑA, ROY VARGAS, DOÑA**  
14 **CROSTON, BRETT THOMAS, SECOND**  
15 **AMENDMENT FOUNDATION, INC. and**  
**THE CALGUNS FOUNDATION, INC.,**

16 Plaintiffs,

17 v.

18 **STEPHEN LINDLEY,**

19 Defendant.  
20

Case No. 2:09-CV-01185-KJM-CMK

**DEFENDANT STEPHEN LINDLEY'S  
RESPONSE TO INTERROGATORIES, SET  
ONE**

21  
22  
23 **PROPOUNDING PARTY: PLAINTIFFS, IVAN PEÑA, ROY VARGAS,**  
24 **DOÑA CROSTON, BRETT THOMAS, THE SECOND**  
25 **AMENDMENT FOUNDATION, INC., and THE CALGUNS**  
**FOUNDATION, INC.**

26 **RESPONDING PARTY: DEFENDANT STEPHEN LINDLEY**

27 **SET NO.: ONE**  
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**RESPONSES TO INTERROGATORIES**

**INTERROGATORY NO. 1:**

Identify each person answering these interrogatories, supplying information, or assisting in any way with the preparation of the answers to these interrogatories.

**RESPONSE TO INTERROGATORY NO. 1:**

Defendant Stephen Lindley; Deputy Attorney General Anthony R. Hakl; and Deputy Attorney General Kimberly Granger.

**INTERROGATORY NO. 2:**

If defendant has not been sued in his correct name, state the correct name.

**RESPONSE TO INTERROGATORY NO. 2:**

Defendant Lindley has been sued in his correct name.

**INTERROGATORY NO. 3:**

Identify every potential party to this lawsuit.

**RESPONSE TO INTERROGATORY NO. 3:**

Objection. The phrase "potential party" is vague.

Notwithstanding this objection, based on his understanding of Plaintiffs' claims, Defendant is not aware of any other potential parties.

**INTERROGATORY NO. 4:**

Identify every person with knowledge of relevant facts (i.e., relating to microstamping) and summarize each person's knowledge and opinions.

**RESPONSE TO INTERROGATORY NO. 4:**

Defendant Stephen Lindley and Special Agent Supervisor Blake Graham have knowledge of facts relevant to the Roster of Handguns Certified for Sale ("roster"), including but not limited to the microstamping requirement.

Assistant Government Program Analyst Leslie McGovern has knowledge of the relevant administrative facts regarding the placement of handguns on the roster.



1 **INTERROGATORY NO. 5:**

2 Identify all persons or entities that have possession, custody, or control of materials  
3 relevant (i.e., relating to microstamping) to this suit and the materials over which they have  
4 possession, custody, or control.

5 **RESPONSE TO INTERROGATORY NO. 5:**

6 The Bureau of Firearms, Defendant Stephen Lindley, Special Agent Supervisor Blake  
7 Graham and Assistant Government Program Analyst Leslie McGovern have possession, custody,  
8 or control over microstamping materials relevant to this action.

9 **INTERROGATORY NO. 6:**

10 Identify Defendant's opinions and contentions about his defenses relating to the facts or  
11 the application of law to the facts (i.e., relating to microstamping) in this case.

12 **RESPONSE TO INTERROGATORY NO. 6:**

13 Objection. This interrogatory is vague and overbroad. The interrogatory fails to identify  
14 any specific opinion or contention relating to any particular fact or application of law to facts.  
15 The interrogatory is not reasonably calculated to narrow or sharpen the issues. Defendant is  
16 under no obligation to state all of his "opinions and contentions" in an interrogatory answer. See,  
17 e.g., *American Civil Liberties Union v. Gonzales*, 237 F.R.D. 120, 124 (E.D. Pa. 2006); *Nestle*  
18 *Foods Corp. v. Aetna CA's. & Sur. Co.*, 135 F.R.D. 101, 111 (D. N.J. 1990); *Hockley v. Zent,*  
19 *Inc.*, 89 F.R.D. 26, 31 (M.D. Pa. 1980).

20 **INTERROGATORY NO. 7:**

21 Identify any steps taken to preserve materials relevant (i.e., relating to microstamping) to  
22 this suit, including any alterations to routine operations of an electronic information system, and  
23 do the following:

- 24 a. Identify whether a specific litigation-hold policy or other similar suspension order was  
25 created.
- 26 b. Identify the person who created the litigation-hold policy.
- 27 c. Specify the date when the litigation-hold policy was created.

28

1 d. State whether the litigation-hold policy was recorded, regardless of the medium (e.g.,  
2 paper or electronic), and if so, identify the material.

3 e. Identify the persons who received the litigation-hold policy.

4 f. Specify the date when the persons received the litigation-hold policy.

5 g. State whether Defendant will, without a formal request to produce, attach a copy of all  
6 materials described in the answer to this interrogatory.

7 **RESPONSE TO INTERROGATORY NO. 7:**

8 Defendant has complied with his duty to preserve evidence relevant to Plaintiffs'  
9 microstamping claim. Defendant is unaware of any specific litigation-hold policy or other similar  
10 suspension order.

11 **INTERROGATORY NO. 8:**

12 Identify each and every manufacturer of firearms who has applied to have a handgun  
13 placed on the California approved handgun roster from May 17, 2013 to the time this  
14 interrogatory has been answered including but not limited to:

15 a. Name of the company/manufacturer.

16 b. Address of the company/manufacturer.

17 c. Make/model of the firearm submitted for placement on the roster.

18 d. Whether the handgun is eligible for placement on the roster.

19 e. For every handgun not eligible for placement on the roster, each reason barring the  
20 handgun's eligibility for placement on the roster.

21 **RESPONSE TO INTERROGATORY NO. 8:**

22 In response to this interrogatory, Defendant states that from May 17, 2013, to the date of these  
23 interrogatory answers, no company or manufacturer has submitted a firearm for placement on the  
24 California approved handgun roster that satisfies California's microstamping requirement.  
25 Nevertheless, during the time period in question, companies and manufacturers have submitted  
26 numerous handguns for placement on the California handgun roster pursuant to Penal Code section  
27 32030, and Defendant has placed several of those firearms on the roster, thus making additional  
28

1 handguns available to the public for purchase. Defendant is still compiling the additional data  
2 responsive to this interrogatory and will supplement this answer as soon as possible.

3 **INTERROGATORY NO. 9:**

4 Identify each and every academic report and/or study that purports to set forth the public  
5 safety advantages of microstamping. Please include:

- 6 a. Author of the report/study.
- 7 b. Source of funding for the report/study.
- 8 c. Date of publication of the study/report.
- 9 d. Whether or not the study/report was peer reviewed.

10 **RESPONSE TO INTERROGATORY NO. 9:**

11 Defendant is aware of the study titled by "*What Micro Serialized Firing Pins Can Add to*  
12 *Firearm Identification in Forensic Science: How Viable are Micro-Marked Firing Pin*  
13 *Impressions as Evidence?*" (available at <http://forensicscience.ucdavis.edu/pdf/microserial.pdf>).  
14 The authors are David Howitt, Ph. D., Frederic A. Tulleners, and Michael T. Beddow, Forensic  
15 Science Graduate Group, University of California, Davis. The study was funded by the  
16 California Policy Research Center, University of California. Defendant does not know the exact  
17 publication date, but it appears to have been published in 2008. The study indicates it was peer  
18 reviewed.

19 **INTERROGATORY NO. 10:**

20 Identify each and every criminological report and/or study that purports to set forth the  
21 public safety advantages of microstamping. Please include:

- 22 a. Author of the report/study.
  - 23 b. Source of funding for the report/study.
  - 24 c. Date of publication of the study/report.
  - 25 d. Whether or not the study/report was peer reviewed.
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1 **RESPONSE TO INTERROGATORY NO. 10:**

2 Defendant is aware of "*Forensic Firearm Identification of Semiautomatic Handguns*  
3 *Using Laser Formed Microstamping Elements*" (available at [http://csgv.org/wp/wp-](http://csgv.org/wp/wp-content/uploads/2013/06/FORENSIC-FIREARM-IDENTIFICATION-OF-SEMI-AUTOMATIC-HANDGUNS-LIZOTTE.pdf)  
4 [content/uploads/2013/06/FORENSIC-FIREARM-IDENTIFICATION-OF-SEMI-AUTOMATIC-](http://csgv.org/wp/wp-content/uploads/2013/06/FORENSIC-FIREARM-IDENTIFICATION-OF-SEMI-AUTOMATIC-HANDGUNS-LIZOTTE.pdf)  
5 [HANDGUNS-LIZOTTE.pdf](http://csgv.org/wp/wp-content/uploads/2013/06/FORENSIC-FIREARM-IDENTIFICATION-OF-SEMI-AUTOMATIC-HANDGUNS-LIZOTTE.pdf)). The authors are Todd E. Lizotte and Orest Ohar, Microstamping  
6 Technology Transfer Center, Pivotal Development Company, Londonderry, NH 03053.  
7 Defendant does not know who funded the study or whether it was peer reviewed. The date of the  
8 study appears to be 2008.

9 Defendant is also aware of "*Extracting Ballistic Forensic Intelligence: Microstamped*  
10 *Firearms Deliver Data for Illegal Firearm Traffic Mapping – Technology*" (available at  
11 [http://csgv.org/wp/wp-content/uploads/2013/06/LIZOTTE-RESEARCH-PAPER-AUGUST-](http://csgv.org/wp/wp-content/uploads/2013/06/LIZOTTE-RESEARCH-PAPER-AUGUST-2009.pdf)  
12 [2009.pdf](http://csgv.org/wp/wp-content/uploads/2013/06/LIZOTTE-RESEARCH-PAPER-AUGUST-2009.pdf)). The authors are Orest P. Ohar and Todd E. Lizotte, Pivotal Development, LLC  
13 Hooksett, NH 03106. The date of the study is 2009. Defendant does not know who funded the  
14 study or whether it was peer reviewed.

15 **INTERROGATORY NO. 11:**

16 Identify each and every government report and/or study that purports to set forth the  
17 public safety advantages of microstamping. Please include:

- 18 a. Author of the report/study.  
19 b. Source of funding for the report/study.  
20 c. Date of publication of the study/report.  
21 d. Whether or not the study/report was peer reviewed.

22 **RESPONSE TO INTERROGATORY NO. 11:**

23 Defendant is aware of the book Ballistic Imaging, by Daniel L. Cork, John E. Rolph,  
24 Eugene S. Meieran, and Carol V. Petrie, Editors, Committee to Assess the Feasibility, Accuracy  
25 and Technical Capability of a National Ballistics Database, National Research Council. The date  
26 of publication is 2008. With respect to funding, the book indicates that "it was supported by  
27 contract 2003-IJ-CX-1013 between the National Academy of Sciences and the National Institute  
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1 of Justice. The work of the Committee on National Statistics is provided by a consortium of  
2 federal agencies through a grant from the National Science Foundation (Number SBR-0112521)."  
3 Defendant presumes the book was peer reviewed.

4 **INTERROGATORY NO. 12:**

5 Identify each person who would offer testimony in this case supporting your contentions  
6 regarding microstamping.

7 **RESPONSE TO INTERROGATORY NO. 12:**

8 Defendant Stephen Lindley, Special Agent Supervisor Blake Graham, and Associate  
9 Governmental Program Analyst Leslie McGovern.

10 **INTERROGATORY NO. 13:**

11 If Request for Admission #1 is denied, set forth each and every fact to support your belief  
12 that the Court lacks personal jurisdiction over all the parties to this lawsuit.

13 **RESPONSE TO INTERROGATORY NO. 13:**

14 Not applicable.

15 **INTERROGATORY NO. 14:**

16 If Request for Admission #2 is denied, set forth each and every fact to support your belief  
17 that the Court lacks subject matter jurisdiction over the issues raised in this lawsuit.

18 **RESPONSE TO INTERROGATORY NO. 14:**

19 Not applicable.

20 **INTERROGATORY NO. 15:**

21 If Request for Admission #3 is denied, set forth each and every fact to support your belief  
22 that the Defendant named in the Second Amended Complaint (Doc #53) is not properly named.

23 **RESPONSE TO INTERROGATORY NO. 15:**

24 Not applicable.

25 **INTERROGATORY NO. 16:**

26 If Request for Admission #4 is denied, describe each handgun, by make and model, that  
27 you claim satisfies California's microstamping requirement.

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1 **RESPONSE TO INTERROGATORY NO. 16:**

2 Not applicable.

3 **INTERROGATORY NO. 17:**

4 If Request for Admission #5 is denied, describe all plans known to you by any firearms  
5 manufacturer to introduce handguns for sale in the United States that include California compliant  
6 microstamping technology.

7 **RESPONSE TO INTERROGATORY NO. 17:**

8 Not applicable, but Defendant currently does not know of any such plans.

9 **INTERROGATORY NO. 18:**

10 If Request for Admission #6 is denied, describe the basis for your belief that a firearms  
11 manufacturer will, in the foreseeable future, offer handguns for sale in the United States that  
12 incorporate microstamping technology compliant with the requirements of California's handgun  
13 roster law.

14 **RESPONSE TO INTERROGATORY NO. 18:**

15 Not applicable, but Defendant currently does not have such a belief.

16 **INTERROGATORY NO. 19:**

17 If Request for Admission #7 is admitted, describe the additional cost of adding California-  
18 compliant microstamping technology to each firearm.

19 **RESPONSE TO INTERROGATORY NO. 19:**

20 Not applicable, but Defendant does not know of any such additional cost.

21 **INTERROGATORY NO. 20:**

22 If Request for Admission #8 is denied, set forth each and every fact that supports your  
23 belief that the microstamping requirement does not prevent Plaintiff Peña from acquiring the  
24 firearm identified in paragraph 41 of the Second Amended Complaint.

25 **RESPONSE TO INTERROGATORY NO. 20:**

26 Plaintiff could acquire the firearm by way of a private party transaction.

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1 **INTERROGATORY NO. 21:**

2 If Request for Admission #9 is denied, set forth each and every fact that supports your  
3 belief that the microstamping requirement does not prevent Plaintiff Vargas from acquiring the  
4 firearm identified in paragraph 43 of the Second Amended Complaint.

5 **RESPONSE TO INTERROGATORY NO. 21:**

6 Plaintiff could acquire the firearm by way of a private party transaction.

7 **INTERROGATORY NO. 22:**

8 If Request for Admission #10 is denied, set forth each and every fact that supports your  
9 belief that the microstamping requirement does not prevent Plaintiff Croston from acquiring the  
10 firearm identified in paragraph 49 of the Second Amended Complaint.

11 **RESPONSE TO INTERROGATORY NO. 22:**

12 Plaintiff could acquire the firearm by way of a private party transaction.

13 **INTERROGATORY NO. 23:**

14 If Request for Admission #11 is denied, set forth each and every fact that supports your  
15 belief that the microstamping requirement does not prevent Plaintiff Thomas from acquiring the  
16 firearm identified in paragraph 54 of the Second Amended Complaint.

17 **RESPONSE TO INTERROGATORY NO. 23:**

18 Plaintiff could acquire the firearm by way of a private party transaction.

19 **INTERROGATORY NO. 24:**

20 Set forth each and every fact that supports your First Affirmative Defense in the Answer  
21 to the Second Amended Complaint (Doc #54) that the Second Amended Complaint (Doc #53)  
22 fails to present a case or controversy that is ripe for the Court's consideration.

23 **RESPONSE TO INTERROGATORY NO. 24:**

24 Plaintiffs have failed to make a meaningful attempt to acquire the handguns in question  
25 and are able to legally acquire the handguns, such as through a private party transaction.

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1 **INTERROGATORY NO. 25:**

2 Set forth each and every fact that supports your Second Affirmative Defense in the  
3 Answer to the Second Amended Complaint (Doc #54) that the individual plaintiffs (Peña, Vargas,  
4 Croston and Thomas) lack standing to bring this action.

5 **RESPONSE TO INTERROGATORY NO. 25:**

6 Plaintiffs have failed to make a meaningful attempt to acquire the handguns in question  
7 and are able to legally acquire the handguns, such as through a private party transaction.

8 **INTERROGATORY NO. 26:**

9 Set forth each and every fact that supports your Second Affirmative Defense in the  
10 Answer to the Second Amended Complaint (Doc #54) that the individual plaintiffs (Peña, Vargas,  
11 Croston and Thomas) have suffered no injuries or credible threat of injuries.

12 **RESPONSE TO INTERROGATORY NO. 26:**

13 Plaintiffs have failed to make a meaningful attempt to acquire the handguns in question  
14 and are able to legally acquire the handguns, such as through a private party transaction.

15 **INTERROGATORY NO. 27:**

16 Set forth each and every fact that supports your Second Affirmative Defense in the  
17 Answer to the Second Amended Complaint (Doc #54) that the plaintiff Second Amendment  
18 Foundation, Inc., lacks associational standing to bring this action.

19 **RESPONSE TO INTERROGATORY NO. 27:**

20 Because the individual Plaintiffs do not have standing to sue, Second Amendment  
21 Foundation, Inc. does not have associational standing. An association has standing when "(a) its  
22 members would otherwise have standing to sue in their own right; (b) the interests it seeks to  
23 protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief  
24 requested requires the participation of individual members in the lawsuit." *Hunt v. Washington*  
25 *State Apple Adver. Comm'n*, 432 U.S. 333, 343 (1977).

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1 **INTERROGATORY NO. 28:**

2 Set forth each and every fact that supports your Second Affirmative Defense in the  
3 Answer to the Second Amended Complaint (Doc #54) that plaintiff The Calguns Foundation,  
4 Inc., lacks associational standing to bring this action.

5 **RESPONSE TO INTERROGATORY NO. 28:**

6 Because the individual Plaintiffs do not have standing to sue, The Calguns Foundation, Inc.  
7 does not have associational standing. An association has standing when "(a) its members would  
8 otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane  
9 to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires  
10 the participation of individual members in the lawsuit." *Hunt v. Washington State Apple Adver.*  
11 *Comm'n*, 432 U.S. 333, 343 (1977).

12 **INTERROGATORY NO. 29:**

13 Set forth each and every fact that supports your Second Affirmative Defense in the  
14 Answer to the Second Amended Complaint (Doc #54) that the institutional plaintiffs (Second  
15 Amendment Foundation, Inc., and The Calguns Foundation, Inc.) have suffered no injuries or  
16 credible threat of injuries.

17 **RESPONSE TO INTERROGATORY NO. 29:**

18 Defendant is simply unaware of any action by him that has resulted in a concrete and  
19 demonstrable injury to Second Amendment Foundation, Inc. or The Calguns Foundation, Inc.'s  
20 activities.

21 **INTERROGATORY NO. 30:**

22 Set forth each and every fact that supports your Third Affirmative Defense in the Answer  
23 to the Second Amended Complaint (Doc #54) that Plaintiffs' claims are barred by the Eleventh  
24 Amendment.

25 **RESPONSE TO INTERROGATORY NO. 30:**

26 Defendant contends that the Eleventh Amendment provides immunity against any suit  
27 where he is sued for damages in his official capacity. Defendant pled this affirmative defense out  
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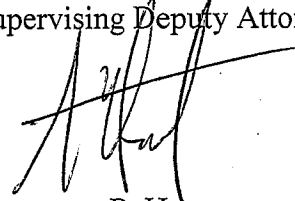
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of an abundance of caution. Defendant does not contend that the Eleventh Amendment prohibits Plaintiffs' claims for declaratory or injunctive relief as currently pled.

Dated: August 19, 2013

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
PETER K. SOUTHWORTH  
Supervising Deputy Attorney General



ANTHONY R. HAKL  
Deputy Attorney General  
*Attorneys for Defendant Stephen Lindley*

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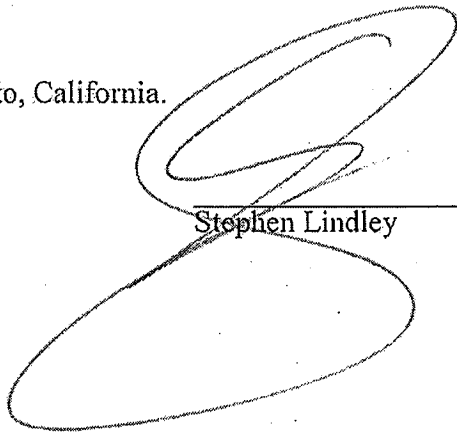
VERIFICATION

I, Stephen Lindley, declare:

I am the Chief of the Bureau of Firearms of the California Department of Justice. I have read Defendant Stephen Lindley's Response To Interrogatories, Set One. I know their contents and the same are true to my knowledge, information and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on August 11, 2013 in Sacramento, California.



Stephen Lindley

**DECLARATION OF SERVICE BY U.S. MAIL and E-MAIL**

Case Name: **Ivan Pena, et al. v. Stephen Lindley**  
No.: **2:09-CV-01185-KJM-CKD**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 19, 2013, I served the attached

**1. DEFENDANT STEPHEN LINDLEY'S RESPONSE TO INTERROGATORIES, SET ONE**

**2. DEFENDANT STEPHEN LINDLEY'S RESPONSE TO REQUESTS FOR ADMISSION, SET ONE**

by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Donald E.J. Kilmer, Jr. Attorney at Law Law Offices of Donald Kilmer, A.P.C. 1645 Willow Street, Suite 150 San Jose, CA 95125 E-Mail: <a href="mailto:don@dklawoffice.com">don@dklawoffice.com</a> <i>Co-Counsel for Plaintiffs</i>	Alan Gura Gura & Possessky, PLLC 101 North Columbus Street, Suite 405 Alexandria, VA 22314 E-Mail: <a href="mailto:alan@gurapossessky.com">alan@gurapossessky.com</a> <i>Co-Counsel for Plaintiffs</i>
Jason A. Davis Davis & Associates 30021 Tomas Street, Suite 300 Rancho Santa Margarita, CA 92688 E-Mail: <a href="mailto:Jason@calgunlawyers.com">Jason@calgunlawyers.com</a> <i>Co-Counsel for Plaintiffs</i>	

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 19, 2013, at Sacramento, California.

BRENDA APODACA  
Declarant

  
Signature