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BILL LOCKYER, the STATE OF CALIFORNIA,  
9 and CALIFORNIA DEPARTMENT OF JUSTICE

10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF FRESNO

12  
13 **EDWARD HUNT, in his official capacity as District**  
14 **Attorney of Fresno County, and in his personal**  
15 **capacity as a citizen and taxpayer; DAVE SUNDY,**  
16 **former Oakdale Chief of Police, in his personal**  
17 **capacity as a citizen and taxpayer; LAW**  
18 **ENFORCEMENT ALLIANCE OF AMERICA, on**  
19 **behalf of its members whose duty it is to enforce the**  
20 **law and/or to comply therewith, and as citizens and**  
21 **taxpayers; CALIFORNIA SPORTING GOODS**  
22 **ASSOCIATION, INC., a California nonprofit**  
23 **corporation; HERB BAUER SPORTING GOODS, a**  
24 **California corporation; and BARRY BAUER, as**  
25 **taxpayer and licensed firearm dealer,**

20 Plaintiffs,

21 v.

22 **STATE OF CALIFORNIA; WILLIAM LOCKYER,**  
23 **Attorney General of the State of California;**  
24 **CALIFORNIA DEPARTMENT OF JUSTICE; Does**  
25 **1-100,**

24 Defendants.

CASE NO. 01 CE CG 03182

**DECLARATION OF RANDY  
ROSSI IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
PRELIMINARY  
INJUNCTION**

Date: April 10, 2002  
Time: 1:30 p.m.  
Department: 98A

26 I, Randy Rossi, declare:

27 1. I am the Director of the Firearms Division within the California Department of  
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1 Justice ("DOJ"). I have 20 years of experience with the DOJ, and I have held my present position  
2 since the Firearms Division was created in September 1999. I have over 25 years of experience in  
3 law enforcement. The matters set forth in this declaration are true of my own knowledge, and if  
4 called as a witness I could and would testify competently thereto.

5           2. The Firearms Division of DOJ conducts eligibility checks for firearms purchases,  
6 issues various special weapons permits, conducts inspections of firearms dealers to ensure  
7 compliance with California firearms laws and policies, regulates gun shows, regulates assault  
8 weapon registration, certifies the testing of handguns and firearm safety devices, and performs other  
9 tasks regarding firearm-related matters. In my position as Director, I have responsibility for  
10 oversight of all of the Firearms Division's activities. I am familiar with this lawsuit, and with the  
11 Assault Weapons Control Act enacted in 1999 (also known as SB 23), which is described in the  
12 lawsuit. I attended each and every legislative hearing on SB 23, on behalf of the Attorney General.

13           3. The Firearms Division had and has responsibility for all aspects of DOJ's role in the  
14 process with respect to the "Department of Justice Regulations for Assault Weapons and Large  
15 Capacity Magazines" adopted in connection with the Assault Weapons Control Act enacted in 1999,  
16 which are the subject of this lawsuit. For example, the Firearms Division was responsible for  
17 drafting the regulations, was responsible for shepherding the regulations through the adoption  
18 process, was responsible for appropriately informing the public of their provisions, and was and is  
19 responsible for responding to any public inquiries regarding the regulations. In particular, as  
20 Director of the Firearms Division within DOJ, I am personally familiar with the history of the  
21 regulations as a direct participant in various meetings and hearings, as well as the person ultimately  
22 responsible for promulgation of the regulations.

23           4. Upon passage of SB 23 and the Governor's signing of the bill in July 1999, we set  
24 about the process of establishing the regulations that would facilitate the enforcement of the  
25 provisions of, and public compliance with, SB 23, including the provisions at issue in this case. There  
26 was no requirement in SB 23 that regulations be established, but such regulations were authorized  
27 under Penal Code section 12276.5(i). Before even starting to develop the language of the regulations  
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1 to be considered, we began by bringing together interested parties, those that DOJ considered to be  
2 "stakeholders" in the assault weapons law, for the purpose of preliminary discussions, including what  
3 topics the potential regulations might address. I hosted and chaired two meetings that brought  
4 together representatives of the National Rifle Association, the California Rifle and Pistol Association,  
5 Handgun Control Inc., California State Sheriffs' Association, California Police Chiefs' Association,  
6 California Peace Officer Association, California District Attorneys' Association, California  
7 Organization of Police and Sheriffs, Bureau of Alcohol, Tobacco, and Firearms, California Firearms  
8 Dealers Association, California state senators, the Speaker of the California Assembly, firearms  
9 owners, and others. These meetings took place in the fall of 1999 in Sacramento. During the  
10 meetings, we solicited input regarding issues on which the participants felt they would benefit from  
11 further clarification.

12           5. With feedback gathered from the meetings of the stakeholders and the direct input of  
13 legal and firearms experts within the Firearms Division, we drafted the proposed regulations. The  
14 formal rulemaking process pursuant to the Administrative Procedure Act ("APA") was initiated with  
15 submission of the Notice of Proposed Rulemaking to Office of Administrative Law ("OAL") for  
16 publication in the California Regulatory Notice Register. During the course of the rulemaking  
17 process, we held public hearings in Sacramento and Los Angeles to receive public comment. As a  
18 result of the public hearings and comments received through the mail, we received a total of over  
19 4,100 comments from more than 1,300 people. We responded to public input with two new  
20 iterations of proposed regulations. The succession of improvements to the proposed regulations  
21 reflects our responsiveness to public comment and is the natural and desired result of the  
22 Administrative Procedure Act's provisions for public input in the rulemaking process. The succession  
23 of improvements in no way reflects any dissatisfaction by OAL with the regulations or any supposed  
24 failure by DOJ, as plaintiffs attempt to suggest in their complaint. On the contrary, the revisions  
25 demonstrate the Department's acceptance, consideration, and implementation of public comment as  
26 intended by the APA. Each iteration of the regulations was cleared through DOJ's Executive Staff.  
27 It is significant to note that OAL approved the DOJ regulations for adoption upon our one and only  
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1 submission for review. Notably, none of the plaintiffs in the present action provided any comment  
2 on the proposed regulations during the course of the OAL process.

3 6. Upon adoption of the regulations, although not required to, DOJ immediately gave  
4 notice to the stakeholders concerning the adoption of the regulations and set about providing  
5 information and training to the interested parties by a host of methods and on a sweeping scale. DOJ  
6 held many training sessions throughout the state for law enforcement groups, district attorneys,  
7 firearms dealers, and others. DOJ conducted many face-to-face meetings and demonstrations in  
8 response to a standing offer to provide training to whoever desired training. Information was  
9 included in the Assault Weapons Guide DOJ published, and on a page on DOJ's website which  
10 averages 35,000 hits per week.

11 7. There is no validity to the suggestion that DOJ's regulations are the product of a  
12 flawed process or that there is inadequate information available for compliance with the new assault  
13 weapons laws or enforcement of them.

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct and that this declaration is executed in Sacramento, California this  
16 25th day of March, 2002.



RANDY ROSSI

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