

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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DICK ANTHONY HELLER, <i>et al.</i>))	
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Plaintiffs,))	
))	
v.))	Civil Action No. 08-01289 (RMU)
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DISTRICT OF COLUMBIA, <i>et al.</i> ,))	
))	
Defendants.))	
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DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56(b), defendants (collectively, “the District”) hereby move this Honorable Court for summary judgment on the claims in this consolidated matter.

The grounds and the reasons are set forth more fully in the accompanying Memorandum of Points and Authorities and proposed Order. As required by LCvR 56.1, a Statement of Material Facts As to Which There is No Genuine Issue (“SMF”) has been provided.

The Court should grant summary judgment to the District, because its regulation of firearms does not violate either the Second Amendment or *Heller v. District of Columbia*, ___ U.S. ___, 128 S. Ct. 2783 (Jun. 26, 2008). “Like most rights, the right secured by the Second Amendment is not unlimited. [T]he right [i]s not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *Id.* at 2816.

The District firearms scheme is squarely in the mainstream and is eminently reasonable, minimally intruding on the right announced in *Heller* to bear arms for the protection of “hearth and home,” *id.* at 2821, while at the same time attempting to safeguard public safety under traditional police powers.

As the Supreme Court has indicated, *see id.* at 2822, there are a variety of viewpoints expressed on this important issue, which result in a range of attempted solutions to the serious problem of gun violence. The District's reasonable attempts to accommodate all concerns should be accorded the deference they deserve, and accordingly upheld.

DATE: August 5, 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., 6th 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., 6th Floor South
Washington, D.C. 20001
Telephone: (202) 724-6643
Facsimile: (202) 727-0431
andy.saindon@dc.gov

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MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF
DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

Defendants (collectively, “the District”),¹ pursuant to Fed. R. Civ. P. 56(b), move this Court for summary judgment. This memorandum of points and authorities is provided in support of the defendants’ dispositive motion in accordance with LCvR 7.1(a). As required by LCvR 56.1, a Statement of Material Facts As to Which There is No Genuine Issue (“SMF”) has been provided, as well as an Appendix (“Appx”) with the challenged portions of District law, and selected examples of similar provisions from other jurisdictions.

I. Factual and Procedural Background

In *District of Columbia v. Heller*, ___ U.S. ___, 128 S. Ct. 2783 (Jun. 26, 2008) (“*Heller*”), the Supreme Court concluded that the Second Amendment protects the right to possess a firearm for the purpose of self-defense within the home and invalidated two provisions

¹ Defendants in No. 08-1289 are the District of Columbia and the Mayor, the Honorable Adrian M. Fenty. Defendants in No. 09-454 are the District of Columbia and Cathy Lanier, Chief of the Metropolitan Police Department (“MPD”). On August 5, 2009, plaintiffs in No. 09-0454 voluntarily dismissed their suit.

of the District's Firearms Control Regulations Act of 1975 ("1975 Act"), D.C. Law 1-85, *codified as amended at* D.C. Official Code § 7-2501.01 *et seq.* (2001 ed.): the District's ban on handguns and the "safe storage" provision. *Heller*, 128 S.Ct. at 2818; SMF ¶ 1. The Court ruled out "rational basis" review but otherwise declined to establish a level of scrutiny for examining firearms regulation under the Second Amendment. *Heller*, 128 S.Ct. at 2817–18 & n.27; SMF ¶ 5.

The Court confirmed that the Second Amendment has various limits. "[T]he Second Amendment does not protect those weapons not typically possessed by law-abiding citizens for lawful purposes." *Heller*, 128 S.Ct. at 2816 (citing *United States v. Miller*, 307 U.S. 174 (1939)); SMF ¶ 2. "Like most rights, the right secured by the Second Amendment is not unlimited [and] not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Heller*, 128 S.Ct. at 2816; SMF ¶ 3. The Court explicitly noted that it was *not* exhaustively analyzing the scope of any right guaranteed by the Second Amendment, but did reaffirm "longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools or government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." *Heller*, 128 S.Ct. at 2816–17 & n.26; SMF ¶ 4. The Court also acknowledged the "problem of handgun violence in this country," and that "[t]he Constitution leaves the District of Columbia a variety of tools for combating that problem" *Heller*, 128 S.Ct. at 2822; SMF ¶ 6.

A. District Law After Heller

In response to *Heller*, the Council of the District of Columbia acted swiftly to amend the District's gun laws, adopting a number of emergency and temporary measures to bring the

District into compliance. *See* Council of the District of Columbia, Committee on Public Safety and the Judiciary, Report on Bill 17-843, the “Firearms Control Amendment Act of 2008,” November 25, 2008, at 2 (“Comm. Rep.”) (*available online at* <http://www.dccouncil.washington.dc.us/images/00001/20090513152155.pdf> (as of July 22, 2009)); SMF ¶ 7.

The Council held a number of public hearings on amending the District’s gun laws, “in order to receive as much public comment as possible” Comm. Rep. at 3; SMF ¶ 8. The Council heard from dozens of witnesses, including two of the instant plaintiffs and their counsel, and defendant Cathy Lanier, Chief of the MPD. Comm. Rep. at 11–12; SMF ¶ 8. It used such testimony to help craft “laws that reflect standard gun safety practices.” Comm. Rep. at 2.

The Council’s actions culminated in the Firearms Registration Amendment Act of 2008, Act 17-708 (“the Act”), which was passed unanimously and signed by the Mayor on January 28, 2009. *See* 56 D.C. Reg. 1380 (Feb. 13, 2009); SMF ¶ 10.² The Act was transmitted to Congress for review about February 10, 2009. 155 Cong. Rec. S2319-05 (Feb. 13, 2009). After Congress did not disapprove the Act, the law became effective on March 31, 2009. *See* 56 D.C. Reg. 3438 (May 1, 2009); SMF ¶ 11. The Act did many things not at issue here, including allowing the registration of most semi-automatic handguns and rifles. Comm. Rep. at 2; SMF ¶ 9. The provisions at issue concern the following:

Registration

The Act leaves in place the longstanding requirement that firearms be registered. D.C. Official Code §§ 7-2502.01 *et seq.* The Council noted that several States and many major cities

² Some provisions of the 1975 Act were amended or repealed by earlier emergency or temporary legislation, and unchanged by the current Act, but are nevertheless challenged here. For ease of reference, the District will refer only to the law as currently codified.

have long required registration of some or all firearms. Comm. Rep. at 3 (citing Legal Community Against Violence, *Regulating Guns in America: An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws* (Feb. 2008) (“LCAV”) at 190).³

The Committee believes that the District must maintain a strong firearms’ [sic] registration law because it is part of a sound gun policy. Registration is critical because it: gives law enforcement essential information about firearm ownership, allows officers to determine in advance whether individuals involved in a call may have firearms, facilitates the return of lost or stolen firearms to their rightful owners, assists law enforcement in determining whether registered owners are eligible to possess firearms or have fallen into a prohibited class, permits officers to charge individuals with a crime if an individual is in possession of an unregistered firearm, and permits officers to seize unregistered weapons.

Comm. Rep. at 3–4. Chief Lanier testified in favor of registration requirement:

I think that the registration process for firearms is vital and enhances public safety. It enables MPD to verify eligibility through a local background check, a process that has been found to reduce homicide rates. It also provides an opportunity to educate registrants about vital laws, responsibilities, and safety. The registration certificate helps MPD to identify illegal firearms

Hearing on the Firearms Control Amendment Act of 2008 Before the Council of the District of Columbia Committee on Public Safety & the Judiciary (Oct. 1, 2008) (Testimony of Cathy L. Lanier, Chief of Police) at 5 (attached to the Committee Report).

Ballistics

The Act requires applicants to transport a firearm submitted for registration to MPD for a ballistics identification procedure.⁴ D.C. Official Code §§ 7-2502.03(d), 7-2502.04(c); 24 DCMR

³ Jurisdictions requiring some form of registration include Hawaii, California, Connecticut, Maryland, New Jersey, Louisiana, Chicago, Cleveland, New York City, and Omaha. LCAV at 262. Many other cities also have registration requirements. *See* Appx at 10–12.

⁴ “All firearms leave unique markings on the bullets and shell casings they fire. Ballistic identification laws enable law enforcement to link bullets and shell casings recovered at crime scenes to the firearm that fired them by test firing the firearm.” Comm. Rep. at 5. The Act

§ 2320.3(g); 24 DCMR § 2399.1. MPD will test fire all weapons submitted for registration, and retain ballistics information in the form of expended casings. Comm. Rep. at 6. Chief Lanier also testified in favor of the ballistics testing requirements: “ballistics testing can help MPD to investigate and solve crimes.” Testimony of Chief Lanier at 5.

Assault Weapons

The Act prohibits the registration or possession of assault weapons, *i.e.*, “military-style weapons made for offensive military use. They are designed with military features to allow rapid and accurate spray firing. They are not designed for sport, but to kill people quickly and efficiently.” Comm. Rep. at 7. The Act, like the previous federal ban, *see* 34–35, *infra*, prohibits the ownership or possession of certain models and variations of assault weapons by name, and also has a “feature test” provision, banning other weapons having certain military-style features. *Cf.* D.C. Official Code § 7-2501.01(3A)(A). *Cf.* 18 U.S.C. § 921(a)(30) (repealed 2004).⁵ As the Council explained:

The proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of the District. Assault weapons are military-style weapons of war, made for offensive military use. The Committee concurs with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives’ (ATF) description

also requires that, beginning on January 1, 2011, semi-automatic pistols manufactured in the District or sold by a District firearms dealer are “microstamp-ready.” D.C. Official Code § 7-2505.03. Microstamping technology engraves microscopic markings on the internal parts of a firearm, so that when the arm is fired, those markings are stamped onto the expended cartridge, allowing law enforcement to identify the make, model, and serial number of the weapon. *See* Comm. Rep. at 5–6.

⁵ The Act exempts from the definition of assault weapon “antique firearms” and certain pistols “designed expressly for use in Olympic target shooting events.” D.C. Official Code § 7-2501.01(3A)(B). The Act’s definition also incorporates the assault weapons named in the Assault Weapon Manufacturing Strict Liability Act of 1990, D.C. Official Code § 7-2551.01 *et seq.* (2008 Repl.).

of assault weapons as “mass produced mayhem,” and ATF’s finding that assault weapons are disproportionately likely to be used by criminals. [A]ssault weapons have no legitimate use as self-defense weapons, and would in fact increase the danger to law-abiding users and innocent bystanders if kept in the home or used in self-defense situations.

Comm. Rep. at 7 (citations omitted).

“Assault weapons are preferred by terrorists, and would pose extraordinary risks to citizens, government officials, visiting dignitaries, and law enforcement if they were allowed in the District of Columbia.” *Id.* at 7–8.⁶ Such weapons “are a minute fraction of the firearms available in the United States, they have never been in common use, they are dangerous and unusual, and they pose an especial problem for public safety in the nation’s capital.” *Id.* at 8.⁷ *See also District of Columbia v. Beretta, U.S.A., Corp.*, 872 A.2d 633, 651 (D.C. 2005), *cert. denied*, 546 U.S. 928 (2005) (assault weapons are “a class of weapons [that the Council] found have little

⁶ *See also Hearing on the Impact of Proposed Legislation on the District of Columbia’s Gun Laws Before the House Comm. on Oversight & Government Reform* (Sept. 9, 2008) (Testimony of Cathy L. Lanier, Chief of Police) at 2:

[P]rotecting government officials and infrastructure is a challenge for every city in the United States. But in Washington, DC, the likelihood of attack is higher, and the challenges to protecting the city are greater.

[I]n attempted and successful assassinations around the world, the first step in attacking a motorcade is frequently to take out the security detail with semi-automatic and automatic firearms.

[I]magine how difficult it will be for law enforcement to safeguard the public, not to mention the new President at the Inaugural Parade, if carrying semi-automatic rifles were to suddenly become legal in Washington.

Id. (a copy of Chief Lanier’s congressional testimony is also attached to the Committee Report).

⁷ The Committee noted that it adopted language from California, one of seven states currently banning assault weapons. *Id.* (citing also New Jersey, Hawaii, Connecticut, Maryland, Massachusetts, and New York). *See also* LCAV at 259. A number of major cities also ban assault weapons, including Boston, Chicago, Cleveland, Columbus, New York City, and Denver. *See* Appx. at 24–30.

or no social benefit but at the same time pernicious consequences for the health and safety of District residents and visitors”).

The Act also prohibits possession or sale of “large capacity ammunition feeding devices . . . to prevent the ability of an individual to fire a large quantity of ammunition without having to pause to reload.” Comm. Rep. at 2; D.C. Official Code § 7-2506.01(b).⁸

[T]he Committee agrees with the Chief of Police that the 2 or 3 second pause to reload can be of critical benefit to law enforcement, and that magazines holdings over 10 rounds are more about firepower than self-defense. Limiting fire power and desiring to advantage the police, especially given homeland security issues in the District, the Committee recommends the ban on extended clips.

Comm. Rep. at 9.

Unsafe Handguns

The Act also prohibited the sale, transfer, ownership, or possession of “unsafe pistols,” statutorily defined by reference to the “California Roster” in California Penal Code § 12131. D.C. Official Code § 7-2505.04.⁹ The Act authorizes the Chief to revise, by rule, the roster of approved handguns. D.C. Official Code § 7-2505.04(f). On June 17, 2009, the Chief accordingly adopted emergency regulations establishing the District Roster of Handguns Determined Not to

⁸ A “large capacity ammunition feeding device” is a device “that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition.” *Id.*, § 7-2506.01(b). The Act’s drafters “borrow[ed] language from the now-lapsed federal assault weapons ban and current California law.” Comm. Rep. at 9.

⁹ California law prohibits the manufacture or sale of handguns within the State unless the handgun has passed a series of firing, safety, and drop tests. *See* CAL. PENAL CODE § 12130. *See also, e.g., Fiscal v. City & County of San Francisco*, 158 Cal.App.4th 895, 912, 70 Cal.Rptr.3d 324, 336 (Cal.Ct.App., 1st Div. 2008) (discussing California Unsafe Handgun Act, enacted to regulate “low cost, cheaply made handguns”; “one of the goals of the UHA included curbing handgun crime, as well as promoting gun safety.”).

be Unsafe (“District Roster”). *See* 56 D.C. Reg. 4782–4873 (June 19, 2009); SMF ¶ 12.¹⁰ The regulations include within the District Roster handguns listed on similar rosters from California, Massachusetts, and Maryland, “unless such pistol is an unregistrable firearm” pursuant to D.C. Official Code § 7-2502.02. *See* 24 DCMR § 2323.2; SMF ¶ 13. The emergency regulations also deem included on the District Roster those pistols cosmetically similar to other, listed handguns. *See* D.C. Official Code § 2323.3; SMF ¶ 13.

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.

D.C. Official Code § 2323.3.

Finally, the regulations also contain provisions allowing an application to register a pistol not otherwise included on the District Roster and to appeal the denial of any such application. 24 DCMR §§ 2323.4, 2323.5; SMF ¶ 13.

¹⁰ 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).

On June 25, 2009, the MPD promulgated additional emergency regulations 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.” *See* 56 D.C. Reg. 5434 (July 3, 2009); SMF ¶ 14. “The rulemaking will make the District’s safe gun laws identical to the State of Maryland as to Pre-1985 pistols.” 56 D.C. Reg. at 5434.

Other Provisions

The Council noted its concern that “the total cost to register a firearm not be unduly burdensome” Comm. Rep. at 9. Consequently, the legislation emphasized “that the government must hold down the cost to the private citizen.” *Id.* Each application for registration is subject to a fee established to “reimburse the District for the cost of services provided” D.C. Official Code § 7-2502.05(b). The current fee to register a firearm is \$13, the fee for the ballistics test is \$12, and the fee for fingerprinting (and the FBI background check) is \$35. 24 DCMR § 2320. *See also* Metropolitan Police Department, “Firearm Registration: Fee Schedule.” Available online at <http://mpdc.dc.gov/mpdc/cwp/view,a,1237,q,566996.asp> (as of August 5, 2009).

The District maintains qualification and information requirements for firearm registration; an applicant must “demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to firearms and, in particular, the safe and responsible use, handling, and storage of the same” D.C. Official Code § 7-2502.03(a)(10). Applicants must also have “vision better than or equal to that required to obtain a valid driver’s license under the laws of the District of Columbia” *Id.* § 7-2502.03(a)(11). Applicants are required to complete a

firearms training or safety course taught by a certified instructor, with a minimum of one hour of firing training at a firing range and at least four hours of classroom instruction. *Id.*, § 7-2502.03(a)(13)(A). An applicant must submit his or her pistol for a ballistics identification procedure, provide fingerprints and a photograph, and appear in person to obtain the registration certificate. *Id.*, § 7-2502.03(d), 7-2502.04.

Applicants may not register more than one pistol per 30-day period. *Id.*, § 7-2502.03(e).

The Council maintained the one-gun-per-month registration provision because

Studies show that laws restricting multiple purchases or sales of firearms are designed to reduce the number of guns entering the illegal market and to stem the flow of firearms between states. Jurisdictions with weaker firearms laws may attract gun traffickers who make multiple purchases and resell the guns in jurisdictions with stronger firearms laws. Studies also show that handguns sold in multiple sales to the same individual purchaser are frequently used in crime.

Comm. Rep. at 10.

Registration certificates are good for three years, and may be renewed. D.C. Official Code § 7-2502.07(a). Holders of certificates must notify MPD in writing immediately upon the loss, theft, or destruction of the certificate or the firearm, *id.*, § 7-2502.08(1)(A), and must keep the certificate in his or her possession when in possession of the firearm, and exhibit the certificate upon demand by a law enforcement officer. *Id.*, § 7-2502.08(3).

The Committee on Public Safety and the Judiciary noted its belief that the District's firearms laws "comply with [*Heller*], while at the same time allow[ing] the District to protect its citizens and maximize public safety with reasonable and sensible gun policy." Comm. Rep. at 10.

B. The Challenges

The first suit challenging the District’s efforts to comply with *Heller* was filed a month after that decision, two weeks after the District’s first emergency legislation. *See* Comm. Rep. at 2. Plaintiffs in No. 08-1289, residents of the District, bring suit under 42 U.S.C. § 1983 and challenge almost every substantive provision of the District’s gun laws under the Second Amendment and *Heller*. *See* Second Amended Complaint (“SAC”) ¶¶ 68–69.¹¹ Specifically, in Count One, plaintiffs allege that the following provisions of District law, facially and as applied, are “unnecessary, arbitrary, and capricious”:

- the registration requirement (D.C. Official Code §§ 7-2502.01(a), 7-2507.06).
- the requirement to demonstrate knowledge of use, handling, and storage of firearms (*Id.*, § 7-2502.03(a)(10)).
- the vision requirement (*Id.*, § 7-2502.03(a)(11)).
- the requirement to complete a training or safety course (*Id.*, § 7-2502.03(a)(13)(A)).
- the “self-reporting” requirement (*Id.*, § 7-2502.03(b)).
- the ballistics testing and fee requirement (*Id.*, § 7-2502.03(d)).
- the prohibition on registration of more than one pistol per 30 days (*Id.*, § 7-2502.03(e)).
- the submission of fingerprints and photographs, and the personal appearance of the applicant (*Id.*, § 7-2502.04).
- the registration fee (*Id.*, § 7-2502.05(b)).
- the three-year registration certificate expiration period, and renewal fee (*Id.*, §§ 7-2502.07a(a), (f)).
- the requirement of a background check every six years (*Id.*, § 7-2502.07a(d)).
- the requirement to exhibit the registration certificate on demand of a law enforcement officer (*Id.*, § 7-2502.08(3)).
- fines, revocations, or prohibitions on possession, for violations “or omissions” of the Act (*Id.*, §§ 7-2502.08, 7-2502.09(b)).

See SAC ¶¶ 71–72.

¹¹ The District’s laws (like most other jurisdictions’) contain restrictions on ownership/possession of firearms by certain individuals, including minors, D.C. Official Code § 7-2502.03(a); those convicted of violent, drug-related, or “intrafamily” offenses, *id.*, § 7-2502.03(a)(2)–(4); or the insane or “chronic alcoholic[s].” *Id.*, § 7-2502.03(a)(5)–(6). Plaintiffs do not challenge these provisions.

In Count Two, plaintiffs challenge the Act's prohibition on certain firearms and magazines. Specifically, plaintiffs allege that the District "prohibits three classes of items which are commonly possessed by law-abiding persons throughout the United States for lawful purposes[.]" SAC ¶ 74, *i.e.*, pistols not listed on the California Roster, assault weapons, and magazines capable of holding more than 10 rounds. *Id.* Plaintiffs assert that these provisions violate the Second Amendment, facially and as applied.

In Count Three, plaintiffs assert that the challenged provisions exceed the Council's authority under D.C. Official Code § 1-303.43, in which Congress authorized the District to make and enforce "all such usual and reasonable police regulations . . . necessary for the regulation of firearms" SAC ¶ 78.¹²

II. Summary of Argument

The District's regulation of firearms is subject to "reasonableness" review. The specific provisions challenged survive Second Amendment review, because they have ample permissible applications, and were based, in part, on the collective experiences of many other jurisdictions. The District was well within the authority delegated to it by Congress when it enacted the provisions disputed here.

In enacting those provisions, the Council responded to the dangers posed by handguns, and sensibly concluded that a registration and licensing scheme substantially similar to those currently operating in scores of other jurisdictions would mitigate those potential dangers, while still allowing the exercise of the right enunciated in *Heller*. Because these judgments about how

¹² In their Second Amended Complaint, plaintiffs in No. 08-1289 reference no provision of the Constitution other than the Second Amendment, and do not indicate any particular standard of review under which the District's law should be analyzed.

best to protect public health and safety were reasonable and entitled to substantial deference, the Act should be upheld.

Here, the Council reasonably found that it could reduce the tragic harms caused by guns by regulating which weapons are available to District residents, and requiring the registration and licensing of guns, within a system to test for minimal competency in the safe handling of such potentially dangerous items. The Council properly acted to reduce harms while still allowing residents to exercise their Second Amendment rights. Its reasonable legislative judgment should be upheld.

III. Argument

A. Summary Judgment Principles and Principles Related to Facial and As-Applied Challenges

While a court “must assume the truth of all statements proffered by the party opposing summary judgment,” it need not consider wholly conclusory statements for which no supporting evidence is offered. *Greene v. Dalton*, 164 F.3d 671, 674–75 (D.C. Cir. 1999). It is insufficient, to avoid summary judgment, that some factual issues remain in the case; an issue must be both *genuine* and *material* to preclude the entry of summary judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247–248 (1986).

Summary judgment “shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). A “complete failure of proof concerning an essential element of the non-moving party’s case necessarily renders other facts immaterial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986).

Plaintiffs allege that the District’s firearms provisions, facially, and as applied to them, violate the Second Amendment and *Heller*. It remains axiomatic that “[a] facial challenge to a legislative Act is . . . the most difficult to mount successfully, since the challenger must establish that no set of circumstances exists under which the Act would be valid.” *United States v. Salerno*, 481 U.S. 739, 745 (1987). If the First Amendment is not implicated, a party can demonstrate that a statute is facially invalid *only* by showing that it is unconstitutional in all of its applications. *See, e.g., Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687, 699–700 (1995). “[A] facial challenge must fail where the statute has a “plainly legitimate sweep.” *Washington State Grange v. Washington State Republican Party*, ___ U.S. ___, 128 S. Ct. 1184, 1190 (Mar. 18, 2008) (quoting *Washington v. Glucksberg*, 521 U.S. 702, 739–40 & n.7 (1997) (Stevens, J., concurring in judgments)). *See, e.g., Howerton v. United States*, 964 A.2d 1282, 1288 (D.C. 2009) (rejecting appellant’s facial Second Amendment challenge, based on *Heller*, to his conviction under firearms registration and licensing laws); *Sims v. United States*, 963 A.2d 147, 150 (D.C. 2008) (same). “Where, as here, a statute or regulation has some concededly constitutional applications, a successful challenger must demonstrate that the statute is unconstitutional as ‘applied to the particular facts of [its] case.’” *Steffan v. Perry*, 41 F.3d 677, 693 (D.C. Cir. 1994) (*en banc*).

B. Certain of Plaintiffs’ Claims are Moot.

After the complaints in these cases were filed, MPD took regulatory action to rectify some of the specific problems alleged by plaintiffs and then invited previously rejected applicants (including plaintiffs here) to reapply for registration. Plaintiffs’ requests for declaratory and injunctive relief as to the California Roster are accordingly moot. *See, e.g., Nat’l*

Black Police Ass'n v. District of Columbia, 108 F.3d 346, 349-50 (D.C. Cir. 1997) (declaratory and injunctive relief no longer appropriate where “limits” of old legislation were superseded, “and plaintiffs do not contend that these limits continue to have any residual effect.”) (citing, *inter alia*, *Diffenderfer v. Central Baptist Church of Miami*, 404 U.S. 412, 414–15 (1972) (declaratory judgment as to constitutionality “is, of course, inappropriate now that the statute has been repealed.”).¹³

Plaintiffs’ claims as to certain guns are thus moot. *See, e.g., American Historical Ass’n v. Nat’l Archives & Records Admin.*, 516 F. Supp. 2d 90, 105 (D.D.C. 2007) (“in an action requesting injunctive or declaratory relief, such as the instant case, a demonstration of imminent, future injury is required to demonstrate standing.”) (citations omitted).

C. The District’s Firearms Laws Are Subject to “Reasonableness” Review.

In their now superseded motion for summary judgment, plaintiffs in No. 09-0454 argued that, although the Supreme Court in *Heller* “did not announce a specific standard of review,” Mem. at 13, the Second Amendment guarantees a “fundamental right,” hence “strict scrutiny” should apply. *Id.* That argument is incorrect as a matter of law. Instead, this Court should apply reasonableness review. Under that level of scrutiny, a firearm regulation should be upheld at least where a legislature has articulated proper reasons for acting, with meaningful supporting evidence, and the regulation or law does not interfere with the “core right” the Second Amendment protects by depriving the people of reasonable means to defend themselves in their homes. In the alternative, intermediate scrutiny at most should apply.

¹³ Plaintiffs here, of course, just like the plaintiffs in *Diffenderfer*, remain free to amend their complaint to incorporate any new legislation or regulations, or to bring a new challenge, but neither of those possibilities affects the mootness calculus here. 404 U.S. at 415.

The Supreme Court has never determined—and did not determine in *Heller*—that the right to bear arms is a “fundamental right” under the Constitution. In fact, prior to *Heller*, the federal circuits unanimously found that the right to bear arms under the Second Amendment was *not* fundamental. *See, e.g., Olympic Arms v. Buckles*, 301 F.3d 384, 388–89 (6th Cir. 2002) (“Sixth Circuit precedent does not recognize a fundamental right to individual weapon ownership”); *United States v. Hancock*, 231 F.3d 557, 565–66 (9th Cir. 2000) (same); *Gillespie v. City of Indianapolis*, 185 F.3d 693, 709 (7th Cir. 1999) (finding that the right to possess a firearm is not fundamental); *United States v. Toner*, 728 F.2d 115, 128 (2nd Cir. 1984) (“the right to possess a gun is clearly not a fundamental right”). *Compare Nordyke v. King*, 563 F.3d 439, 457 (9th Cir. 2009) (the right to keep and bear arms “is indeed fundamental”), *vacated pending rehearing en banc* (July 29, 2009), *with NRA v. Chicago*, ___ F.3d ___, 2009 WL 1515443, *3 (7th Cir. June 2, 2009) (disagreeing with *Nordyke*).¹⁴

The numerous jurisdictions that have concluded that the “right to bear arms” under state constitutions is not a fundamental right have consistently found that such a right “is not absolute and that reasonable regulatory control by the Legislature to promote the safety and welfare of its citizens uniformly has been upheld.” *Mosby v. Devine*, 851 A.2d 1031, 1044 (R.I. 2004) (citing cases). The Court here should do the same.

Moreover, “[e]ven in jurisdictions that have declared the right to keep and bear arms to be a fundamental constitutional right, a strict scrutiny analysis has been rejected in favor of a reasonableness test” *Id.* Strict scrutiny analysis is not always applied to alleged incursions

¹⁴ The Ninth Circuit’s panel opinion also found that the Second Amendment is incorporated against the States, a question bypassed by the Supreme Court. *Nordyke*, 563 F.3d at 457; *see Heller*, 128 S.Ct. at 2813 n. 23.

The Defendants here preserve the argument that the Second Amendment should not apply to the District if it is not incorporated against the States, as the District argued in *Heller*.

on fundamental rights. Adam Winkler, *Fundamentally Wrong About Fundamental Rights*, 23 Const. Comment 227, 232 (2006). For instance, strict scrutiny is not always applied to restrictions on free speech and the free exercise of religion. *Id.* It thus would not necessarily follow that strict scrutiny is always (or even usually) proper under the Second Amendment, even if the right it protects is fundamental. As one court has explained, the constitutional text is subject to a rule of reason because the common law right to self-defense is subject to that rule. *Benjamin v. Bailey*, 662 A.2d 1226, 1232–35 (Conn. 1995).

As noted, the Supreme Court expressly declined to establish what standard of review was appropriate in Second Amendment cases, only ruling out “rational basis” review. *Heller*, 128 S.Ct. at 2817–18 & n.27. The Court found that many traditional types of firearm regulation would pass muster, *id.* at 2816–17 & n.26, but did not establish the standard to be used. As Justice Breyer noted in dissent, strict scrutiny apparently was rejected by the majority:

Respondent proposes that the Court adopt a “strict scrutiny” test, which would require reviewing with care each gun law to determine whether it is “narrowly tailored to achieve a compelling governmental interest.” But the majority implicitly, and appropriately, rejects that suggestion by broadly approving a set of laws—prohibitions on concealed weapons, forfeiture by criminals of the Second Amendment right, prohibitions on firearms in certain locales, and governmental regulation of commercial firearm sales—whose constitutionality under a strict scrutiny standard would be far from clear.

Heller, 128 S.Ct. at 2851 (Breyer, J., dissenting) (citations omitted).

Although the Supreme Court has not decided the proper standard of review, the standard has been established in the D.C. Circuit. In the decision affirmed in *Heller*, the Court stated: “The protections of the Second Amendment are subject to the same sort of *reasonable restrictions* that have been recognized as limiting, for instance, the First Amendment.” *Parker v. District of Columbia*, 478 F.3d 370, 399 (D.C. Cir. 2007) (emphasis added) (citing *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989)). “[R]easonable regulations” of firearms “promote the

government's interest in public safety consistent with our common law tradition. Just as importantly, however, they do not impair the core conduct upon which the right was premised." *Id.* at 399. Because the Supreme Court's decision did not undercut that portion of the D.C. Circuit's decision, this Court must adhere to it.

Moreover, reasonableness would *still* be the proper standard of review, even if the D.C. Circuit had not so decreed. The rights protected by the Bill of Rights have "from time immemorial been subject to certain well-recognized exceptions arising from the necessities of the case." *Robertson v. Baldwin*, 165 U.S. 275, 281 (1897). There can be little question that preventing crime and promoting public safety are important government goals. *See, e.g., Salerno*, 481 U.S. at 750; *Schall v. Martin*, 467 U.S. 252, 264 (1984).

State courts interpreting right-to-bear-arms provisions in state constitutions thus have uniformly applied a deferential reasonableness standard, in decisions going back decades.¹⁵ It does not appear that *any* state's courts apply strict scrutiny or another type of heightened review to firearms laws. Winkler, *Scrutinizing the Second Amendment*, *supra*, at 686–87. *See, e.g., Bleiler v. Chief, Dover Police Dep't.*, 927 A.2d 1216, 1222 (N.H. 2007) ("We agree with every other state court that has considered the issue: strict scrutiny is not the proper test to apply" and "the New Hampshire state constitutional right to bear arms 'is not absolute and may be subject to restriction and regulation.'") (quoting *State v. Smith*, 571 A.2d 279, 281 (N.H. 1990)); *Mosby*, 851 A.2d at 1044 (strict scrutiny not appropriate; "the right to possess a handgun, whether a fundamental liberty interest or not, is not absolute and subject to reasonable regulation.");

¹⁵ *See* Adam Winkler, *Scrutinizing the Second Amendment*, 105 Mich.L.Rev. 683, 686–87 & n.12 (2007) (describing "hundreds of opinions" by state supreme courts with "surprisingly little variation" that have adopted the "reasonableness" standard of review for right-to-bear-arms cases).

Robertson, 874 P.2d at 331 (strict scrutiny not appropriate; “The right to bear arms may be regulated by the state under its police power in a reasonable manner.”). *Cf. McIntosh v. Washington*, 395 A.2d 744, 756 (D.C. 1978) (“The Supreme Court has indicated that dangerous or deleterious devices or products are the proper subject of regulatory measures adopted in the exercise of a state’s ‘police powers.’”) (citations omitted).

There is similar precedent in the federal courts in addition to the D.C. Circuit’s decision in *Parker*. The Ninth Circuit in the now-vacated *Nordyke* panel opinion, 563 F.3d at 460, rejected a challenge to a county ordinance prohibiting possession of firearms on county property, finding that the law “does not meaningfully impede the ability of individuals to defend themselves in their homes with usable firearms, the core of the right as *Heller* analyzed it.” As the Supreme Court has long recognized, “not every law which makes a right more difficult to exercise is, *ipso facto*, an infringement of that right.” *Planned Parenthood of SE Pa. v. Casey*, 505 U.S. 833, 873 (1992) (joint opinion of O’Connor, Kennedy, & Souter, JJ.). *Cf. United States v. Moore*, ___ F.Supp.2d ___, 2009 WL 1033363, * 3 (W.D.N.C. Apr. 17, 2009) (strict-scrutiny review “not appropriate;” court joins “majority of courts” in using intermediate scrutiny for challenge to federal statute prohibiting convicted felons from possessing firearms); *United States v. Mazarella*, 595 F.Supp.2d 596, 604 (W.D.Pa. 2009) (strict scrutiny not applicable to challenge of indictment for “knowingly possessing a firearm with an obliterated serial number”).

It appears that only one federal or state decision reached after *Heller* has applied strict scrutiny, but it *still* upheld the challenged regulation. *See United States v. Engstrum*, 609 F.Supp.2d 1227, 1231 (D.Utah 2009) (applying strict scrutiny, but rejecting challenge to federal statute prohibiting possession of firearms by those with domestic-violence convictions).

The deference due to legislative judgments inherent in reasonableness review is particularly appropriate given the intensity of views about gun control. As one court explained:

[M]ost legislation will assert broad safety concerns and broad gun control measures to match, covering both ‘good’ and ‘bad’ gun possessors and ‘good’ and ‘bad’ guns. Such legislation cannot be narrowly tailored to reach only the bad people who kill with their innocent guns. [D]ue to the intensity of public opinion on guns, legislation is inevitably the result of hard-fought compromise in the political branches. To expect such legislation to reflect a tight fit between ends and means is unrealistic.

United States v. Miller, 604 F.Supp.2d 1162, 1172 n.13 (W.D. Tenn. 2009) (quotation marks and citations omitted). Thus, the United States advocated a form of reasonableness review in its *amicus* brief in *Heller*. U.S. Brief at 8, 20–27 (“Under that intermediate level of review, the ‘rigorousness’ of the inquiry depends on the degree of burden on protected conduct, and important regulatory interests are typically sufficient to justify reasonable restrictions.”) (citing *Burdick v. Takushi*, 504 U.S. 428, 434 (1992)).

At most, intermediate scrutiny would be appropriate. To survive intermediate scrutiny, the challenged provision must be substantially related to the achievement of important government interests. *Hutchins v. District of Columbia*, 188 F.3d 531, 541 (D.C. Cir. 1999) (*en banc*) (citing *Craig v. Boren*, 429 U.S. 190, 197 (1976) and *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 724 (1982)). *See also Clark v. Jeter*, 486 U.S. 456, 461 (1988) (“To withstand intermediate scrutiny, a statutory classification must be substantially related to an important government objective.”).

D. The District’s Regulation of Firearms is Reasonable.

Scores of American jurisdictions regulate firearms with provisions similar (if not identical) to those challenged here. For plaintiffs to claim that they are *all* unreasonable is simply

untenable. *Heller* itself rejected the absolutist view urged by plaintiffs here—that *any* difficulty imposed by the government on the use of *any* firearm infringes the Second Amendment. *Heller*, 128 S.Ct. at 2816. *See, e.g., Nebraska v. EPA*, 331 F.3d 995, 998 (D.C. Cir. 2003) (rejecting facial constitutional challenge statute; plaintiffs “fall well short of satisfying that considerable burden.”) (citing and quoting *Salerno*). The District’s requirements are no more onerous than those of many other jurisdictions, and are entirely consistent with similar federal law.

Registration/Licensing

Heller itself expressly contemplated registration, when it directed the District to register plaintiff’s handgun. 128 S.Ct. at 2822. Even assuming the rights guaranteed by the Second Amendment are “fundamental,” the act of registration itself, like registering to vote, is not impermissible unless it “severely restrict[s]” the exercise of the right. *Crawford v. Marion County Election Bd.*, ___ U.S. ___, 128 S.Ct. 1610, 1624 (2008) (citing *Burdick*, 504 U.S. at 433–34). The District’s registration provisions come nowhere near “severely restricting” the right asserted here.

Federal law requires applicants to provide substantial personal information to federally licensed firearms dealers prior to the purchase of weapons, to determine if the applicant is ineligible pursuant to 18 U.S.C. § 922. That provision generally prohibits the sale of firearms to minors, convicted felons, the “mentally defective,” etc. *Cf. n.11, supra*. Applicants must provide, *inter alia*, name, sex, residence address (including county), date and place of birth; height, weight, gender, race, birth date and place of birth, and a “certification” that the applicant is not prohibited from purchasing or receiving the weapon. 27 C.F.R. § 478.124. Applicants must also provide valid, government-issued photo identification, and the dealer then conducts a criminal

background check on the applicant. *See* 18 U.S.C. § 922(t); “Firearms Transaction Record Over-The-Counter,” ATF Form 4473 (5300.9) Part I (revised Aug. 2008), United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives (*available online at* <http://www.atf.gov/forms/pdfs/f4473.pdf>).

The Circuit in *Parker* suggested that registration of firearms is a “reasonable restriction.” 478 F.3d at 399. Numerous States and cities require registration or licensing for firearms purchase or possession.¹⁶ The National Rifle Association identifies at least 15 States that require a license, permit, or “other prerequisite” to purchase a handgun, and some eight States where registration of handguns or rifles is required. *See* NRA Inst. for Legislative Action, *Compendium of State Firearms Laws* (“NRA Compendium”), and n.9–n.15 (*available online at* <http://www.nraila.org/GunLaws/Federal/Read.aspx?id=74> (as of June 11, 2009)).¹⁷ Such restrictions have long been held to be reasonable. *See, e.g., State v. Mendoza*, 920 P.2d 357, 368 (Haw. 1996) (rejecting challenge to state law requiring permit prior to acquiring firearm, which requirement was “rationally related to the legitimate government interest of ensuring that only those who are mature, law abiding, competent citizens possess firearms.”); *Mosher v. Dayton*, 358 N.E.2d 540, 543 (Ohio 1976) (upholding an ordinance requiring identification cards prior to purchase of handguns; “[The ordinance] is no more restrictive than regulations which require application for building permits, drivers’ licenses, dog licenses, and many other matters. [A]ny such restriction imposes a restraint or burden upon the individual, but the interest of the governmental unit is, on balance, manifestly paramount.”).

¹⁶ *See* Appx. at 7–12; LCAV at 177–195.

¹⁷ The NRA also identifies 18 States that require records of firearms sales to be reported to State or local government. *Id.*

A registration requirement is, moreover, consistent with the Second Amendment's militia purpose. *See, e.g., Parker*, 478 F.3d at 386–88. The *Heller* Court did not dispute that protection of the militia was at least a central purpose of the Second Amendment. 128 S.Ct. at 2791. Interpreting the Second Amendment to preclude effective militia organization is thus exactly backwards. Knowing the details of *who* can serve in a militia is, of course, the first step in organizing such a body. *See id.* at 2802 (“For Congress retains plenary authority to organize the militia, which must include the authority to say who will belong to the organized force.”).

Fingerprints/Photos

A number of jurisdictions require the submission of fingerprints and photos for license or registration of non-concealed firearms. *See* GA. CODE ANN. § 16-11-129(c) (fingerprints required for pistol license); HAW. REV. STAT. §§ 134-2 (2008) (applicant for permit to acquire firearm must be fingerprinted and photographed); MASS. GEN. L. ch. 140, § 131(e) (same); N.Y. PENAL LAW § 400.00 (McKinney 2009) (photos and fingerprints required for license to carry, possess, repair, or dispose of firearm); ATLANTA CODE OF ORD. § 106-271 (fingerprint of right hand index finger required for each person purchasing a firearm); N.Y.C. ADMIN. CODE § 10-303 (2008) (fingerprints and photos required for permit for purchase or possession of rifle or shotgun). Just like requiring registration, requiring the fingerprints and photos of applicants for gun registration is a reasonable method to garner important information.

Testing/Training

Plaintiffs' allegations that the District's training requirements are “onerous” turns history on its head, as militia service itself was predicated on training. *See Heller*, 128 S.Ct. at 2800,

2802; *Miller*, 307 U.S. at 178–80. Further, the Circuit in *Parker* implicitly approved testing requirements for firearms possession. 478 F.3d at 399 (“Reasonable firearm proficiency testing would . . . promote public safety . . .”).

As with registration and licensing, numerous jurisdictions require some knowledge of the use, handling, or storage of firearms. At least seven states require some proof of safety training prior to purchase of a handgun. *See* NRA Compendium (California, Connecticut, Hawaii, Maryland, Michigan, New York, and Rhode Island); *Mosby*, 851 A.2d at 1048 (upholding Rhode Island’s license requirement of a “minimum qualification score.”). *See* Appx. at 15–16. *Cf.* DETROIT CODE OF ORD. §§ 38-10-2, 38-10-17.1 (safety training required prior to purchase or registration of handguns); MIAMI-DADE COUNTY, FLA., CODE § 21-20.16 (handgun purchasers must receive safety instruction and demonstrate knowledge of laws by passing written examination). Such requirements have an obvious and direct link to public safety. Nor do they affect the core right protected by the Second Amendment. Rather, if anything, they promote the proper exercise of that right and are eminently reasonable.¹⁸

Ballistics

A number of States require ballistics identification procedures, another reasonable method to collect information that may prove crucial in crime-prevention and law-enforcement efforts. *See* MD CODE ANN., PUB. SAFETY § 5-131 (manufacturer must provide spent casing from all handguns sold, transferred, or rented in State, and dealer must forward to state police on completion of transaction); N.Y. GEN. BUS. LAW § 396-ff (same; state police to maintain

¹⁸ The District is also not alone in imposing a vision requirement for firearms licensing. *See* CHICAGO MUN. CODE § 8-20-060(a)(4) (2008); CICERO, ILL., CODE OF ORD. § 62-262(a)(4) (2008). That requirement too is obviously reasonable on its face.

electronic identification databank). Although plaintiffs challenge the District's ballistics-identification requirement, it is difficult to determine exactly what interest such a requirement infringes, as the requirement has no apparent impact on a gun owner's ability to defend his or her home or family.

Multiple Guns

Similarly, several States and cities restrict the number of firearms that may be purchased or registered in a given time period. *See, e.g.*, NRA Compendium (California (10 days), Connecticut (14 days), Minnesota, and Rhode Island (7 days)); LCAV at 134–142; MD CODE ANN., PUB. SAFETY, § 5-128(b) (2008) (person may not purchase more than one “regulated firearm” (*i.e.*, handgun or assault weapon) in 30-day period); PHILADELPHIA CODE § 10-831(2) (purchasers may obtain no more than one handgun in any 30-day period). Such a restriction is reasonable because it does not meaningfully intrude on the core of the right recognized in *Heller*—the defense of “hearth and home”—as each acquisition of a new firearm has successively less effect on one's self-defense abilities.

Fees

Plaintiffs claim that the fees charged by the District violate the Constitution because “[n]o limit is set on” the fee the Chief may impose. SAC ¶¶ 19, 22. Such a claim is meritless. The District's fee structure puts it squarely in the reasonable range of fees charged.¹⁹

¹⁹ In the District, it costs \$60 to register a handgun, and \$48 to register a rifle or shotgun. 24 DCMR § 2320. *See also* MPD, “Firearm Registration: Fee Schedule,” <http://mpdc.dc.gov/mpdc/cwp/view,a,1237,q,566996.asp> (as of August 5, 2009). *See* Appx. at 8–11. In comparison, the fee for a New York City handgun license is currently \$340, plus \$94.25 for fingerprinting. *See* http://www.nyc.gov/html/nypd/html/permits/handgun_licensing_

Under *Salerno*, plaintiffs are precluded from challenging the Act merely because it *might* be applied unconstitutionally by the Chief; rather, because the statute is capable of being applied constitutionally, plaintiffs can challenge it only as applied to them. Plaintiffs cannot show that the fees actually charged are of constitutional moment. Of course, the government cannot prohibit the exercise of constitutional rights altogether through fee requirements. *See, e.g., M.L.B. v. S.L.J.*, 519 U.S. 102, 123–24 (1996). But that general proposition does not mean what plaintiffs imply—that fees may *never* be required for activity protected by the Constitution. Because the fees here are tied to the “costs of services provided,” D.C. Official Code § 7-2502.05(b), they are clearly permissible. *See M.L.B.*, 519 U.S. at 123 & n.14 (“fee requirements ordinarily are examined only for rationality.”) (“a State may exact fees from citizens for many different kinds of licenses.”) (quoting *Harper v. Virginia Bd. of Elections*, 383 U.S. 663, 668 (1966)).

Even if the Second Amendment guarantees a “fundamental right,” the government would *still* be entitled to reimbursement for the reasonable expenses incurred in regulating that right. In other words, the government is not required to subsidize an individual’s exercise of a constitutional right. *See Ysursa v. Pocatello Ed. Ass’n*, ___ U.S. ___, 129 S.Ct. 1093, 1098 (Feb. 24, 2009) (“[A] legislature’s decision not to subsidize the exercise of a fundamental right does not infringe the right, and thus is not subject to strict scrutiny.”) (quoting *Regan v. Taxation With Representation of Wash.*, 461 U.S. 540, 549 (1983) (rejecting organization’s First Amendment and equal protection claims of a right to receive tax deductible contributions to support its lobbying activity)).

application.shtml (as of August 5, 2009). The fee for a rifle/shotgun permit in New York City is currently \$140, plus a \$94.25 fingerprint fee. *See* http://www.ci.nyc.ny.us/html/nypd/html/permits/rifle_licensing_information.shtml (as of August 5, 2009).

Indeed, even for First Amendment speech regulations subject to “strict scrutiny,” such as prior government approval in the form of parade permits, fees have long been permissible to defray the government’s administrative costs. *Cox v. New Hampshire*, 312 U.S. 569, 576–77 (1941); *cf. Forsyth County, Ga. v. Nationalist Movement*, 505 U.S. 123, 130–34 (1992) (finding a local parade fee unconstitutional where there was no standard governing the administrator’s discretion on how much to charge).²⁰

“Assault Weapons” and Large Capacity Ammunition Feeding Devices

Plaintiffs claim that the District’s prohibition on assault weapons, and refusal to register other “commonly possessed” firearms violates the Second Amendment and *Heller*. SAC ¶ 74–76.

These arguments, seizing on unqualified language from *Heller*, are fundamentally flawed. The Supreme Court stated that weapons in common use are “protected” in the sense that their regulation requires Second Amendment analysis. Plaintiffs apparently assert that the reasoning in *Heller*—that handguns “as a class” may not be banned—equally means that *any* commonly possessed firearm may not be. *Heller* does not establish any rule other than that handguns as a class may not be banned. The Supreme Court’s reasoning turned on the premise that the District had a flat ban on handguns, with no exceptions. Now, however, the District’s law allows the registration of thousands of such weapons. Alternative means of exercising a right need not be precisely equivalent to the banned or burdened means, as First Amendment

²⁰ There are only two areas in which the Supreme Court generally invalidates government fees; “The basic right to participate in political processes as voters and candidates cannot be limited to those who can pay for a license. Nor may access to judicial processes in cases criminal or ‘quasi criminal in nature’ turn on ability to pay.” *M.L.B.*, 519 U.S. at 124 (citations omitted). Neither of those two situations obtains here.

jurisprudence establishes. *See, e.g., Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 53–54 (1986). The Second Amendment’s self-defense purpose is concerned with the practical realities of protecting hearth and home—not guaranteeing an unlimited choice of any weapon that plaintiffs contend is “commonly possessed.”

Plaintiffs’ arguments, carried to their logical extreme, would require an unworkable analysis. At this stage of the litigation, plaintiffs have not indicated how they think one could determine which weapons are implicated in this broad language. How would courts (or a government) determine which arms are “in common use?” Conduct a poll? Would the poll be nationwide, or limited to specific regions or the jurisdiction at issue? How common must a firearm be for its proscription to be unconstitutional? Would the popularity of a firearm be inversely proportional to the permissible amount of regulation? The Supreme Court explicitly declined to answer these questions. *Heller*, 128 S.Ct. at 2821 (“since this case represents this Court’s first in-depth examination of the Second Amendment, one should not expect it to clarify the entire field And there will be time enough to expound upon the historical justifications for the exceptions we have mentioned if and when those exceptions come before us.”).

Plaintiffs’ “test” would also freeze gun technology in place as of the day of *Heller*, preventing States and the District from adopting additional, reasonable safety regulations.²¹

²¹ Although plaintiffs’ California Roster claims are now moot, *see* 15–16, *supra*, plaintiffs in No. 09-0454 had claimed that the “overwhelming majority” of handguns lack chamber-load indicators and magazine disconnect devices. Carrying this argument out to its logical conclusion, neither California nor any other jurisdiction could *ever* require any *new* safety device. This argument is akin to saying that, regardless of the potential public safety benefits, because the overwhelming majority of cars in the late 1960s lacked adequate “passive occupant restraint systems,” the government could *never* mandate any new systems to improve safety, such as automatic seatbelts or airbags. *See, e.g., Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 34–35 (1983). Fortunately, however, that is not the law, and government may continue to experiment in its quest to fulfill its primary objective, to protect public health and safety. *See e.g., Gonzalez v. Raich*, 545 U.S. 1, 42 (2005) (O’Connor, J.,

Constitutional law should not be subject to the “popularity contest” envisioned by plaintiffs’ apotheosis of the Supreme Court’s choice of language. Indeed, plaintiffs’ argument would completely vitiate the prime concern of federalism—allowing local legislatures to address local concerns. Would thinly populated states such as Alaska and Wyoming, with gun ownership rates around 58%, be able to “drive” the determination of which guns are “in common use” at the expense of denser jurisdictions like Massachusetts and New Jersey, with gun ownership rates around 12%?²² Such an analysis would be utterly unworkable.

The District’s law, even if read strictly, allows the registration of thousands of different models of handguns.²³ Plaintiffs thus cannot seriously complain that they do not have ample alternative methods under which to exercise the right enunciated in *Heller*. Cf. *Benjamin*, 662 A.2d at 1234 (courts compare “the number and nature of the weapons subject to the ban with the number and nature of the weapons that remain available for the vindication of the right.”). Compare also, e.g., *Henderson v. Kennedy*, 253 F.3d 12, 17 (D.C. Cir. 2001) (rejecting challenge

dissenting) (“One of federalism’s chief virtues, of course, is that it promotes innovation by allowing for the possibility that ‘a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.’”) (quoting *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting)).

²² See “Gun Ownership by State,” available online at <http://www.washingtonpost.com/wp-ssrv/health/interactives/guns/ownership.html> (citing a nationwide survey in 2001 by the North Carolina State Center for Health Statistics, Behavioral Risk Factor Surveillance System; see <http://www.schs.state.nc.us/SCHS/brfss/2001/us/firearm3.html>) (as of June 9, 2009).

²³ As of August 5, 2009, the California Roster lists 1326 models. See <http://certguns.doj.ca.gov>. Massachusetts currently lists over 600 models. See [http://www.mass.gov/Eeops/docs/chsb/firearms/Approved Firearms Roster 04-2009.pdf](http://www.mass.gov/Eeops/docs/chsb/firearms/Approved%20Firearms%20Roster%2004-2009.pdf) (as of July, 2009). Maryland is believed to list about 1,400 models on its roster. See <http://www.mdsp.org/services/handgun.asp>. Moreover, these totals do not account for the untold number of handguns allowed under the emergency regulations of June 25, 2009.

by evangelical Christians to National Park Service's regulations banning sales of message-bearing t-shirts in certain areas of the National Mall; because the regulation is "at most a restriction on one of a multitude of means" plaintiffs can use to spread their message, it is not a "substantial burden" on their exercise of religion).

State decisions upholding prohibitions on the sale or possession of assault weapons are particularly instructive on this point. The Supreme Court of Ohio, in *Arnold v. City of Cleveland*, 616 N.E.2d 163, 173 (Ohio 1993), upheld Cleveland's prohibition on assault weapons, noting that while the ordinance broadly prohibits "a class of firearms," it does not violate an Ohioan's right to bear arms because it does not prohibit "all firearms." Similarly, in *Robertson v. City & County of Denver*, 874 P.2d 325, 331 (Colo. 1994) (*en banc*), the Supreme Court of Colorado upheld Denver's prohibition on assault weapons, finding that while the prohibition implicates "a small category of arms which cannot be used for purposes of self-defense [and] undoubtedly limits the ways in which the right to bear arms may be exercised," the prohibition did "not significantly interfere with this right" because "there are ample weapons available for citizens to fully exercise their right to bear arms in self-defense." *Id.* at 333. The firearms provisions at issue here thus do not materially infringe the exercise of the "core right" identified in *Heller*.

Moreover, the District clearly had legitimate reasons to enact these provisions. The Supreme Court itself "acknowledged 'the problem of handgun violence in this country'" Comm. Rep. at 3 (quoting *Heller*, 128 S. Ct. at 2822). Maintaining public safety and preventing crime are clearly important (if not paramount) government interests. *See, e.g., Salerno*, 481 U.S. at 750; *Schall*, 467 U.S. at 264. The Act thus prohibits the registration or possession of assault weapons, *i.e.*, "military-style weapons made for offensive military use" that are "designed with military features to allow rapid and accurate spray firing" and that are "not designed for sport,

but to kill people quickly and efficiently.” Comm. Rep. at 7. The District can substantially restrict such weapons, almost universally acknowledged to be particularly harmful to public safety, because individuals have access to literally thousands of *other* weapons that provide fully adequate protection for “hearth and home.” *Heller*, 128 S.Ct. at 2821. Similarly, banning weapons that have particular potential to cause havoc because they shoot more than 10 bullets without reloading does not unreasonably restrict self-defense, given the access to thousands of other weapons capable of shooting up to 10 bullets at a time. *See* n.24, *supra*. *Cf. Fesjian v. Jefferson*, 399 A.2d 861, 864 (D.C. 1979) (“A gun, whether clip-fed or otherwise, capable of firing 13 rounds or more without reloading, may reasonably be considered a greater public threat than firearms of more limited capacity.”).²⁴

In reviewing the constitutionality of a statute, “courts must accord substantial deference to the predictive judgments” of the legislature. *Turner Broadcasting Sys., Inc. v. FCC*, 520 U.S. 180, 195 (1997) (quoting *Turner Broadcasting Sys., Inc. v. FCC*, 512 U.S. 622, 665 (1994)). Such deference is due because the legislature “‘is far better equipped than the judiciary to ‘amass and evaluate the vast amounts of data’ bearing upon’ legislative questions.” *Id.* (quoting *Walters v. National Ass’n of Radiation Survivors*, 473 U.S. 305, 331, n.12 (1985)). *See also Gonzalez v. Carhart*, 550 U.S. 124, 163–64 (2007) (legislature should receive deference in absence of expert

²⁴ Legislation enacted by Congress in 1932 and still applicable to the District embodies the view that guns capable of shooting more than 12 bullets at a time without reloading are particularly dangerous. *See* the Act of July 8, 1932, Pub.L.No. 72-275, 47 Stat. 650. *See also, e.g., United States v. Pritchett*, 470 F.2d 455, 456–58 (D.C. Cir. 1972) (describing legislative history, including intent to prohibit weapons with no legitimate use); *Worthy v. United States*, 420 A.2d 1216, 1218 (D.C. 1980) (“Congress enacted this provision to enforce drastically a prohibition against carrying particular dangerous weapons within the District of Columbia.”); *United States v. Brooks*, 330 A.2d 245, 247 (1974) (these weapons “are so highly suspect and devoid of lawful use that their mere possession is forbidden”). That definition and ban remain legally operative. D.C. Official Code §§ 22-4501(c), 22-4514; *cf. Turner v. United States*, 684 A.2d 313, 314–16 (D.C. 1996) (defendant may be convicted for violating both bans).

consensus). “Even in the realm of First Amendment questions . . . deference must be accorded to [the legislature’s] findings as to the harm to be avoided and to the remedial measures adopted for that end” *Turner*, 520 U.S. at 665. “Local officials, by virtue of their proximity to, and their expertise with, local affairs, are exceptionally well qualified to make determinations of public good ‘within their respective spheres of authority.’” *Richmond v. J.A. Croson Co.*, 488 U.S. 469, 544 (1989) (quoting *Hawaii Housing Authority v. Midkiff*, 467 U.S. 229, 244 (1984)).

Here, the District properly relied on a variety of evidence, from a number of sources, to craft its updated firearms regime, including the similar experiences of many other jurisdictions. *See, e.g.*, Comm. Rep. at 2–3, 5–8. In fact, even a First Amendment challenge “does not require a city . . . to conduct new studies or produce evidence independent of that already generated by other cities, so long as whatever evidence the city relies upon is reasonably believed to be relevant to the problem that the city addresses.” *Renton*, 475 U.S. at 51–52 (city is “entitled to rely on the experiences of Seattle and other cities” in enacting an adult theater ordinance); *see City of Erie v. Pap’s A.M.*, 529 U.S. 277, 297 (2000) (*plurality opinion*) (citing *Nixon v. Shrink Missouri Government PAC*, 528 U.S. 377, 393, n. 6 (2000)).²⁵ This Court, like the Supreme Court in these First Amendment cases, should uphold the provisions at issue here, because the District conducted numerous hearings and relied on the experiences of many other jurisdictions, *Renton*, 475 U.S. at 44, relied on the “evidentiary foundation” in prior judicial opinions, *Pap’s*

²⁵ In *Renton*, the Supreme Court upheld location restrictions on adult theaters, which were not aimed at the “content” of the films shown, but on the “secondary effects” of the theaters on the surrounding community. *Id.*, 47–49. The Court held that while the city must provide some evidence supporting a link between the concentration of theaters and the asserted negative effects, “a municipality may rely on any evidence that is ‘reasonably believed to be relevant’ for demonstrating a connection between speech and a substantial, independent government interest.” *Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425, 438 (2002) (quoting *Renton*, 475 U.S., at 51–52)). Moreover, a city need not conclusively prove such a connection, nor does it need to prove that its chosen method will be effective. *Alameda Books*, 535 U.S. at 437.

A.M., 529 U.S. at 296–97, and relied on its own earlier studies, *Alameda Books*, 535 U.S. at 430.²⁶

The District is not breaking new ground here. In 1994, Congress passed the Violent Crime Control and Law Enforcement Act, which imposed a 10-year ban on the “manufacture, transfer, and possession” of certain semiautomatic firearms designated as assault weapons, and “large capacity ammunition feeding devices.” Title XI, Subtitle A, Pub.L. 103-322 (Sept. 13, 1994), 108 Stat. 1796. “[B]y passing the 1994 bans on semiautomatic assault weapons and large capacity ammunition feeding devices, Congress sent a strong signal that firearms with the ability to expel large amounts of ammunition quickly are not sporting; rather, firearms with this ability have military purposes and are a crime problem.” Bureau of Alcohol, Tobacco & Firearms, *Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles*, at 2–3 (Apr. 1998).²⁷ *See id.*, at 3 (“[W]e did not find any evidence that the ability to accept a detachable large capacity military magazine serves any sporting purpose.”).

Not accidentally, the language in the District Act mirrors the language of the federal law, as does the language of the ordinances of many other jurisdictions which currently maintain

²⁶ For instance, in 1999, the MPD, working with the federal ATF, organized a public gun “buy-back” program. *See* ATF, “Washington Metropolitan Police Department’s Gun Buy Back Program Summary Report” (Nov. 1999), *available online at* http://www.atf.gov/pub/fire-explo_pub/buyback/buy_back.htm. Even with the “significant restrictions” then in place on the possession of firearms in the District, the program recovered a “remarkable” 2,912 guns in seven days. *Id.* More than 75% of the guns recovered were handguns. *Id.* Approximately 17% of the guns could be successfully traced back to licensed dealers in 44 States and Canada, and those guns had an “average street age” of about 15 ½ years. *Id.* The program also recovered 63 firearms with the serial numbers obliterated and 45 guns that had been reported stolen. *Id.*

²⁷ Available online at http://www.atf.gov/pub/treas_pub/assault_rifles/index.htm (as of July 23, 2009).

prohibitions on assault weapons as a class.²⁸ The federal law, like the District law, banned certain models and variations of assault weapons by name, and also had a “feature test” provision, banning other weapons having certain military-style features. *See* Christopher S. Koper, *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994–2003*, at 1, Jerry Lee Center of Criminology, University of Pennsylvania (June 2004).²⁹ Not all semiautomatic weapons were prohibited under the federal ban, but only those “having features that appear useful in military and criminal applications but unnecessary in shooting sports or self-defense.” *Id.* at 4.

That study stated the obvious: that attacks with assault weapons “result in more shots fired, more persons hit, and more wounds inflicted per victim than do attacks with other firearms.” *Id.* at 3. The study found that the federal ban resulted in a 17% drop in the number of gun crimes involving assault weapons in the cities studied . *Id.* at 2.

Many state courts have rejected nearly identical attacks on assault weapons bans. *Kasler v. Lockyer*, 2 P.3d 581, 590–92 (Cal. 2000); *Benjamin*, 662 A.2d at 1230–35; *Robertson*, 874 P.2d at 331–33; *City of Cincinnati v. Langan*, 640 N.E.2d 200, 205–206 (Ohio 1994); *Arnold*, 616 N.E.2d at 169–73. *See also Coalition of N.J. Sportsmen, Inc. v. Whitman*, 44 F.Supp.2d 666, 684–86 (D.N.J. 1999) (rejecting constitutional challenges to New Jersey law), *aff’d w/o opinion*, 263 F.3d 157 (3rd Cir. 2001), *cert. denied*, 534 U.S. 1039 (2001).³⁰ *Cf. Olympic Arms*, 301 F.3d

²⁸ *See* Appx. at 18–30.

²⁹ This study was funded by a grant from the United States Department of Justice, and is available online through the National Criminal Justice Reference Service at <http://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf> (as of July 23, 2009).

³⁰ The district court in *Coalition of N.J. Sportsmen* rejected constitutional challenges to New Jersey’s prohibition on assault weapons and large capacity ammunition magazines. The New Jersey law, like the District’s, prohibits certain weapons by category, including specific makes and models, those “substantially identical” to listed weapons, and those possessing certain features. *Id.* at 670.

at 390 (rejecting equal-protection challenge to federal ban on assault weapons). This Court similarly should uphold the provisions at issue as reasonable.³¹

E. The District Properly Exercised its Legislative Powers.

Plaintiffs allege that the challenged provisions exceed the limits of D.C. Official Code § 1-303.43, in which Congress authorized the District to make and enforce “all such usual and reasonable police regulations . . . necessary for the regulation of firearms” SAC ¶ 78. Plaintiffs’ argument fails, both on its face, and because plaintiffs fail to note other sources of legislative authority that make reliance on the section they cite unnecessary.

Congress broadly delegated legislative authority to the District government by enacting the District of Columbia Home Rule Act (“HRA”), D.C. Official Code §§ 1-201.01 *et seq.* (2008 Supp.).

[T]he legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this chapter subject to all the restrictions and limitations imposed upon the states by the 10th section of the 1st article of the Constitution of the United States.

Id., § 1-203.02.³²

³¹ For similar reasons, the provisions would survive intermediate-scrutiny review. They are substantially related to important government interests, because, *inter alia*, they give law enforcement “essential information” about gun ownership, Comm. Rep. at 3, can assist the police in investigating and solving crimes, and help keep unsafe firearms and firearms with “no legitimate use as self-defense weapons” (*i.e.*, assault weapons) off the streets. *Id.* at 7. “[T]he substantial relationship test does not demand that every aspect of the [challenged law] advance the asserted government interests equally.” *Hutchins*, 188 F.3d at 545 n.6.

³² Decades before the HRA, the Supreme Court noted that Congress had previously delegated the full extent of the police power to the District. *District of Columbia v. John R. Thompson Co.*, 346 U.S. 100, 110 (1953) (authority granted to District by the Organic Act of 1871 (February 21, 1871, 16 Stat. 419) to enact all “rightful subjects of legislation” . . . was as broad as the police power of a state . . .”).

Local courts and the legislative history of the HRA recognize that that law grants the District broad sovereign legislative power “analogous to the powers of the States . . .” *District of Columbia v. Owens-Corning Fiberglas Corp.*, 572 A.2d 394, 406 (D.C. 1989). *See also* H.R. Report No. 93-482, 93rd Cong., 1st Session; Markup Sessions for H.R. 9056, 93rd Cong., 1st Session (July 11 and 18, 1973). Among the stated purposes of the HRA were to “grant the inhabitants of the District of Columbia powers of local self-government . . . and, *to the greatest extent possible*, consistent with the constitutional mandate, relieve Congress of the burden of legislating upon essentially local District matters.” D.C. Official Code § 1-201.02(a) (emphasis added). *See Firemen’s Ins. Co. of Washington, D.C. v. Washington*, 483 F.2d 1323, 1327 (D.C. Cir. 1973) (District possesses “a broad delegation of police power from Congress.”) (citing, *inter alia*, *Maryland & D.C. Rifle & Pistol Ass’n v. Washington*, 442 F.2d 123, 126 n.14 (D.C. Cir. 1971)).

Courts have narrowly construed restrictions on the Council’s legislative authority. Indeed, even before the HRA, the Circuit found “ample warrant” in the exact provision cited by plaintiffs here (now D.C. Official Code § 1-303.43) for the Council to enact “a comprehensive scheme of control over firearms kept or traded within the District.” *Maryland & D.C. Rifle*, 442 F.2d at 125–26. “We perceived no absurdity in a grant of authority to the District to regulate firearms for the protection of its people” *Id.* at 127. Because the delegation of authority in § 1-203.02 is plainly sufficient for the provisions at issue, this Court need not consider the argument that the provisions exceed the authority in § 1-303.43.

In any event, that argument fails. In *Firemen’s Insurance*, the Circuit interpreted what is now D.C. Official Code § 1-303.03, which parallels the language cited by the instant plaintiffs, and provides that the District may make and enforce “all such reasonable and usual police regulations . . . as the Council may deem necessary for the protection of lives, limbs, health,

comfort, and quiet of all persons and the protection of all property within the District of Columbia.” 483 F.2d at 1327.³³ In that case, plaintiff challenged insurance regulations that prohibited geographic discrimination in the provision of insurance, enacted after an “epidemic of cancellations” of policies held by inner-city dwellers after the riots of the late 1960s. *Id.* at 1325 & 1327 n.6. The Circuit held that “the regulation of auto insurance is essential to the protection of the lives, limbs, and health of citizens in the District.” *Id.* at 1327 (footnote omitted).

To put it bluntly, if the regulation of insurance is “essential” for the protection of persons within the District, surely the reasonable regulation of *firearms* is similarly necessary. “The police power is not restricted or limited to present applications, but is a flexible and dynamic concept which changes and expands as society becomes more complex.” *Id.* at 1328.

Further, as demonstrated herein none of the challenged provisions is unreasonable or unusual. Congress and many States and cities, in the exercise of their police powers, regulate weapons in ways identical to the District’s. Indeed, safety was one of Congress’s particular concerns in enacting what is now D.C. Official Code § 1-303.43 over a century ago. *See* S.Rep. No. 59-4338, at 3 (1906) (law will promote “freedom from accident from indiscriminate discharge of firearms”).

Plaintiffs make the near-specious claim that, with respect to the challenged provisions, “[n]o such provisions exist in the laws of the United States or of any of the States, with the

³³ This language precisely corresponds to the traditional police-power authority of the States. *See, e.g., United Haulers Ass’n, Inc. v. Oneida-Herkimer Solid Waste Management Authority*, 550 U.S. 330, 342 (2007) (“The States traditionally have had great latitude under their police powers to legislate as to the protection of the lives, limbs, health, comfort, and quiet of all persons.”) (quoting *Metropolitan Life Ins. Co. v. Massachusetts*, 471 U.S. 724, 756 (1985)). *See also Gonzalez v. Raich*, 545 U.S. at 42–43 (O’Connor, J., dissenting) (“The States’ core police powers have always included the authority to define criminal law and to protect the health, safety, and welfare of their citizens.”) (citing *Brecht v. Abrahamson*, 507 U.S. 619, 635 (1993)).

exception of a very few number of States in regard to certain provisions only.” SAC ¶ 79. Obviously, no jurisdiction will have the *exact* same combination of regulations of firearms as any other jurisdiction. But *every single one* of the District’s challenged provisions has been used in some similar form in other jurisdictions, often for decades, without successful challenge. Indeed, the success of these different measures is among the reasons they were adopted here. *See Hutchins*, 188 F.3d at 544 (“Of course no city is exactly comparable to any other, but it would be folly for any city not to look at experiences of other cities.”). For plaintiffs to suggest that the District’s law is in any sense “unusual” thus defies logic, as well as common sense.

IV. Conclusion

There are a variety of views on firearms regulation. There are just as many views on how the government may undertake that goal to comply with the Constitution. Such a diversity of viewpoints reflects the range of permissible options open to the District, and the deference its legislative decisions should receive. “Imperfect or even unwise regulations are not necessarily illegal, however.” *John Doe, Inc. v. DEA*, 484 F.3d 561, 573 (D.C. Cir. 2007). Here, regardless of plaintiffs’ views of the issue, the District’s law is eminently reasonable and fits well within the boundaries of acceptable constitutional legislation.

For the foregoing reasons, defendants move for summary judgment. A proposed Order is attached hereto.

DATE: August 5, 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., 6th 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., 6th Floor South
Washington, D.C. 20001
Telephone: (202) 724-6643
Facsimile: (202) 727-0431
andy.saindon@dc.gov

Appendix**D.C. Official Code § 7-2501.01(3A)(A).**

“Assault weapon” defined as

(i) The following semiautomatic firearms:

(I) All of the following specified rifles:

(aa) All AK series including, but not limited to, the models identified as follows:

(1) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S;

(2) Norinco (all models);

(3) Poly Technologies (all models);

(4) MAADI AK47 and ARM; and

(5) Mitchell (all models).

(bb) UZI and Galil;

(cc) Beretta AR-70;

(dd) CETME Sporter;

(ee) Colt AR-15 series;

(ff) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR110 C;

(gg) Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter;

(hh) MAS 223.

(ii) HK-91, HK-93, HK-94, and HK-PSG-1;

(jj) The following MAC types:

(1) RPB Industries Inc. sM10 and sM11; and

(2) SWD Incorporated M11;

(kk) SKS with detachable magazine;

(ll) SIG AMT, PE-57, SG 550, and SG 551;

(mm) Springfield Armory BM59 and SAR-48;

(nn) Sterling MK-6;

(oo) Steyer AUG, Steyr AUG;

(pp) Valmet M62S, M71S, and M78S;

(qq) Armalite AR-180;

(rr) Bushmaster Assault Rifle;

(ss) Calico --900;

(tt) J&R ENG --68; and

(uu) Weaver Arms Nighthawk.

(II) All of the following specified pistols:

(aa) UZI;

(bb) Encom MP-9 and MP-45;

(cc) The following MAC types:

(1) RPB Industries Inc. sM10 and sM11;

(2) SWD Incorporated -11;

(3) Advance Armament Inc. --11; and

(4) Military Armament Corp. Ingram M-11;

(dd) Intratec TEC-9 and TEC-DC9;

(ee) Sites Spectre;

(ff) Sterling MK-7;

(gg) Calico M-950; and

(hh) Bushmaster Pistol.

(III) All of the following specified shotguns:

(aa) Franchi SPAS 12 and LAW 12; and

(bb) Striker 12. The Streetsweeper type S/S Inc. SS/12;

D.C. Official Code § 7-2502.01. Registration requirements.

(a) Except as otherwise provided in this unit, no person or organization in the District of Columbia (“District”) shall receive, possess, control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization in the District shall possess or control any firearm, unless the person or organization holds a valid registration certificate for the firearm. A registration certificate may be issued:

(1) To an organization if:

(A) The organization employs at least 1 commissioned special police officer or employee licensed to carry a firearm whom the organization arms during the employee’s duty hours; and

(B) The registration is issued in the name of the organization and in the name of the president or chief executive officer of the organization;

(2) In the discretion of the Chief of Police, to a police officer who has retired from the Metropolitan Police Department; or

(3) In the discretion of the Chief of Police, to the Fire Marshal and any member of the Fire and Arson Investigation Unit of the Fire Prevention Bureau of the Fire Department of the District of Columbia, who is designated in writing by the Fire Chief, for the purpose of enforcing the arson and fire safety laws of the District of Columbia.

(b) Subsection (a) of this section shall not apply to:

(1) Any law enforcement officer or agent of the District or the United States, or any law enforcement officer or agent of the government of any state or subdivision thereof, or any member of the armed forces of the United States, the National Guard or organized reserves, when such officer, agent, or member is authorized to possess such a firearm or device while on duty in the performance of official authorized functions;

(2) Any person holding a dealer’s license; provided, that the firearm or destructive device is:

(A) Acquired by such person in the normal conduct of business;

(B) Kept at the place described in the dealer’s license; and

(C) Not kept for such person’s private use or

(IV) A semiautomatic, rifle that has the capacity to accept a detachable magazine and any one of the following:

- (aa) A pistol grip that protrudes conspicuously beneath the action of the weapon;
- (bb) A thumbhole stock;
- (cc) A folding or telescoping stock;
- (dd) A grenade launcher or flare launcher;
- (ee) A flash suppressor; or
- (ff) A forward pistol grip;

(V) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

- (aa) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;
- (bb) A second handgrip;
- (cc) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel; or
- (dd) The capacity to accept a detachable magazine at some location outside of the pistol grip;

(VI) A semiautomatic shotgun that has one or more of the following:

- (aa) A folding or telescoping stock;
- (bb) A pistol grip that protrudes conspicuously beneath the action of the weapon;
- (cc) A thumbhole stock; or
- (dd) A vertical handgrip; and

(VII) A semiautomatic shotgun that has the ability to accept a detachable magazine; and

(VIII) All other models within a series that are variations, with minor differences, of those models listed in subparagraph (A) of this paragraph, regardless of the manufacturer;

(ii) Any shotgun with a revolving cylinder; provided, that this sub-subparagraph shall not apply to a weapon with an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition; and

(iii) Any firearm that the Chief may designate as an assault weapon by rule, based on a determination that the firearm would reasonably pose the same or similar danger to the health, safety, and security of the residents of the District as those weapons enumerated in this paragraph.

protection, or for the protection of his business;

(3) With respect to firearms, any nonresident of the District participating in any lawful recreational firearm-related activity in the District, or on his way to or from such activity in another jurisdiction; provided, that such person, whenever in possession of a firearm, shall upon demand of any member of the Metropolitan Police Department, or other bona fide law enforcement officer, exhibit proof that he is on his way to or from such activity, and that his possession or control of such firearm is lawful in the jurisdiction in which he resides; provided further, that such weapon shall be transported in accordance with § 22-4504.02; or.

(4) Any person who temporarily possesses a firearm registered to another person while in the home of the registrant; provided, that the person is not otherwise prohibited from possessing firearms and the person reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to himself or herself.

D.C. Official Code § 7-2502.02. Registration of certain firearms prohibited.

(a) A registration certificate shall not be issued for a:

- (1) Sawed-off shotgun;
- (2) Machine gun;
- (3) Short-barreled rifle;
- (4) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, except that the prohibition on registering a pistol shall not apply to:
 - (A) Any organization that employs at least one commissioned special police officer or other employee licensed to carry a firearm and that arms the employee with a firearm during the employee's duty hours;
 - (B) A police officer who has retired from the Metropolitan Police Department; or
 - (C) Any person who seeks to register a pistol for use in self-defense within that person's home;
- (5) An unsafe firearm prohibited under § 7-2505.04;
- (6) An assault weapon; or
- (7) A .50 BMG rifle.

D.C. Official Code § 7-2502.03. Qualifications for registration; information required for registration.

(a) No registration certificate shall be issued to any person (and in the case of a person between the ages of 18 and 21, to the person and his signatory parent or guardian) or organization unless the Chief determines that such person (or the president or chief executive in the case of an organization):

(1) Is 21 years of age or older; provided, that the Chief may issue to an applicant between the ages of 18 and 21 years old, and who is otherwise qualified, a registration certificate if the application is accompanied by a notarized statement of the applicant's parent or guardian:

(A) That the applicant has the permission of his parent or guardian to own and use the firearm to be registered; and

(B) The parent or guardian assumes civil liability for all damages resulting from the actions of such applicant in the use of the firearm to be registered; provided further, that such registration certificate shall expire on such person's 21st birthday;

(2) Has not been convicted of a crime of violence, weapons offense, or of a violation of this unit;

(3) Is not under indictment for a crime of violence or a weapons offense;

(4) Has not been convicted within 5 years prior to the application of any:

(A) Violation in any jurisdiction of any law restricting the use, possession, or sale of any narcotic or dangerous drug;

(B) A violation of § 22-407, regarding threats to do bodily harm, or § 22-404, regarding assaults and threats, or any similar provision of the law of any other jurisdiction so as to indicate a likelihood to make unlawful use of a firearm;

(C) Two or more violations of § 50-2201.05(b) or, in any other jurisdiction, any law restricting driving under the influence of alcohol or drugs; or

(D) Intrafamily offense;

(5) Within the 5-year period immediately preceding the application, has not been acquitted of any criminal charge by reason of insanity or has not been adjudicated a chronic alcoholic by any court; provided, that this paragraph shall not apply if such person shall present to the Chief, with the application, a medical certification

D.C. Official Code § 7-2502.04. Fingerprints and photographs of applicants; application in person required.

(a) The Chief may require any person applying for a registration certificate to be fingerprinted if, in his judgment, this is necessary to conduct an efficient and adequate investigation into the matters described in § 7-2502.03 and to effectuate the purpose of this unit; provided, that any person who has been fingerprinted by the Chief within 6 years prior to submitting the application need not, in the Chief's discretion, be fingerprinted again if he offers other satisfactory proof of identity.

(b) Each applicant, other than an organization, shall submit with the application 2 full-face photographs of himself, 1 3/4 by 1 7/8 inches in size which shall have been taken within the 30-day period immediately preceding the filing of the application.

(c) Every applicant (or in the case of an organization, the president or chief executive, or a person authorized in writing by him), shall appear in person at a time and place prescribed by the Chief, and may be required to bring with him the firearm for which a registration certificate is sought, which shall be transported in accordance with § 22-4504.02.

D.C. Official Code § 7-2502.05. Application signed under oath; fees.

(a) Each applicant (the president or chief executive in the case of an organization) shall sign an oath or affirmation attesting to the truth of all the information required by §§ 7-2502.03 or § 7-2502.07a.

(b) Each application required by this subchapter shall be accompanied by a nonrefundable fee to be established by the Mayor; provided, that such fee shall, in the judgment of the Mayor, reimburse the District for the cost of services provided under this subchapter.

D.C. Official Code § 7-2502.07a. Expiration and renewal registration certificate.

(a) Registration certificates shall expire 3 years after the date of issuance unless renewed in accordance with this section for subsequent 3-year periods.

(b) A registrant shall be eligible for renewal of registration of a firearm if the registrant continues to meet all of the initial registration requirements set forth in § 7-2502.03 and follows any procedures the Chief may establish by rule.

(c) For each renewal, a registrant shall submit a statement to the Metropolitan Police Department attesting to:

indicating that the applicant has recovered from such insanity or alcoholic condition and is capable of safe and responsible possession of a firearm;

(6) Within the 5 years immediately preceding the application, has not been voluntarily or involuntarily committed to any mental hospital or institution; provided, that this paragraph shall not apply, if such person shall present to the Chief, with the application, a medical certification that the applicant has recovered from whatever malady prompted such commitment;

(6A) Within the 5 years immediately preceding the application, has not had a history of violent behavior.

(7) Does not appear to suffer from a physical defect which would tend to indicate that the applicant would not be able to possess and use a firearm safely and responsibly;

(8) Has not been adjudicated negligent in a firearm mishap causing death or serious injury to another human being;

(9) Is not otherwise ineligible to possess a pistol under § 22-4503;

(10) Has not failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to firearms and, in particular, the safe and responsible use, handling, and storage of the same in accordance with training, tests, and standards prescribed by the Chief; provided, that once this determination is made with respect to a given applicant for a particular type of firearm, it need not be made again for the same applicant with respect to a subsequent application for the same type of firearms; provided, further, that this paragraph shall not apply with respect to any firearm reregistered pursuant to § 7-2502.06;

(11) Has vision better than or equal to that required to obtain a valid driver's license under the laws of the District of Columbia; provided, that current licensure by the District of Columbia, of the applicant to drive, shall be prima facie evidence that such applicant's vision is sufficient and; provided further, that this determination shall not be made with respect to persons applying to reregister any firearm pursuant to § 7-2502.06;

(12)(A) Has not been the respondent in an intrafamily proceeding in which a civil protection order was issued against the applicant pursuant to § 16-1005; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years or more; or

(1) Possession of the registered firearm;

(2) The registrant's address; and

(3) The registrant's continued compliance with all registration requirements set forth in § 7-2502.03.

(d) A registrant shall submit to a background check once every 6 years to confirm that the registrant continues to qualify for registration under § 7-2502.03.

(e)(1) The Metropolitan Police Department shall mail a renewal notice to each registrant at least 90 days prior to the expiration of the registration certificate.

(2) A renewal application shall be received by the Metropolitan Police Department at least 60 days prior to the expiration of the current registration certificate to ensure timely renewal.

(3) It is the duty of the registrant to timely renew a registration before its expiration date and a failure of the Metropolitan Police Department to mail or the registrant to receive the notice required under paragraph (1) of this subsection shall not prevent a registration from expiring as of that date.

(f) An applicant for the renewal of a registration certificate may be charged a reasonable fee to cover the administrative costs incurred by the Metropolitan Police Department in connection with the renewal.

(g) The Chief shall establish, by rule, a method for conducting the renewal of registrations for all firearms registered prior to March 31, 2009. The renewals of all firearms registered prior to March 31, 2009, shall be completed within 3 years of March 31, 2009.

D.C. Official Code § 7-2502.08. Duties of registrants.

Each person and organization holding a registration certificate, in addition to any other requirements imposed by this unit, or the acts of Congress, shall:

(1) Notify the Chief in writing of:

(A) The loss, theft, or destruction of the registration certificate or of a registered firearm (including the circumstances, if known) immediately upon discovery of such loss, theft, or destruction;

(B) A change in any of the information appearing on the registration certificate or required by § 7-2502.03;

(C) The sale, transfer or other disposition of the

(B) Has not been the respondent in a proceeding in which a foreign protection order, as that term is defined in § 16-1041, was issued against the applicant; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years;

(13)(A) Has completed a firearms training or safety course or class conducted by a state-certified firearms instructor or a certified military firearms instructor that provides, at a minimum, a total of at least one hour of firing training at a firing range and a total of at least 4 hours of classroom instruction.

(B) An affidavit signed by the certified firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor and attesting to the successful completion of the course by the applicant shall constitute evidence of certified successful completion under this paragraph.

(14) Has not been prohibited from possessing or registering a firearm pursuant to § 7-2502.09(b).

(b) Every person applying for a registration certificate shall provide on a form prescribed by the Chief:

(1) The full name or any other name by which the applicant is known;

(2) The present address and each home address where the applicant has resided during the 5-year period immediately preceding the application;

(3) The present business or occupation and any business or occupation in which the applicant has engaged during the 5-year period immediately preceding the application and the addresses of such businesses or places of employment;

(4) The date and place of birth of the applicant;

(5) The sex of the applicant;

(6) Whether (and if so, the reasons) the District, the United States or the government of any state or subdivision of any state has denied or revoked the applicant's license, registration certificate, or permit pertaining to any firearm;

(7) A description of the applicant's role in any mishap involving a firearm, including the date, place, time,

firearm not less than 48 hours prior to delivery, pursuant to such sale, transfer or other disposition, including:

(i) Identification of the registrant, the firearm and the serial number of the registration certificate;

(ii) The name, residence, and business address and date of birth of the person to whom the firearm has been sold or transferred; and

(iii) Whether the firearm was sold or how it was otherwise transferred or disposed of.

(2) Return to the Chief, the registration certificate for any firearm which is lost, stolen, destroyed, or otherwise transferred or disposed of, at the time he notifies the Chief of such loss, theft, destruction, sale, transfer, or other disposition.

(3) Have in his possession, whenever in possession of a firearm, the registration certificate for such firearm, and exhibit the same upon the demand of a member of the Metropolitan Police Department, or other law enforcement officer.

D.C. Official Code § 7-2505.04. Prohibition on sale, transfer, ownership, or possession of designated unsafe pistol.

(a) Except as provided in subsections (c), (d), or (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale, (also known as the California Roster of Handguns Determined Not to be Unsafe), pursuant to California Penal Code § 12131, as of January 1, 2009, may not be manufactured, sold, given, loaned, exposed for sale, transferred, or imported into the District of Columbia.

(b) Except as provided in subsection (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale as of January 1, 2009, may not be owned or possessed within the District of Columbia unless that pistol was lawfully owned and registered prior to January 1, 2009.

(c) Except as provided in subsection (e) of this section, a District of Columbia resident who is the owner of a pistol lawfully registered prior to January 1, 2009, that is not on the California Roster of Handguns Certified for Sale as of January 1, 2009, and who wishes to sell or transfer that pistol after January 1, 2009, may do so only by selling or transferring ownership of the handgun to a licensed firearm dealer.

(d) Except as provided in subsection (e) of this section,

<p>circumstances, and the names of the persons injured or killed;</p> <p>(8) The intended use of the firearm;</p> <p>(9) The caliber, make, model, manufacturer's identification number, serial number, and any other identifying marks on the firearm;</p> <p>(10) The name and address of the person or organization from whom the firearm was obtained, and in the case of a dealer, his dealer's license number;</p> <p>(11) Where the firearm will generally be kept;</p> <p>(12) Whether the applicant has applied for other registration certificates issued and outstanding;</p> <p>(13) Such other information as the Chief determines is necessary to carry out the provisions of this unit.</p> <p>(c) Every organization applying for a registration certificate shall:</p> <p>(1) With respect to the president or chief executive of such organization, comply with the requirements of subsection (b) of this section; and</p> <p>(2) Provide such other information as the Chief determines is necessary to carry out the provisions of this unit.</p> <p>(d) The Chief shall require any registered pistol to be submitted for a ballistics identification procedure and shall establish a reasonable fee for the procedure.</p> <p>(e) The Chief shall register no more than one pistol per registrant during any 30-day period; provided, that the Chief may permit a person first becoming a District resident to register more than one pistol if those pistols were lawfully owned in another jurisdiction for a period of 6 months prior to the date of the application.</p>	<p>beginning January 1, 2009, a licensed firearm dealer who retains in the dealer's inventory, or who otherwise lawfully acquires, any pistol not on the California Roster of Handguns Certified for Sale as of January 1, 2009, may sell, loan, give, trade, or otherwise transfer the firearm only to another licensed firearm dealer.</p> <p>(e) This section shall not apply to:</p> <p>(1) Firearms defined as curios or relics, as defined in 27 C.F.R. § 478.11;</p> <p>(2) The purchase of any firearm by any law enforcement officer or agent of the District or the United States;</p> <p>(3) Pistols that are designed expressly for use in Olympic target shooting events, as defined by rule;</p> <p>(4) Certain single-action revolvers, as defined by rule;</p> <p>(5) The sale, loan, or transfer of any firearm that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event;</p> <p>(6) The temporary transfer of a lawfully owned and registered firearm for the purposes of cleaning, repair, or servicing of the firearm by a licensed firearm dealer; or</p> <p>(7) The possession of a firearm by a non-resident of the District of Columbia while temporarily traveling through the District; provided, that the firearm shall be transported in accordance with § 22-4504.02.</p> <p>(f) The Chief shall review any additions or deletions to the California Roster of Handguns Certified for Sale at least annually. For purposes of District law, the Chief is authorized to revise, by rule, the roster of handguns determined not to be unsafe prescribed by subsection (a) of this section and to prescribe by rule the firearms permissible pursuant to subsection (e) of this section.</p> <p>(g) The Chief shall provide to the licensed firearm dealers within the District information about how to obtain a copy of the California Roster of Handguns Certified for Sale and any revisions to it made the Chief.</p>
<p>D.C. Official Code § 7-2506.01. Persons permitted to possess ammunition.</p> <p>(a) No person shall possess ammunition in the District of Columbia unless:</p> <p>(1) He is a licensed dealer pursuant to subchapter IV of</p>	<p>D.C. Official Code § 7-2507.06. Penalties.</p> <p>Any person convicted of a violation of any provision of this unit shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both; except that:</p> <p>(1) A person who knowingly or intentionally sells,</p>

<p>this unit;</p> <p>(2) He is an officer, agent, or employee of the District of Columbia or the United States of America, on duty and acting within the scope of his duties when possessing such ammunition;</p> <p>(3) He is the holder of the valid registration certificate for a firearm of the same gauge or caliber as the ammunition he possesses; except, that no such person shall possess restricted pistol bullets; or</p> <p>(4) He holds an ammunition collector's certificate on September 24, 1976.</p> <p>(b) No person in the District shall possess, sell, or transfer any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term "large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term "large capacity ammunition feeding device" shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.</p>	<p>transfers, or distributes a firearm, destructive device, or ammunition to a person under 18 years of age shall be fined not more than \$10,000 or imprisoned for not more than 10 years, or both.</p> <p>(2)(A) Except as provided in subparagraph (B) of this paragraph, any person who is convicted a second time for possessing an unregistered firearm shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.</p> <p>(B) A person who in the person's dwelling place, place of business, or on other land possessed by the person, possesses a pistol, or firearm that could otherwise be registered, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.</p> <p>(3) A person convicted of knowingly possessing restricted pistol bullets in violation of § 7-2506.01(3) may be sentenced to imprisonment for a term not to exceed 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 1 year and shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence, and, in addition, may be fined an amount not to exceed \$10,000.</p> <p>D.C. Official Code § 7-2507.10. Severability.</p> <p>If any provision of this unit or the application thereof to any person or circumstance is held invalid, the remainder of this unit and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.</p>
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1. Registration/Licensing/Permits/Information Required/Fee/Exhibit on Demand

<p>HAW. REV. STAT. ANN. § 134-3. Registration, mandatory, exceptions.</p> <p>(a) Every person arriving in the State who brings or by any other manner causes to be brought into the State a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, shall register the firearm within three days after arrival of the person or of the firearm, whichever arrives later, with the chief of police of the county of the person's place of business or, if there is no place of business, the person's residence or, if there is neither a place of business nor residence, the person's place of sojourn. A nonresident alien may bring firearms not otherwise prohibited by law into the State for a continuous period not to exceed ninety days; provided that the person meets the registration requirement of this section and the person possesses:</p> <p>(1) A valid Hawaii hunting license procured under chapter 183D, part II, or a commercial or private shooting preserve</p>	<p>MD. CODE ANN., PUB. SAFETY § 5-118. Firearm application.</p> <p>(b) Required information. -- A firearm application shall contain:</p> <p>(1) the firearm applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, signature, driver's or photographic identification soundex number, occupation, and regulated firearm information for each regulated firearm to be purchased, rented, or transferred;</p> <p>(2) the date and time that the firearm applicant delivered the completed firearm application to the prospective seller or transferor; and</p> <p>(3) a statement by the firearm applicant under the penalty of perjury that the firearm applicant:</p>
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<p>permit issued pursuant to section 183D-34;</p> <p>(2) A written document indicating the person has been invited to the State to shoot on private land; or</p> <p>(3) Written notification from a firing range or target shooting business indicating that the person will actually engage in target shooting.</p> <p>The nonresident alien shall be limited to a nontransferable registration of not more than ten firearms for the purpose of the above activities.</p> <p>(b) Every person who acquires a firearm pursuant to section 134-2 shall register the firearm in the manner prescribed by this section within five days of acquisition. The registration shall be on forms prescribed by the attorney general, which shall be uniform throughout the State, and shall include the following information: name of the manufacturer and importer; model; type of action; caliber or gauge; serial number; and source from which receipt was obtained, including the name and address of the prior registrant. If the firearm has no serial number, the permit number shall be entered in the space provided for the serial number, and the permit number shall be engraved upon the receiver portion of the firearm prior to registration. All registration data that would identify the individual registering the firearm by name or address shall be confidential and shall not be disclosed to anyone, except as may be required for processing the registration or as may be required by a law enforcement agency for the lawful performance of its duties or as may be required by order of a court.</p> <p>HAW. REV. STAT. ANN. § 134-2. Permits to acquire.</p> <p>(a) No person shall acquire the ownership of a firearm, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight, or otherwise, until the person has first procured from the chief of police of the county of the person's place of business or, if there is no place of business, the person's residence or, if there is neither place of business nor residence, the person's place of sojourn, a permit to acquire the ownership of a firearm as prescribed in this section. When title to any firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of a firearm; provided that upon presentation of a copy of the death certificate of the owner making the bequest, any heir or legatee may transfer the inherited or bequested firearm directly to a dealer licensed under section 134-31 or licensed by the United States Department of Justice without complying with the requirements of this section.</p> <p>(b) The permit application form shall include the applicant's name, address, sex, height, weight, date of birth, place of birth, country of citizenship, social security number, alien or admission number, and information regarding the applicant's mental health</p>	<p>(i) is at least 21 years old;</p> <p>(ii) has never been convicted of a disqualifying crime;</p> <p>(iii) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;</p> <p>(iv) is not a fugitive from justice;</p> <p>(v) is not a habitual drunkard;</p> <p>(vi) is not addicted to a controlled dangerous substance or is not a habitual user;</p> <p>(vii) has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certificate issued within 30 days before the date of application is attached to the application, certifying that the firearm applicant is capable of possessing a regulated firearm without undue danger to the firearm applicant or to another;</p> <p>(viii) is not a respondent against whom a current non ex parte civil protective order has been entered under <u>§ 4-506 of the Family Law Article</u>;</p> <p>(ix) if under the age of 30 years at the time of application, has not been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult; and</p> <p>(x) subject to § 5-119 of this subtitle, has completed a certified firearms safety training course that the Police Training Commission conducts without charge or that meets the standards that the Police Training Commission establishes under § 3-207 of this article.</p> <p>MD. CODE ANN., PUB. SAFETY § 5-304. Application for permit</p> <p>(a) Oath. An application for a permit shall be made under oath.</p> <p>(b) Fees - In general.</p> <p>(1) Subject to subsections (c) and (d) of this section, the Secretary may charge a nonrefundable fee payable when an application is filed for a permit.</p> <p>(2) The fee may not exceed:</p> <p>(i) \$ 75 for an initial application;</p> <p>(ii) \$ 50 for a renewal or subsequent application; and</p> <p>(iii) \$ 10 for a duplicate or modified permit.</p> <p>(3) The fees under this subsection are in addition to the fees</p>
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history and shall require the fingerprinting and photographing of the applicant by the police department of the county of registration; provided that where fingerprints and photograph are already on file with the department, these may be waived.

(c) An applicant for a permit shall sign a waiver at the time of application, allowing the chief of police of the county issuing the permit access to any records that have a bearing on the mental health of the applicant. The permit application form and the waiver form shall be prescribed by the attorney general and shall be uniform throughout the State.

(d) The chief of police of the respective counties may issue permits to acquire firearms to citizens of the United States of the age of twenty-one years or more, or duly accredited official representatives of foreign nations, or duly commissioned law enforcement officers of the State who are aliens; provided that any law enforcement officer who is the owner of a firearm and who is an alien shall transfer ownership of the firearm within forty-eight hours after termination of employment from a law enforcement agency. The chief of police of each county may issue permits to aliens of the age of eighteen years or more for use of rifles and shotguns for a period not exceeding sixty days, upon a showing that the alien has first procured a hunting license under chapter 183D, part II. The chief of police of each county may issue permits to aliens of the age of twenty-one years or more for use of firearms for a period not exceeding six months, upon a showing that the alien is in training for a specific organized sport-shooting contest to be held within the permit period. The attorney general shall adopt rules, pursuant to chapter 91, as to what constitutes sufficient evidence that an alien is in training for a sport-shooting contest. Notwithstanding any provision of the law to the contrary and upon joint application, the chief of police may issue permits to acquire firearms jointly to spouses who otherwise qualify to obtain permits under this section.

(e) The permit application form shall be signed by the applicant and by the issuing authority. One copy of the permit shall be retained by the issuing authority as a permanent official record. Except for sales to dealers licensed under section 134-31, or dealers licensed by the United States Department of Justice, or law enforcement officers, or where a license is granted under section 134-9, or where any firearm is registered pursuant to section 134-3(a), no permit shall be issued to an applicant earlier than fourteen calendar days after the date of the application; provided that a permit shall be issued or the application denied before the twentieth day from the date of application. Permits issued to acquire any pistol or revolver shall be void unless used within ten days after the date of issue. Permits to acquire a pistol or revolver shall require a separate application and permit for each transaction. Permits issued to acquire any rifle or shotgun shall entitle the permittee to make subsequent purchases of rifles or shotguns for a period of one year from the date of issue without a separate application and permit for each acquisition, subject to the disqualifications under section 134-7 and subject to

authorized under § 5-305 of this subtitle.

(c) Same - Reduction. The Secretary may reduce the fee under subsection (b) of this section accordingly for a permit that is granted for one day only and at one place only.

(d) Same - Exceptions. The Secretary may not charge a fee under subsection (b) of this section to:

(1) a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment; or

(2) a retired law enforcement officer of the State or a county or municipal corporation of the State.

(e) Same - Method of payment. The applicant may pay a fee under this section by a personal check, business check, certified check, or money order.

MASS. GEN. LAWS ANN. CH. 140, § 131A. Permits to Purchase, Rent, or Lease Firearm; Penalty; Fee.

A licensing authority under section one hundred and thirty-one, upon the application of a person qualified to be granted a license thereunder by such authority, may grant to such a person, other than a minor, a permit to purchase, rent or lease a firearm if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. The colonel of the state police or a person authorized by him, upon the application of a person licensed under section one hundred and thirty-one F, may grant to such licensee, other than a minor, a permit to purchase, rent or lease a firearm, rifle or shotgun, or to purchase ammunition therefor, if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. Such permits shall be issued on forms furnished by the executive director of the criminal history systems board, shall be valid for not more than ten days after issue, and a copy of every such permit so issued shall within one week thereafter be sent to the said executive director. The licensing authority may impose such restrictions relative to the caliber and capacity of the firearm to be purchased, rented or leased as he deems proper. Whoever knowingly issues a permit in violation of this section shall be punished by a fine of not less than five hundred nor more than one thousand dollars and by imprisonment for not less than six months nor more than two years in a jail or house of correction. The fee for the permits shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund.

revocation under section 134-13; provided that if a permittee is arrested for committing a felony or any crime of violence or for the illegal sale of any drug, the permit shall be impounded and shall be surrendered to the issuing authority. The issuing authority shall perform an inquiry on an applicant who is a citizen of the United States by using the National Instant Criminal Background Check System before any determination to issue a permit or to deny an application is made. If the applicant is not a citizen of the United States and may be eligible to acquire a firearm under this chapter, the issuing authority shall perform an inquiry on the applicant, by using the National Instant Criminal Background Check System, to include a check of the Immigration and Customs Enforcement databases, before any determination to issue a permit or to deny an application is made.

(f) In all cases where a pistol or revolver is acquired from another person within the State, the permit shall be signed in ink by the person to whom title to the pistol or revolver is transferred and shall be delivered to the person who is transferring title to the firearm, who shall verify that the person to whom the firearm is to be transferred is the person named in the permit and enter on the permit in the space provided the following information: name of the person to whom the title to the firearm was transferred; names of the manufacturer and importer; model; type of action; caliber or gauge; and serial number as applicable. The person who is transferring title to the firearm shall sign the permit in ink and cause the permit to be delivered or sent by registered mail to the issuing authority within forty-eight hours after transferring the firearm.

In all cases where receipt of a firearm is had by mail, express, freight, or otherwise from sources without the State, the person to whom the permit has been issued shall make the prescribed entries on the permit, sign the permit in ink, and cause the permit to be delivered or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm.

In all cases where a rifle or shotgun is acquired from another person within the State, the person who is transferring title to the rifle or shotgun shall submit, within forty-eight hours after transferring the firearm, to the authority which issued the permit to acquire, the following information, in writing: name of the person who transferred the firearm, name of the person to whom the title to the firearm was transferred; names of the manufacturer and importer; model; type of action; caliber or gauge; and serial number as applicable.

(g) Effective July 1, 1995, no person shall be issued a permit under this section for the acquisition of a pistol or revolver unless the person, at any time prior to the issuance of the permit, has completed:

- (1) An approved hunter education course as authorized under section 183D-28;
- (2) A firearms safety or training course or class available

CLEVELAND CODE OF ORD. § 674.05. Handguns; Application; Fee.

(a) Application for a handgun registration card shall be made in writing by the person claiming to be the owner of the handgun to be registered at any office where identification cards may be issued under Section 674.04. The application shall be accompanied by an application fee of two dollars (\$2.00) for each handgun to be registered, which shall be paid into the Treasury of the City, with separate accounting made for it. When satisfied that the applicant holds a valid identification card and is not in that class of persons prohibited from holding the same, a registration card shall be issued to the applicant no sooner than three (3) days and no more than sixty (60) days after the date of application.

(b) All registration cards issued under this section shall be entitled "City of Cleveland, Ohio, Handgun Registration Card;" be serially numbered according to a system devised by the Chief of Police; bear date of issue, the name of the Chief of Police, the applicant's name, home address, identification card number, the signature of the applicant; and contain the name, type, caliber, and serial number of the handgun. A copy of each registration card shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief and shall not be deemed a public record nor be disclosed to unauthorized persons.

(c) Any person who sells or otherwise transfers possession of a registered handgun shall, within five days of the date of transfer of possession of the handgun, surrender the registration card for the handgun with the name, address, or social security number, and identification card number, if required by law, of the buyer endorsed on it, to any office where identification cards are issued, and obtain a receipt for it. The office receiving the same shall immediately cancel the registration card.

N.Y. COMP. CODES R. & REGS. tit. 10, § 10-131. Firearms.

a. Pistols or revolvers, keeping or carrying.

1. The police commissioner shall grant and issue licenses hereunder pursuant to the provisions of article four hundred of the penal law. Unless they indicate otherwise, such licenses and permits shall expire on the first day of the second January after the date of issuance.

2. Every license to carry or possess a pistol or revolver in the city may be issued for a term of no less than one or more than three years. Every applicant for a license to carry or possess a pistol or revolver in the city shall pay therefor, a fee of three hundred forty dollars for each original or renewal application for a three year license period or part thereof, a fee of ten dollars for each replacement application of a lost license.

3. Every applicant to whom a license has been issued by

<p>to the general public offered by a law enforcement agency of the State or of any county;</p> <p>(3) A firearms safety or training course offered to law enforcement officers, security guards, investigators, deputy sheriffs, or any division or subdivision of law enforcement or security enforcement by a state or county law enforcement agency; or</p> <p>(4) A firearms training or safety course or class conducted by a state certified or National Rifle Association certified firearms instructor or a certified military firearms instructor that provides, at a minimum, a total of at least two hours of firing training at a firing range and a total of at least four hours of classroom instruction, which may include a video, that focuses on:</p> <p>(A) The safe use, handling, and storage of firearms and firearm safety in the home; and</p> <p>(B) Education on the firearm laws of the State. An affidavit signed by the certified firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor and attesting to the successful completion of the course by the applicant shall constitute evidence of certified successful completion under this paragraph.</p> <p>(h) No person shall sell, give, lend, or deliver into the possession of another any firearm except in accordance with this chapter.</p> <p>(i) No fee shall be charged for permits, or applications for permits, under this section, except for a single fee chargeable by and payable to the issuing county, for individuals applying for their first permit, in an amount equal to the fee actually charged by the Federal Bureau of Investigation to the issuing police department for a fingerprint check in connection with that application or permit. In the case of a joint application, the fee provided for in this section may be charged to each person to whom no previous permit has been issued.</p> <p>CHICAGO MUN. CODE §§ 4-144-040, 050 (licensed firearms dealers required to make daily report to police of weapons transferred, including transferor’s name, address, age, description of weapon “and the purpose given by such person for the purchase of such weapon”), <i>id.</i> § 8-20-040 (registration of firearms), <i>id.</i> § 8-20-060 (applicants must provide name, age, sex, citizenship, social security number, residential and business address and telephone number, and two photographs).</p> <p>OMAHA CODE OF ORD. § 20-251. Required.</p> <p>(a) It shall be unlawful for any person to own, have possession of, or maintain control over any concealable firearm which has not been registered to said person with the chief of police in accordance with this division, except when such possession or control is with the knowledge and express consent of the person</p>	<p>any person other than the police commissioner, except as provided in paragraph five of this subdivision, for a special permit from the commissioner granting it validity within the city of New York, shall pay for such permit a fee of three hundred forty dollars, for each renewal a fee of three hundred forty dollars, for each replacement of a lost permit a fee of ten dollars.</p> <p>4. Fees paid as provided herein shall not be refunded in the event that an original or renewal application, or a special validation permit application, is denied by the police commissioner.</p> <p>5. A fee shall not be charged or collected for a license to have and carry concealed a pistol or revolver which shall be issued upon the application of the commissioner of correction or the warden or superintendent of any prison, penitentiary, workhouse or other institution for the detention of persons convicted or accused of crime or offense, or held as witnesses in criminal cases in the city.</p> <p>6. The fees prescribed by this subdivision shall be collected by the police commissioner, and shall be paid into the general fund of the city established pursuant to section one hundred nine of the charter, and a return in detail shall be made to the comptroller by such commissioner of the fees so collected and paid over by the commissioner.</p> <p>7. A fee shall not be charged or collected for the issuance of a license, or the renewal thereof, to have and carry concealed a pistol or revolver which is issued upon the application of a qualified retired police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, or a qualified retired bridge and tunnel officer, sergeant or lieutenant of the triborough bridge and tunnel authority as defined under subdivision twenty of section 2.10 of the criminal procedure law, or a qualified retired uniformed court officer in the unified court system, or a qualified retired court clerk in the unified court system in the first and second judicial departments, as defined in paragraphs a and b of subdivision twenty-one of section 2.10 of the criminal procedure law or a retired correction officer as defined in subdivision twenty-five of section 2.10 of the criminal procedure law or a qualified retired sheriff, undersheriff or deputy sheriff of the city of New York as defined under subdivision two of section 2.10 of the criminal procedure law.</p> <p>See also, e.g.:</p> <p>CAL. PENAL CODE § 12051 (The standard application form for licenses described in paragraph (3) shall require ... the reason for desiring a license to carry the weapon . . .).</p>
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<p>in whose name such concealable firearm is registered.</p> <p>(b) A corporation, including a body corporate created by Nebraska statute, may register a concealable firearm in its corporate name. However, the corporation may consent to a person possessing or controlling the corporation's registered concealable firearm only if that person:</p> <ul style="list-style-type: none"> (1) Is a part-time or full-time employee of the corporation; (2) Is acting within the scope of his or her employment with the corporation; and, (3) Possesses a current identification card issued pursuant to section 20-208 upon satisfaction of the requirements of section 20-207. <p>CINCINNATI CODE OF ORD. §§ 708.13, 708.14 (applicant must present photo identification and transferor must maintain record of all transfers (and send a copy to the chief of police) including the applicant's name, address, date of birth, the "purpose for which the [applicant] desires to use the firearm, and a description of the applicant including "height, weight, age, color of hair, color of eyes, all visible marks and scars on face and hands, and any deformity, nationality, and race.")</p> <p>DETROIT CITY CODE § 38-10-12 (registration of handguns required)</p> <p>MUN. CODE OF LAS VEGAS § 10-66-140 (registration of pistols required; applicant must personally appear with the pistol at the Sheriff or the Metropolitan Police Department to register)</p> <p>N.Y. COMP. CODES R. & REGS. tit. 38, ch. 5, §§ 5-01, 5-22(a)(6) ("The licensee shall be in possession of her/his license at all times while carrying, transporting, possessing at residence, business, or authorized small arms range/shooting club, the handgun(s) indicated on said license.")</p> <p>PITTSBURGH CODE OF ORD. § 607.09-.11 (requiring photo identification of each sale or transfer of ammunition, and requiring dealers to keep detailed records of such transactions for no less than five years).</p>	<p>GA. CODE ANN. § 16-11-128 (valid license must be carried "on [his or her] person" for pistols or revolvers carried outside of the home, motor vehicle, or place of business).</p> <p>MD. CODE ANN., PUB. SAFETY § 5-123(d)(2) (state police maintain permanent record of all transfers of "regulated firearms").</p> <p>MASS. GEN. L. CH. 140, § 121 et seq. (state registration required to possess a gun in the home), § 129C (any person in possession of any firearm must "on demand of a police officer or other law enforcement officer," exhibit license or firearm identification card).</p> <p>N.J. STAT. ANN. 2C:58-3 ("permit to purchase" required to obtain handgun).</p> <p>18 PA. CONS. STAT. § 6111(b) (licensed dealer required to maintain record of sale for 20 years, including the applicant's name, address, birth date, gender, race, physical description, and social Security number).</p> <p>Durham County, N.C. (applicants for permit to purchase pistol must provide, inter alia, two notarized character references, date of birth, place of birth, Social Security number, driver's license number, occupation, the reason for the pistol purchase, and "[t]he name of any law enforcement officer who knows you.") (see http://www.co.durham.nc.us/departments/shrf/Documents/Pistol_Permit.pdf) (as of August 3, 2009).</p> <p>Nassau County, NY (applicants for pistol license must appear in person, and provide, inter alia, the names of four character references, photographs, valid photo identification) (see http://www.police.co.nassau.ny.us/pdf/InstructionsGeneral%20_2_.pdf).</p> <p>ATLANTA CODE OF ORD. § 106-268 ("certificate of approval" from chief of police required prior to purchase or transfer of pistols or revolvers), <i>id.</i>, § 106-269 (dealers must maintain records of purchases or transfers for 10 years).</p> <p>MIAMI-DADE COUNTY, FLA., CODE § 21-20 (registration of firearm sales and transfers required, information to include, inter alia, "the purchaser's name, address, color, sex, age, weight, height, complexion, color of hair, birthplace, place of residence, length of residence, occupation, employer, the purpose for which the gun is desired, the date and time of delivery.")</p>
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2. Fingerprints/Photos/Personal Appearance

<p>HAW. REV. STAT. § 134-2. Permits to Acquire.</p> <p>(b) The permit application form shall include the applicant's name, address, sex, height, weight, date of birth, place of birth, country of citizenship, social security number, alien or admission number, and information regarding the applicant's mental health</p>	<p>N.Y. PENAL LAW § 400.00. Licenses to carry, possess, repair and dispose of firearms.</p> <p>3. Applications. Application for a rifle and shotgun permit shall be made to the police commissioner, shall be signed and affirmed by the applicant and shall state his or her full name, date of birth,</p>
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history and shall require the fingerprinting and photographing of the applicant by the police department of the county of registration; provided that where fingerprints and photograph are already on file with the department, these may be waived.

N.J. REV. STAT. ANN. §2C:58-3. Purchase of firearms.

(e) Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in section 2 of P.L. 1970, c. 226 (C. 24:21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L. 1991, c. 261 (C. 2C:25-17) et seq.) prohibiting the person from possessing any firearm, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant such permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau

residence, physical condition, occupation and whether he or she complies with each requirement specified in subdivision a of this section, any other information required by the police commissioner to process the application. Each applicant shall submit with his or her application a photograph of himself or herself in duplicate, which shall have been taken within thirty days prior to the filing of the application. Any willful or material omission or false statement shall be a violation of this section and grounds for denial of the application.

4. Investigations. Before a license is issued or renewed, there shall be an investigation of all statements required in the application by the duly constituted police authorities of the locality where such application is made. For that purpose, the records of the appropriate office of the department of mental hygiene concerning previous or present mental illness of the applicant shall be available for inspection by the investigating officer of the police authority. In order to ascertain any previous criminal record, the investigating officer shall take the fingerprints and physical descriptive data in quadruplicate of each individual by whom application is signed and verified. Two copies of such fingerprints shall be taken on standard fingerprint cards eight inches square, and one copy may be taken on a card supplied for that purpose by the federal bureau of investigation; provided, however, that in the case of a corporate applicant that has already been issued a dealer in firearms license and seeks to operate a firearm dealership at a second or subsequent location, the original fingerprints on file may be used to ascertain any criminal record in the second or subsequent application unless any of the corporate officers have changed since the prior application, in which case the new corporate officer shall comply with procedures governing the initial application for such license. When completed, one standard card shall be forwarded to and retained by the division of criminal justice services in the executive department, at Albany. A search of the files of such division and written notification of the results of the search to the investigating officer shall be made without unnecessary delay. Thereafter, such division shall notify the licensing officer and the executive department, division of state police, Albany, of any criminal record of the applicant filed therein subsequent to the search of its files. A second standard card, or the one supplied by the federal bureau of investigation, as the case may be, shall be forwarded to that bureau at Washington with a request that the files of the bureau be searched and notification of the results of the search be made to the investigating police authority. The failure or refusal of the federal bureau of investigation to make the fingerprint check provided for in this section shall not constitute the sole basis for refusal to issue a permit pursuant to the provisions of this section. Of the remaining two fingerprint cards, one shall be filed with the executive department, division of state police, Albany, within ten days after issuance of the license, and the other remain on file with the investigating police authority. No such fingerprints may be inspected by any person other than a peace officer, who is acting pursuant to his special

<p>of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.</p>	<p>duties, or a police officer, except on order of a judge or justice of a court of record either upon notice to the licensee or without notice, as the judge or justice may deem appropriate. Upon completion of the investigation, the police authority shall report the results to the licensing officer without unnecessary delay.</p>
<p>OMAHA CODE OF ORD. § 20-208. Issuance of identification card.</p> <p>Upon successful completion of the firearm training program, an identification card shall be issued with the approval of the city bearing a distinguishing number assigned to the card holder, the full name, date of birth, sex, residence address, expiration date, and a brief description and colored photograph of the card holder.</p> <p>N.Y. COMP. CODES R. & REGS. tit. 38, 5-05. Application form.</p> <p>(b) The applicant shall furnish the items listed below which are applicable, either at the time s/he completes and submits her/his application in person, or no later than fourteen (14) calendar days after the date of submission of the application, either in person or by mail. All documents, certificates, licenses, etc., shall be submitted in the original. A copy certified by the issuing agency as true and complete is also acceptable. In addition, a legible photocopy of each item submitted shall accompany the original or certified copy. Originals and certified copies shall be returned. The application shall not be accepted or processed without the required fee payments described in paragraph (10) of this subdivision.</p> <p>(1) Photographs. Two (2) color photographs of the applicant taken within the past thirty (30) days. They should measure 1½ × 1½ inches and show applicant from the chest up. The wearing of any article of clothing or adornment that obscures identification is not acceptable. Special license applicants should refer to paragraph (9) of this subdivision.</p>	<p>CITY OF HIGHLAND PARK, ILL., CODE § 134.004. Registration.</p> <p>(D) The Chief of Police shall require every applicant to submit to fingerprinting by the Police Department in connection with the application for handgun registration.</p> <p>(F) Within thirty (30) days of his receipt of an application, the Chief of Police, after consideration of the application for an owner's registration card and all information obtained relative thereto, shall either approve or deny the application and so notify the applicant in writing thereof.</p> <p>(1) In the event the application is approved, the Chief of Police shall issue to the applicant therefor an owner's registration card which shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other</p>
<p>COLUMBUS CODE OF ORD. § 545.06. Weapon transaction permit application; permit term, fee.</p> <p>(a) Application for a weapon transaction permit shall be made on forms provided by the section, shall be made under oath and shall provide the following information and material:</p> <p>(1) Full name, residence address, residence telephone number, date of birth, sex, race and social security number of applicant;</p> <p>(2) A current criminal background review, performed by Columbus Police personnel;</p> <p>(3) Fingerprints;</p>	<p>MASS. GEN. LAWS ANN. ch. 140, § 129B. Firearm Identification Card; Application; Suspension or Revocation; Appeal; Investigation of Criminal Record and Mental Health of Applicant.</p> <p>2. Within seven days of the receipt of a completed application for a card, the licensing authority shall forward one copy of the application and one copy of the applicant's fingerprints to the colonel of state police, who shall, within 30 days, advise the licensing authority, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons from possessing a card; provided, however, that the taking of fingerprints shall not be required in issuing the renewal of a card if the renewal applicant's fingerprints are on file with the</p>

<p>(4) Type of weapon to be transacted;</p> <p>(5) Any other information or material required by the rules and regulations promulgated by the safety director under this section.</p>	<p>department of state police. In searching for any disqualifying history of the applicant, the colonel shall utilize, or cause to be utilized, files maintained by the department of mental health, department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System. If the information available to the colonel does not indicate that the possession of a non-large capacity rifle or shotgun by the applicant would be in violation of state or federal law, he shall certify such fact, in writing, to the licensing authority within such 30 day period.</p>
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3. Testing/Training

<p>HAW. REV. STAT. ANN. § 134-2. Permits to acquire.</p> <p>(g) Effective July 1, 1995, no person shall be issued a permit under this section for the acquisition of a pistol or revolver unless the person, at any time prior to the issuance of the permit, has completed:</p> <p>(1) An approved hunter education course as authorized under section 183D-28;</p> <p>(2) A firearms safety or training course or class available to the general public offered by a law enforcement agency of the State or of any county;</p> <p>(3) A firearms safety or training course offered to law enforcement officers, security guards, investigators, deputy sheriffs, or any division or subdivision of law enforcement or security enforcement by a state or county law enforcement agency; or</p> <p>(4) A firearms training or safety course or class conducted by a state certified or National Rifle Association certified firearms instructor or a certified military firearms instructor that provides, at a minimum, a total of at least two hours of firing training at a firing range and a total of at least four hours of classroom instruction, which may include a video, that focuses on:</p> <p>(A) The safe use, handling, and storage of firearms and firearm safety in the home; and</p> <p>(B) Education on the firearm laws of the State.</p> <p>An affidavit signed by the certified firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor and attesting to the successful completion of the course by the applicant shall constitute evidence of certified successful completion under this paragraph.</p>	<p>MASS. GEN. LAWS ANN. ch. 140, § 131P. Firearms Safety Courses; Persons Required to Complete Course; Issuance of Certificate; Certification of Instructors.</p> <p>(a) Any person making application for the issuance of a firearms identification card under section 129B, a Class A or Class B license to carry firearms under section 131 or 131F or a permit to purchase under section 131A who was not licensed under the provisions of this chapter on June 1, 1998 shall, in addition to the requirements set forth in said section 129B, 131, 131A or 131F, submit to the licensing authority a basic firearms safety certificate; provided, however, that a certificate issued by the division of law enforcement in the department of fisheries, wildlife and environmental law enforcement pursuant to the provisions of section 14 of chapter 131 evidencing satisfactory completion of a hunter education course shall serve as a valid substitute for a basic firearms safety certificate required under this section; and provided further, that an applicant for a firearms identification card for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate shall not be required to complete a basic firearms safety course as a prerequisite for receiving such card. Persons lawfully possessing a firearm identification card or license to carry firearms on June 1, 1998 shall be exempt from the provisions of this section upon expiration of such card or license and when applying for licensure as required under this chapter. No application for the issuance of a firearm identification card or license to carry shall be accepted or processed by the licensing authority without such certificate attached thereto; provided, however, that the provisions of this section shall not apply to (i) any officer, agent or employee of the commonwealth or any state of the United States; (ii) any member of the military or other service of any state or of the United States; (iii) any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or possess the weapon so carried or possessed and is acting within the scope of his duties.</p>
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<p>MD. CODE ANN., PUB. SAFETY § 5-118. Firearm application.</p> <p>(b) Required information. -- A firearm application shall contain:</p> <p>(3) a statement by the firearm applicant under the penalty of perjury that the firearm applicant:</p> <p>(x) subject to § 5-119 of this subtitle, has completed a certified firearms safety training course that the Police Training Commission conducts without charge or that meets the standards that the Police Training Commission establishes under § 3-207 of this article.</p>	<p>MICH. COMP. LAWS ANN. § 28.422. License to purchase, carry, possess, or transport pistol; issuance; qualifications; applications; sale of pistol; exemptions; nonresidents; basic pistol safety brochure; forging application; implementation during business hours.</p> <p>(13) The licensing authority shall provide a basic pistol safety brochure to each applicant for a license under this section before the applicant answers the basic pistol safety review questionnaire. A basic pistol safety brochure shall contain, but is not limited to providing, information on all of the following subjects:</p> <p>(a) Rules for safe handling and use of pistols.</p> <p>(b) Safe storage of pistols.</p> <p>(c) Nomenclature and description of various types of pistols.</p> <p>(d) The responsibilities of owning a pistol.</p> <p>OMAHA CODE OF ORD. § 20-207. Firearm training program.</p> <p>(a) A training program to qualify persons in the safe use of firearms shall, after review and approval by resolution by the city council, be established and operated by the city, which may contract with private organizations or use the services of other agencies, or may use a combination of the two, to provide such training. Said resolution shall be submitted to the city council on or before December 21, 1993.</p> <p>(b) A fee shall be charged each person attending the training program. The city shall set out a reasonable fee, to be set by the city council, after review and approval by said resolution, which shall include the cost of training, to be paid to the licensed training facility, and to the city.</p> <p>(c) An identification card on a form approved by the city shall be issued to each person who successfully completes the training program.</p> <p>(d) The training program shall consist of eight to ten hours of classroom training and education and two hours of practical firearm operation at an approved shooting range.</p> <p>(e) The city shall prescribe such procedures as may be necessary for its operation in conformity with the provisions of this article.</p>
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4. Ballistics/Multiple purchases or registration/Vision

<p>CONN. GEN. STAT. ANN. § 29-7h. Firearms evidence database.</p> <p>(b)(1) The Division of Scientific Services shall establish a firearms evidence databank. Test fire evidence submitted to the laboratory or collected from handguns submitted to the laboratory shall be entered into such databank in accordance with specific</p>	<p>MD. CODE ANN., PUB. SAFETY § 5-131. Handgun identification requirements.</p> <p>(b) Manufacturer requirements. A manufacturer that ships or transports a handgun for sale, rental, or transfer in the State shall include in the box with the handgun in a separate, sealed</p>
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<p>procedures adopted by the Commissioner of Public Safety, in the regulations adopted pursuant to subsection (f) of this section.</p> <p>(2) The firearms evidence databank may be used by laboratory personnel to (A) compare two or more cartridge cases, bullets or other projectiles submitted to the laboratory or produced at the laboratory from a handgun, or (B) upon the request of a police department as part of a criminal case investigation, verify by microscopic examination any resulting match, and shall produce a report stating the results of such a search.</p> <p>(3) Any image of a cartridge case, bullet or fragment thereof that is not matched by a search of the databank shall be stored in the databank for future searches.</p> <p>(4) The Division of Scientific Services may permit a firearms section of a police department that complies with all laboratory guidelines and regulations adopted by the commissioner pursuant to subsection (f) of this section regarding the operation of the firearms evidence databank to (A) collect test fires from handguns that come into the custody of the police department, (B) set up a remote terminal to enter test fire images directly into the databank, and (C) search the databank.</p>	<p>container:</p> <p>(1) a shell casing of a projectile discharged from the handgun; and</p> <p>(2) additional information that the Secretary requires to identify the type of handgun and shell casing.</p> <p>(c) Actions by dealer.</p> <p>(1) On receipt of a handgun from a manufacturer, the dealer shall confirm to the Department of State Police that the manufacturer has complied with subsection (b) of this section.</p> <p>(2) On the sale, rental, or transfer of the handgun, the dealer shall forward the sealed container to the Department of State Police Crime Laboratory.</p> <p>(d) Crime Laboratory database. On receipt of a shell casing and information as required in subsection (b) of this section, the Department of State Police Crime Laboratory shall enter the information in each relevant database.</p>
<p>N. Y. GEN. BUS. LAW § 396-ff. Pistol and revolver ballistic identification databank.</p> <p>(2) On and after March first, two thousand one, any manufacturer that ships, transports or delivers a pistol or revolver to any person in this state shall, in accordance with rules and regulations promulgated by the division of state police, include in the container with such pistol or revolver a separate sealed container that encloses:</p> <p>(a) a shell casing of a bullet or projectile discharged from such pistol or revolver; and</p> <p>(b) any additional information that identifies such pistol or revolver and shell casing as required by such rules and regulations.</p> <p>(3) A gunsmith or dealer in firearms licensed in this state shall, within ten days of the receipt of any pistol or revolver from a manufacturer that fails to comply with the provisions of this section, either:</p> <p>(a) return such pistol or revolver to such manufacturer, or</p> <p>(b) notify the division of state police of such noncompliance and thereafter obtain a substitute sealed container through participation in a program operated by the state police as provided in subdivision four of this section.</p> <p>(4) The division of state police shall no later than October first, two thousand, promulgate rules and regulations for the operation of a program which provides a gunsmith or a dealer in firearms</p>	<p>CAL. PENAL CODE § 12072. Restrictions on transfer of firearms; Act of collusion; Punishment for violations.</p> <p>(a) (9) (A) No person shall make an application to purchase more than one pistol, revolver, or other firearm capable of being concealed upon the person within any 30-day period.</p> <p>(c) (6) No pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a pistol, revolver, or other firearm capable of being concealed upon the person and that the previous application to purchase involved none of the entities specified in subparagraph (B) of paragraph (9) of subdivision (a).</p> <p>MD. CODE ANN., PUB. SAFETY § 5-128. Purchases within 30 days - In general.</p> <p>(b) One purchase limit. -- A person may not purchase more than one regulated firearm in a 30-day period.</p> <p>N.J. REV. STAT. ANN. § 2C:58-3. Purchase of firearms.</p> <p>(i) Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit, but a person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b. of this section for each transaction.</p>

<p>licensed in this state with a sealed container enclosing the items specified in subdivision two of this section. The program shall at a minimum:</p> <p>(a) be operational by January first, two thousand one;</p> <p>(b) operate in at least five regional locations within the state; and</p> <p>(c) specify procedures by which such gunsmith or dealer is to deliver a pistol or revolver to the regional program location closest to his or her place of business for testing and prompt return of such pistol or revolver.</p> <p>(5) On and after March first, two thousand one, a gunsmith or dealer in firearms licensed in this state shall, within ten days of delivering to any person a pistol or revolver received by such gunsmith or dealer in firearms on or after such date, forward to the division of state police, along with the original transaction report required by subdivision twelve of <u>section 400.00 of the penal law</u>, the sealed container enclosing the shell casing from such pistol or revolver either</p> <p>(a) received from the manufacturer, or</p> <p>(b) obtained through participation in the program operated by the division of state police in accordance with subdivision four of this section.</p> <p>(6) Upon receipt of the sealed container, the division of state police shall cause to be entered in an automated electronic databank pertinent data and other ballistic information relevant to identification of the shell casing and to the pistol or revolver from which it was discharged. The automated electronic databank will be operated and maintained by the division of state police, in accordance with its rules and regulations adopted after consultation with the Federal Bureau of Investigation and the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms to ensure compatibility with national ballistic technology.</p> <p>(7) Any person, firm or corporation who knowingly violates any of the provisions of this section shall be guilty of a violation, punishable as provided in the penal law. Any person, firm or corporation who knowingly violates any of the provisions of this section after having been previously convicted of a violation of this section shall be guilty of a class A misdemeanor, punishable as provided in the penal law.</p>	<p>CHICAGO MUN. CODE § 8-20-060. Prerequisites to registration - Application for registration.</p> <p>(a) No registration certificate shall be issued to any person unless such person:</p> <p>(4) Has vision better than or equal to that required to obtain a valid driver's license under the standards established by the Illinois Vehicle Code Chapter 95-1/2, Section 506-4 Illinois Revised Statutes, as amended.</p> <p>N.Y. COMP. CODES R. & REGS. tit. 10, § 10-302.1. Preventing the diversion of firearms, rifles and shotguns to criminals.</p> <p>(b) No person shall acquire a firearm if such person has acquired a firearm within the previous ninety days. No person shall acquire a rifle or shotgun if such person has acquired a rifle or shotgun within the previous ninety days. For purposes of this subdivision when a firearm, rifle or shotgun is acquired by a corporation, partnership, or other entity, it shall be considered to have been acquired by each natural person who is an officer, director or other principal of such entity, unless the firearm, rifle or shotgun is acquired on behalf of such entity by a person who is licensed by the commissioner as gun custodian or special gun custodian, or acquired on behalf of an organization possessing an organization registration certificate, as those terms are used in title thirty-eight of the rules of the city of New York.</p> <p>CICERO, ILL., CODE OF ORD. § 62-262. Registration.</p> <p>(a) No registration certificate required by this division shall be issued to any person unless such person:</p> <p>(4) Has vision better than or equal to that required to obtain a valid driver's license under the standards established by 625 ILCS 5/6-109</p>
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5. Assault weapons

<p>Federal Violent Crime Control and Law Enforcement Act, 18 U.S.C. § 921(a)(30) (<i>repealed by Pub.L. 103-322, § 110105(2), effective Sept. 13, 2004</i>), defined "semiautomatic assault weapon" as:</p>	<p>CAL. PENAL CODE § 12276. Assault weapon.</p> <p>As used in this chapter, "assault weapon" shall mean the following designated semiautomatic firearms:</p>
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(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—

- (i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);
- (ii) Action Arms Israeli Military Industries UZI and Galil;
- (iii) Beretta Ar70 (SC-70);
- (iv) Colt AR-15;
- (v) Fabrique National FN/FAL, FN/LAR, and FNC;
- (vi) SWD M-10, M-11, M-11/9, and M-12;
- (vii) Steyr AUG;
- (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and
- (ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of--

- (i) a folding or telescoping stock;
- (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
- (iii) a bayonet mount;
- (iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and
- (v) a grenade launcher;

(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of--

- (i) an ammunition magazine that attaches to the pistol outside of the pistol grip;
- (ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;
- (iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;
- (iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and
- (v) a semiautomatic version of an automatic firearm; and

(D) a semiautomatic shotgun that has at least 2 of--

- (i) a folding or telescoping stock;
- (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
- (iii) a fixed magazine capacity in excess of 5 rounds; and
- (iv) an ability to accept a detachable magazine.

Prior to repeal, the law, 18 U.S.C. § 921(a)(31), also stated that a "large capacity ammunition feeding device"

(A) means a magazine, belt, drum, feed strip, or similar device manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994 that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; but

(B) does not include an attached tubular device designed to

(a) All of the following specified rifles:

- (1) All AK series including, but not limited to, the models identified as follows: (A) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S. (B) Norinco 56, 56S, 84S, and 86S. (C) Poly Technologies AKS and AK47. (D) MAADI AK47 and ARM.
- (2) UZI and Galil.
- (3) Beretta AR-70.
- (4) CETME Sporter.
- (5) Colt AR-15 series.
- (6) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.
- (7) Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter.
- (8) MAS 223.
- (9) HK-91, HK-93, HK-94, and HK-PSG-1.
- (10) The following MAC types: (A) RPB Industries Inc. sM10 and sM11. (B) SWD Incorporated M11.
- (11) SKS with detachable magazine.
- (12) SIG AMT, PE-57, SG 550, and SG 551.
- (13) Springfield Armory BM59 and SAR-48.
- (14) Sterling MK-6
- (15) Steyer AUG.
- (16) Valmet M62S, M71S, and M78S.
- (17) Armalite AR-180.
- (18) Bushmaster Assault Rifle.
- (19) Calico M-900.
- (20) J & R ENG M-68.
- (21) Weaver Arms Nighthawk.

(b) All of the following specified pistols:

- (1) UZI.
- (2) Encom MP-9 and MP-45.

accept, and capable of operating only with, .22 caliber rimfire ammunition.

HAW. REV. STAT. ANN. § 134-1. Definitions.

As used in this chapter, unless the context indicates otherwise: “Assault pistol” means a semiautomatic pistol which accepts a detachable magazine and which has two or more of the following characteristics:

- (1) An ammunition magazine which attaches to the pistol outside of the pistol grip;
- (2) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer;
- (3) A shroud which is attached to or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the second hand without being burned;
- (4) A manufactured weight of fifty ounces or more when the pistol is unloaded;
- (5) A centerfire pistol with an overall length of twelve inches or more; or
- (6) It is a semiautomatic version of an automatic firearm; but does not include a firearm with a barrel sixteen or more inches in length, an antique pistol as defined in section 134-1 or a curio or relic as those terms are used in 18 U.S.C. §921 (16) or 27 C.F.R. 178.11.

(3) The following MAC types:

- (A) RPB Industries Inc. sM10 and sM11.
- (B) SWD Incorporated M-11.
- (C) Advance Armament Inc. M-11.
- (D) Military Armament Corp. Ingram M-11.

(4) Intratec TEC-9.

(5) Sites Spectre.

(6) Sterling MK-7.

(7) Calico M-950.

(8) Bushmaster Pistol.

(c) All of the following specified shotguns:

- (1) Franchi SPAS 12 and LAW 12.
- (2) Striker 12.
- (3) The Streetsweeper type S/S Inc. SS/12.

CAL. PENAL CODE § 12276.1 - Further definition of “assault weapon.”

(a) Notwithstanding Section 12276, “assault weapon” shall also mean any of the following:

(1) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following: (A) A pistol grip that protrudes conspicuously beneath the action of the weapon. (B) A thumbhole stock. (C) A folding or telescoping stock. (D) A grenade launcher or flare launcher. (E) A flash suppressor. (F) A forward pistol grip.

(2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following: (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer. (B) A second handgrip. (C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a

	<p>slide that encloses the barrel. (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.</p> <p>(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.</p> <p>(6) A semiautomatic shotgun that has both of the following: (A) A folding or telescoping stock. (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.</p> <p>(7) A semiautomatic shotgun that has the ability to accept a detachable magazine.</p> <p>(8) Any shotgun with a revolving cylinder.</p>
<p>CONN. GEN. STAT. ANN. § 53-202a. Assault weapons: Definition.</p> <p>(a) As used in this section and sections 53-202b to 53-202k, inclusive, "assault weapon" means:</p> <p>(1) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms:</p> <p>Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler and Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type;</p>	<p>N.J. REV. STAT. ANN. § 2C:39-1. Definitions.</p> <p>(w) Assault firearm means:</p> <p>(1) The following firearms:</p> <p>Algimec AGM1 type; Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12", Armalite AR-180 type, Australian Automatic Arms SAR, Avtomat Kalashnikov type semi-automatic firearms, Beretta AR-70 and BM59 semi-automatic firearms, Bushmaster Assault Rifle, Calico M-900 Assault carbine and M-900, CETME G3, Chartered Industries of Singapore SR-88 type, Colt AR-15 and CAR-15 series Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types, Demro TAC-1 carbine type, Encom MP-9 and MP-45 carbine types, FAMAS MAS223 types, FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms, Franchi SPAS 12 and LAW 12 shotguns, G3SA type, Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1, Intratec TEC 9 and 22 semi-automatic firearms, M1 carbine type, M14S type, MAC 10, MAC 11, MAC 11-9mm carbine type firearms, PJK M-68 carbine type, Plainfield Machine Company Carbine, Ruger K-Mini-1 4/5F and Mini-1 4/5RF, SIG AMT, SIG 550SP,</p>

Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000;
 Ruger Mini-14/5F folding stock model only;
 Scarab Skorpion;
 SIG 57 AMT and 500 series;
 Spectre Auto Carbine and Auto Pistol;
 Springfield Armory BM59,
 SAR-48 and G-3; Sterling MK-6 and MK-7;
 Steyr AUG;
 Street Sweeper and Striker 12 revolving cylinder shotguns;
 USAS-12;
 UZI Carbine,
 Mini-Carbine and Pistol;
 Weaver Arms Nighthawk;
 Wilkinson "Linda" Pistol;

(2) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in subdivision (1) of this subsection, or any combination of parts from which an assault weapon, as defined in subdivision (1) of this subsection, may be rapidly assembled if those parts are in the possession or under the control of the same person;

(3) Any semiautomatic firearm not listed in subdivision (1) of this subsection that meets the following criteria:

(A) A semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following: (i) A folding or telescoping stock; (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon; (iii) A bayonet mount; (iv) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; and (v) A grenade launcher; or

(B) A semiautomatic pistol that has an ability to accept a detachable magazine and has at least two of the following:

- (i) An ammunition magazine that attaches to the pistol outside of the pistol grip;
- (ii) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip or silencer;
- (iii) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;
- (iv) A manufactured weight of fifty ounces or more when the pistol is unloaded; and
- (v) A semiautomatic version of an automatic firearm; or

(C) A semiautomatic shotgun that has at least two of

SIG 551SP,
 SIG PE-57 types,
 SKS with detachable magazine type,
 Spectre Auto carbine type,
 Springfield Armory BM59 and SAR-48 type,
 Sterling MK-6, MK-7 and SAR types,
 Steyr A.U.G. semi-automatic firearms,
 USAS 12 semi-automatic type shotgun,
 Uzi type semi-automatic firearms,
 Valmet M62,
 M71S,
 M76, or
 M78 type semi-automatic firearms Weaver Arm Nighthawk.

(2) Any firearm manufactured under any designation which is substantially identical to any of the firearms listed above.

(3) A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock.

(4) A semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds.

(5) A part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.

<p>the following:</p> <ul style="list-style-type: none"> (i) A folding or telescoping stock; (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon; (iii) A fixed magazine capacity in excess of five rounds; and (iv) An ability to accept a detachable magazine; <p>or</p> <p>(4) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in subdivision (3) of this subsection, or any combination of parts from which an assault weapon, as defined in subdivision (3) of this subsection, may be rapidly assembled if those parts are in the possession or under the control of the same person.</p> <p>(b) As used in this section and sections 52-202b to 53-202k, inclusive, the term "assault weapon" does not include any firearm modified to render it permanently inoperable.</p>	
<p>N.Y. PENAL LAW § 265.00. Definitions.</p> <p>22. "Assault weapon" means:</p> <p>(a) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following characteristics:</p> <ul style="list-style-type: none"> (i) a folding or telescoping stock; (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon; (iii) a bayonet mount; (iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; (v) a grenade launcher; or <p>(b) a semiautomatic shotgun that has at least two of the following characteristics:</p> <ul style="list-style-type: none"> (i) a folding or telescoping stock; (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon; (iii) a fixed magazine capacity in excess of five rounds; (iv) an ability to accept a detachable magazine; or <p>(c) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least two of the following characteristics:</p> <ul style="list-style-type: none"> (i) an ammunition magazine that attaches to the pistol outside of the pistol grip; (ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer; (iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned; (iv) a manufactured weight of fifty ounces or more when the 	<p>25 P.R. LAWS ANN. § 456m. Semiautomatics.</p> <p>(b) The semiautomatic assault weapons referred to in this section are the following:</p> <ul style="list-style-type: none"> (1) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all AK models). (2) Action Arms Israeli Military Industries UZI and Galil. (3) Beretta Ar70 (SC-70). (4) Colt AR-15. (5) Fabrique National FN/FAL, FN/LAR, and FNC. (6) SWD M-10, M-11, M-11/9, and M-12. (7) Steyr AUG. (8) INTRATEC tec-9, tec-dc9 AND tec-22. (9) Revolving cylinder shotguns such as (or similar to) the Street Sweeper and Striker 12. <p>(c) Also considered as a semiautomatic assault weapon, is:</p> <ul style="list-style-type: none"> (1) A semiautomatic rifle that is retrofitted by a magazine or removable receptacle which contains two (2) or more of the following characteristics: <ul style="list-style-type: none"> (A) Folding or telescopic butt; (B) pistol grip that clearly overlaps the trigger action; (C) bayonet mount; (D) flash suppressor, or (E) grenade launcher, excluding flare launchers. (2) A semiautomatic pistol that can be backloaded by a

<p>pistol is unloaded; (v) a semiautomatic version of an automatic rifle, shotgun or firearm; or</p> <p>(d) any of the weapons, or functioning frames or receivers of such weapons, or copies or duplicates of such weapons, in any caliber, known as:</p> <ul style="list-style-type: none"> (i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models); (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta Ar70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR, and FNC; (vi) SWD M-10, M-11, M-11/9, and M-12; (vii) Steyr AUG; (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and (ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12 	<p>magazine or removable receptacle which has more than two (2) of the following characteristics:</p> <ul style="list-style-type: none"> (A) A magazine or clip that is fixed on the pistol outside of the pistol grip; (B) a barrel with spiral grooves on the front which is capable of accepting an extension to the barrel, a flash suppressor, a hand grip in front of the weapon or a silencer; (C) a cover that can be fixed covering all or part of the barrel, allowing whoever fires the weapon to hold it with the hand that is not pulling the trigger, without getting burned; (D) an unloaded manufacturing weight in excess of fifty (50) ounces, or (E) a semiautomatic version of an automatic weapon. <p>(3) A semiautomatic shotgun that has two (2) or more of the following characteristics:</p> <ul style="list-style-type: none"> (A) A collapsible or telescopic breech; (B) a pistol grip that clearly overlaps the trigger action; (C) a fixed ammunition magazine or clip that holds more than five (5) cartridges, or (D) is capable of receiving a removable magazine or clip.
<p>ALBANY CODE OF ORD. § 193-15. Assault weapons.</p> <p>A. As used herein, "assault weapon" includes any of the following or their copies:</p> <ul style="list-style-type: none"> (1) Pistols: Bushmaster Firearms Company auto pistol, Calico Model 100-P auto pistol, Federal Engineering Corporation XP 450, XP 900, Holmes Firearms MP-83, MP-22 assault pistols, Intratec Tec-9 Auto, Tec-9M, Scorpion auto pistols, Israeli Military Industries UZI pistol, Iver Johnson Enforcer Model 300 auto, Ingram or S.W.D. MAC 10, MAC 11, Spectre double-action auto pistol, Ruger Mini 14 (2) Rifles and shotguns by manufacturers in the United States: Auto-Ordinance Corporation Thompson M1, Mix, 27 A-1, Thompson A-1 Thompson Deluxe, 1927 A5, Colt AR-15A2-Delta H-Bar, AR-15A2 H-Bar, Federal Engineering Corporation XC-900, XC-450 auto carbines, Springfield Armory Inc. BM-59, SAR-48, S.W.D. Street Sweeper shotgun, Weaver Arms Corporation nighthawk 	<p>AURORA, ILL., CODE OF ORD. § 29-49(h)(2)(a-d). Definitions.</p> <p>Assault weapon means:</p> <p>a. Any of the firearms (or types, replicas, or duplicates in any caliber of the firearms regardless of manufacturer) known as:</p> <ul style="list-style-type: none"> A.A. Arms AP-9, Algimec Agmi, Armalite AR-180, Australian Automatic Arms SAP Pistol, Australian Automatic Arms SAR, Auto-Ordinance Thompson type, Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell, and Poly Tech), Barrett Light-Fifty model 82A1, Beretta AR-70 (SC-70), Beretta BM-59, Bushmaster Auto Rifle and Auto Pistol, Calico models M-900, M-950 and 100-P, Chartered Industries of Singapore SR-88, Claridge High Tech, Colt AR-15 and Sporter,

(3) Rifles and shotguns by manufacturers outside the United States: Avtomat Kalashnikovs manufactured or imported by American Arms, Bushmaster Firearms, Daewoo, Mitchell, Norinco and Poly Technologies, Beretta AR-70 Sporter rifle, Fabrique National FN, FNC rifle, Franchi LAW 12 auto, SPAS 12 pump/auto shotguns, Heckler and Koch HK 91, 93, 94 rifles, Israeli Military Industries Galil Rifles, UZI carbines, Steyr Daimler-Pusch A.U.G. autoloading rifle, Striker 12 shotgun, Valmet M-76 standard rifle, M78 semi-auto

(4) Any other weapon to be subsequently designated by law.

B. A copy of any of the weapons listed in Subsection (A)(1), (2) and (3) of this section shall include any other model by the same manufacturer with the same action design having slight modifications or enhancements, provided that such weapon as modified or enhanced employs only ammunition of more than .22 caliber rimfire; any weapon with an action design identical or nearly identical to any of the listed weapons which has been designed from, renamed, renumbered or patterned after any of the listed weapons regardless of the manufacturer or country of origin, provided that such weapon employs only ammunition of more than .22 caliber rimfire; or any weapon which has been manufactured and sold by another company under a licensing agreement to manufacture or sell a weapon identical or nearly identical to any of the listed weapons regardless of the company or production or country of origin, provided that such weapon employs only ammunition of more than .22 caliber rimfire.

CHICAGO MUN. CODE § 8-20-030. Definitions.

(h) "Assault weapon" means any of the following weapons:

(1) Assault Rifles

- AK 47 type,
- AK 47S type,
- AK 74 type,
- AKS type,
- AKM type,
- KMS type,
- 84S1 type,
- Arm type,
- 84S1 type,
- 84S3 type,
- HK91 type,
- HK93 type,
- K94 type,
- G3SA type,
- K1 type,
- K2 type,
- AR100 type,
- M24S type,
- SIG 550SP type,
- SIG 551SP type,

- Daewoo K-1,
- K-2,
- Max-1 and Max-2,
- Encom MK-IV,
- MP-9 and MP-45,
- Fabrique Nationale FN/FAL, FN/LAR or FN/FNC, FAMAS MAS 223,
- Feather AT-9 and Mini-AT,
- Federal XC-900 and XC-450,
- Franchi SPAS-12 and LAW-12,
- Galil AR and ARM,
- Heckler & Koch HK-91,
- HK-93,
- HK-94,
- PSG-1,
- SP-89,
- Holmes Mp-83,
- Intratec TEC-9,
- TEC-DC-9,
- TEC-22 and Scorpion,
- Iver Johnson Enforce Model 3000,
- Iver Johnson PM30 Paratrooper,
- M14S type MAC 10,
- M-10, MAC-11 and MAC-11 Carbine type,
- Ruger Mini-14/5F (folding stock only) and Mini-14/5RF,
- Scarab Skorpion,
- SIG 57 AMT,
- SIG 550SP,
- SIG 551SP,
- SIG PE-57 types and 500 series,
- Spectre Auto Carbine and Auto Pistol,
- Springfield Armory BM59,
- SAR-48 and G-3,
- Sterling MK-6 and MK-7 and SAR types,
- Steyr AUG,
- Street Sweeper and Striker 12 revolving cylinder shotguns,
- SWD M-10,
- M-11,
- M-11/9,
- M-12,
- Valmet M63,
- M71S, M76 or M78,
- USAS-12,
- UZI Carbine,
- Mini-Carbine and Pistol,
- Weaver Arms Nighthawk,
- Wilkinson "Linda" Pistol

b. Any semiautomatic rifle that has a fixed magazine that can hold more than eight (8) rounds or an ability to accept a detachable magazine and has at least two (2) of the following:

1. A folding or telescoping stock;
2. A pistol grip that protrudes beneath the action of the weapon and which is separate and apart from the stock;

<p>Australian Automatic Arms, SAR type, SKS type with detachable magazine, Colt AR-15, Springfield Armory SAR-48, Springfield Armory BM-59, Bushmaster Auto Rifle, Auto-Ordinance Thompson M1, Ruger Mini 14/5F, Federal XC-900 and XC-450, Feather AT-9 Auto Carbine, Goncz High Tech Carbine, Auto-Ordinance Thompson 1927A1, Iver Johnson PM30 P Paratrooper, 86S type, 86S7 type, 87S type, Galil type, Type 56 type, Type 565 type, Valmet M76 type, Valmet M78 type, M76 counter sniper type, FAL type, L1A1A type, SAR 48 type, AUG type, FNC type, Uzi carbine, Algimec AGMI type, AR180 type, MAS 223 type, Beretta BM59 type, Beretta AR70 type, CIS SR88 type,</p> <p>(2) Assault Pistols</p> <p>Uzi type, Heckler & Koch Sp-89 type, Australian Automatic Arms SAP type, Spectre Auto type, Sterling Mark 7 type; and</p> <p>(3) Any weapon that the superintendent of police defines by regulation as an assault weapon because the design or operation of such weapon is inappropriate for lawful use.</p>	<p>3. A bayonet mount;</p> <p>4. A flash suppressor;</p> <p>5. A barrel with a threaded muzzle;</p> <p>6. A grenade launcher.</p> <p>c. Any semiautomatic pistol that has an ability to accept a detachable magazine and has at least two (2) of the following:</p> <ol style="list-style-type: none"> 1. An ammunition magazine that attaches to the pistol outside of the pistol grip; 2. A barrel having a threaded muzzle; 3. A shroud that is attached to, or partially or completely encircles, the barrel and which permits the shooter to hold the firearm with the nontrigger hand without being burned; 4. A manufactured weight of fifty (50) ounces or more when the pistol is unloaded; 5. A semiautomatic version of an automatic firearm <p>d. Any semiautomatic shotgun that has either a fixed magazine with a capacity in excess of five (5) rounds or an ability to accept a detachable magazine and, in addition, has at least one (1) of the following:</p> <ol style="list-style-type: none"> 1. A folding or telescoping stock; 2. A pistol grip that protrudes beneath the action of the firearm and which is separate and apart from the stock
<p>BUFFALO CODE OF ORD. § 180-1. Definitions.</p> <p>Assault weapon:</p> <p>(1) Any center-fire rifle or shotgun which employs the force of the expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger, and which is loaded or capable of being loaded with a combination of more than sin cartridges in the ammunition-feeding device and chamber combined. For the purposes of this section, a weapon is capable of</p>	<p>CLEVELAND CODE OF ORD. § 628.03. Definitions.</p> <p>For the purpose of this chapter:</p> <p>(a) "Assault weapon" means:</p> <p>(1) any semiautomatic action, center fire rifle or carbine that accepts a detachable magazine with a capacity of 20 rounds or more;</p>

<p>being loaded if it is possessed by one who, at the same time, possesses:</p> <p>(a) In the case of a rifle, a fixed or detachable ammunition feeding device which is attached to or utilized with or capable of being attached to or utilized with such rifle and which has a capacity of more than five cartridges; or</p> <p>(b) In the case of a shotgun, an ammunition-feeding device which is attached to or utilized with or capable of being attached to or utilized with such shotgun and which has a capacity of more than five cartridges.</p> <p>(2) A center-fire rifle or shotgun which employs the force of expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger, and which has:</p> <p>(a) A flash suppressor attached to the weapon reducing muzzle flash;</p> <p>(b) A grenade launcher,</p> <p>(c) A sighting device making a target visible at night;</p> <p>(d) A barrel jacket surrounding all or a portion of the barrel, to dissipate heat therefrom; or</p> <p>(e) A multi-burst trigger activator.</p> <p>(3) Any stockless pistol grip shotgun.</p> <p>(4) For purposes of this section, the term "assault weapon" shall not include any of the following:</p> <p>(a) Any weapon which has been modified to render it permanently inoperable or permanently make it a device no longer defined as an "assault" weapon.</p> <p>(b) Weapons that do not use cartridges or shells.</p> <p>(c) Manually operated bolt-action weapons, lever-action weapons, slide-action weapons or single-shot weapons.</p> <p>(d) Multiple-barrel weapons, revolving cylinder weapons except shotguns, weapons that use exclusively a rotary Mannlicher-style magazine.</p> <p>(e) Any antique firearm as defined in 265.00 of the New York State Penal Law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States law</p>	<p>(2) any .50 caliber rifle;</p> <p>(3) any semiautomatic shotgun with a magazine capacity of more than six rounds;</p> <p>(4) any semi-automatic handgun that is: A. a modification of a rifle described in division (a)(1) or division (a)(2), or a modification of an automatic firearm; or B. originally designed to accept a detachable magazine with a capacity of more than 20 rounds;</p> <p>(5) any firearm which may be restored to an operable assault weapon as defined in divisions (a)(1), (a)(2), (a)(3) or (a)(4);</p> <p>(6) any part, or combination of parts, designed or intended to convert a firearm into an assault weapon as defined in divisions (a)(1), (a)(2), (a)(3) or (a)(4), or any combination of parts from which an assault weapon as defined in divisions (a)(1), (a)(2), (a)(3) or (a)(4), may be readily assembled if those parts are in the possession or under the control of the same person.</p> <p>(b) Assault weapon does not include any of the following:</p> <p>(1) any firearm that uses .22 caliber rimfire ammunition with a detachable magazine with a capacity of 30 rounds or less.</p> <p>(2) any assault weapon which has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.</p> <p>(3) any black powder muzzle loading rifle.</p> <p>(4) any assault weapon the possession or sale of which constitutes a felony under the laws of the state of Ohio.</p>
<p>COLUMBUS CODE OF ORD. § 2323.31. Definitions.</p> <p>(L) "Assault weapon" means any:</p> <p>(1) Semi-automatic rifle that has the capacity to accept a detachable magazine and has one (1) or more of the</p>	<p>N.Y. COMP. CODES R & REG. TIT. 10 § 10-301. Definitions.</p> <p>"Assault weapon."</p> <p>(a) Any semiautomatic centerfire or rimfire rifle or semiautomatic shotgun which has one or more of the following</p>

<p>following:</p> <p>(a) A pistol grip that protrudes conspicuously beneath the receiver of the weapon;</p> <p>(b) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;</p> <p>(c) A folding, telescoping or thumbhole stock;</p> <p>(d) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or</p> <p>(e) A muzzle brake or muzzle compensator;</p> <p>(2) Semi-automatic pistol with a fixed magazine, or any semi-automatic, centerfire rifle with a fixed magazine, that has the capacity to accept more than ten (10) rounds of ammunition;</p> <p>(3) Semi-automatic pistol that has the capacity to accept a detachable magazine and has one (1) or more of the following:</p> <p>(a) Any feature capable of functioning as a protruding grip than can be held by the non-trigger hand;</p> <p>(b) A folding, telescoping or thumbhole stock;</p> <p>(c) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;</p> <p>(d) A muzzle brake or muzzle compensator; or</p> <p>(e) The capacity to accept a detachable magazine at any location outside of the pistol grip;</p> <p>(4) Semi-automatic shotgun that has two (2) or more of the following:</p> <p>(a) A pistol grip that protrudes conspicuously beneath the receiver of the weapon;</p> <p>(b) A folding, telescoping or thumbhole stock;</p> <p>(c) A fixed magazine capacity in excess of five (5) standard two and three quarters inch (2-3/4), or longer, rounds; or</p> <p>(d) An ability to accept a detachable magazine;</p>	<p>features:</p> <ol style="list-style-type: none"> 1. folding or telescoping stock or no stock; 2. pistol grip that protrudes conspicuously beneath the action of the weapon; 3. bayonet mount; 4. flash suppressor or threaded barrel designed to accommodate a flash suppressor; 5. barrel shroud; 6. grenade launcher; or 7. modifications of such features, or other features, determined by rule of the commissioner to be particularly suitable for military and not sporting purposes. In addition, the commissioner shall, by rule, designate specific semiautomatic centerfire or rimfire rifles or semiautomatic shotguns, identified by make, model and/or manufacturer's name, as within the definition of assault weapon, if the commissioner determines that such weapons are particularly suitable for military and not sporting purposes. The commissioner shall inspect such specific designated semiautomatic centerfire or rimfire rifles or semiautomatic shotguns at least three times per year, and shall revise or update such designations as he or she deems appropriate. <p>(b) Any shotgun with a revolving-cylinder magazine.</p> <p>(c) Any part, or combination of parts, designed or redesigned or intended to readily convert a rifle or shotgun into an assault weapon.</p> <p>SOUTH BEND, IND., CODE OF ORD. §§ 13-95. Definitions.</p> <p>(b) Assault weapons shall mean and include:</p> <ol style="list-style-type: none"> (1) Any center fire rifle with automatic action or semi-automatic action or revolving cylinder weapon, or carbine which accepts a detachable magazine with a capacity of over fifteen (15) rounds; 2) Any semiautomatic shotgun with a magazine capacity of more than nine (9) rounds; (3) Firearms as defined in IC 35-47-1-5, which have threads, lugs, or other characteristics which are designed to facilitate the direct attachment of a silencer, bayonet, grenade launcher, flash suppressor, or folding stock to the firearm; and (4) Any part or combination of parts designed to facilitate the attachment of a silencer, bayonet, grenade launcher, flash suppressor, or folding stock to a firearm; and
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<p>(5) Shotgun with a revolving cylinder;</p> <p>(6) Conversion kit or combination of parts from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person.</p> <p>(M) Assault weapon does not include any antique firearm or any firearm that has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.</p>	<p>(5) A detachable magazine, drum, belt, feed strip, or similar device which has a capacity of, or can be readily restored or converted to accept more than fifteen (15) rounds of ammunition; and</p> <p>(6) Any combination of parts which are designed and intended solely and exclusively for assembling a firearm defined to be an assault weapon as defined above, or from which an assault weapon could be assembled into an operable assault weapon if such parts are located in the possession or under the control of one (1) person.</p>
<p>MASS. GEN. LAWS ANN. CH. 140, § 121. Definitions.</p> <p>Assault weapon shall have the same meaning as a semiautomatic assault weapon as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. 921(a)(30) as appearing in such section on September 13, 1994, and shall include, but not be limited to, any of the weapons, or copies or duplicates of the weapons, of any caliber, known as:</p> <ul style="list-style-type: none"> (i) Avtomat Kalashnikov (AK) (all models); (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta Ar70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR and FNC; (vi) SWD M-10, M-11, M-11/9 and M-12; (vi) Steyr AUG; (vii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and (viii) revolving cylinder shotguns, such as, or similar to, the Street Sweeper and Striker 12. 	<p>TOLEDO, OHIO, CODE OF ORD. § 549.23. Definitions.</p> <p>(a) Semi-automatic firearm means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.</p> <p>“Certain semi-automatic firearms” means any of the following:</p> <ul style="list-style-type: none"> (A) A semi-automatic rifle less than forty-two inches in overall length that has an ability to accept a detachable magazine and has at least two of: <ul style="list-style-type: none"> (i) a folding or telescoping stock; (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon. (iii) a bayonet mount; (iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and (v) a grenade launcher; (B) a semi-automatic pistol that has an ability to accept a detachable magazine and has at least two of: <ul style="list-style-type: none"> (i) an ammunition magazine that attaches to the pistol outside of the pistol grip; (ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer; (iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned; (iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

(v) is known by the person charged at the time of the offense to be a semi-automatic version of an automatic firearm.

(C) A semi-automatic shotgun that has at least two of: (i) a folding or telescoping stock; (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon; (iii) a fixed magazine capacity in excess of 5 of the 2 3/4 inch standard rounds; and (iv) an ability to accept detachable magazine.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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DICK ANTHONY HELLER, <i>et al.</i>))	
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Plaintiffs,))	
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v.))	Civil Action No. 08-01289 (RMU)
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DISTRICT OF COLUMBIA, <i>et al.</i> ,))	
))	
Defendants.))	
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DEFENDANTS’ STATEMENT OF MATERIAL FACTS AS TO WHICH
THERE IS NO GENUINE ISSUE

1. In *District of Columbia v. Heller*, ___ U.S. ___, 128 S. Ct. 2783 (Jun. 26, 2008) (“*Heller*”), the Supreme Court invalidated two provisions of the District’s Firearms Control Regulations Act of 1975 (“1975 Act”), D.C. Law 1-85, *codified as amended at* D.C. Official Code § 7-2501.01 *et seq.* (2001 ed.). In a 5-4 decision, the Court invalidated the District’s ban on handguns and the “safe storage” provisions. *Heller*, 128 S.Ct. at 2818.

2. The Court stated that “the Second Amendment does not protect those weapons not typically possessed by law-abiding citizens for lawful purposes.” *Id.* at 2816.

3. The Court stated that “[l]ike most rights, the right secured by the Second Amendment is not unlimited [and] not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *Id.* (citations omitted).

4. The Court noted the “longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools or government buildings, or laws imposing conditions and qualifications on the

commercial sale of arms.” *Id.* at 2816–17 & n.26 (“We identify these presumptively lawful regulatory measures only as examples; our list does not purport to be exhaustive.”).

5. The Court expressly declined to establish a level of scrutiny for examining alleged restrictions on the Second Amendment. *Id.* at 2821.

6. The Court’s decision mentioned the “problem of handgun violence in this country,” and noted that “[t]he Constitution leaves the District of Columbia a variety of tools for combating that problem” *Id.* at 2822.

7. In response to *Heller*, the Council of the District of Columbia adopted a number of emergency and temporary measures. *See* Council of the District of Columbia, Committee on Public Safety and the Judiciary, Rep. on Bill 17-843, the “Firearms Control Amendment Act of 2008,” November 25, 2008, at 2 (“Comm. Rep.”) (*available online at* <http://www.dccouncil.washington.dc.us/images/00001/20090513152155.pdf> (as of May 29, 2009)).

8. The Council held a number of public hearings on amending the District’s gun laws. *Id.* at 3. The Council heard from dozens of witnesses during these hearings. *Id.* at 11–12.

9. The District changed the law to allow the registration of most semi-automatic handguns and rifles. *Id.* at 2.

10. The Firearms Registration Amendment Act of 2008, Act 17-708 (“the Act”) was passed unanimously and signed by the Mayor on January 28, 2009. *See* 56 D.C. Reg. 1380 (Feb. 13, 2009).

11. The Act was transmitted to Congress for review on or about February 10, 2009. 155 Cong. Rec. S2319-05 (Feb. 13, 2009). Congress failed to nullify the Act during its mandated 30-

day period of review, and the law became effective on March 31, 2009. *See* 56 D.C. Reg. 3438 (May 1, 2009).

12. On June 17, 2009, the Chief adopted emergency regulations establishing the District Roster of Handguns Determined Not to be Unsafe (“District Roster”). *See* 56 D.C. Reg. 4782–4873 (June 19, 2009).

13. The regulations, *inter alia*, include within the District Roster handguns listed on similar rosters from California, Massachusetts, and Maryland, and deem included on the District Roster those pistols cosmetically similar to other, listed handguns. 24 DCMR § 2323.3. The regulations also contain provisions allowing an applicant to register a pistol not otherwise included on the District Roster and to appeal any such registration denials. *Id.*, §§ 2323.4, 2323.5.

14. On June 25, 2009, the MPD promulgated additional emergency regulations 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.” *See* 56 D.C. Reg. 5434 (July 3, 2009).

DATE: August 5, 2009

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., 6th Floor South
Washington, D.C. 20001
Telephone: (202) 442-9886

/s/ Andrew J. Saindon

ANDREW J. SAINDON, D.C. Bar No. 456987

Assistant Attorney General

Equity Section I

441 Fourth Street, N.W., 6th Floor South

Washington, D.C. 20001

Telephone: (202) 724-6643

Facsimile: (202) 727-0431

E-mail: andy.saindon@dc.gov

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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ORDER

Upon consideration of the Defendants’ Motion for Summary Judgment, the Memorandum of Points and Authorities in Support thereof and in Opposition thereto, the entire record herein, and it appearing that the relief should be granted, it is hereby:

ORDERED, that the Defendants’ Motion for Summary Judgment be, and hereby is, GRANTED, and it is

FURTHER ORDERED, that summary judgment is hereby GRANTED to the Defendants on all claims herein.

SO ORDERED.

DATE: _____

RICARDO M. URBINA
United States District Judge