



## **The "Ammo Police" is not the answer to criminal use of firearms**

*By Michele Hanisee*

California Lt. Governor Gavin Newsom has proposed the California Safety for All Act; which will appear on the ballot in 2016. The initiative proposes to solve the problem of criminals using guns against law abiding citizens by sharply restricting the ability of the law abiding citizens to acquire ammunition. Cleverly named "Safety for All," the initiative seems designed to raise Newsom's public profile, because in reality it will do nothing to prevent mass shootings in this state nor will it have any positive effects on the safety of California residents.

The proposed new law is one of a handful of initiatives which aim not only to make it more difficult to purchase and own a gun in the state of California, but also to make it more difficult to purchase and sell ammunition. However, since ammunition will still be legal to possess (albeit more difficult to acquire) the measure does nothing to stop criminals who commit murder --- which, of course, is already illegal. It will only affect the law abiding citizens.

First the good, because the initiative is not completely without merit. I think we can all agree that felons should not work in gun stores. The initiative makes the theft of any firearm a felony. (Ironically, it was Newsom's disastrous Initiative, Proposition 47, which reduced the theft of guns valued under \$900 to a misdemeanor.) It requires that gun owners report gun thefts. It criminalizes straw purchases like the one that put two rifles in the hands of San Bernardino killer, Syed Farook.

However, other portions of this Act will have a DETRIMENTAL impact on law-abiding gun owners. Among the myriad of changes to state law, the measure would:

- Instituting a total, confiscatory ban on the possession of "large-capacity" magazines with a greater than 10 round capacity, regardless of when you purchased them, even legally-owned "grandfathered" magazines. Current legal magazine owners will be forced to turn them in, have them destroyed or sell them to a dealer;

- Add severe and expensive new restrictions on ammunition purchases, including a mandatory DOJ permit for anyone who wants to buy ammunition, a ban on private ammunition sales, and a gun owner database of ammunition purchasers. This "certificate" would take up to a month to obtain, would cost up to \$50.00 and would have to be renewed every two years. Names of those who have a certificate would appear on a database of certified ammunition purchasers;
- Require all dealers in California to obtain an "ammunition vendors license" to sell ammunition;
- Prohibit ammunition purchased at a firing range from being removed from the firing range;
- Ban the private transfer of ammunition and ban the private importation of ammunition;
- Ban the private purchase and importation of ammunition from out-of-state retailers;
- Require gun stores to post a lengthy notice in letters one inch high, thus turning the walls of gun stores into legal wallpaper.

The Act bizarrely defines "ammunition" for purposes of these restrictions, as including things that are clearly NOT ammunition such as magazines, clips, speed loaders and autoloaders. Will I need a permit for my Uplula?

These changes to state law, if they are even legal, would over burden law enforcement while doing nothing to stop those who use guns to commit crimes.

What does Newsom propose to do, for example, to confiscate magazines that hold more than 10 rounds from the millions of Californians who do not voluntarily turn them in? The large magazine capacity initiative will criminalize every Californian should they possess magazines carrying over 10 rounds by making it a misdemeanor crime. This crime would be punishable by up to 364 days in jail and a \$100 fine per magazine regardless of when the magazine was obtained! Californians who have legally purchased and possessed standard capacity magazines (usually 15 rounds) for decades will now be criminals and subject to lengthy jail sentences even though they have never used those magazines in any crime and possess those magazines in their homes and business for self-defense purposes. California has already seen gun owners in Los Angeles in 2015 and Sunnyvale in 2013 ignore a similar 10 round magazine ban; not a single magazine was turned in by the law's deadline.

Will Newsom create a new "ammunition police" to arrest everybody who lends ammunition to a friend or who takes home leftover ammunition purchased while at a range? Will police officers be required to inspect the ammunition of people leaving a range to try to determine what was

purchased at the range and what was purchased at a gun store? Are we going to establish border checkpoints between neighboring states, searching every inch of cars and trucks entering California to ensure that no ammunition is being brought into the state?

It is bad public policy to enact laws which the vast majority of Californians will simply, consciously, ignore. And, it is worse public policy to enact measures which will not accomplish the goals they claim.

After the recent terrorist attack in San Bernardino, there are other issues with this proposed new law.

- The issue of public safety in active shooter and domestic terrorism scenarios not being properly addressed and the inability of law-abiding persons to be able to step in and help combat terrorism.
- The issues of fairness for those law-abiding individuals whom have been in lawful possession of high-capacity magazines for decades which will now become criminal conduct.

Felons who possess a gun, ammunition, or even an empty magazine of ANY capacity are already committing felonies. Criminals who are willing to commit murder will not be deterred by laws making it a misdemeanor to possess magazines with a capacity over 10 rounds. Imposing these restrictions on law-abiding Californians accomplishes nothing.

The goal of making our streets safer is admirable, however enacting ill-thought out laws that disproportionately affect law-abiding gun owners will make criminals of us all.

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