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1 C.D. Michel - S.B.N. 144258
Clinton Monfort - S.B.N. 255609
2 Sean A. Brady - S.B.N. 262007
Anna Barvir - S.B.N. 268728
3 MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
4 Long Beach, California 90802-4709
Phone: (562) 216-4444
5 Fax: (562) 216-4445

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Los Angeles Superior Court

OCT 23 2015

Sherri R. Carter, Executive Officer/Clerk
By: Moses Soto, Deputy

6 Attorneys for Plaintiffs/Petitioners

D-85

JAMES C. CHARFANT

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF LOS ANGELES

10 STANLEY MOSK COURTHOUSE

11 SHASTA COUNTY SHERIFF THOMAS BOSENKO,
12 SAN BERNARDINO COUNTY SHERIFF JOHN
McMAHON, KERN COUNTY SHERIFF DONNY
13 YOUNGBLOOD, SAN LUIS OBISPO COUNTY
SHERIFF IAN S. PARKINSON, SACRAMENTO
14 COUNTY SHERIFF SCOTT JONES, EL DORADO
COUNTY SHERIFF JOHN D'AGOSTINI, SISKIYOU
15 COUNTY SHERIFF JON LOPEY, TOULUMNE
COUNTY SHERIFF JAMES MELE, STANISLAUS
16 COUNTY SHERIFF ADAM CHRISTIANSON,
MERCED COUNTY SHERIFF VERN, TEHAMA
17 COUNTY SHERIFF DAVID HENCRATT,
HUMBOLDT COUNTY SHERIFF MICHAEL,
18 MENDOCINO COUNTY SHERIFF THOMAS D.
ALLMAN, SUTTER COUNTY SHERIFF J. PAUL
19 PARKER, MODOC COUNTY SHERIFF MICHAEL
POINDEXTER, FRESNO COUNTY SHERIFF
20 MARGARET MIMS, MADERA COUNTY SHERIFF
JAY VARNEY, AMADOR COUNTY SHERIFF
21 MARTIN RYAN, LASSEN COUNTY SHERIFF DEAN
F. GROWDON, COLUSA COUNTY SHERIFF JOE
22 GAROFALO, NEVADA COUNTY SHERIFF KEITH
ROYAL, TULARE COUNTY SHERIFF MIKE
23 BOUDREAUX, YUBA COUNTY SHERIFF STEVE
DURFOR, PLAINTIFF KINGS COUNTY SHERIFF
24 DAVID ROBINSON, PLUMAS COUNTY SHERIFF
GREGORY HAGWOOD, TRINITY COUNTY
25 SHERIFF BRUCE HANEY, SOLANO COUNTY
SHERIFF THOMAS A. FERRARA, GLENN COUNTY
26 SHERIFF RICHARD L. WARREN JR., BUTTE
COUNTY SHERIFF KORY L. HONEA, SIERRA
27 COUNTY SHERIFF TIM STANDLEY, CHAD
CHEUNG, PAUL WOLCOTT, JAMES WILEY, PAUL
28 NORDBERG, JULIO BERNAL, KENNETH

Case No.:

BS 1 5 8 6 8 2

**PETITION FOR WRIT OF MANDATE AND/OR
PROHIBITION OR OTHER APPROPRIATE
RELIEF; COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

UNLIMITED JURISDICTION

1 TAKAHASHI, LAW ENFORCEMENT ALLIANCE OF
2 AMERICA, INC., CALIFORNIA RIFLE AND PISTOL
ASSOCIATION, CALIFORNIA RESERVE PEACE
OFFICERS ASSOCIATION,

3
4 Plaintiffs and Petitioners,

5 vs.

6 THE CITY OF LOS ANGELES, MAYOR ERIC
GARCETTI, in his official capacity, LOS
ANGELES POLICE DEPARTMENT CHIEF CHARLIE
BECK, in his official capacity, and DOES 1-10,

7
8 Defendants and Respondents
9

10 The above-named Plaintiffs and Petitioners (collectively "Plaintiffs" or "Petitioners"), by
11 and through their counsel, bring this Petition for Writ of Mandate and/or Prohibition or Other
12 Appropriate Relief; Complaint for Declaratory and Injunctive Relief against the above-named
13 Defendants and Respondents (collectively "Defendants," "Respondents," or "the City") their
14 employees, agents, and successors in office, and in support thereof allege the following.

15 INTRODUCTION

16 A. Request for Writ Relief and Stay of Enforcement

17 1. Petitioners bring this petition seeking a peremptory writ of mandamus and stay of
18 enforcement to prevent the City from enforcing its recently enacted prohibition on the possession
19 of ammunition magazines with capacity to hold more than ten rounds. Extraordinary writ relief is
20 warranted in this case because there is no plain, speedy and adequate remedy in the ordinary
21 course of law. The City's confiscatory magazine ban took effect September 19, 2015. Under the
22 ordinance, residents have until just November 18, 2015 to cease possessing their lawfully owned
23 magazines within the city of Los Angeles by either relinquishing them to police without
24 compensation, selling them, or removing them from the City in the limited circumstances it might
25 be possible to do so without violating state law. Persons, including Petitioners, will be subject to
26 arrest and prosecution for continuing to possess their lawfully owned magazines within their Los
27 Angeles residences or while traveling from one destination in the state to another each time they
28 enter Los Angeles. Respondents have a clear, present, and ministerial duty not to enforce the

1 magazine ban against Petitioners or anyone at any time, because it is preempted by state law.

2 **B. Nature of the Case**

3 2. Since January 1, 2000, California has comprehensively regulated the sale, possession, and
4 use of ammunition magazines with the capacity to accept more than ten rounds. When California
5 enacted these restrictions, it intentionally permitted the possession of magazines that were
6 possessed prior to 2000. The state also permits the possession of magazines that were otherwise
7 acquired in accordance with state law.

8 3. In addition to permitting possession generally, California law expressly authorizes
9 individuals who are in lawful possession of these magazines to transport them in and out of the
10 state, and to transfer them in a variety of circumstances without violating the state's transfer and
11 importation restrictions.

12 4. Tens of thousands, if not hundreds of thousands, of California residents are currently in
13 lawful possession of these magazines, including individuals who either live in Los Angeles or
14 frequently travel with them through the City.

15 5. State law notwithstanding, the City enacted an outright prohibition on the possession of
16 these magazines by law-abiding individuals who possess, transport, or transfer them in
17 accordance with, and as expressly authorized by, California law. Residents have until just
18 November 18 to forfeit their lawfully owned magazines.

19 6. The City subjects Los Angeles residents, including Plaintiffs, to arrest and criminal
20 prosecution for remaining in possession of their magazines in their homes.

21 7. The City also subjects California residents, including Plaintiffs, to arrest and prosecution
22 for intentionally or inadvertently entering into Los Angeles with their lawfully owned magazines
23 while travelling within or in and out of the state.

24 8. The City's magazine ban thus contributes to a patchwork quilt of laws that transient
25 citizens, including inactive and off-duty law enforcement officers, must attempt to navigate under
26 threat of criminal penalties.

27 9. The City's possession ban effectively land locks numerous individuals who are unable to
28 transport their magazines anywhere without traveling through Los Angeles.

1 10. The City also places individuals at risk of prosecution who regularly carry their magazines
2 into Los Angeles in the course and scope of their employment and pursuant to state firearm
3 licenses.

4 11. The City requires individuals to attempt to obtain firearm licenses and permits issued by
5 the Bureau of Firearms to retain lawful possession of their property. In doing so, the City's ban
6 directly violates California Government Code section 53071, which prohibits municipalities from
7 enacting legislation that requires individuals to enter into California's firearm-licensing scheme.

8 12. The City's attempt to ban the possession of magazines that were lawfully acquired and are
9 lawfully possessed under state law is preempted because it contradicts numerous state laws, and
10 because it attempts to regulate in a field that has been both expressly and impliedly preempted by
11 state law.

12 13. Writ relief and injunctive relief are necessary to prevent the City from enforcing its
13 unconstitutionally preempted ordinance.

14 14. A stay of enforcement is necessary to prevent Los Angeles residents and transient citizens,
15 including Petitioners, from being subjected to criminal arrest and prosecution under a preempted
16 and invalid ordinance during the course of this litigation.

17 15. A stay of enforcement is further necessary to prevent individuals, including Petitioners,
18 from having their lawfully owned magazines seized with no way to reacquire them under state
19 laws that prohibit their purchase.

20 AUTHENTICITY OF EXHIBITS

21 All accompanying exhibits are true and correct copies of the original documents. The
22 exhibits are incorporated herein by reference as though fully set forth in this petition and
23 complaint.

24 PARTIES

25 A. Petitioners/Plaintiffs

26 16. Plaintiff Sheriff Thomas Bosenko is the duly elected sheriff of Shasta County.

27 17. Plaintiff Sheriff John McMahon is the duly elected sheriff of San Bernardino County.

28 18. Plaintiff Sheriff Donny Youngblood is the duly elected sheriff of Kern County.

- 1 19. Plaintiff Sheriff Ian S. Parkinson is the duly elected sheriff of San Luis Obispo County.
- 2 20. Plaintiff Sheriff Scott Jones is the duly elected sheriff of Sacramento County.
- 3 21. Plaintiff Sheriff John D'Agostini is the duly elected sheriff of El Dorado County.
- 4 22. Plaintiff Sheriff Jon Lopey is the duly elected sheriff of Siskiyou County.
- 5 23. Plaintiff Sheriff James Mele is the duly elected sheriff of Toulumne County.
- 6 24. Plaintiff Sheriff Adam Christianson is the duly elected sheriff of Stanislaus County.
- 7 25. Plaintiff Sheriff Vern Warnke is the duly elected sheriff of Merced County.
- 8 26. Plaintiff Sheriff David Hencratt is the duly elected sheriff of Tehama County.
- 9 27. Plaintiff Sheriff Michael Downey is the duly elected sheriff of Humboldt County.
- 10 28. Plaintiff Sheriff Thomas D. Allman is the duly elected sheriff of Mendocino County.
- 11 29. Plaintiff Sheriff J. Paul Parker is the duly elected sheriff of Sutter County.
- 12 30. Plaintiff Sheriff Michael Poindexter is the duly elected sheriff of Modoc County.
- 13 31. Plaintiff Sheriff Margaret Mims is the duly elected sheriff of Fresno County.
- 14 32. Plaintiff Sheriff Jay Varney is the duly elected sheriff of Madera County.
- 15 33. Plaintiff Sheriff Martin Ryan is the duly elected sheriff of Amador County.
- 16 34. Plaintiff Sheriff Dean F. Growdon is the duly elected sheriff of Lassen County.
- 17 35. Plaintiff Sheriff Joe Garofalo is the duly elected sheriff of Colusa County.
- 18 36. Plaintiff Sheriff Keith Royal is the duly elected sheriff of Nevada County.
- 19 37. Plaintiff Sheriff Mike Boudreaux is the duly elected sheriff of Tulare County.
- 20 38. Plaintiff Sheriff Steve Durfor is the duly elected sheriff of Yuba County.
- 21 39. Plaintiff Sheriff David Robinson is the duly elected sheriff of Kings County.
- 22 40. Plaintiff Sheriff Gregory Hagwood is the duly elected sheriff of Plumas County.
- 23 41. Plaintiff Sheriff Bruce Haney is the duly elected sheriff of Trinity County.
- 24 42. Plaintiff Sheriff Thomas A. Ferrara is the duly elected sheriff of Solano County.
- 25 43. Plaintiff Sheriff Richard L. Warren Jr. is the duly elected sheriff of Glenn County.
- 26 44. Plaintiff Sheriff Kory L. Honea is the duly elected sheriff of Butte County.
- 27 45. Plaintiff Sheriff Tim Standley is the duly elected sheriff of Sierra County.
- 28 46. The individual Sheriffs identified above are hereafter collectively referred to as "Sheriff

1 Plaintiffs.”

2 47. Allegations Common to Sheriff Plaintiffs: Sheriff Plaintiffs lawfully own and
3 possess ammunition magazines with the capacity to accept more than ten rounds. Pursuant to
4 California Penal Code sections 25450, 25900, and 32405, Sheriff Plaintiffs and deputy sheriffs in
5 the counties for each Sheriff Plaintiff are authorized to carry firearms with lawfully obtained
6 magazines having capacities greater than ten rounds, both while on and off duty. Sheriff Plaintiffs
7 lawfully carry firearms equipped with magazines capable of holding more than ten rounds while
8 traveling within California and through the city of Los Angeles while they are off duty. Deputy
9 sheriffs in the counties for each Sheriff Plaintiff likewise travel within California and throughout
10 the city of Los Angeles while in possession of magazines with capacities greater than ten rounds.
11 Pursuant to the City’s magazine possession ban, Sheriff Plaintiffs and deputy sheriffs in the
12 counties for each Sheriff Plaintiff are subject to arrest and criminal prosecution for possessing
13 firearms with magazines having capacities over ten rounds while traveling through the city of Los
14 Angeles while off duty after November 18, 2015. Pursuant to California Penal Code section
15 26150, Sheriff Plaintiffs have issued, and continue to issue, permits allowing qualified residents
16 of their counties to carry firearms equipped with magazines with the capacity to accept more than
17 ten rounds that are lawful to possess and carry under state law. Under state law, these residents
18 are authorized to carry the firearms that have been approved by Sheriff Plaintiffs and listed on the
19 permit issued pursuant to section 26150 throughout California, including within the city of Los
20 Angeles. These individuals are subject to arrest and prosecution if they travel through the city of
21 Los Angeles after November 18, 2015, while carrying firearms they have been authorized to carry
22 pursuant to statewide licenses issued by Sheriff Plaintiffs under California Penal Code section
23 26150.

24 48. Plaintiff Chad Cheung is an individual residing in the city of Los Angeles, California, and
25 the Captain of the Calguns.net Shooting Team. In accordance with state law, Plaintiff Cheung
26 lawfully owns and possesses within his Los Angeles residence ammunition magazines with the
27 capacity to accept more than ten rounds. Plaintiff Cheung lawfully possesses these magazines
28 under state law while traveling to and from shooting ranges and shooting competitions outside the

1 City. As expressly authorized by state law, Plaintiff Cheung also travels between his residence
2 and locations outside California while possessing these magazines for lawful purposes, including
3 participation in shooting competitions. Pursuant to the City's magazine possession ban, Plaintiff
4 Cheung is subject to arrest and criminal prosecution for possessing his magazines in the city of
5 Los Angeles after November 18, 2015.

6 49. Plaintiff Paul Wolcott is an honorably retired California peace officer who resides in the
7 city of Lomita, California. In accordance with state law, Plaintiff Wolcott lawfully owns and
8 possesses within his residence ammunition magazines with capacity to accept more than ten
9 rounds. Plaintiff Wolcott is employed in the city of Los Angeles, California, as a Senior Manager
10 for Corporate Security Operations & Special Events and carries a firearm containing a magazine
11 with the capacity to accept more than ten rounds in the course and scope of his duties. Plaintiff
12 Wolcott travels outside Lomita to shooting ranges to practice his marksmanship skills and to
13 qualify for his required firearm-related licenses, including an Exposed Firearm Permit issued by
14 the California Department of Consumer Affairs, a Security Guard Registration issued pursuant
15 California Business and Professions Code section 7582, and a retired law enforcement
16 Identification Certificate issued pursuant to California Penal Code section 25905. It is effectively
17 impossible for Plaintiff Wolcott to travel within California or outside the state without passing
18 through the city of Los Angeles. Due to the City's magazine ban, Plaintiff Wolcott is unable to
19 transport his lawfully owned magazines with the capacity to accept more than ten rounds to his
20 employment or to shooting ranges where he qualifies for his firearm-related licenses without
21 violating the City's magazine ban. The City's magazine possession ban prevents Plaintiff Wolcott
22 from traveling outside California with his magazines, despite such conduct being expressly
23 authorized by state law. Plaintiff Wolcott is subject to arrest and criminal prosecution for
24 possessing his magazines with capacity to accept more than ten rounds in the city of Los Angeles
25 after November 18, 2015.

26 50. Plaintiff James Wiley is a resident of the city of Los Angeles, California. Plaintiff Wiley is
27 a retired Officer of the United States Military, and he maintains a Certificate of Eligibility to
28 possess firearms from the California Department of Justice. Plaintiff Wiley is a Certified Firearm

1 Instructor and Law Enforcement Instructor, a California Department of Justice Firearms Safety
2 Instructor, and a certified Range Master. In accordance with state law, Plaintiff Wiley lawfully
3 owns and possesses within his Los Angeles residence ammunition magazines with the capacity to
4 accept more than ten rounds. Plaintiff Wiley lawfully possesses these magazines under state law
5 while traveling to and from shooting ranges and shooting competitions outside the city of Los
6 Angeles for personal training and marksmanship, and in his capacity as a certified instructor for
7 civilians and law enforcement. The City's magazine possession ban prevents Plaintiff Wiley from
8 traveling outside California with his magazines, despite such conduct being expressly authorized
9 by state law. Pursuant to the City's magazine possession ban, Plaintiff Wiley is subject to arrest
10 and criminal prosecution for possessing his magazines in the city of Los Angeles after November
11 18, 2015.

12 51. Plaintiff Paul Nordberg is an individual residing in the city of Los Angeles, California, the
13 President of Calguns.net, and the Vice President of the Calguns Shooting Sports Foundation. In
14 accordance with state law, Plaintiff Nordberg lawfully owns and possesses within his Los
15 Angeles residence ammunition magazines with the capacity to accept more than ten rounds.
16 Plaintiff Nordberg lawfully possesses these magazines under state law while traveling in and out
17 of the city of Los Angeles to attend monthly shooting events, educational classes, and
18 competitions sponsored by both Calguns.net and a the Calguns Shooting Sports Foundation. The
19 magazines the City prohibits are an integral part of the training equipment for these events. As
20 expressly authorized by state law, Plaintiff Nordberg also travels between his residence and
21 locations outside California while possessing magazines with the capacity to accept more than ten
22 rounds for a number of lawful purposes, including attendance at shooting events and civil rights
23 conferences. The City's magazine possession ban prohibits Plaintiff Nordberg from traveling
24 between his residence and locations inside and outside California. Pursuant to the City's
25 magazine possession ban, Plaintiff Nordberg is subject to arrest and criminal prosecution for
26 possessing his magazines in the city of Los Angeles after November 18, 2015.

27 52. Plaintiff Julio Bernal is an individual residing in the city of Los Angeles, California. In
28 accordance with state law, Plaintiff Bernal lawfully owns and possesses within his Los Angeles

1 residence ammunition magazines with the capacity to accept more than ten rounds. The City's
2 magazine possession ban prevents Plaintiff Bernal from traveling between his residence and
3 locations outside California, despite such conduct being expressly authorized by state law.
4 Pursuant to the City's magazine possession ban, Plaintiff Bernal is subject to arrest and criminal
5 prosecution for possessing his magazines in the city of Los Angeles after November 18, 2015.

6 53. Plaintiff Kenneth Takahashi is a resident of the city of Torrance, California. Plaintiff
7 Takahashi is a certified Firearm Safety Instructor and the owner of Forward Assist Training,
8 LLC, a firearm safety and training school with base operations in Azusa, California. Plaintiff
9 Takahashi is also a competition shooter for the International Practical Shooting Confederation.
10 Plaintiff Takahashi provides several training classes each month, ranging from basic handgun
11 safety courses to advanced training for private security and law enforcement personnel. Plaintiff
12 Takahashi lawfully owns ammunition magazines with the capacity to accept more than ten
13 rounds, and firearms equipped with them. Plaintiff Takahashi uses these firearms and magazines
14 in shooting competition throughout the state, as well as in the course of his firearm training
15 courses provided to security guards and law enforcement officers who are authorized to carry
16 magazines with the capacity to accept more than ten rounds. Plaintiff Takahashi requires the use
17 of magazines with the capacity to accept more than ten rounds for use in his training courses at
18 his base training location in Azusa, California, as well as other locations throughout California. It
19 is effectively impossible for Plaintiff Takahashi to travel to these locations without passing
20 through the city of Los Angeles. Due to the City's magazine ban, Plaintiff Takahashi is unable to
21 transport his lawfully owned magazines to these locations for use in training individuals who are
22 authorized to possess and carry them in the course of their duties. The City's magazine possession
23 ban also prevents Plaintiff Takahashi from traveling outside California with his magazines,
24 despite such conduct being expressly authorized by state law. Plaintiff Takahashi is subject to
25 arrest and criminal prosecution for possessing his magazines with capacity to accept more than
26 ten rounds in the city of Los Angeles after November 18, 2015.

27 54. Law Enforcement Alliance of America, Inc. ("LEAA") is a non-profit, nonpartisan
28 advocacy and public education organization founded in 1992 and made up of thousands of current

1 and former law enforcement professionals, crime victims, and concerned citizens. LEAA
2 represents its members' interests by assisting law enforcement professionals and seeking criminal
3 justice reforms that target violent criminals instead of law-abiding citizens. LEAA members
4 include residents of Los Angeles, California, and residents of other municipalities and states who
5 travel into the City. LEAA members residing in Los Angeles possess magazines with capacities
6 over ten rounds within their homes. Pursuant to various state and federal laws, LEAA's
7 individual, active law enforcement and retired law enforcement members are authorized to carry
8 firearms with lawfully obtained magazines having capacities greater than ten rounds. In
9 accordance with state law, LEAA members lawfully carry firearms equipped with magazines
10 capable of holding more than ten rounds while traveling within California and into the city of Los
11 Angeles. Pursuant to the City's magazine possession ban, LEAA members are subject to arrest
12 and criminal prosecution for possessing their lawfully owned magazines with the capacity to
13 accept more than ten rounds in the city of Los Angeles after November 18, 2015. In this suit,
14 LEAA represents the interests of its members, including individuals, law enforcement officers,
15 and retired officers who are too numerous to conveniently bring into this action individually.
16 These members' interests include their ownership and possession of magazines with the capacity
17 to accept more than ten rounds in the City of Los Angeles, and their ability to travel into Los
18 Angeles with their lawfully owned magazines, without being subjected to arrest and criminal
19 prosecution.

20 55. The California Rifle and Pistol Association ("CRPA") is a non-profit organization
21 dedicated to the preservation and advancement of the Second Amendment rights of its individual
22 members and the public. CRPA promotes the responsible use of firearms for lawful purposes
23 including self-defense, hunting, and shooting sports. CRPA provides education, training, and
24 organized competition for adult and junior shooters. CRPA's membership is comprised of a
25 diverse cross-section of the general public, including competitive and recreational shooters,
26 hunters, youth, women, police, firearm experts, trainers, and loving parents who choose to own a
27 firearm. CRPA members residing in the city of Los Angeles, California, lawfully own and
28 possess within their Los Angeles residences ammunition magazines with the capacity to accept

1 more than ten rounds. CRPA members reside outside the city of Los Angeles and travel to and
2 through the city of Los Angeles with magazines with the capacity to accept more than ten rounds
3 for use in shooting competitions and marksmanship training, during the course of their
4 employment, to display at conventions, trade shows, and other events, to transport between their
5 privately owned properties, and for self-defense purposes, including pursuant to statewide carry
6 permits issued by California sheriffs. Under the City's magazine possession ban, CRPA members
7 are subject to arrest and criminal prosecution for possessing their lawfully owned magazines with
8 the capacity to accept more than ten rounds in the city of Los Angeles after November 18, 2015.
9 In this suit, CRPA represents the interests of its members, including individuals, police officers,
10 and retired officers who are too numerous to conveniently bring into this action individually.
11 These members' interests include their ownership and possession of magazines with the capacity
12 to accept more than ten rounds in the city of Los Angeles, and their ability to travel into Los
13 Angeles with their lawfully owned magazines, without being subjected to arrest and criminal
14 prosecution.

15 56. The California Reserve Peace Officers Association ("CRPOA") was founded in 1974 for
16 the purpose of raising the professional, educational, and employment standards of the CRPOA.
17 CRPOA members dedicate their time to community service by working as part-time employees
18 with law enforcement agencies both on a compensated and non-compensated basis. These officers
19 work with full-time officers to provide law enforcement services at the city, county, district, and
20 state levels, including uniformed patrol, investigations, undercover and vice operations, and
21 search and rescue. Approximately 600 law enforcement agencies currently employ more than
22 5,000 reserve law enforcement officers in California. CRPOA members include residents of Los
23 Angeles, California, and other California municipalities who travel into and through Los Angeles.
24 CRPOA members residing in Los Angeles, California, possess magazines with capacities over ten
25 rounds within their homes and while they are not on active duty. Pursuant to California Penal
26 Code sections 25450, 25900, and 32405, CRPOA members are authorized to carry firearms with
27 lawfully-obtained magazines having capacities greater than ten rounds, both while on and off
28 duty. Pursuant to California law, CRPOA members lawfully possess and carry firearms equipped

1 with magazines capable of holding more than ten rounds while traveling within California and
2 into the city of Los Angeles while they are inactive and while they are off duty.

3 57. Pursuant to the City's magazine possession ban, CRPOA members are subject to arrest
4 and criminal prosecution for possessing their lawfully owned magazines with the capacity to
5 accept more than ten rounds in the city of Los Angeles while they are inactive or off duty after
6 November 18, 2015. In this suit, CRPOA represents the interests of its members who are too
7 numerous to conveniently bring into this action individually. These members' interests include
8 their ownership and possession of magazines with the capacity to accept more than ten rounds in
9 the city of Los Angeles, and their ability to travel into Los Angeles with their lawfully owned
10 magazines, without being subjected to arrest and criminal prosecution.

11 58. In addition to the risk of arrest and prosecution under an invalid ordinance,
12 Petitioners/Plaintiffs have standing to bring this Petition and Complaint as citizens to procure the
13 enforcement of a public duty, namely Defendants'/Respondents' compliance with the California
14 Constitution, as Petitioners/Plaintiffs have a legitimate interest in the execution of California law
15 to prevent the enforcement of the City's unconstitutional ban. Plaintiffs Cheung, Wiley,
16 Nordberg, Bernal, and members of Plaintiffs CRPOA, CRPA, and LEAA also have standing as
17 taxpayers who have paid taxes to the City of Los Angeles within the last year, and thus have an
18 interest in preventing the use of taxpayer funds to enforce an unconstitutional ordinance.

19 **B. Respondents/Defendants**

20 59. Respondent/Defendant the City of Los Angeles is a municipal corporation that enacted
21 and enforces section 46.30 of chapter IV of the Los Angeles Municipal Code.

22 60. Respondent/Defendant Eric Garcetti is the Mayor of the city of Los Angeles. Respondent
23 Garcetti signed section 46.30 into law and is responsible for ensuring its enforcement.

24 61. Respondent/Defendant Charlie Beck is the Chief of the Los Angeles Police Department
25 and enforces section 46.30.

26 62. Defendants the City of Los Angeles, Eric Garcetti, and Charlie Beck are collectively
27 referred to hereafter as "the City."

28 63. The true names or capacities, whether individual, corporate, associate or otherwise of the

1 Respondents/Defendants named herein as Does 1-25, are presently unknown to
2 Plaintiffs/Petitioners, who therefore sue said Defendants/Respondents by such fictitious names.
3 Plaintiffs/Petitioners pray for leave to amend this Complaint/Petition to show the true names or
4 capacities of these Defendants/Respondents if and when the same have been determined.

5 **JURISDICTION AND VENUE**

6 64. This Court has jurisdiction under sections 525, 526, 1060, 1085, and 1087 of the
7 California Code of Civil Procedure and other applicable laws and constitutional provisions. This
8 Court also has jurisdiction because Plaintiffs/Petitioners lack a “plain, speedy, and adequate
9 remedy, in the ordinary course of law.” (Code Civ. Proc., § 1086.)

10 65. Because this action is brought against public officers of the City of Los Angeles and
11 against the City itself, this action is properly brought in the City of Los Angeles. (Cal. Code of
12 Civ. Proc., §§ 393, subd. (b), 394 subd. (a).) Further, several of the Plaintiffs/Petitioners reside or
13 are located in Los Angeles and the claims at issue in this litigation arise in Los Angeles.

14 **FACTUAL BACKGROUND AND CHRONOLOGY OF PERTINENT EVENTS**

15 66. Section 7 of Article XI of the California Constitution provides: “A county or city may
16 make and enforce within its limits all local, police, sanitary, and other ordinances and regulations
17 not in conflict with general law.”

18 67. California Government Code section 53071 provides: “It is the intention of the Legislature
19 to occupy the whole field of regulation of the registration or licensing of commercially
20 manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions
21 shall be exclusive of all local regulations, relating to registration or licensing of commercially
22 manufactured firearms, by any political subdivision as defined in Section 1721 of the Labor
23 Code.”

24 68. Since January 1, 2000, California state law has comprehensively regulated magazines
25 capable of holding more than ten rounds by prohibiting the manufacture, importation, sale,
26 giving, lending, buying, or receiving of any “large-capacity magazine” (Pen. Code, § 32310),
27 which state law defines as “any ammunition feeding device with the capacity to accept more than
28 10 rounds” (Pen. Code, § 16740).

1 69. All magazines with the capacity to accept more than ten rounds acquired prior to January
2 1, 2000, are exempt from the state's regulatory scheme and were intentionally "grandfathered in"
3 to authorize individuals who acquired such magazines prior to 2000 to continue possessing and
4 using them for lawful purposes.

5 70. California Penal Code section 32420 expressly authorizes any California resident who
6 lawfully possesses a grandfathered magazine with the capacity to accept more than ten rounds to
7 freely travel in and out of the state with any such magazine if he or she "lawfully took it out of the
8 state, and is returning to the state with the same magazine."

9 71. California Penal Code section 32311 has similarly prohibited the manufacture,
10 importation, sale, giving, lending, buying, or receiving of any "large-capacity magazine"
11 conversion kit, since January 1, 2014. That section defines a "large-capacity magazine conversion
12 kit" as "a device or combination of parts of a fully functioning large-capacity magazine,
13 including, but not limited to, the body, spring, follower, and floor plate or end plate, capable of
14 converting an ammunition feeding device into a large-capacity magazine." (Pen. Code, § 32311
15 subd. (b).)

16 72. In total, California has enacted 24 separate statutes and 6 regulations concerning
17 magazines with the capacity to hold more than ten rounds.

18 73. On January 15, 2013, Los Angeles City Councilmember Paul Krekorian moved to direct
19 the City Attorney and the Los Angeles Police Department to report "on the feasibility,
20 effectiveness and benefits of an ordinance to prohibit the possession of high-capacity ammunition
21 magazines within the City of Los Angeles." (Exhibit A.) He further moved that the report
22 "consider issues of pre-emption by, and compatibility with, current and proposed state and federal
23 law."

24 74. On March 4, 2013, the Los Angeles City Attorney submitted a report and draft ordinance
25 regarding "large capacity magazines" to the Los Angeles Public Safety Committee.

26 75. The Public Safety Committee of the Los Angeles City Council subsequently voted to
27 direct the City Attorney to submit a revised draft ordinance making "the possession of a large-
28 capacity magazine a misdemeanor one year after the effective date of the ordinance" and

1 providing “an operative date 60 days after the effective date of the ordinance to allow persons
2 time to legally surrender their” magazines. (Exhibit B.)

3 76. The City Attorney submitted Report No. R13-0119, including the requested revised
4 ordinance, to the Public Safety Committee on May 2, 2013. (Exhibit B.) Even though the City
5 Council requested a report analyzing whether such a law would be preempted by state or federal
6 law, the report included no analysis regarding the proposed ordinance’s ability to withstand a
7 legal challenge based on state or federal preemption.

8 77. On June 26, 2014, the Los Angeles City Attorney, unprompted by any request from the
9 Public Safety Committee or from the full City Council, submitted Report No. R14-00292 with a
10 further revised ordinance. The second revised draft ordinance sought to expressly prohibit the
11 possession of all detachable magazines with the capacity to accept more than 10 rounds, subject
12 to a number of defined exceptions. (Exhibit C.)

13 78. Even though the City Council requested a report analyzing whether such a law would be
14 preempted by state or federal law, the City Attorney’s June 26, 2014 report provided only this
15 analysis: “We have considered the possibility that the second revised draft ordinance might be
16 challenged on the grounds that it is preempted by State law or violates the Second Amendment to
17 the United States Constitution. We believe the second revised draft ordinance is legally defensible
18 on both grounds. As stated above, two very similar ordinances in Northern California have
19 withstood Second Amendment challenges at the District Court level of review. The Sunnyvale
20 ordinance is currently pending in the Ninth Circuit Court of Appeals and will likely be considered
21 by the Court in the beginning of 2016.” (Exhibit C.)

22 79. Neither of the magazine bans from Northern California, however, has ever been the
23 subject of a preemption lawsuit and the City Attorney provided no analysis supporting his
24 conclusion that the proposed ordinance was defensible on those grounds. (Exhibit C.)

25 80. On June 27, 2014, the Public Safety Committee continued consideration of the second
26 revised draft ordinance banning possession of magazines over ten rounds for 30 days, directing
27 the City Attorney to propose another revision exempting collectors, hobbyists, and competitive
28 shooters from the magazine ban. The City Attorney never submitted the requested amendment.

1 81. On June 30, 2015, Los Angeles City Councilmember Krekorian moved to remove
2 consideration of the proposed magazine ban from the Public Safety Committee and allow for
3 immediate consideration and adoption of the measure by the full City Council on July 28, 2015.

4 82. On July 28, 2015, the Los Angeles City Council voted to adopt Council File No. 13-0068,
5 adding section 46.30 to chapter IV of the Los Angeles Municipal Code and making it “unlawful
6 for any person to possess any large-capacity magazine, except as otherwise authorized by law,
7 whether assembled or disassembled.”

8 83. Los Angeles Mayor Eric Garcetti signed the magazine ban into law on August 7, 2015,
9 and it took effect on September 19, 2015. (A copy of section 46.30 is attached as Exhibit D and
10 incorporated fully herein.)

11 84. The Los Angeles Municipal Code now defines a “large-capacity magazine” as “any
12 detachable ammunition feeding device with the capacity to accept more than 10 rounds.” The
13 definition expressly excludes from that definition: (1) “A feeding device that has been
14 permanently altered so that it cannot accommodate more than 10 rounds”; (2) “A .22 caliber tube
15 ammunition feeding device”; and (3) “A tubular magazine that is contained in a lever-action
16 firearm.” (L.A., Cal., Muni. Code § 46.30, subd. (a)(1).)

17 85. Any person who, prior to the law’s effective date of September 19, 2015, was in legal
18 possession of any magazine with the capacity to accept more than 10 rounds has 60 days from
19 such effective date, or until November 18, 2015, to: (1) “Remove the large-capacity magazine
20 from the City of Los Angeles”; (2) “Surrender the large-capacity magazine to the Los Angeles
21 Police Department for destruction”; or (3) “Sell or transfer the large-capacity magazine lawfully
22 in accordance with Section 32410 of the California Penal Code.” (L.A., Cal., Muni. Code § 46.30,
23 subd. (b)(2).)

24 86. Los Angeles Municipal Code section 46.30, subdivision (c), provides 13 exemptions to
25 the magazine ban, including any government officer, agent, or employee, member of the armed
26 forces of the United States, or peace officer, to the extent that such person is otherwise authorized
27 to possess a large-capacity magazine, *and does so while acting within the scope of his or her*
28 *duties.*

1 87. Section 46.30 also exempts individuals who have been issued a license by the Department
2 of Justice Bureau of Firearms pursuant to California Penal Code sections 26700 through 26915.

3 88. Section 46.30 exempts individuals who have been issued a permit by the Department of
4 Justice Bureau of Firearms pursuant to California Penal Code sections 180900, 31000, 32650,
5 32700-32720, or 33300.

6 89. Section 46.30 exempts individuals who have been issued a permit by the Department of
7 Justice Bureau of Firearms pursuant to California Penal Code section 32315.

8 90. Section 46.30 does not exempt law enforcement officers who possess magazines with the
9 capacity to hold more than ten rounds while they are not on duty.

10 91. Section 46.30 does not exempt persons who lawfully possessed magazines prior to 2000.

11 92. Section 46.30 does not exempt individuals who enter into Los Angeles while traveling
12 throughout California or into and out of the state.

13 93. Section 46.30 does not exempt non-government employees who travel into or through Los
14 Angeles with magazines with the capacity to hold more than ten rounds as part of their
15 employment and pursuant to firearm licenses issued under state law.

16 94. Section 46.30 requires individuals who are in lawful possession of magazines with the
17 capacity to hold more than ten rounds to enter into California's firearm-licensing scheme that is
18 administered by the Bureau of Firearms in order to lawfully possess these magazines within their
19 residences and while traveling into or through Los Angeles.

20 95. Violation of section 46.30 is a misdemeanor punishable by a fine of not more than
21 \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by
22 both a fine and imprisonment. (L.A., Cal., Muni. Code § 11.00, subd. (m).)

23
24 **THE CITY'S CRIMINAL PROHIBITION OF LAWFULLY POSSESSED
MAGAZINES IS PREEMPTED ON MULTIPLE GROUNDS**

25 96. The City's ban on the possession of magazines that were lawfully acquired and are
26 lawfully possessed under state law is preempted because it contradicts numerous state laws, and
27 because it attempts to regulate in a field that has been both expressly and impliedly preempted by
28 state law.

1 97. The City's magazine possession ban contradicts state law because it does not permit
2 residents of Los Angeles, including Plaintiffs, to transfer their magazines by selling them to peace
3 officers as expressly authorized by California Penal Code section 32405.

4 98. The City's magazine ban contradicts state law by prohibiting the possession of magazines
5 that were acquired by individuals, including Plaintiffs, prior to 2000 that were intentionally
6 permitted to be possessed under the state's regulatory scheme.

7 99. The City's magazine ban contradicts state law by invalidating California Penal Code
8 section 32420, which expressly authorizes individuals, including Plaintiffs, who lawfully possess
9 under state law magazines with the capacity to accept more than ten rounds, to transport those
10 magazines out of California and bring them back into the state.

11 100. The City's magazine ban contradicts state law by subjecting individuals, including
12 members of Plaintiff CRPA, to arrest and prosecution if they travel through the city of Los
13 Angeles after November 18, 2015, while carrying firearms with magazines over ten rounds that
14 they have been authorized to carry throughout the state pursuant to licenses issued pursuant to
15 California Penal Code section 26150.

16 101. The City's magazine ban contradicts California Penal Code section 32405 by prohibiting
17 inactive and off-duty officers, including Sheriff Plaintiffs and members of CRPOA and LEAA,
18 from possessing magazines with capacities greater than ten rounds.

19 102. The City's magazine ban contradicts state law by subjecting both off-duty and inactive
20 law enforcement officers, including Sheriff Plaintiffs and members of Plaintiffs CRPOA and
21 LEAA, to arrest and prosecution if they travel through the city of Los Angeles after November
22 18, 2015, while carrying firearms with magazines over ten rounds that they have been authorized
23 to carry throughout the state pursuant to California law and licenses issued by state agencies.

24 103. The City's magazine ban contradicts state law by subjecting individuals who are
25 authorized to carry firearms in the course of their employment, including Plaintiff Wolcott and
26 members of Plaintiffs CRPA, CRPOA, and LEAA, to arrest and prosecution if they travel into the
27 city of Los Angeles in the course of their duties after November 18, 2015, while carrying firearms
28 with magazines over ten rounds that they have been authorized to carry for purposes of their

1 public or private employment under California law and pursuant to licenses issued by state
2 agencies.

3 104. The City's magazine ban is expressly preempted by California Government Code section
4 53071 because it relates to the licensing of firearms by requiring individuals, including Plaintiffs,
5 who are in possession of magazines with capacities over ten rounds to enter into the state's
6 firearm-licensing scheme to retain possession of those magazines.

7 105. The City's magazine ban is expressly preempted by California Government Code section
8 53071 because it relates to the licensing of firearms by prohibiting individuals, including
9 members of Plaintiff CRPA, from carrying firearms with magazines over ten rounds that they
10 have been authorized to carry throughout the state pursuant to firearm licenses issued pursuant to
11 California Penal Code section 26150.

12 106. The City's magazine ban is expressly preempted by California Government Code section
13 53071 because it relates to the licensing of firearms by prohibiting both off-duty and inactive law
14 enforcement officers, including Sheriff Plaintiffs and members of Plaintiffs CRPOA and LEAA,
15 from carrying firearms with magazines over ten rounds that they have been authorized to carry
16 throughout the state pursuant to state firearm licenses.

17 107. The City's magazine ban is expressly preempted by California Government Code section
18 53071 because it relates to the licensing of firearms by prohibiting individuals who are authorized
19 to carry firearms in the course of their employment, including Plaintiff Wolcott and members of
20 Plaintiffs CRPA, CRPOA, and LEAA, from carrying firearms with magazines over ten rounds
21 that they have been authorized to carry for purposes of their public or private employment under
22 California law and pursuant to licenses issued by state agencies.

23 108. The City's magazine ban is impliedly preempted by state laws which have
24 comprehensively regulated magazines with capacities greater than ten rounds to the exclusion of
25 local regulation. The state specifically and purposefully permitted the continued possession of
26 magazines with the capacity to hold more than ten rounds when it enacted its comprehensive
27 regulatory scheme, which forecloses local prohibitions on possession of these magazines by
28 individuals and law enforcement officials, including Plaintiffs.

1 109. The City's magazine ban is impliedly preempted by state laws regulating the possession of
2 magazines with the capacity to hold more than ten rounds that indicate an intent to preempt local
3 bans on the possession of these magazines; local bans on the possession of magazines with the
4 capacity to hold more than ten rounds nullify many of the state's carefully crafted exceptions to
5 the state's importation and transfer restrictions that necessarily require the ability to lawfully
6 possess these magazines to engage in state-authorized transfers and importations.

7 110. The City's magazine ban is impliedly preempted by state laws regulating the possession of
8 magazines with the capacity to hold more than ten rounds because local prohibitions on the
9 possession of these magazines harms transients citizens by creating a patchwork quilt of laws
10 throughout the state, subjecting persons in lawful possession of these magazines to criminal
11 liability for entering the city of Los Angeles, whether knowingly or not, while traveling
12 throughout the state, while traveling from one residence to another, while traveling between a
13 residence and place of employment, or while traveling between a residence or place of
14 employment and a shooting range or competition.

15 111. The harmful impact of Defendants' magazine ban on transient citizens is particularly
16 egregious for individuals, including Plaintiffs Wolcott, Takahashi, and members of Plaintiffs
17 CRPA, CRPOA, and LEAA, who are landlocked in municipalities (including Lomita, Rancho
18 Palos Verdes, Torrance, Beverly Hills, El Segundo, Gardena, Athens, Lennox, Inglewood, View
19 Park, Baldwin Hills, Culver City, and Santa Monica) that are surrounded by the city of Los
20 Angeles, making it impossible for those individuals to travel throughout the state or outside the
21 state pursuant to state law with their lawfully owned magazines without subjecting themselves to
22 arrest and criminal prosecution.

23 112. The harmful impact of Defendants' magazine ban on transient citizens is also particularly
24 egregious for California residents, including Plaintiffs, who are subject to criminal arrest and
25 prosecution for traveling into or out of LAX airport, which is located in the city of Los Angeles
26 and subject to the City's ban.

27 113. Defendant's magazine ban also has a harmful impact on transient citizens who are subject
28 to criminal liability for transporting or delivering magazines with the capacity to hold more than

1 ten rounds to individuals and other persons who are licensed or otherwise authorized under state
2 law to purchase such magazines, including the Los Angeles Police Department and members of
3 Plaintiffs CRPOA and LEAA.

4 **ABSENCE OF ADEQUATE LEGAL REMEDY**

5 114. Petitioners and Plaintiffs have no plain, speedy, and adequate remedy in the ordinary
6 course of law because the City's ordinance prohibits them from possessing magazines with the
7 capacity to hold more than ten rounds that are lawfully possessed and carried under state law.
8 Petitioners and Plaintiffs have no ordinary remedy available to them to prevent from being
9 subjected to serious harm, namely criminal arrest and prosecution under an unconstitutionally
10 preempted ordinance. If Plaintiffs/Petitioners are denied the requested relief, they will be forced
11 to forfeit the lawful possession and carriage of magazines within Los Angeles, or face criminal
12 arrest and prosecution for possessing their lawfully owned magazines within their Los Angeles
13 residences or while traveling into or through Los Angeles.

14 **FIRST CAUSE OF ACTION**
15 **(FOR WRIT OF MANDATE)**
16 **PREEMPTION - CONTRADICTION OF STATE LAW**

17 115. Petitioners re-allege all prior paragraphs and incorporate them fully herein.

18 116. Section 46.30 of the Los Angeles Municipal Code banning the possession of magazines
19 with the capacity to accept more than 10 rounds is invalid because it contradicts state law and is
20 therefore preempted.

21 117. Respondents have a clear, present, and ministerial duty not to enforce section 46.30
22 against Petitioners or anyone at any time because it contradicts state law and it therefore violates
23 the California Constitution.

24 118. Petitioners are beneficially interested in the outcome of these proceedings because they
25 are subject to section 46.30 and will benefit from the issuance of a writ commanding Respondents
26 not to enforce an unconstitutional ordinance that contradicts state law.

27 119. Petitioners have a clear, present, and legal right for the Respondents to stop enforcing
28 section 46.30 because it contradicts state law.

120. Respondents have a present legal duty not to enforce ordinances like section 46.30 that

1 unconstitutionally contradict state law, and Respondents have the ability to cease enforcing
2 section 46.30 and to remove it from the Los Angeles Municipal Code.

3 121. Respondents have failed and refused to abide by provisions of the California Constitution
4 which prohibit municipalities from enacting section 46.30 because it contradicts state law.

5 122. Peremptory writ relief is necessary because Petitioners have no plain, speedy, or adequate
6 legal remedy to prevent the ongoing harm caused by Respondents' enforcement of section 46.30
7 in contradiction of state law.

8 123. Accordingly, Petitioners seek a writ of mandate, pursuant to Code of Civil Procedure
9 sections 1085 and 1087, commanding Respondents to immediately stop enforcing section 46.30
10 at any time because it contradicts state law, and to remove it from the Los Angeles Municipal
11 Code.

12 **SECOND CAUSE OF ACTION**
13 **(FOR DECLARATORY AND INJUNCTIVE RELIEF)**
14 **PREEMPTION - CONTRADICTION OF STATE LAW**

15 124. Plaintiffs re-allege all prior paragraphs and incorporate them fully herein.

16 125. Section 46.30 of the Los Angeles Municipal Code banning the possession of magazines
17 with the capacity to accept more than 10 rounds is invalid because it contradicts state law and is
18 therefore preempted.

19 126. Plaintiffs seek declaratory relief because they contend section 46.30 contradicts, and is
20 therefore preempted by, California law. Defendants dispute this contention and contend that the
21 ordinance does not contradict state law. An active controversy now exists between Plaintiffs and
22 Defendants as to whether section 46.30 contradicts state law.

23 127. To resolve this controversy, Plaintiffs request that, pursuant to California Code of Civil
24 Procedure section 1060, this Court declare that section 46.30 contradicts state law and is therefore
25 preempted and unconstitutional.

26 128. Plaintiffs also seek injunctive relief pursuant to sections 525 and 526 of the Code of Civil
27 Procedure because section 46.30 contradicts state law.

28 129. Defendants' enactment and enforcement of section 46.30, unless enjoined by order of this
Court, will continue to cause irreparable injury to Plaintiffs, who will be forced to cease the

1 lawful possession of magazines with the capacity to hold more than ten rounds within Los
2 Angeles, or face criminal arrest and prosecution for violating an ordinance that contradicts state
3 law.

4 130. Defendants' wrongful conduct will be of a continuing nature for which Plaintiffs will have
5 no adequate remedy at law in that it will be impossible for them to determine monetary damages
6 caused by Defendants' wrongful conduct.

7 131. Accordingly, Plaintiffs seek a preliminary and permanent injunction forbidding
8 Defendants from enforcing section 46.30 because it contradicts state law, and requiring
9 Defendants to remove it from the Los Angeles Municipal Code.

10 **THIRD CAUSE OF ACTION**
11 **(FOR WRIT OF MANDATE)**
12 **FIELD PREEMPTION - EXPRESS**

13 132. Petitioners re-allege all prior paragraphs and incorporate them fully herein.

14 133. Section 46.30 of the Los Angeles Municipal code is unconstitutional because it regulates
15 in a field that has been expressly preempted by section 53071 of the California Government
16 Code.

17 134. Respondents have a clear, present, and ministerial duty not to enforce section 46.30
18 against Petitioners or anyone at any time because it is expressly preempted by state law and is
19 therefore unconstitutional.

20 135. Petitioners are beneficially interested in the outcome of these proceedings because they
21 are subject to section 46.30 and will benefit from the issuance of a writ commanding Respondents
22 not to enforce an unconstitutional ordinance that is expressly preempted by state law.

23 136. Petitioners have a clear, present, and legal right for Respondents to stop enforcing section
24 46.30 because it is violates the California Constitution due to express preemption by state law.

25 137. Respondents have a present legal duty not to enforce ordinances like section 46.30 that are
26 expressly preempted by state law, and Respondents have the ability to cease enforcing section
27 46.30 and to remove it from the Los Angeles Municipal Code.

28 138. Respondents have failed and refused to abide by provisions of the California Constitution
which prohibit municipalities from enacting ordinances like section 46.30 that are expressly

1 preempted by state law.

2 139. Peremptory writ relief is necessary because Petitioners have no plain, speedy, or adequate
3 legal remedy to prevent the ongoing harm caused by Respondents' enforcement of section 46.30
4 in violation of California Government Code section 53071.

5 140. Accordingly, Petitioners seek a writ of mandate, pursuant to Code of Civil Procedure
6 sections 1085 and 1087, commanding Respondents to immediately stop enforcing section 46.30
7 at any time because it is expressly preempted by state law, and to remove it from the Los Angeles
8 Municipal Code.

9 **FOURTH CAUSE OF ACTION**
10 **(FOR DECLARATORY AND INJUNCTIVE RELIEF)**
11 **FIELD PREEMPTION - EXPRESS**

12 141. Plaintiffs re-allege all prior paragraphs and incorporate them fully herein.

13 142. Section 46.30 of the Los Angeles Municipal code is unconstitutional because it regulates
14 in a field that has been expressly preempted by section 53071 of the California Government
15 Code.

16 143. Plaintiffs seek declaratory relief because they contend section 46.30 is expressly
17 preempted by section 53071 of the California Government Code. Defendants dispute this
18 contention and contend that the section 46.30 is not expressly preempted by state law. An active
19 controversy now exists between Plaintiffs and Defendants as to whether section 46.30 is
20 expressly preempted by state law.

21 144. To resolve this controversy, Plaintiffs request that, pursuant to California Code of Civil
22 Procedure section 1060, this Court declare that section 46.30 is expressly preempted by state law
23 and is therefore unconstitutional.

24 145. Plaintiffs also seek injunctive relief pursuant to sections 525 and 526 of the Code of Civil
25 Procedure because section 46.30 is expressly preempted by state law.

26 146. Defendants' enactment and enforcement of section 46.30, unless enjoined by order of this
27 Court, will continue to cause irreparable injury to Plaintiffs, who will be forced to cease the
28 lawful possession of magazines with the capacity to hold more than ten rounds within Los
Angeles, or face criminal arrest and prosecution for violating an ordinance that is expressly

1 preempted by section 53071 of the Government Code.

2 147. Defendants' wrongful conduct will be of a continuing nature for which Plaintiffs will have
3 no adequate remedy at law, in that it will be impossible for them to determine monetary damages
4 caused by Defendants' wrongful conduct.

5 148. Accordingly, Plaintiffs seek a preliminary and permanent injunction forbidding
6 Defendants from enforcing section 46.30 because it is expressly preempted by state law, and
7 requiring Defendants to remove it from the Los Angeles Municipal Code.

8 **FIFTH CAUSE OF ACTION**
9 **(FOR WRIT OF MANDATE)**
10 **FIELD PREEMPTION - IMPLIED**

11 149. Petitioners re-allege all prior paragraphs and incorporate them fully herein.

12 150. Section 46.30 of the Los Angeles Municipal Code is impliedly preempted because it
13 attempts to regulate in a field that has been fully occupied, to the exclusion of local regulation, by
14 a consortium of state statutes and regulations, including but not limited to sections 16590, 16740,
15 17715 through 17745, 18010, 32310 through 32390, and 32400 through 32450 of the California
16 Penal Code, and title 11, sections 5469 and 5480 through 5484, of the California Code of
17 Regulations.

18 151. Section 46.30 of the Los Angeles Municipal Code is impliedly preempted because it
19 attempts to regulate in field that has been partially occupied by state laws that indicate an intent to
20 preempt local bans on the possession of magazines with the capacity to hold more than ten
21 rounds.

22 152. Section 46.30 of the Los Angeles Municipal Code is impliedly preempted because it
23 attempts to regulate in field that has been partially occupied by state law, and due to the
24 particularly egregious harm imposed by the City's magazine possession ban on transient citizens.

25 153. By banning the possession of magazines that are lawfully owned by tens of thousands of
26 California residents, the ordinance contributes to a patchwork quilt of laws from one jurisdiction
27 to the next, subjecting law-abiding individuals in lawful possession of these magazines to
28 criminal liability for entering the city of Los Angeles while traveling through the state.

154. Respondents have a clear, present, and ministerial duty not to enforce section 46.30

1 against Petitioners, or anyone at any time because it is impliedly preempted by state law and is
2 therefore unconstitutional.

3 155. Petitioners are beneficially interested in the outcome of these proceedings because they
4 are subject to section 46.30 and will benefit from the issuance of a writ commanding Respondents
5 not to enforce an unconstitutional ordinance that is impliedly preempted by state law.

6 156. Petitioners have a clear, present, and legal right for the Respondents to stop enforcing
7 section 46.30 because it is impliedly preempted by state law.

8 157. Respondents have a present legal duty not to enforce ordinances like section 46.30 that are
9 impliedly preempted by state law in violation of the California Constitution, and Respondents
10 have the ability to cease enforcing section 46.30 and to remove it from the Los Angeles
11 Municipal Code.

12 158. Respondents have failed and refused to abide by provisions of the California Constitution
13 which prohibit Respondents from enacting and enforcing section 46.30 because it is impliedly
14 preempted by state law.

15 159. Respondents' enactment and enforcement of section 46.30 is, and will be, of a continuing
16 nature for which Petitioners have no plain, speedy, or adequate legal remedy.

17 160. Accordingly, Petitioners seek a writ of mandate, pursuant to Code of Civil Procedure
18 sections 1085 and 1087, commanding Respondents to immediately stop enforcing section 46.30
19 at any time because it is impliedly preempted by state law, and to remove it from the Los Angeles
20 Municipal Code.

21 **SIXTH CAUSE OF ACTION**
22 **(FOR DECLARATORY AND INJUNCTIVE RELIEF)**
23 **FIELD PREEMPTION - IMPLIED**

24 161. Plaintiffs re-allege all prior paragraphs and incorporate them fully herein.

25 162. Section 46.30 of the Los Angeles Municipal Code is impliedly preempted because it
26 attempts to regulate in a field that has been fully occupied, to the exclusion of local regulation, by
27 a consortium of state statutes and regulations, including but not limited to sections 16590, 16740,
28 17715 through 17745, 18010, 32310 through 32390, and 32400 through 32450 of the California
Penal Code, and title 11, sections 5469 and 5480 through 5484, of the California Code of

1 Regulations.

2 163. Section 46.30 of the Los Angeles Municipal code is impliedly preempted because it
3 attempts to regulate in field that has been partially occupied by state laws that indicate an intent to
4 preempt local bans on the possession of magazines with the capacity to hold more than ten
5 rounds.

6 164. Section 46.30 of the Los Angeles Municipal Code is impliedly preempted because it
7 attempts to regulate in field that has been partially occupied by state law, and due to the
8 particularly egregious harm imposed by the City's magazine possession ban on transient citizens.

9 165. By banning the possession of magazines that are lawfully owned by tens of thousands of
10 California residents, the ordinance contributes to a patchwork quilt of laws from one jurisdiction
11 to the next, subjecting law-abiding individuals in lawful possession of these magazines to
12 criminal liability for entering the city of Los Angeles while traveling through the state.

13 166. Plaintiffs seek declaratory relief because they contend section 46.30 is impliedly
14 preempted by section 53071 of the California Government Code. Defendants dispute this
15 contention and contend that the section 46.30 is not impliedly preempted by state law. An active
16 controversy now exists between Plaintiffs and Defendants as to whether section 46.30 is
17 impliedly preempted by state law.

18 167. To resolve this controversy, Plaintiffs request that, pursuant to California Code of Civil
19 Procedure section 1060, this Court declare that section 46.30 is impliedly preempted by state law
20 and is therefore unconstitutional.

21 168. Plaintiffs also seek injunctive relief pursuant to sections 525 and 526 of the Code of Civil
22 Procedure because section 46.30 is impliedly preempted by state law.

23 169. Defendants' enactment and enforcement of section 46.30, unless enjoined by order of this
24 Court, will continue to cause irreparable injury to Plaintiffs, who will be forced to cease the
25 lawful possession of magazines with the capacity to hold more than ten rounds within Los
26 Angeles, or face criminal arrest and prosecution for violating an ordinance that is impliedly
27 preempted by state law.

28 170. Defendants' wrongful conduct will be of a continuing nature for which Plaintiffs will have

1 no adequate remedy at law, in that it will be impossible for them to determine monetary damages
2 caused by Defendants' wrongful conduct.

3 171. Accordingly, Plaintiffs seek a preliminary and permanent injunction forbidding
4 Defendants from enforcing section 46.30 because it is impliedly preempted by state law, and
5 requiring Defendants to remove it from the Los Angeles Municipal Code.

6 **PRAYER FOR RELIEF**

7 Wherefore Plaintiffs/Petitioners pray for the following relief:

- 8 1. Issuance of stay of enforcement ordering Defendants/Respondents to cease enforcing
9 section 46.30 pending resolution of this action;
- 10 2. Issuance of a peremptory writ of mandate commanding Defendants/Respondents to not
11 enforce section 46.30 at any time and to remove it from the Los Angeles Municipal Code;
- 12 3. Issuance of a preliminary and permanent injunction ordering Defendants/Respondents to
13 cease enforcing section 46.30 and to remove it from the Los Angeles Municipal Code;
- 14 4. A declaration that section 46.30 is preempted by state law and therefore invalid as set
15 forth in each of the above claims;
- 16 5. For costs and attorneys' fees as provided for by law;
- 17 6. Such other relief as may be just and proper;

18
19 Dated: October 23, 2015

MICHEL & ASSOCIATES, P.C.

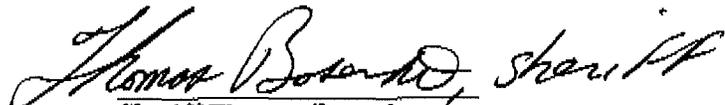

C.D. Michel
Attorneys for Petitioners/Plaintiffs

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VERIFICATION

I, Sheriff Thomas Bosenko, Sheriff of Shasta County, declare as follows: I have read the foregoing Petition for Writ of Mandate and/or Prohibition or Other Appropriate Relief; Complaint for Declaratory and Injunctive Relief and know its contents. The facts alleged in the Petition are within my knowledge and I know these facts to be true. Because of my familiarity with the relevant facts and because I am a Plaintiff/Petitioner in this action, I hereby verify this Petition and Complaint.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed on October 23, 2015, in Redding, California.


Sheriff Thomas Bosenko

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VERIFICATION

I, Chad Cheung, declare as follows: I have read the foregoing Petition for Writ of Mandate and/or Prohibition or Other Appropriate Relief; Complaint for Declaratory and Injunctive Relief and know its contents. The facts alleged in the Petition are within my knowledge and I know these facts to be true. Because of my familiarity with the relevant facts and because I am a Plaintiff/Petitioner in this action, I hereby verify this Petition and Complaint.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed on October 21, 2015, in Los Angeles, California.



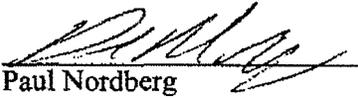
Chad Cheung

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VERIFICATION

I, Paul Nordberg, declare as follows: I have read the foregoing Petition for Writ of Mandate and/or Prohibition or Other Appropriate Relief; Complaint for Declaratory and Injunctive Relief and know its contents. The facts alleged in the Petition are within my knowledge and I know these facts to be true. Because of my familiarity with the relevant facts and because I am a Plaintiff/Petitioner in this action, I hereby verify this Petition and Complaint.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed on October 20, 2015, in RESOPA, California.


Paul Nordberg

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VERIFICATION

I, Julio Bernal, declare as follows: I have read the foregoing Petition for Writ of Mandate and/or Prohibition or Other Appropriate Relief; Complaint for Declaratory and Injunctive Relief and know its contents. The facts alleged in the Petition are within my knowledge and I know these facts to be true. Because of my familiarity with the relevant facts and because I am a Plaintiff/Petitioner in this action, I hereby verify this Petition and Complaint.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed on October 22, 2015, in Los Angeles, California.

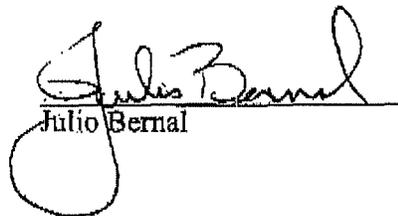

Julio Bernal

EXHIBIT A

13-0068

PUBLIC SAFETY
JAN 15 2013

MOTION

On February 28, 1997, two heavily armed bank robbers entered a North Hollywood Bank of America. As an outgunned LAPD courageously responded, the two robbers emptied more than a thousand rounds of ammunition using fully automatic machine guns and an AR-15 assault rifle with high capacity drum magazines and armor piercing bullets. The North Hollywood shootout spilled out into the surrounding community and was one of the longest in U.S. police history. Sadly, it was not a unique example of the abuse of high-capacity magazines to commit horrendous crimes of violence against large numbers of innocent people in Los Angeles and elsewhere.

Last month, the lives of 20 children and six adult staff members at Sandy Hook Elementary School were tragically taken by a gunman carrying three weapons, including an AR-15, in the worst school shooting in U.S. history. Like in North Hollywood, the AR-15 was capable of shooting 45 rounds per minute and was similar to weapons used at Columbine, Virginia Tech, Tucson, Aurora, and in other cities throughout the United States. Such weapons and their large capacity magazines are designed for one purpose only - to shoot and kill many people as quickly as possible.

While high-capacity magazines are not the cause of gun violence, they do make such tragic cases far more deadly. In light of this fact, a well-regulated city with concern for the safety of its communities should consider controlling the sale and possession of high-capacity magazines. California Penal Code § 12020(a) (2) (b) prohibits any person from "...manufacturing, importing into the state, keeping for sale, offering or exposing for sale, giving, or lending any high-capacity magazine." The state law, however, does not prohibit the possession of these magazines. This gap in the law threatens public safety, because on the streets of Los Angeles, high-capacity magazines pose a daily threat to our citizens and police officers.

I THEREFORE MOVE that the Council REQUEST a report from the City Attorney, the Chief Legislative Analyst and the Police Department on the feasibility, effectiveness and benefits of an ordinance to prohibit the possession of high-capacity ammunition magazines within the City of Los Angeles. The report should consider issues of pre-emption by, and compatibility with, current and proposed state and federal law, as well as a consideration by the Police Department as to whether the policy would improve and increase public safety.

PRESENTED BY: Paul Krekorian
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY: Joe Busc
M. Hylle
Paul Kretz

EXHIBIT B

City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 13 - 0 1 1 9

MAY 0 2 2013

REPORT RE:

REVISED DRAFT ORDINANCE REGARDING LARGE-CAPACITY MAGAZINES

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 13-0068

Honorable Members:

This Office transmitted a draft ordinance to your Honorable Body on March 4, 2013, that would add a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code declaring any large-capacity magazine to be a public nuisance and an immediate threat to the public, health, safety and welfare of the citizens of Los Angeles. The draft ordinance provided that large-capacity magazines shall be subject to confiscation and summary destruction and disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code. (City Attorney Report No. R13-0064.)

On April 26, 2013, your Honorable Public Safety Committee requested this Office to prepare a revised draft ordinance to (1) make the possession of a large-capacity magazine a misdemeanor one year after the effective date of the ordinance, and (2) provide an operative date 60 days after the effective date of the ordinance to allow persons time to legally surrender their large-capacity magazines.

This Office has prepared and now transmits for your consideration a revised draft ordinance, approved as to form and legality, which includes provisions to address the requests of the Public Safety Committee.

The Honorable City Council
of the City of Los Angeles
Page 2

Council Rule 38 Referral

A copy of the revised draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Police Department with the request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Brian Sottile at (213) 978-8384. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By



PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:BS:pj
Transmittal

ORDINANCE NO. _____

A revised draft ordinance adding a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code declaring any large-capacity magazine subject to Section 32390 of the California Penal Code to be a public nuisance and an immediate threat to the public health, safety and welfare of the citizens of Los Angeles; and setting forth, as provided in state law, that large-capacity magazines shall be subject to confiscation and summary destruction and disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code.

WHEREAS, the ability of an automatic or semi-automatic firearm to fire multiple bullets without reloading is directly related to the capacity of the firearm's feeding device or "magazine," and, inside the magazine, a spring forces the cartridges into position to be fed into the chamber by operation of the firearm's action; and

WHEREAS, any ammunition feeding device with the capacity to accept more than 10 rounds of ammunition as defined in Section 16740 of the California Penal Code are considered to be "large-capacity" magazines; and

WHEREAS, although detachable large-capacity magazines are typically associated with machine guns or semi-automatic assault weapons, such devices are available for any semi-automatic firearm that accepts a detachable magazine, including semi-automatic handguns; and

WHEREAS, the ability of large-capacity magazines to hold numerous rounds of ammunition significantly increases the lethal capacity of the automatic and semi-automatic firearms using them; and

WHEREAS, large-capacity magazines were used in a number of recent high-profile shootings, including:

- The shooting on February 28, 1997, at a North Hollywood Bank of America, where two heavily armed bank robbers emptied more than a thousand rounds of ammunition using fully automatic machine guns and an AR-15 assault rifle with high-capacity drum magazines and armor-piercing bullets, where several courageous LAPD officers were outgunned and injured as a result of the incident;
- The shooting at Columbine High School in Columbine, Colorado, where two students using shot guns and semi-automatic handguns loaded with 52-, 32- and 28-round large-capacity magazines killed 12 students and injured 21 additional students;

- The shooting at North Valley Jewish Community Center in Granada Hills on August 10, 1999, where 5 people were wounded by gunfire (3 children, 1 teenage counselor and an officer worker);
- The shooting on the campus of Virginia Polytechnic Institute and State University in Virginia on April 16, 2007, where a college student using two semi-automatic handguns loaded with 15-round large-capacity magazines and hollow-point ammunition killed 32 people and wounded 17 others;
- The shooting on January 8, 2011, at a constituent meeting held in a supermarket parking lot in Tucson, Arizona, where U.S. Representative Gabrielle Gifford and eighteen others were shot by a man using a semi-automatic pistol loaded with a 33-round large capacity magazine. Six of the people shot died, including a Federal Court Judge;
- The shooting in a movie theater in Aurora, Colorado on July 20, 2012, where a gunman using a 12-gauge Remington 870 Express Tactical shotgun, a Smith & Wesson M&P15 semi-automatic rifle with a 100-round drum magazine and a semi-automatic handgun killed 12 and injured 58 others;
- The recent shooting on December 14, 2012 at Sandy Hook Elementary School in Newtown, Connecticut, where a gunman using a Bushmaster XM15-E2S rifle with 30-round large-capacity magazines and semi-automatic handguns fatally shot 20 children and 6 adult staff members; and

WHEREAS, since January 1, 2000, California Penal Code Section 32310 has, with limited exceptions, prohibited the manufacture, importation into the state, keeping for sale, offering or exposing for sale, giving, or lending of large capacity magazines; and

WHEREAS, any large-capacity magazine is a nuisance under California Penal Code Section 32390 and subject to confiscation and summary destruction wherever found within the state; and

WHEREAS, it is necessary to preserve the peace and protect the general health, safety and welfare of the residents of the City.

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. A new Article 6.7 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

ARTICLE 6.7

LARGE-CAPACITY MAGAZINES – PUBLIC NUISANCE

SEC. 46.30. LARGE-CAPACITY MAGAZINES – PUBLIC NUISANCE.

(a) The City Council finds that any large-capacity magazine, as defined in Section 16740 of the California Penal Code, that is subject to Section 32390 of the California Penal Code is, and hereby declares it to be, a public nuisance and an immediate threat to the public health, safety and welfare of the citizens of Los Angeles.

(b) Large-capacity magazines shall be subject to confiscation and summary destruction by the Police Department of the City of Los Angeles and disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code.

(c) **Penalty.** Effective July 1, 2014, violation of this Section shall be subject to Section 11.00(m) of this Code.

(e) **Operative Dates.** Subdivisions (a) and (b) shall become operative 60 days after the effective date of this Article. Subdivision (c) shall become operative on July 1, 2014.

(f) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

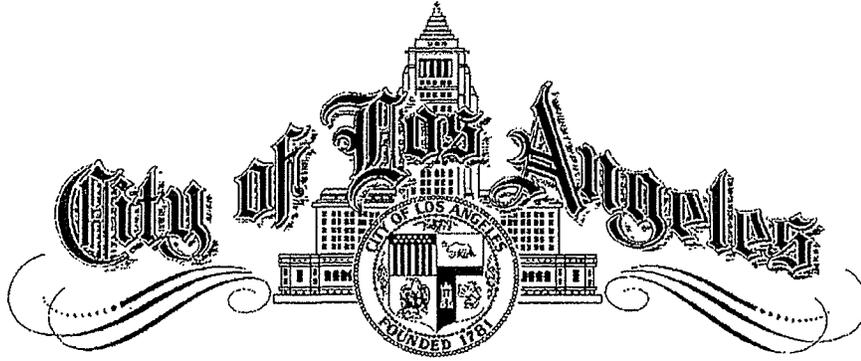
CARMEN A. TRUTANICH, City Attorney

By 
BRIAN SOTTILE
Deputy City Attorney

Date May 2, 2013

File No. CF 13-0068

EXHIBIT C



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 4 - 0 2 9 2

REPORT RE:

JUN 2 6 2014

**SECOND REVISED DRAFT ORDINANCE BANNING
POSSESSION OF LARGE-CAPACITY MAGAZINES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 13-0068

Honorable Members:

This Office previously transmitted a revised draft ordinance to your Honorable Body on May 2, 2013, that would add a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code declaring any large-capacity magazine to be a public nuisance and an immediate threat to the public, health, safety and welfare of the citizens of Los Angeles (City Attorney Report No. R13-0119). This Office has reconsidered the approach taken in the May 2, 2013, draft ordinance and has instead modeled this revised draft ordinance after the San Francisco and Sunnyvale large-capacity magazine bans. Both of those ordinances have withstood Second Amendment challenges in two different Northern California District Courts. The second revised draft ordinance is nearly identical to the San Francisco and Sunnyvale large-capacity magazine ordinances, and would ban possession of large-capacity magazines in the City of Los Angeles.

On May 3, 2013, your Honorable Body requested this Office to prepare a further revised draft ordinance to: (1) make the possession of a large-capacity magazine a misdemeanor one year after the effective date of the ordinance; and (2) provide an operative date 60 days after the effective date of the ordinance to allow persons time to legally surrender their large-capacity magazines. The second revised draft ordinance addresses the Council's request in that it would make it a misdemeanor to possess a large-capacity magazine unless one of the enumerated exceptions applies and would

also provide a 60-day period from the effective date of the ordinance for persons to remove, surrender, sell or transfer their large-capacity magazines.

Preemption and Second Amendment

We have considered the possibility that the second revised draft ordinance might be challenged on the grounds that it is preempted by State law or violates the Second Amendment to the United States Constitution. We believe the second revised draft ordinance is legally defensible on both grounds. As stated above, two very similar ordinances in Northern California have withstood Second Amendment challenges at the District Court level of review. The Sunnyvale ordinance is currently pending in the Ninth Circuit Court of Appeals and will likely be considered by the Court in the beginning of 2016.

Council Rule 38

A copy of the second revised draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Police Commission and the Los Angeles Police Department with a request that any comments be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Brian L. Sottile at (213) 978-8384. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM:BS:pg
Transmittal

ORDINANCE NO. _____

An ordinance adding a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code to prohibit the possession of large-capacity magazines.

WHEREAS, the ability of an automatic or semi-automatic firearm to fire multiple bullets without reloading is directly related to the capacity of the firearm's feeding device or "magazine";

WHEREAS, any ammunition feeding device with the capacity to accept more than 10 rounds of ammunition as defined in Section 16740 of the California Penal Code is considered to be a "large-capacity" magazine, and some large-capacity magazines can hold up to 100 rounds of ammunition;

WHEREAS, although detachable large-capacity magazines are typically associated with machine guns or semi-automatic assault weapons, such devices are available for any semi-automatic firearm that accepts a detachable magazine, including semi-automatic handguns;

WHEREAS, the ability of large-capacity magazines to hold numerous rounds of ammunition significantly increases the lethal capacity of the automatic and semi-automatic firearms with these magazines;

WHEREAS, a recent study concluded that 42 percent of mass shooting incidents within the last three decades involved an assault weapon and more than half of the perpetrators possessed assault weapons, large-capacity magazines or both;

WHEREAS, on average, shooters who use assault weapons and/or large-capacity magazines in mass shootings shoot 151 percent more people and kill 63 percent more people than shooters who do not use assault weapons and large-capacity magazines;

WHEREAS, the prohibition on large-capacity magazines serves as further protection for law enforcement officers because shooters will be forced to reload – and put themselves in a position to be subdued – before they can cause mass casualties;

WHEREAS, large-capacity magazines were used in a number of high-profile shootings, including:

- The shooting at a San Francisco law firm on July 1, 1993, where a shooter armed with semiautomatic assault weapons and large capacity magazines, some capable of holding up to 50 rounds of ammunition, killed 8 people and injured 6 others;

- The shooting on December 7, 1993, that occurred in a Long Island Rail Road train, where a shooter armed with a semi-automatic handgun and large capacity magazines killed 6 people and wounded 19 others;
- The shooting on February 28, 1997, at a North Hollywood Bank of America where two heavily armed bank robbers emptied more than a thousand rounds of ammunition using fully automatic machine guns and an AR-15 assault rifle with high-capacity drum magazines and armor-piercing bullets, where several courageous LAPD officers were outgunned and injured as a result of the incident;
- The shooting at the Connecticut State Lottery Headquarters in Newington, Connecticut on March 6, 1998, where a gunman armed with 9mm pistol and large-capacity magazine holding 19-rounds of ammunition, killed 4 people;
- The shooting on April 20, 1999, at Columbine High School in Columbine, Colorado where two students using shot guns and semi-automatic handguns loaded with 52, 32 and 28-round large-capacity magazines killed 12 students and injured 21 additional students;
- The shooting at the North Valley Jewish Community Center in Granada Hills on August 10, 1999, where a shooter armed with an Uzi-type submachine gun and semi-automatic pistol and large-capacity magazines fired 70 shots into the lobby of the Community Center, wounding 5 people (3 children, 1 teenage counselor and an officer worker);
- The shooting on the campus of Virginia Polytechnic Institute and State University in Virginia on April 16, 2007, where a college student using two semi-automatic handguns loaded with 15-round large-capacity magazines and hollow-point ammunition killed 32 people and wounded 17 others;
- The shooting on April 3, 2009, at the American Civic Association immigration center in Binghamton, New York where a shooter armed with semi-automatic pistols, two 30-round large capacity magazines, and two 15-round large capacity magazines, killed 13 people and wounded 4 others;
- The shooting at a family-owned beer and wine wholesaler in Manchester, Connecticut on August 3, 2010, where a gunman using a Sturm Ruger SR9 pistol and two large capacity magazines holding 17-rounds of ammunition, killed 8 co-workers and seriously wounded 2 others;
- The shooting on January 8, 2011, at a constituent meeting held in a supermarket parking lot in Tucson, Arizona where U.S. Representative Gabrielle Gifford and 13 others were shot by a man using a semi-automatic pistol loaded with a 33-round large capacity magazine. Six of the people shot died, including a Federal Court Judge;

- The shooting in a movie theater in Aurora, Colorado on July 20, 2012, where a gunman using a 12-gauge Remington 870 Express Tactical shotgun, a Smith & Wesson M&P15 semi-automatic rifle with a 100-round drum magazine and a semi-automatic handgun killed 12 and injured 58 others;
- The recent shooting on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut where a gunman using a Bushmaster XM15-E2S rifle with 30-round large-capacity magazines and semi-automatic handguns fatally shot 20 children and 6 adult staff members;
- The recent shooting on July 15, 2013, near and on the campus of Santa Monica College where a shooter armed with 1,300-rounds of ammunition, including a semi-automatic AR-15 assault rifle with large-capacity magazines, capable of holding 30-rounds of ammunition, killed 5 people and seriously wounded 4 others;
- The recent shooting on August 5, 2013, at a town meeting in Ross Township, Pennsylvania where a gunman fired 28-rounds from a Ruger Mini-14 rifle, killing 3 people and injuring 2 others. The shooter used a 30-round large-capacity magazine in his rifle and had 90-rounds of ammunition in his car;
- The recent shooting on August 20, 2013, at Ronald E. McNair Discovery Learning Academy in Decatur, Georgia where a gunman using an AK 47-style assault rifle, large-capacity magazines and nearly 500 rounds of ammunition exchanged fire with local law enforcement before ultimately surrendering to local law enforcement;
- The recent shooting on September 20, 2013 at a park on the south side of Chicago where a shooter armed with an assault weapon equipped with a large-capacity magazine injured 13 people; and
- The recent shooting on November 1, 2013, at Los Angeles International Airport where a gunman using a Smith & Wesson M&P15 semi-automatic rifle loaded with a 30-round large-capacity magazine opened fire into a crowded airport terminal, killing 1 TSA agent and wounding several others. The shooter had five additional 30-round large-capacity magazines and hundreds of ammunition in his carrying bag;

WHEREAS, large-capacity magazine bans reduce the capacity, and thus the potential lethality, of any firearm that can accept a large capacity magazine; and

WHEREAS, large-capacity magazines are not necessary for individuals to vindicate their right to self-defense. Only in an extraordinarily rare circumstance would a person using a firearm in self-defense ever be required to use a large-capacity magazine to defend himself or herself effectively. This is particularly true in an urban center like Los Angeles where law enforcement can and does respond quickly to threats

and incidents. Conversely, the dangers of large-capacity magazines are heightened in dense urban areas like Los Angeles;

WHEREAS, in 1994, in recognition of the dangers posed by large-capacity magazines, Congress adopted a law prohibiting the transfer and possession of large-capacity magazines as part of the federal assault weapon ban;

WHEREAS, the federal law banning large-capacity magazines was enacted with a sunset clause and expired on September 13, 2004;

WHEREAS, a researcher hired by the U.S. Department of Justice to analyze the effect of the 1994 federal ban on assault weapons and large-capacity magazines found that "attacks with semi-automatics including assault weapons and other semi-automatics equipped with large-capacity magazines result in more shots fired, more persons hit, and more wounds inflicted per victim than do attacks with other firearms";

WHEREAS, since the federal ban's sunset in 2004, the Los Angeles Police Department's Gun Unit has seen a significant increase in the number of large-capacity magazines recovered, from 38 in 2003 to anywhere from 151 to 940 each year between 2004 and 2010;

WHEREAS, the number of assault rifles recovered by the Los Angeles Police Department's Gun Unit ranged from 93 in 2010, 56 in 2011, 54 in 2012, and 63 in 2013;

WHEREAS, since January 1, 2000, California Penal Code Section 32310 has, with limited exceptions, prohibited the manufacture, importation into the state, keeping for sale, offering or exposing for sale, giving or lending of large capacity magazines; however, California law does not prohibit the possession of these magazines, and this gap in the law threatens public safety;

WHEREAS, any large-capacity magazine that is subject to California Penal Code Section 32390 is a nuisance wherever found within the State and can be disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code; and

WHEREAS, it is necessary to preserve the peace and protect the general health, safety and welfare of the residents of the City.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 6.7 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

ARTICLE 6.7

LARGE-CAPACITY MAGAZINES – POSSESSION PROHIBITED

SEC. 46.30. LARGE-CAPACITY MAGAZINES – POSSESSION PROHIBITED.

(a) Definitions.

(1) **“LARGE –CAPACITY MAGAZINE”** means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- (i) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.
- (ii) A .22 caliber tube ammunition feeding device.
- (iii) A tubular magazine that is contained in a lever-action firearm.

(b) Prohibition on Possession of Large-Capacity Magazines

(1) It is unlawful for any person to possess any large-capacity magazine, except as otherwise authorized by law, whether assembled or disassembled.

(2) Any person who, prior to the effective date of this article, was legally in possession of a large-capacity magazine shall have 60 days from such effective date to do any of the following without being subject to prosecution:

- (i) Remove the large-capacity magazine from the City of Los Angeles;
- (ii) Surrender the large-capacity magazine to the Los Angeles Police Department for destruction;
- (iii) Sell or transfer the large-capacity magazine lawfully in accordance with Section 32410 of the California Penal Code.

(c) **Exemptions.**

The provisions of Subsection (b) shall not apply to the following:

(1) Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to possess a large-capacity magazine, and does so while acting within the scope of his or her duties;

(2) A person licensed pursuant to Sections 26700 to 26915 of the California Penal Code;

(3) A gunsmith for the purpose of maintenance, repair or modification of the large-capacity magazine;

(4) Any entity that operates an armored vehicle business pursuant to the laws of the state, and an authorized employee of such entity, while in the course and scope of his or her employment for purposes that pertain to the entity's armored vehicle business;

(5) Any person, corporation or other entity that manufactures the large-capacity magazine for a person mentioned in Subdivision (1), or for export pursuant to applicable federal regulations;

(6) Any person using the large-capacity magazine solely as a prop for a motion picture, television or video production;

(7) Any holder of a special weapons permit issued pursuant to California Penal Code Sections 18900, 31000, 32650, 32700-32720, or 33300;

(8) Any person issued a permit pursuant to California Penal Code Section 32315 by the Department of Justice upon a showing of good cause for the possession, transportation or sale of large-capacity magazines between a person licensed pursuant to Sections 26700 to 26915 of the California Penal Code, and an out-of-state client, when those activities are in accordance with the terms and conditions of the permit;

(9) Any federal, state or local historical society, museum or institutional collection which is open to the public, provided that the large-capacity magazine is properly housed, secured from unauthorized handling and unloaded;

(10) Any person who finds the large-capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large-capacity magazine no longer than is necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to the law;

(11) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities;

(12) Any person in the business of selling or transferring large-capacity magazines in accordance with California Penal Code Section 32310 who is in possession of a large-capacity magazine solely for the purpose of doing so; or

(13) Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000 if no magazine that holds 10 or less rounds of ammunition is compatible with that firearm and the person possesses the large-capacity magazine solely for use with that firearm;

(d) **Penalty.** Violation of this section shall constitute a misdemeanor.

(e) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

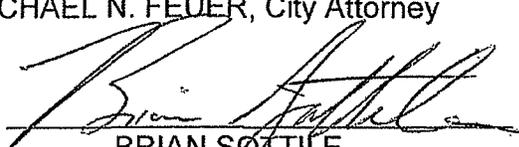
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
BRIAN SOTTILE
Deputy City Attorney

Date JUN 26 2014

File No. CF 13-0068

EXHIBIT D

ORDINANCE NO. 183806

An ordinance adding a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code to prohibit the possession of large-capacity magazines.

WHEREAS, the ability of an automatic or semi-automatic firearm to fire multiple bullets without reloading is directly related to the capacity of the firearm's feeding device or "magazine";

WHEREAS, any ammunition feeding device with the capacity to accept more than 10 rounds of ammunition as defined in Section 16740 of the California Penal Code is considered to be a "large-capacity" magazine, and some large-capacity magazines can hold up to 100 rounds of ammunition;

WHEREAS, although detachable large-capacity magazines are typically associated with machine guns or semi-automatic assault weapons, such devices are available for any semi-automatic firearm that accepts a detachable magazine, including semi-automatic handguns;

WHEREAS, the ability of large-capacity magazines to hold numerous rounds of ammunition significantly increases the lethal capacity of the automatic and semi-automatic firearms with these magazines;

WHEREAS, a recent study concluded that 42 percent of mass shooting incidents within the last three decades involved an assault weapon and more than half of the perpetrators possessed assault weapons, large-capacity magazines or both;

WHEREAS, on average, shooters who use assault weapons and/or large-capacity magazines in mass shootings shoot 151 percent more people and kill 63 percent more people than shooters who do not use assault weapons and large-capacity magazines;

WHEREAS, the prohibition on large-capacity magazines serves as further protection for law enforcement officers because shooters will be forced to reload – and put themselves in a position to be subdued – before they can cause mass casualties;

WHEREAS, large-capacity magazines were used in a number of high-profile shootings, including:

- The shooting at a San Francisco law firm on July 1, 1993, where a shooter armed with semiautomatic assault weapons and large capacity magazines, some capable of holding up to 50 rounds of ammunition, killed 8 people and injured 6 others;

- The shooting on December 7, 1993, that occurred in a Long Island Rail Road train, where a shooter armed with a semi-automatic handgun and large capacity magazines killed 6 people and wounded 19 others;
- The shooting on February 28, 1997, at a North Hollywood Bank of America where two heavily armed bank robbers emptied more than a thousand rounds of ammunition using fully automatic machine guns and an AR-15 assault rifle with high-capacity drum magazines and armor-piercing bullets, where several courageous LAPD officers were outgunned and injured as a result of the incident;
- The shooting at the Connecticut State Lottery Headquarters in Newington, Connecticut on March 6, 1998, where a gunman armed with 9mm pistol and large-capacity magazine holding 19-rounds of ammunition, killed 4 people;
- The shooting on April 20, 1999, at Columbine High School in Columbine, Colorado where two students using shot guns and semi-automatic handguns loaded with 52, 32 and 28-round large-capacity magazines killed 12 students and injured 21 additional students;
- The shooting at the North Valley Jewish Community Center in Granada Hills on August 10, 1999, where a shooter armed with an Uzi-type submachine gun and semi-automatic pistol and large-capacity magazines fired 70 shots into the lobby of the Community Center, wounding 5 people (3 children, 1 teenage counselor and an officer worker);
- The shooting on the campus of Virginia Polytechnic Institute and State University in Virginia on April 16, 2007, where a college student using two semi-automatic handguns loaded with 15-round large-capacity magazines and hollow-point ammunition killed 32 people and wounded 17 others;
- The shooting on April 3, 2009, at the American Civic Association immigration center in Binghamton, New York where a shooter armed with semi-automatic pistols, two 30-round large capacity magazines, and two 15-round large capacity magazines, killed 13 people and wounded 4 others;
- The shooting at a family-owned beer and wine wholesaler in Manchester, Connecticut on August 3, 2010, where a gunman using a Sturm Ruger SR9 pistol and two large capacity magazines holding 17-rounds of ammunition, killed 8 co-workers and seriously wounded 2 others;
- The shooting on January 8, 2011, at a constituent meeting held in a supermarket parking lot in Tucson, Arizona where U.S. Representative Gabrielle Gifford and 13 others were shot by a man using a semi-automatic pistol loaded with a 33-round large capacity magazine. Six of the people shot died, including a Federal Court Judge;

- The shooting in a movie theater in Aurora, Colorado on July 20, 2012, where a gunman using a 12-gauge Remington 870 Express Tactical shotgun, a Smith & Wesson M&P15 semi-automatic rifle with a 100-round drum magazine and a semi-automatic handgun killed 12 and injured 58 others;
- The recent shooting on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut where a gunman using a Bushmaster XM15-E2S rifle with 30-round large-capacity magazines and semi-automatic handguns fatally shot 20 children and 6 adult staff members;
- The recent shooting on July 15, 2013, near and on the campus of Santa Monica College where a shooter armed with 1,300-rounds of ammunition, including a semi-automatic AR-15 assault rifle with large-capacity magazines, capable of holding 30-rounds of ammunition, killed 5 people and seriously wounded 4 others;
- The recent shooting on August 5, 2013, at a town meeting in Ross Township, Pennsylvania where a gunman fired 28-rounds from a Ruger Mini-14 rifle, killing 3 people and injuring 2 others. The shooter used a 30-round large-capacity magazine in his rifle and had 90-rounds of ammunition in his car;
- The recent shooting on August 20, 2013, at Ronald E. McNair Discovery Learning Academy in Decatur, Georgia where a gunman using an AK 47-style assault rifle, large-capacity magazines and nearly 500 rounds of ammunition exchanged fire with local law enforcement before ultimately surrendering to local law enforcement;
- The recent shooting on September 20, 2013 at a park on the south side of Chicago where a shooter armed with an assault weapon equipped with a large-capacity magazine injured 13 people; and
- The recent shooting on November 1, 2013, at Los Angeles International Airport where a gunman using a Smith & Wesson M&P15 semi-automatic rifle loaded with a 30-round large-capacity magazine opened fire into a crowded airport terminal, killing 1 TSA agent and wounding several others. The shooter had five additional 30-round large-capacity magazines and hundreds of ammunition in his carrying bag;

WHEREAS, large-capacity magazine bans reduce the capacity, and thus the potential lethality, of any firearm that can accept a large capacity magazine; and

WHEREAS, large-capacity magazines are not necessary for individuals to vindicate their right to self-defense. Only in an extraordinarily rare circumstance would a person using a firearm in self-defense ever be required to use a large-capacity magazine to defend himself or herself effectively. This is particularly true in an urban center like Los Angeles where law enforcement can and does respond quickly to threats

and incidents. Conversely, the dangers of large-capacity magazines are heightened in dense urban areas like Los Angeles;

WHEREAS, in 1994, in recognition of the dangers posed by large-capacity magazines, Congress adopted a law prohibiting the transfer and possession of large-capacity magazines as part of the federal assault weapon ban;

WHEREAS, the federal law banning large-capacity magazines was enacted with a sunset clause and expired on September 13, 2004;

WHEREAS, a researcher hired by the U.S. Department of Justice to analyze the effect of the 1994 federal ban on assault weapons and large-capacity magazines found that "attacks with semi-automatics including assault weapons and other semi-automatics equipped with large-capacity magazines result in more shots fired, more persons hit, and more wounds inflicted per victim than do attacks with other firearms";

WHEREAS, since the federal ban's sunset in 2004, the Los Angeles Police Department's Gun Unit has seen a significant increase in the number of large-capacity magazines recovered, from 38 in 2003 to anywhere from 151 to 940 each year between 2004 and 2010;

WHEREAS, the number of assault rifles recovered by the Los Angeles Police Department's Gun Unit ranged from 93 in 2010, 56 in 2011, 54 in 2012, and 63 in 2013;

WHEREAS, since January 1, 2000, California Penal Code Section 32310 has, with limited exceptions, prohibited the manufacture, importation into the state, keeping for sale, offering or exposing for sale, giving or lending of large capacity magazines; however, California law does not prohibit the possession of these magazines, and this gap in the law threatens public safety;

WHEREAS, any large-capacity magazine that is subject to California Penal Code Section 32390 is a nuisance wherever found within the State and can be disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code; and

WHEREAS, it is necessary to preserve the peace and protect the general health, safety and welfare of the residents of the City.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 6.7 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

ARTICLE 6.7

LARGE-CAPACITY MAGAZINES – POSSESSION PROHIBITED

SEC. 46.30. LARGE-CAPACITY MAGAZINES – POSSESSION PROHIBITED.

(a) Definitions.

(1) **“LARGE –CAPACITY MAGAZINE”** means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- (i) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.
- (ii) A .22 caliber tube ammunition feeding device.
- (iii) A tubular magazine that is contained in a lever-action firearm.

(b) Prohibition on Possession of Large-Capacity Magazines

(1) It is unlawful for any person to possess any large-capacity magazine, except as otherwise authorized by law, whether assembled or disassembled.

(2) Any person who, prior to the effective date of this article, was legally in possession of a large-capacity magazine shall have 60 days from such effective date to do any of the following without being subject to prosecution:

- (i) Remove the large-capacity magazine from the City of Los Angeles;
- (ii) Surrender the large-capacity magazine to the Los Angeles Police Department for destruction;
- (iii) Sell or transfer the large-capacity magazine lawfully in accordance with Section 32410 of the California Penal Code.

(c) **Exemptions.**

The provisions of Subsection (b) shall not apply to the following:

(1) Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to possess a large-capacity magazine, and does so while acting within the scope of his or her duties;

(2) A person licensed pursuant to Sections 26700 to 26915 of the California Penal Code;

(3) A gunsmith for the purpose of maintenance, repair or modification of the large-capacity magazine;

(4) Any entity that operates an armored vehicle business pursuant to the laws of the state, and an authorized employee of such entity, while in the course and scope of his or her employment for purposes that pertain to the entity's armored vehicle business;

(5) Any person, corporation or other entity that manufactures the large-capacity magazine for a person mentioned in Subdivision (1), or for export pursuant to applicable federal regulations;

(6) Any person using the large-capacity magazine solely as a prop for a motion picture, television or video production;

(7) Any holder of a special weapons permit issued pursuant to California Penal Code Sections 18900, 31000, 32650, 32700-32720, or 33300;

(8) Any person issued a permit pursuant to California Penal Code Section 32315 by the Department of Justice upon a showing of good cause for the possession, transportation or sale of large-capacity magazines between a person licensed pursuant to Sections 26700 to 26915 of the California Penal Code, and an out-of-state client, when those activities are in accordance with the terms and conditions of the permit;

(9) Any federal, state or local historical society, museum or institutional collection which is open to the public, provided that the large-capacity magazine is properly housed, secured from unauthorized handling and unloaded;

(10) Any person who finds the large-capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large-capacity magazine no longer than is necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to the law;

(11) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities;

(12) Any person in the business of selling or transferring large-capacity magazines in accordance with California Penal Code Section 32310 who is in possession of a large-capacity magazine solely for the purpose of doing so; or

(13) Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000 if no magazine that holds 10 or less rounds of ammunition is compatible with that firearm and the person possesses the large-capacity magazine solely for use with that firearm;

(d) **Penalty.** Violation of this section shall constitute a misdemeanor.

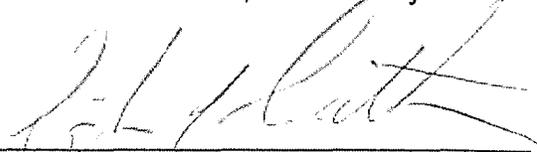
(e) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUL 28 2015.

HOLLY L. WOLCOTT, City Clerk

By



Deputy

Approved August 7, 2015



Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By



BRIAN SOTTILE
Deputy City Attorney

Date JUN 26 2014

File No. CF 13-0068

DECLARATION OF POSTING ORDINANCE

I, VERONICA COLEMAN-WARNER, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No.183806 – Adding a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code to prohibit the possession of large-capacity magazines - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on July 28, 2015, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on August 10, 2015 I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on August 10, 2015 and will be continuously posted for ten or more days.

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

Signed this 7th day of August, 2015 at Los Angeles, California.


Veronica Coleman-Warner, Deputy City Clerk

Ordinance Effective Date: September 19, 2015

Council File No. 13-0068

SHORT TITLE: Sheriff Thomas Bosenko v. The City of Los Angeles	CASE NUMBER:
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff
 Defendant
 Cross-Complainant
 Cross-Defendant

San Luis Obispo County Sheriff Ian S. Parkinson, Sacramento County Sheriff Scott Jones,
 El Dorado County Sheriff John D'Agostini, Siskiyou County Sheriff Jon Lopey,
 Toulumne County Sheriff James Mele, Stanislaus County Sheriff Adam Christianson,
 Merced County Sheriff Vern, Tehama County Sheriff David Hencratt,
 Humboldt County Sheriff Michael, Mendocino County Sheriff Thomas D. Allman,
 Sutter County Sheriff J. Paul Parker, Modoc County Sheriff Michael Poindexter,
 Fresno County Sheriff Margaret Mims, Madera County Sheriff Jay Varney,
 Amador County Sheriff Martin Ryan, Lassen County Sheriff Dean F. Growdon,
 Colusa County Sheriff Joe Garofalo, Nevada County Sheriff Keith Royal,
 Tulare County Sheriff Mike Boudreaux, Yuba County Sheriff Steve Durfor,
 Kings County Sheriff David Robinson, Plumas County Sheriff Gregory Hagwood,
 Trinity County Sheriff Bruce Haney, Solano County Sheriff Thomas A. Ferrara,
 Glenn County Sheriff Richard L. Warren Jr., Butte County Sheriff Kory L. Honea,
 Sierra County Sheriff Tim Standley, Chad Cheung, Paul Wolcott, James Wiley, Paul Nordberg,
 Julio Bernal, Kenneth Takahashi, Law Enforcement Alliance of America, Inc.,
 California Rifle and Pistol Association, California Reserve Peace Officers Association