

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

**PAULA FISCAL, LARRY P. BARSETTI, REBECCA KIDDER,
DANA K. DRENKOSKI, JOHN CANDIDO, ALAN BYARD,
ANDREW SIRKIS, NATIONAL RIFLE ASSOCIATION, SECOND
AMENDMENT FOUNDATION, CALIFORNIA ASSOCIATION OF
FIREARM RETAILERS, LAW ENFORCEMENT ALLIANCE OF
AMERICA, SAN FRANCISCO VETERAN POLICE OFFICERS
ASSOCIATION**

No.:A115018

Plaintiffs-Respondents,

vs.

**THE CITY AND COUNTY OF SAN FRANCISCO, SAN FRANCISCO
POLICE CHIEF HEATHER FONG in her official capacity, SAN
FRANCISCO POLICE DEPARTMENT**

Defendants-Appellants.

County of San Francisco Case No.: CPF05505960
The Honorable James Warren

**[PROPOSED] ORDER RE: MOTION FOR JUDICIAL NOTICE
OF LEGISLATIVE HISTORY DOCUMENTS**

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INTRODUCTION

The court hereby grants Petitioners/Respondents' request for Judicial Notice of Legislative History Documents of Penal Code section 12026 and the Unsafe Handgun Act, Penal Code § 12125, *et seq* ("UHA"). The court takes judicial notice of the following exhibits to Respondents' request:

- Exhibit 1: San Francisco Chronicle article "New Firearms Law Effective on August 7."
- Exhibit 2: Magazine article "Pistol Regulation: Its Principles and History."
- Exhibit 3: Attorney General's analysis of 1988 Amendment to Penal Code section 12026.
- Exhibit 4: Legislative Counsel opinion of 1989 amendments to Penal Code section 12026.
- Exhibit 5: The January 4, 1995 version of AB 92, the 1995 amendments to Penal Code section 12026.
- Exhibit 6: The final version of AB 92, which was approved by the Governor.
- Exhibit 7: Report of the Senate Committee on Criminal Procedure on the 1995 amendments to Penal Code section 12026.

Unsafe Handgun Act

- Exhibit 8: Letter from City of San Jose to Senator John Vascancellos warning various committees of the Legislature that the UHA would preempt San Jose's Saturday Night Special Ordinance and those of various other cities.
- Exhibit 9: City of San Jose's proposed Non-Preemption Amendment to the UHA, dated April 1, 1999.
- Exhibit 10: The original version of the UHA, proposed on December 7, 1998.
- Exhibit 11: The version of the UHA resulting from the Assembly's June 2, 1999 amendment to the UHA.
- Exhibit 12: The next version of the UHA, amended by the Assembly on June 16, 1999.
- Exhibit 13: The final version of the UHA, amended by the Assembly on August 16, 1999.
- Exhibit 14: The Senate Committee on Public Safety's report on the version of the UHA bill amended on April 5, 1999.
- Exhibit 15: City and County of San Francisco Master Report.
- Exhibit 16: The City of San Francisco's Saturday Night Special ordinance (repealed).

Exhibit 17: Letters from various organizations and local governments urging enactment of the UHA and praising the UHA not only as a consumer protection measure but also as a measure to reduce crime by reducing the overall number of guns, and especially because cheap guns were disproportionately attractive to those who should not be able to have guns.

Exhibit 18: Letters in support of the previous attempts of the state legislature to enact the UHA.

DATED:

Judge

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Blvd., Suite 200 Long Beach, CA 90802.

On May 1, 2007, I served the foregoing document(s) described as

**[PROPOSED] ORDER RE: MOTION FOR JUDICIAL NOTICE
OF LEGISLATIVE HISTORY DOCUMENTS**

on the interested parties in this action by placing

the original

a true and correct copy

thereof enclosed in sealed envelope(s) addressed as follows:

“SEE ATTACHED SERVICE LIST”

X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.

Executed on May 1, 2007, at Long Beach, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



CLAUDIA AYALA

PAULA FISCAL et al.,
v.
CITY AND COUNTY OF SAN FRANCISCO et al.,
CASE NO.: A115018

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