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FRESNO COUNTY SUPERIOR COURT
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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO

SHERIFF CLAY PARKER, TEHAMA) CASE NO. 10CECG02116
COUNTY SHERIFF; HERB BAUER)
SPORTING GOODS; CALIFORNIA RIFLE) **PLAINTIFFS' EVIDENCE IN SUPPORT OF**
AND PISTOL ASSOCIATION) **MOTION FOR SUMMARY JUDGMENT OR**
FOUNDATION; ABLE'S SPORTING,) **IN THE ALTERNATIVE FOR SUMMARY**
INC.; RTG SPORTING COLLECTIBLES,) **ADJUDICATION / TRIAL BRIEF**
LLC; AND STEVEN STONECIPHER,)

Plaintiffs and Petitioners,

vs.

THE STATE OF CALIFORNIA; JERRY
BROWN, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL FOR THE
STATE OF CALIFORNIA; THE
CALIFORNIA DEPARTMENT OF
JUSTICE; and DOES 1-25,

Defendants and Respondents.

Date: January 18, 2011
Time: 8:30 a.m.
Location: Dept. 402
Judge: Hon. Jeff Hamilton

Date Action Filed: June 17, 2010

PLEASE TAKE NOTICE THAT PLAINTIFFS hereby file with the Court the following exhibits in support of Plaintiffs' Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial Brief:

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Dated: December 6, 2010

Respectfully Submitted,
MICHEL & ASSOCIATES, P.C.


Clinton Monfort
Attorney for Plaintiffs

EXHIBIT “1”

COMPLETE BILL HISTORY

BILL NUMBER : A.B. No. 962
AUTHOR : De Leon
TOPIC : Ammunition.

TYPE OF BILL :

Inactive
Non-Urgency
Non-Appropriations
Majority Vote Required
State-Mandated Local Program
Fiscal
Non-Tax Levy

BILL HISTORY

2009

Oct. 11 Chaptered by Secretary of State - Chapter 628, Statutes of 2009.
Oct. 11 Approved by the Governor.
Sept. 29 Enrolled and to the Governor at 3:30 p.m.
Sept. 11 In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To enrollment. (Ayes 43. Noes 33. Page 3371.)
Sept. 10 Read third time, passed, and to Assembly. (Ayes 21. Noes 18. Page 2395.)
Sept. 8 Read second time. To third reading.
Sept. 4 Read third time, amended. To second reading.
Sept. 1 Read second time. To third reading.
Aug. 31 From committee: Do pass. (Ayes 7. Noes 5.) (August 27). (received by desk August 28, 2009 pursuant to JR61(a)(11))
July 23 Joint Rule 62(a) suspended. In committee: Placed on Appropriations suspense file. (Page 1804.)
July 8 From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 4. Noes 3.) (July 7).
July 1 In committee: Hearing postponed by committee.
June 29 In committee: Hearing postponed by committee.
June 22 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on PUB. S.
June 18 Referred to Com. on PUB. S.
June 4 In Senate. Read first time. To Com. on RLS. for assignment.
June 3 Read third time, passed, and to Senate. (Ayes 42. Noes 31. Page 2069.)
June 2 Read second time. To third reading.
June 1 Read second time and amended. Ordered returned to second reading.
May 29 From committee: Amend, and do pass as amended. (Ayes 12. Noes 5.) (May 28).
May 6 In committee: Set, first hearing. Referred to APPR. suspense file.
Apr. 22 From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 5. Noes 2.) (April 21).
Apr. 14 In committee: Set, first hearing. Hearing canceled at the request of author.
Mar. 26 Referred to Com. on PUB. S.
Feb. 27 From printer. May be heard in committee March 29.
Feb. 26 Read first time. To print.

Assembly Bill No. 962

CHAPTER 628

An act to amend Section 12316 of, to add Sections 12317 and 12318 to, to add Article 3.5 (commencing with Section 12060) to Chapter 1 of, to add a heading for Chapter 2.6 (commencing with Section 12316) to, and to repeal the heading of Chapter 2.6 (commencing with Section 12320) of, Title 2 of Part 4 of, the Penal Code, relating to ammunition.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 962, De Leon. Ammunition.

Existing law generally regulates the sale of ammunition.

The bill would provide that no handgun ammunition vendor, as defined, shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser without the assistance of the vendor or employee thereof.

Existing law generally regulates what information is required to be obtained in connection with the transfer of ammunition.

This bill would, subject to exceptions, commencing February 1, 2011, require handgun ammunition vendors to obtain a thumbprint and other information from ammunition purchasers, as specified. A violation of these provisions would be a misdemeanor.

This bill would provide that a person enjoined from engaging in activity associated with a criminal street gang, as specified, would be prohibited from having under his or her possession, custody, or control, any ammunition. Violation of these provisions would be a misdemeanor.

The bill would prohibit supplying or delivering, as specified, handgun ammunition to prohibited persons, as described, by persons or others who know, or by using reasonable care should know, that the recipient is a person prohibited from possessing ammunition or a minor prohibited from possessing ammunition, as specified. Violation of these provisions is a misdemeanor with specified penalties.

The bill would provide, subject to exceptions, that commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face transaction, with the deliverer or transferor being provided bona fide evidence of identity of the purchaser or other transferee. A violation of these provisions would be a misdemeanor.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Anti-Gang Neighborhood Protection Act of 2009.

SEC. 2. Article 3.5 (commencing with Section 12060) is added to Chapter 1 of Title 2 of Part 4 of the Penal Code, to read:

Article 3.5. Handgun Ammunition Vendors

12060. As used in this article, the following terms apply:

(a) "Department" means the Department of Justice.

(b) "Handgun ammunition" means handgun ammunition as defined in subdivision (a) of Section 12323, but excluding ammunition designed and intended to be used in an "antique firearm" as defined in Section 921(a)(16) of Title 18 of the United States Code. Handgun ammunition does not include blanks.

(c) "Handgun ammunition vendor" or "vendor" means any person, firm, corporation, dealer, or any other business enterprise that is engaged in the retail sale of any handgun ammunition, or that holds itself out as engaged in the business of selling any handgun ammunition.

12061. (a) A vendor shall comply with all of the following conditions, requirements and prohibitions:

(1) A vendor shall not permit any employee who the vendor knows or reasonably should know is a person described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code to handle, sell, or deliver handgun ammunition in the course and scope of his or her employment.

(2) A vendor shall not sell or otherwise transfer ownership of, offer for sale or otherwise offer to transfer ownership of, or display for sale or display for transfer of ownership of any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or employee thereof.

(3) Commencing February 1, 2011, a vendor shall not sell or otherwise transfer ownership of any handgun ammunition without, at the time of delivery, legibly recording the following information:

(A) The date of the sale or other transaction.

(B) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.

(C) The brand, type, and amount of ammunition sold or otherwise transferred.

- (D) The purchaser's or transferee's signature.
 - (E) The name of the salesperson who processed the sale or other transaction.
 - (F) The right thumbprint of the purchaser or transferee on the above form.
 - (G) The purchaser's or transferee's full residential address and telephone number.
 - (H) The purchaser's or transferee's date of birth.
- (4) Commencing February 1, 2011, the records required by this section shall be maintained on the premises of the vendor for a period of not less than five years from the date of the recorded transfer.
- (5) Commencing February 1, 2011, the records referred to in paragraph (3) shall be subject to inspection at any time during normal business hours by any peace officer employed by a sheriff, city police department, or district attorney as provided in subdivision (a) of Section 830.1, or employed by the department as provided in subdivision (b) of Section 830.1, provided the officer is conducting an investigation where access to those records is or may be relevant to that investigation, is seeking information about persons prohibited from owning a firearm or ammunition, or is engaged in ensuring compliance with the Dangerous Weapons Control Law (Chapter 1 (commencing with Section 12000) of Title 2 of Part 4), or any other laws pertaining to firearms or ammunition. The records shall also be subject to inspection at any time during normal business hours by any other employee of the department, provided that employee is conducting an investigation where access to those records is or may be relevant to that investigation, is seeking information about persons prohibited from owning a firearm or ammunition, or is engaged in ensuring compliance with the Dangerous Weapons Control Law (Chapter 1 (commencing with Section 12000) of Title 2 of Part 4), or any other laws pertaining to firearms or ammunition.
- (6) Commencing February 1, 2011, the vendor shall not knowingly make a false entry in, fail to make a required entry in, fail to obtain the required thumbprint, or otherwise fail to maintain in the required manner records prepared in accordance with paragraph (2). If the right thumbprint is not available, then the vendor shall have the purchaser or transferee use his or her left thumb, or any available finger, and shall so indicate on the form. If the purchaser or transferee is physically unable to provide a thumbprint or fingerprint, the vendor shall so indicate on the form.
- (7) Commencing February 1, 2011, no vendor shall refuse to permit a person authorized under paragraph (5) to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any record or information by those persons.
- (b) Paragraph (3) of subdivision (a) shall not apply to or affect sales or other transfers of ownership of handgun ammunition by handgun ammunition vendors to any of the following, if properly identified:
- (1) A person licensed pursuant to Section 12071.
 - (2) A handgun ammunition vendor.

(3) A person who is on the centralized list maintained by the department pursuant to Section 12083.

(4) A target facility which holds a business or regulatory license.

(5) Gunsmiths.

(6) Wholesalers.

(7) Manufacturers or importers of firearms licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.

(8) Sales or other transfers of ownership made to authorized law enforcement representatives of cities, counties, cities and counties, or state or federal governments for exclusive use by those government agencies if, prior to the delivery, transfer, or sale of handgun ammunition, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made. Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser, transferee, or person otherwise acquiring ownership is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which he or she is employed.

(c) (1) A violation of paragraph (3), (4), (6), or (7) of subdivision (a) is a misdemeanor.

(2) The provisions of this subdivision are cumulative, and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

SEC. 3. A heading for Chapter 2.6 of Title 2 of Part 4 is added to the Penal Code, immediately preceding Section 12316, to read:

CHAPTER 2.6. AMMUNITION

SEC. 5. Section 12316 of the Penal Code is amended to read:

12316. (a) (1) Any person, corporation, or dealer who does any of the following shall be punished by imprisonment in a county jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both the imprisonment and fine:

(A) Sells any ammunition or reloaded ammunition to a person under 18 years of age.

(B) Sells any ammunition or reloaded ammunition designed and intended for use in a handgun to a person under 21 years of age. As used in this subparagraph, "ammunition" means handgun ammunition as defined in subdivision (a) of Section 12323. Where ammunition or reloaded ammunition may be used in both a rifle and a handgun, it may be sold to a person who is at least 18 years of age, but less than 21 years of age, if the vendor reasonably believes that the ammunition is being acquired for use in a rifle and not a handgun.

(C) Supplies, delivers, or gives possession of any ammunition to any minor who he or she knows, or using reasonable care should know, is prohibited from possessing that ammunition at that time pursuant to Section 12101.

(2) Proof that a person, corporation, or dealer, or his or her agent or employee, demanded, was shown, and acted in reasonable reliance upon, bona fide evidence of majority and identity shall be a defense to any criminal prosecution under this subdivision. As used in this subdivision, "bona fide evidence of majority and identity" means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, California state identification card, identification card issued to a member of the Armed Forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

(b) (1) No person prohibited from owning or possessing a firearm under Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code shall own, possess, or have under his or her custody or control, any ammunition or reloaded ammunition.

(2) For purposes of this subdivision, "ammunition" shall include, but not be limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. "Ammunition" does not include blanks.

(3) A violation of paragraph (1) of this subdivision is punishable by imprisonment in a county jail not to exceed one year or in the state prison, by a fine not to exceed one thousand dollars (\$1,000), or by both the fine and imprisonment.

(4) A person who is not prohibited by paragraph (1) from owning, possessing, or having under his or her custody or control, any ammunition or reloaded ammunition, but who is enjoined from engaging in activity pursuant to an injunction issued pursuant to Section 3479 of the Civil Code against that person as a member of a criminal street gang, as defined in Section 186.22, may not own, possess, or have under his or her custody or control, any ammunition or reloaded ammunition.

(5) A violation of paragraph (4) of this subdivision is a misdemeanor.

(c) Unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, no person shall carry ammunition or reloaded ammunition onto school grounds, except sworn law enforcement officers acting within the scope of their duties or persons exempted under subparagraph (A) of paragraph (1) of subdivision (a) of Section 12027. This subdivision shall not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making an arrest or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, a person holding a

valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle guard, who is engaged in the performance of his or her duties, as defined in subdivision (e) of Section 7521 of the Business and Professions Code. A violation of this subdivision is punishable by imprisonment in a county jail for a term not to exceed six months, a fine not to exceed one thousand dollars (\$1,000), or both the imprisonment and fine.

(d) (1) A violation of paragraph (1) or (4) of subdivision (b) is justifiable where all of the following conditions are met:

(A) The person found the ammunition or reloaded ammunition or took the ammunition or reloaded ammunition from a person who was committing a crime against him or her.

(B) The person possessed the ammunition or reloaded ammunition no longer than was necessary to deliver or transport the ammunition or reloaded ammunition to a law enforcement agency for that agency's disposition according to law.

(C) The person is prohibited from possessing any ammunition or reloaded ammunition solely because that person is prohibited from owning or possessing a firearm only by virtue of Section 12021 or ammunition or reloaded ammunition because of paragraph (4) of subdivision (b).

(2) Upon the trial for violating paragraph (1) or (4) of subdivision (b), the trier of fact shall determine whether the defendant is subject to the exemption created by this subdivision.

(3) The defendant has the burden of proving by a preponderance of the evidence that he or she is subject to the exemption provided by this subdivision.

SEC. 6. Section 12317 is added to the Penal Code, to read:

12317. (a) Any person, corporation, or firm who supplies, delivers, sells, or gives possession or control of, any ammunition to any person who he or she knows or using reasonable care should know is prohibited from owning, possessing, or having under his or her custody or control, any ammunition or reloaded ammunition pursuant to paragraph (1) or (4) of subdivision (b) of Section 12316, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

(c) For purposes of this section, "ammunition" shall include, but not be limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with deadly consequence. "Ammunition" does not include blanks.

SEC. 7. Section 12318 is added to the Penal Code, to read:

12318. (a) Commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face

transaction with the deliverer or transferor being provided bona fide evidence of identity from the purchaser or other transferee. A violation of this section is a misdemeanor.

(b) For purposes of this section:

(1) "Bona fide evidence of identity" means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, state identification card, identification card issued to a member of the Armed Forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

(2) "Handgun ammunition" means handgun ammunition as defined in subdivision (a) of Section 12323, but excluding ammunition designed and intended to be used in an "antique firearm" as defined in Section 921(a)(16) of Title 18 of the United States Code. Handgun ammunition does not include blanks.

(3) "Handgun ammunition vendor" has the same meaning as set forth in Section 12060.

(c) Subdivision (a) shall not apply to or affect the deliveries, transfers, or sales of, handgun ammunition to any of the following:

(1) Authorized law enforcement representatives of cities, counties, cities and counties, or state and federal governments for exclusive use by those government agencies if, prior to the delivery, transfer, or sale of the handgun ammunition, written authorization from the head of the agency employing the purchaser or transferee, is obtained identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual.

(2) Sworn peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who are authorized to carry a firearm in the course and scope of their duties.

(3) Importers and manufacturers of handgun ammunition or firearms licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) Persons who are on the centralized list maintained by the Department of Justice pursuant to Section 12083.

(5) Persons whose licensed premises are outside this state who are licensed as dealers or collectors of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(6) Persons licensed as collectors of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto whose licensed premises are within this state who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071.

(7) A handgun ammunition vendor.

(8) A consultant-evaluator, as defined in subdivision (s) of Section 12001.

SEC. 8. The heading of Chapter 2.6 (commencing with Section 12320) of Title 2 of Part 4 of the Penal Code is repealed.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

EXHIBIT “2”

BILL NUMBER: AB 2358 AMENDED
BILL TEXT

AMENDED IN SENATE AUGUST 19, 2010
AMENDED IN SENATE JUNE 22, 2010
AMENDED IN SENATE JUNE 3, 2010

INTRODUCED BY Assembly Member De Leon

FEBRUARY 19, 2010

An act to amend Sections 12061 ~~and 12318~~ ,
12318, and 12323 of the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2358, as amended, De Leon. Ammunition.

Existing law provides that commencing February 1, 2011, a vendor shall not sell or otherwise transfer ownership of any handgun ammunition without, at the time of delivery, legibly recording specified information regarding the purchaser or transferee, and maintaining the record for a period of not less than 5 years, as specified. Existing law provides that violation of these provisions is a misdemeanor. Existing law also provides that the records shall be subject to inspection by any peace officer and certain others, as specified, for purposes of an investigation where access to those records is or may be relevant to that investigation, when seeking information about persons prohibited from owning a firearm or ammunition, or when engaged in ensuring compliance with laws pertaining to firearms or ammunition, as specified.

This bill would require the information described above in connection with the transfer of handgun ammunition be legibly or electronically recorded. The bill would provide that commencing February 1, 2011, except for investigatory and enforcement purposes described above, no ammunition vendor shall provide the required information to any 3rd party without the written consent of the purchaser or transferee. The bill would also provide that records may be copied for investigatory or enforcement purposes by any person authorized to inspect those records, as specified, and that copies shall be transmitted to local law enforcement if required by local law. The bill would also provide that any required ammunition records that are no longer required to be maintained shall be destroyed in a manner that protects the privacy of the purchaser or transferee who is the subject of the record. The bill would provide that violation of these provisions is a misdemeanor.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The bill would require ammunition vendors, commencing February 1, 2011, to provide written notice to the local police chief, or if the vendor is in an unincorporated area, to the county sheriff, of the vendor's intent to conduct business in the jurisdiction, and to obtain any regulatory or business license required by the jurisdiction for ammunition sellers.

Existing law provides that commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face transaction with the deliverer or transferor being provided bona fide evidence of identity from the purchaser or other transferee.

This bill would also provide that handgun ammunition may be purchased over the Internet or through other means of remote ordering if a handgun ammunition vendor in California initially receives the ammunition and processes the transfer, as specified.

Existing law defines "handgun ammunition" for most purposes as ammunition principally for use in handguns, notwithstanding that the ammunition may also be used in some rifles.

This bill would instead define "handgun ammunition" for those purposes as any variety of ammunition of a caliber specified in a list added by this bill, notwithstanding that the ammunition may also be used in some rifles, and would provide that "handgun ammunition" does not include blanks or ammunition designed and intended to be used in an "antique firearm," as defined.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12061 of the Penal Code is amended to read:

12061. (a) A vendor shall comply with all of the following conditions, requirements and prohibitions:

(1) A vendor shall not permit any employee who the vendor knows or reasonably should know is a person described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code to handle, sell, or deliver handgun ammunition in the course and scope of his or her employment.

(2) A vendor shall not sell or otherwise transfer ownership of, offer for sale or otherwise offer to transfer ownership of, or display for sale or display for transfer of ownership of any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or employee thereof.

(3) Commencing February 1, 2011, a vendor shall not sell or otherwise transfer ownership of any handgun ammunition without, at the time of delivery, legibly or electronically recording the following information:

(A) The date of the sale or other transaction.

(B) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.

(C) The brand, type, and amount of ammunition sold or otherwise transferred.

(D) The purchaser's or transferee's signature.

(E) The name of the salesperson who processed the sale or other transaction.

(F) The right thumbprint of the purchaser or transferee on the above form.

(G) The purchaser's or transferee's full residential address and telephone number.

(H) The purchaser's or transferee's date of birth.

(4) Commencing February 1, 2011, the records required by this section shall be maintained on the premises of the vendor for a period of not less than five years from the date of the recorded transfer. Commencing February 1, 2011, except for the purposes set

forth in paragraph (5), no vendor shall provide the information specified in paragraph (3) to any third party without the written consent of the purchaser or transferee. Any records required by this section that are no longer required to be maintained shall be destroyed in a manner that protects the privacy of the purchaser or transferee who is the subject of the record.

(5) Commencing February 1, 2011, the records referred to in paragraph (3) shall be subject to inspection at any time during normal business hours by any peace officer employed by a sheriff, city police department, or district attorney as provided in subdivision (a) of Section 830.1, or employed by the department as provided in subdivision (b) of Section 830.1, provided the officer is conducting an investigation where access to those records is or may be relevant to that investigation, is seeking information about persons prohibited from owning a firearm or ammunition, or is engaged in ensuring compliance with the Dangerous Weapons Control Law (Chapter 1 (commencing with Section 12000) of Title 2 of Part 4), or any other laws pertaining to firearms or ammunition. The records shall also be subject to inspection at any time during normal business hours by any other employee of the department, provided that employee is conducting an investigation where access to those records is or may be relevant to that investigation, is seeking information about persons prohibited from owning a firearm or ammunition, or is engaged in ensuring compliance with the Dangerous Weapons Control Law (Chapter 1 (commencing with Section 12000) of Title 2 of Part 4), or any other laws pertaining to firearms or ammunition. Records may be copied for investigatory or enforcement purposes by any person authorized to inspect those records pursuant to this subdivision.

(6) Commencing February 1, 2011, the vendor shall not knowingly make a false entry in, fail to make a required entry in, fail to obtain the required thumbprint, or otherwise fail to maintain in the required manner records prepared in accordance with paragraph (2). If the right thumbprint is not available, then the vendor shall have the purchaser or transferee use his or her left thumb, or any available finger, and shall so indicate on the form. If the purchaser or transferee is physically unable to provide a thumbprint or fingerprint, the vendor shall so indicate on the form.

(7) Commencing February 1, 2011, no vendor shall refuse to permit a person authorized under paragraph (5) to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any record or information by those persons.

(8) Commencing February 1, 2011, a vendor shall provide written notice to the local police chief, or if the vendor is in an unincorporated area, to the county sheriff, of the vendor's intent to conduct business in the jurisdiction, and shall obtain any regulatory or business license required by the jurisdiction for ammunition sellers. Copies of the ammunition sales records required by this section shall be transmitted to the county sheriff or chief of police if required by local law.

(b) Paragraph (3) of subdivision (a) shall not apply to or affect sales or other transfers of ownership of handgun ammunition by handgun ammunition vendors to any of the following, if properly identified:

- (1) A person licensed pursuant to Section 12071.
- (2) A handgun ammunition vendor.
- (3) A person who is on the centralized list maintained by the department pursuant to Section 12083.
- (4) A target facility which holds a business or regulatory

license.

(5) Gunsmiths.

(6) Wholesalers.

(7) Manufacturers or importers of firearms licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.

(8) Sales or other transfers of ownership made to authorized law enforcement representatives of cities, counties, cities and counties, or state or federal governments for exclusive use by those government agencies if, prior to the delivery, transfer, or sale of handgun ammunition, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made. Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser, transferee, or person otherwise acquiring ownership is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which he or she is employed.

(c) (1) A violation of paragraph (3), (4), (6), or (7) of subdivision (a) is a misdemeanor.

(2) The provisions of this subdivision are cumulative, and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

SEC. 2. Section 12318 of the Penal Code is amended to read:

12318. (a) Commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition in this state may only occur in a face-to-face transaction with the deliverer or transferor being provided bona fide evidence of identity from the purchaser or other transferee, provided, however, that handgun ammunition may be purchased over the Internet or through other means of remote ordering if a handgun ammunition vendor in California initially receives the ammunition and processes the transfer in compliance with this section and Section 12061. A violation of this section is a misdemeanor.

(b) For purposes of this section:

(1) "Bona fide evidence of identity" means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, state identification card, identification card issued to a member of the Armed Forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

(2) "Handgun ammunition" means handgun ammunition as defined in subdivision (a) of Section ~~12323, but excluding ammunition designed and intended to be used in an "antique firearm" as defined in Section 921(a)(16) of Title 18 of the United States Code. Handgun ammunition does not include blanks.~~ 12323.

(3) "Handgun ammunition vendor" has the same meaning as set forth in Section 12060.

(c) Subdivision (a) shall not apply to or affect the deliveries, transfers, or sales of, handgun ammunition to any of the following:

(1) Authorized law enforcement representatives of cities, counties, cities and counties, or state and federal governments for exclusive use by those government agencies if, prior to the delivery, transfer, or sale of the handgun ammunition, written authorization from the head of the agency employing the purchaser or transferee, is obtained identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the

exclusive use of the agency employing the individual.

(2) Sworn peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who are authorized to carry a firearm in the course and scope of their duties.

(3) Importers and manufacturers of handgun ammunition or firearms licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) Persons who are on the centralized list maintained by the Department of Justice pursuant to Section 12083.

~~(5) Persons whose licensed premises are outside this state who are licensed as dealers or collectors of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.~~

~~(6)~~

(5) Persons licensed as dealers or collectors of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto ~~whose licensed premises are within this state who has a~~ who have current ~~certificate~~ certificates of eligibility issued to ~~him or her~~ them by the Department of Justice pursuant to Section 12071.

~~(7)~~

(6) A handgun ammunition vendor.

~~(8)~~

(7) A consultant-evaluator, as defined in subdivision (s) of Section 12001.

SEC. 3. Section 12323 of the Penal Code is amended to read:

12323. As used in this chapter, the following definitions shall apply:

(a) "Handgun ~~ammunition~~" a mmunition," which does not include blanks and ammunition designed and intended to be used in an "antique firearm" as defined in Section 921(a)(16) of Title 18 of the United States Code, ~~means ammunition principally for use in pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in subdivision (a) of Section 12001, notwithstanding that the ammunition may also be used in some rifles.~~ any variety of ammunition in the following calibers, notwithstanding that the ammunition may also be used in some rifles:

- (1) .22.
- (2) .25.
- (3) .32.
- (4) .38.
- (5) .9mm.
- (6) .10mm.
- (7) .40.
- (8) .41.
- (9) .44.
- (10) .45.
- (11) 5.7x28mm.
- (12) .223.
- (13) .357.
- (14) .454.
- (15) 5.56x45mm.
- (16) 7.62x39.
- (17) 7.63mm.

(18) 7.65mm.

(19) .50.

(b) "Handgun ammunition designed primarily to penetrate metal or armor" means any ammunition, except a shotgun shell or ammunition primarily designed for use in rifles, that is designed primarily to penetrate a body vest or body shield, and has either of the following characteristics:

(1) Has projectile or projectile core constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, beryllium copper, or depleted uranium, or any equivalent material of similar density or hardness.

(2) Is primarily manufactured or designed, by virtue of its shape, cross-sectional density, or any coating applied thereto, including, but not limited to, ammunition commonly known as "KTW ammunition," to breach or penetrate a body vest or body shield when fired from a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) "Body vest or shield" means any bullet-resistant material intended to provide ballistic and trauma protection for the wearer or holder.

(d) "Rifle" shall have the same meaning as defined in paragraph (20) of subdivision (c) of Section 12020.

~~SEC. 3.~~ SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

EXHIBIT “3”

BILL NUMBER: AB 2358 AMENDED
BILL TEXT

AMENDED IN SENATE AUGUST 30, 2010
AMENDED IN SENATE AUGUST 19, 2010
AMENDED IN SENATE JUNE 22, 2010
AMENDED IN SENATE JUNE 3, 2010

INTRODUCED BY Assembly Member De Leon

FEBRUARY 19, 2010

An act to amend Sections 12061 , 12077 , 12318, and
12323 of the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2358, as amended, De Leon. Ammunition.

Existing law provides that commencing February 1, 2011, a vendor shall not sell or otherwise transfer ownership of any handgun ammunition without, at the time of delivery, legibly recording specified information regarding the purchaser or transferee, and maintaining the record for a period of not less than 5 years, as specified. Existing law provides that violation of these provisions is a misdemeanor. Existing law also provides that the records shall be subject to inspection by any peace officer and certain others, as specified, for purposes of an investigation where access to those records is or may be relevant to that investigation, when seeking information about persons prohibited from owning a firearm or ammunition, or when engaged in ensuring compliance with laws pertaining to firearms or ammunition, as specified.

This bill would require the information described above in connection with the transfer of handgun ammunition be legibly or electronically recorded. The bill would provide that commencing February 1, 2011, except for investigatory and enforcement purposes described above, no ammunition vendor shall provide the required information to any 3rd party without the written consent of the purchaser or transferee. The bill would also provide that records may be copied for investigatory or enforcement purposes by any person authorized to inspect those records, as specified, and that copies shall be transmitted to local law enforcement if required by local law. The bill would also provide that any required ammunition records that are no longer required to be maintained shall be destroyed in a manner that protects the privacy of the purchaser or transferee who is the subject of the record. The bill would provide that violation of these provisions is a misdemeanor. *This bill would provide that commencing February 1, 2011, except for investigatory and enforcement purposes described above, no ammunition vendor shall provide the required information to any 3rd party, or use the information for any purpose other than as is required or authorized by statute or regulation, without the written consent of the purchaser or transferee. The bill would also provide that any required ammunition records that are no longer required to be maintained shall be destroyed in a specified manner. The bill would provide that violation of these provisions is a misdemeanor.*

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The bill would require ammunition vendors, commencing February 1,

2011, to provide written notice to the local police chief, or if the vendor is in an unincorporated area, to the county sheriff, of the vendor's intent to conduct business in the jurisdiction, and to obtain any regulatory or business license required by the jurisdiction for ammunition sellers. A violation of this provision would be a misdemeanor. The bill would also provide that no public agency may make public the information obtained from the record of the ammunition transaction.

Existing law requires certain information to be collected by firearms dealers in connection with the transfer of firearms and submitted to the Department of Justice, as specified.

This bill would provide that no firearms dealer shall provide the information required by those provisions to any 3rd party, or use the information for any purpose other than as is required or authorized by statute or regulation, without the written consent of the purchaser or transferee, except for purposes of 3rd-party electronic submission to the department. The bill would also provide that any of these records that are no longer required to be maintained, if destroyed, shall be destroyed in a specified manner.

Existing law provides that commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face transaction with the deliverer or transferor being provided bona fide evidence of identity from the purchaser or other transferee.

This bill would also provide that handgun ammunition may be purchased over the Internet or through other means of remote ordering if a handgun ammunition vendor in California initially receives the ammunition and processes the transfer, as specified.

Existing law defines "handgun ammunition" for most purposes as ammunition principally for use in handguns, notwithstanding that the ammunition may also be used in some rifles.

This bill would instead define "handgun ammunition" for those purposes as any variety of ammunition of a caliber specified in a list added by this bill, notwithstanding that the ammunition may also be used in some rifles, and would provide that "handgun ammunition" does not include blanks or ammunition designed and intended to be used in an "antique firearm," as defined.

This bill would incorporate additional amendments to Section 12077 of the Penal Code proposed by AB 1810, contingent on the prior enactment of that bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12061 of the Penal Code is amended to read:

12061. (a) A vendor shall comply with all of the following conditions, requirements, and prohibitions:

(1) A vendor shall not permit any employee who the vendor knows or reasonably should know is a person described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code to handle, sell, or deliver handgun ammunition in the course and scope of his or her employment.

(2) A vendor shall not sell or otherwise transfer ownership of, offer for sale or otherwise offer to transfer ownership of, or display for sale or display for transfer of ownership of any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or employee thereof.

(3) Commencing February 1, 2011, a vendor shall not sell or otherwise transfer ownership of any handgun ammunition without, at the time of delivery, legibly or electronically recording the following information:

(A) The date of the sale or other transaction.

(B) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.

(C) The brand, type, and amount of ammunition sold or otherwise transferred.

(D) The purchaser's or transferee's signature.

(E) The name of the salesperson who processed the sale or other transaction.

(F) The right thumbprint of the purchaser or transferee on the above form.

(G) The purchaser's or transferee's full residential address and telephone number.

(H) The purchaser's or transferee's date of birth.

(4) (A) Commencing February 1, 2011, the records required by this section shall be maintained on the premises of the vendor for a period of not less than five years from the date of the recorded transfer. Commencing February 1, 2011, except for the purposes set forth in paragraph (5), no vendor shall provide the information ~~specified in paragraph (3) to any third party without the written consent of the purchaser or transferee. Any records required by this section that are no longer required to be maintained shall be destroyed in a manner that protects the privacy of the purchaser or transferee who is the subject of the record.~~

~~specified in paragraph (3) to any third party, or use the information for any purpose other than as is required or authorized by statute or regulation, without the written consent of the purchaser or transferee of the handgun ammunition who is the subject of the record.~~

(B) Any records generated pursuant to this section that are no longer required to be maintained shall be destroyed pursuant to Section 1798.81 of the Civil Code.

(5) Commencing February 1, 2011, the records referred to in paragraph (3) shall be subject to inspection at any time during normal business hours by any peace officer employed by a sheriff, city police department, or district attorney as provided in subdivision (a) of Section 830.1, or employed by the department as provided in subdivision (b) of Section 830.1, provided the officer is conducting an investigation where access to those records is or may be relevant to that investigation, is seeking information about persons prohibited from owning a firearm or ammunition, or is engaged in ensuring compliance with the Dangerous Weapons Control Law (Chapter 1 (commencing with Section 12000) of Title 2 of Part 4), or any other laws pertaining to firearms or ammunition. The records shall also be subject to inspection at any time during normal business hours by any other employee of the department, provided that employee is conducting an investigation where access to those records is or may be relevant to that investigation, is seeking information about persons prohibited from owning a firearm or ammunition, or is engaged in ensuring compliance with the Dangerous Weapons Control Law (Chapter 1 (commencing with Section 12000) of

Title 2 of Part 4), or any other laws pertaining to firearms or ammunition. Records may be copied for investigatory or enforcement purposes by any person authorized to inspect those records pursuant to this subdivision.

(6) Commencing February 1, 2011, the vendor shall not knowingly make a false entry in, fail to make a required entry in, fail to obtain the required thumbprint, or otherwise fail to maintain in the required manner records prepared in accordance with paragraph (2). If the right thumbprint is not available, then the vendor shall have the purchaser or transferee use his or her left thumb, or any available finger, and shall so indicate on the form. If the purchaser or transferee is physically unable to provide a thumbprint or fingerprint, the vendor shall so indicate on the form.

(7) Commencing February 1, 2011, no vendor shall refuse to permit a person authorized under paragraph (5) to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any record or information by those persons.

(8) Commencing February 1, 2011, a vendor shall provide written notice to the local police chief, or if the vendor is in an unincorporated area, to the county sheriff, of the vendor's intent to conduct business in the jurisdiction, and shall obtain any regulatory or business license required by the jurisdiction for ammunition sellers. Copies of the ammunition sales records required by this section shall be transmitted to the county sheriff or chief of police if required by local law.

(b) Paragraph (3) of subdivision (a) shall not apply to or affect sales or other transfers of ownership of handgun ammunition by handgun ammunition vendors to any of the following, if properly identified:

- (1) A person licensed pursuant to Section 12071.
- (2) A handgun ammunition vendor.
- (3) A person who is on the centralized list maintained by the department pursuant to Section 12083.
- (4) A target facility which holds a business or regulatory license.
- (5) Gunsmiths.
- (6) Wholesalers.
- (7) Manufacturers or importers of firearms licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.
- (8) Sales or other transfers of ownership made to authorized law enforcement representatives of cities, counties, cities and counties, or state or federal governments for exclusive use by those government agencies if, prior to the delivery, transfer, or sale of handgun ammunition, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made. Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser, transferee, or person otherwise acquiring ownership is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which he or she is employed.

(c) No public agency may make public the information obtained from the record made pursuant to paragraph (3) of subdivision (a).

~~—(c)—~~

- (d) (1) A violation of paragraph (3), (4), (6),
~~or (7)~~ (7), or (8) of subdivision (a)

is a misdemeanor.

(2) The provisions of this subdivision are cumulative, and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

SEC. 2. Section 12077 of the Penal Code is amended to read:

12077. (a) The Department of Justice shall prescribe the form of the register and the record of electronic transfer pursuant to Section 12074.

(b) (1) For handguns, information contained in the register or record of electronic transfer shall be the date and time of sale, make of firearm, peace officer exemption status pursuant to subdivision (a) of Section 12078 and the agency name, dealer waiting period exemption pursuant to subdivision (n) of Section 12078, dangerous weapons permit holder waiting period exemption pursuant to subdivision (r) of Section 12078, curio and relic waiting period exemption pursuant to subdivision (t) of Section 12078, California Firearms Dealer number issued pursuant to Section 12071, for transactions occurring prior to January 1, 2003, the purchaser's basic firearms safety certificate number issued pursuant to Sections 12805 and 12809, for transactions occurring on or after January 1, 2003, the purchaser's handgun safety certificate number issued pursuant to Article 8 (commencing with Section 12800), manufacturer's name if stamped on the firearm, model name or number, if stamped on the firearm, if applicable, serial number, other number (if more than one serial number is stamped on the firearm), any identification number or mark assigned to the firearm pursuant to Section 12092, caliber, type of firearm, if the firearm is new or used, barrel length, color of the firearm, full name of purchaser, purchaser's complete date of birth, purchaser's local address, if current address is temporary, complete permanent address of purchaser, identification of purchaser, purchaser's place of birth (state or country), purchaser's complete telephone number, purchaser's occupation, purchaser's sex, purchaser's physical description, all legal names and aliases ever used by the purchaser, yes or no answer to questions that prohibit purchase including, but not limited to, conviction of a felony as described in Section 12021 or an offense described in Section 12021.1, the purchaser's status as a person described in Section 8100 of the Welfare and Institutions Code, whether the purchaser is a person who has been adjudicated by a court to be a danger to others or found not guilty by reason of insanity, whether the purchaser is a person who has been found incompetent to stand trial or placed under conservatorship by a court pursuant to Section 8103 of the Welfare and Institutions Code, signature of purchaser, signature of salesperson (as a witness to the purchaser's signature), salesperson's certificate of eligibility number if he or she has obtained a certificate of eligibility, name and complete address of the dealer or firm selling the firearm as shown on the dealer's license, the establishment number, if assigned, the dealer's complete business telephone number, any information required by Section 12082, any information required to determine whether or not paragraph (6) of subdivision (c) of Section 12072 applies, and a statement of the penalties for any person signing a fictitious name or address or for knowingly furnishing any incorrect information or for knowingly omitting any information required to be provided for the register.

(2) Effective January 1, 2003, the purchaser shall provide his or her right thumbprint on the register in a manner prescribed by the

department. No exception to this requirement shall be permitted except by regulations adopted by the department.

(3) The firearms dealer shall record on the register or record of electronic transfer the date that the handgun is delivered.

(c) (1) For firearms other than handguns, information contained in the register or record of electronic transfer shall be the date and time of sale, peace officer exemption status pursuant to subdivision (a) of Section 12078 and the agency name, auction or event waiting period exemption pursuant to subdivision (g) of Section 12078, California Firearms Dealer number issued pursuant to Section 12071, dangerous weapons permit holder waiting period exemption pursuant to subdivision (r) of Section 12078, curio and relic waiting period exemption pursuant to paragraph (1) of subdivision (t) of Section 12078, full name of purchaser, purchaser's complete date of birth, purchaser's local address, if current address is temporary, complete permanent address of purchaser, identification of purchaser, purchaser's place of birth (state or country), purchaser's complete telephone number, purchaser's occupation, purchaser's sex, purchaser's physical description, all legal names and aliases ever used by the purchaser, yes or no answer to questions that prohibit purchase, including, but not limited to, conviction of a felony as described in Section 12021 or an offense described in Section 12021.1, the purchaser's status as a person described in Section 8100 of the Welfare and Institutions Code, whether the purchaser is a person who has been adjudicated by a court to be a danger to others or found not guilty by reason of insanity, whether the purchaser is a person who has been found incompetent to stand trial or placed under conservatorship by a court pursuant to Section 8103 of the Welfare and Institutions Code, signature of purchaser, signature of salesperson (as a witness to the purchaser's signature), salesperson's certificate of eligibility number if he or she has obtained a certificate of eligibility, name and complete address of the dealer or firm selling the firearm as shown on the dealer's license, the establishment number, if assigned, the dealer's complete business telephone number, any information required by Section 12082, and a statement of the penalties for any person signing a fictitious name or address or for knowingly furnishing any incorrect information or for knowingly omitting any information required to be provided for the register.

(2) Effective January 1, 2003, the purchaser shall provide his or her right thumbprint on the register in a manner prescribed by the department. No exception to this requirement shall be permitted except by regulations adopted by the department.

(3) The firearms dealer shall record on the register or record of electronic transfer the date that the firearm is delivered.

(d) Where the register is used, the following shall apply:

(1) Dealers shall use ink to complete each document.

(2) The dealer or salesperson making a sale shall ensure that all information is provided legibly. The dealer and salespersons shall be informed that incomplete or illegible information will delay sales.

(3) Each dealer shall be provided instructions regarding the procedure for completion of the form and routing of the form. Dealers shall comply with these instructions which shall include the information set forth in this subdivision.

(4) One firearm transaction shall be reported on each record of sale document. For purposes of this subdivision, a "transaction" means a single sale, loan, or transfer of any number of firearms that are not handguns.

(e) The dealer or salesperson making a sale shall ensure that all required information has been obtained from the purchaser. The dealer

and all salespersons shall be informed that incomplete information will delay sales.

(f) Effective January 1, 2003, the purchaser's name, date of birth, and driver's license or identification number shall be obtained electronically from the magnetic strip on the purchaser's driver's license or identification and shall not be supplied by any other means except as authorized by the department. This requirement shall not apply in either of the following cases:

(1) The purchaser's identification consists of a military identification card.

(2) Due to technical limitations, the magnetic ~~stripe~~ strip reader is unable to obtain the required information from the purchaser's identification. In those circumstances, the firearms dealer shall obtain a photocopy of the identification as proof of compliance.

(3) In the event that the dealer has reported to the department that the dealer's equipment has failed, information pursuant to this subdivision shall be obtained by an alternative method to be determined by the department.

(g) No dealer shall provide the information required by this section to any third party, or use the information for any purpose other than as is required or authorized by statute or regulation, without the written consent of the purchaser or transferee. This subdivision shall not apply to the electronic submission to the department, through a third party authorized by the department, of information required by this section and Section 12076.

(h) Any records generated pursuant to this section by a person licensed pursuant to Section 12071 that are no longer required to be maintained by that licensee, if destroyed, shall be destroyed pursuant to Section 1798.81 of the Civil Code.

~~—(g)—~~

(i) As used in this section, the following definitions shall control:

(1) "Purchaser" means the purchaser or transferee of a firearm or the person being loaned a firearm.

(2) "Purchase" means the purchase, loan, or transfer of a firearm.

(3) "Sale" means the sale, loan, or transfer of a firearm.

SEC. 2.5. Section 12077 of the Penal Code is amended to read:

12077. (a) The Department of Justice shall prescribe the form of the register and the record of electronic transfer pursuant to Section 12074.

(b) (1) ~~For handguns,~~ Until July 1, 2012, for handguns, and thereafter for all firearms, information contained in the register or record of electronic transfer shall be the date and time of sale, make of firearm, peace officer exemption status pursuant to subdivision (a) of Section 12078 and the agency name, auction or event waiting period exemption pursuant to subdivision (g) of Section 12078, dealer waiting period exemption pursuant to subdivision (n) of Section 12078, dangerous weapons permitholder waiting period exemption pursuant to subdivision (r) of Section 12078, curio and relic waiting period exemption pursuant to subdivision (t) of Section 12078, California Firearms Dealer number issued pursuant to Section 12071, for transactions occurring prior to January 1, 2003, the purchaser's basic firearms safety certificate number issued pursuant to Sections 12805 and 12809, for transactions occurring on or after January 1, 2003, the purchaser's handgun safety certificate number issued pursuant to Article 8 (commencing with Section 12800), manufacturer's name if

stamped on the firearm, model name or number, if stamped on the firearm, if applicable, serial number, other number (if more than one serial number is stamped on the firearm), any identification number or mark assigned to the firearm pursuant to Section 12092, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or mark assigned to it, a notation as to that fact, the caliber, type of firearm, if the firearm is new or used, barrel length, color of the firearm, full name of purchaser, purchaser's complete date of birth, purchaser's local address, if current address is temporary, complete permanent address of purchaser, identification of purchaser, purchaser's place of birth (state or country), purchaser's complete telephone number, purchaser's occupation, purchaser's sex, purchaser's physical description, all legal names and aliases ever used by the purchaser, yes or no answer to questions that prohibit purchase including, but not limited to, conviction of a felony as described in Section 12021 or an offense described in Section 12021.1, the purchaser's status as a person described in Section 8100 of the Welfare and Institutions Code, whether the purchaser is a person who has been adjudicated by a court to be a danger to others or found not guilty by reason of insanity, whether the purchaser is a person who has been found incompetent to stand trial or placed under conservatorship by a court pursuant to Section 8103 of the Welfare and Institutions Code, signature of purchaser, signature of salesperson (as a witness to the purchaser's signature), salesperson's certificate of eligibility number if he or she has obtained a certificate of eligibility, name and complete address of the dealer or firm selling the firearm as shown on the dealer's license, the establishment number, if assigned, the dealer's complete business telephone number, any information required by Section 12082, any information required to determine whether or not paragraph (6) of subdivision (c) of Section 12072 applies, and a statement of the penalties for any person signing a fictitious name or address or for knowingly furnishing any incorrect information or for knowingly omitting any information required to be provided for the register.

(2) ~~Effective January 1, 2003, the~~ The purchaser shall provide his or her right thumbprint on the register in a manner prescribed by the department. No exception to this requirement shall be permitted except by regulations adopted by the department.

(3) The firearms dealer shall record on the register or record of electronic transfer the date that the ~~handgun~~ firearm is delivered.

(c) (1) For firearms other than handguns, information contained in the register or record of electronic transfer shall be the date and time of sale, peace officer exemption status pursuant to subdivision (a) of Section 12078 and the agency name, auction or event waiting period exemption pursuant to subdivision (g) of Section 12078, California Firearms Dealer number issued pursuant to Section 12071, dangerous weapons permitholder waiting period exemption pursuant to subdivision (r) of Section 12078, curio and relic waiting period exemption pursuant to paragraph (1) of subdivision (t) of Section 12078, full name of purchaser, purchaser's complete date of birth, purchaser's local address, if current address is temporary, complete permanent address of purchaser, identification of purchaser, purchaser's place of birth (state or country), purchaser's complete telephone number, purchaser's occupation, purchaser's sex, purchaser's physical description, all legal names and aliases ever used by the purchaser, yes or no answer to questions that prohibit purchase, including, but not limited to, conviction of a felony as described in

Section 12021 or an offense described in Section 12021.1, the purchaser's status as a person described in Section 8100 of the Welfare and Institutions Code, whether the purchaser is a person who has been adjudicated by a court to be a danger to others or found not guilty by reason of insanity, whether the purchaser is a person who has been found incompetent to stand trial or placed under conservatorship by a court pursuant to Section 8103 of the Welfare and Institutions Code, signature of purchaser, signature of salesperson (as a witness to the purchaser's signature), salesperson's certificate of eligibility number if he or she has obtained a certificate of eligibility, name and complete address of the dealer or firm selling the firearm as shown on the dealer's license, the establishment number, if assigned, the dealer's complete business telephone number, any information required by Section 12082, and a statement of the penalties for any person signing a fictitious name or address or for knowingly furnishing any incorrect information or for knowingly omitting any information required to be provided for the register.

(2) ~~Effective January 1, 2003, the~~ The purchaser shall provide his or her right thumbprint on the register in a manner prescribed by the department. No exception to this requirement shall be permitted except by regulations adopted by the department.

(3) The firearms dealer shall record on the register or record of electronic transfer the date that the firearm is delivered.

(4) *This subdivision shall become inoperative on July 1, 2012.*

(d) Where the register is used, the following shall apply:

(1) Dealers shall use ink to complete each document.

(2) The dealer or salesperson making a sale shall ensure that all information is provided legibly. The dealer and salespersons shall be informed that incomplete or illegible information will delay sales.

(3) Each dealer shall be provided instructions regarding the procedure for completion of the form and routing of the form. Dealers shall comply with these instructions which shall include the information set forth in this subdivision.

(4) One firearm transaction shall be reported on each record of sale document. ~~For purposes of this subdivision, a "transaction" means a single sale, loan, or transfer of any number of firearms that are not handguns.~~

(e) The dealer or salesperson making a sale shall ensure that all required information has been obtained from the purchaser. The dealer and all salespersons shall be informed that incomplete information will delay sales.

(f) ~~Effective January 1, 2003, the~~ The purchaser's name, date of birth, and driver's license or identification number shall be obtained electronically from the magnetic strip on the purchaser's driver's license or identification and shall not be supplied by any other means except as authorized by the department. This requirement shall not apply in either of the following cases:

(1) The purchaser's identification consists of a military identification card.

(2) Due to technical limitations, the magnetic ~~stripe~~ strip reader is unable to obtain the required information from the purchaser's identification. In those circumstances, the firearms dealer shall obtain a photocopy of the identification as proof of compliance.

(3) In the event that the dealer has reported to the department that the dealer's equipment has failed, information pursuant to this

subdivision shall be obtained by an alternative method to be determined by the department.

(g) No dealer shall provide the information required by this section to any third party, or use the information for any purpose other than as is required or authorized by statute or regulation, without the written consent of the purchaser or transferee. This subdivision shall not apply to the electronic submission to the department, through a third party authorized by the department, of information required by this section and Section 12076.

(h) Any records generated pursuant to this section by a person licensed pursuant to Section 12071 that are no longer required to be maintained by that licensee, if destroyed, shall be destroyed pursuant to Section 1798.81 of the Civil Code.

~~(g)~~
(i) As used in this section, the following definitions shall control:

(1) "Purchaser" means the purchaser or transferee of a firearm or the person being loaned a firearm.

(2) "Purchase" means the purchase, loan, or transfer of a firearm.

(3) "Sale" means the sale, loan, or transfer of a firearm.

~~SEC. 2.~~ SEC. 3. Section 12318 of the Penal Code is amended to read:

12318. (a) Commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition in this state may only occur in a face-to-face transaction with the deliverer or transferor being provided bona fide evidence of identity from the purchaser or other transferee, provided, however, that handgun ammunition may be purchased over the Internet or through other means of remote ordering if a handgun ammunition vendor in California initially receives the ammunition and processes the transfer in compliance with this section and Section 12061. A violation of this section is a misdemeanor.

(b) For purposes of this section:

(1) "Bona fide evidence of identity" means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, state identification card, identification card issued to a member of the Armed Forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

(2) "Handgun ammunition" means handgun ammunition as defined in subdivision (a) of Section 12323.

(3) "Handgun ammunition vendor" has the same meaning as set forth in Section 12060.

(c) Subdivision (a) shall not apply to or affect the deliveries, transfers, or sales of, handgun ammunition to any of the following:

(1) Authorized law enforcement representatives of cities, counties, cities and counties, or state and federal governments for exclusive use by those government agencies if, prior to the delivery, transfer, or sale of the handgun ammunition, written authorization from the head of the agency employing the purchaser or transferee, is obtained identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual.

(2) Sworn peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who are authorized to carry a firearm in the course and scope of their duties.

(3) Importers and manufacturers of handgun ammunition or firearms licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the

regulations issued pursuant thereto.

(4) Persons who are on the centralized list maintained by the Department of Justice pursuant to Section 12083.

(5) Persons licensed as dealers or collectors of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who have current certificates of eligibility issued to them by the Department of Justice pursuant to Section 12071.

(6) A handgun ammunition vendor.

(7) A consultant-evaluator, as defined in subdivision (s) of Section 12001.

~~SEC. 3.~~ SEC. 4. Section 12323 of the Penal Code is amended to read:

12323. As used in this chapter, the following definitions shall apply:

(a) "Handgun ammunition," which does not include blanks and ammunition designed and intended to be used in an "antique firearm" as defined in Section 921(a)(16) of Title 18 of the United States Code, means any variety of ammunition in the following calibers, notwithstanding that the ammunition may also be used in some rifles:

- (1) .22 rimfire .
- (2) .25.
- (3) .32.
- (4) .38.
- (5) .9mm.
- (6) .10mm.
- (7) .40.
- (8) .41.
- (9) .44.
- (10) .45.
- (11) 5.7x28mm.
- ~~(12) .223.~~
- ~~(13)~~
- (12) .357.
- ~~(14)~~
- (13) .454.
- ~~(15)~~
- (14) 5.56x45mm.
- ~~(16) 7.62x39.~~
- ~~(17)~~
- (15) 7.63mm.
- ~~(18)~~
- (16) 7.65mm.
- ~~(19) .50.~~

(b) "Handgun ammunition designed primarily to penetrate metal or armor" means any ammunition, except a shotgun shell or ammunition primarily designed for use in rifles, that is designed primarily to penetrate a body vest or body shield, and has either of the following characteristics:

(1) Has projectile or projectile core constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, beryllium copper, or depleted uranium, or any equivalent material of similar density or hardness.

(2) Is primarily manufactured or designed, by virtue of its shape, cross-sectional density, or any coating applied thereto, including, but not limited to, ammunition commonly known as "KTW ammunition," to breach or penetrate a body vest or body shield when fired from a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) "Body vest or shield" means any bullet-resistant material intended to provide ballistic and trauma protection for the wearer or holder.

(d) "Rifle" shall have the same meaning as defined in paragraph (20) of subdivision (c) of Section 12020.

SEC. 5. Section 2.5 of this bill incorporates amendments to Section 12077 of the Penal Code proposed by both this bill and AB 1810. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) each bill amends Section 12077 of the Penal Code, and (3) this bill is enacted after AB 1810, in which case Section 2 of this bill shall not become operative.

~~SEC. 4.~~ SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

EXHIBIT “4”

COMPLETE BILL HISTORY

BILL NUMBER : A.B. No. 2358
AUTHOR : De Leon
TOPIC : Ammunition.

TYPE OF BILL :

Active
Non-Urgency
Non-Appropriations
Majority Vote Required
State-Mandated Local Program
Fiscal
Non-Tax Levy

BILL HISTORY

2010

Aug. 31 Withdrawn from committee. Ordered to third reading. Read third time, passage refused. (Ayes 20. Noes 17.)
Aug. 30 Senate Rule 29.3(b) suspended. (Ayes 21. Noes 13.) From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS.
Aug. 27 Re-referred to Com. on RLS.
Aug. 23 From committee: Return to Senate floor for consideration. (Ayes 4. Noes 2.) Ordered to third reading.
Aug. 20 Read second time. To third reading. Re-referred to Com. on RLS. pursuant to Senate Rule 29.10. From committee: Be re-referred to Com. on PUB. S. pursuant to Senate Rule 29.10. (Ayes 3. Noes 0.) Re-referred to Com. on PUB. S.
Aug. 19 Read third time, amended. To second reading.
Aug. 3 Read second time. To third reading.
Aug. 2 From committee: Be placed on second reading file pursuant to Senate Rule 28.8.
June 22 Read second time and amended. Re-referred to Com. on APPR.
June 21 From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (June 15).
June 3 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on PUB. S.
May 20 Referred to Com. on PUB. S.
May 6 In Senate. Read first time. To Com. on RLS. for assignment.
May 6 Read third time, passed, and to Senate. (Ayes 43. Noes 30. Page 5049.)
May 3 Read second time. To third reading.
Apr. 29 From committee: Do pass. (Ayes 10. Noes 5.) (April 28).
Apr. 14 From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 5. Noes 2.) (April 13).
Mar. 11 Referred to Com. on PUB. S.
Feb. 22 Read first time.
Feb. 21 From printer. May be heard in committee March 23.
Feb. 19 Introduced. To print.

EXHIBIT “5”



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LEGISLATIVE HISTORY REPORT AND ANALYSIS

Re: **Senate Bill 1276 (Hart – 1994)**
Unsuccessful Legislation

Our File No.: 1028905

The legislative history of the above-referenced bill is documented by materials[♦] itemized in one declaration.

SENATE BILL 1276 (HART – 1994)

Senate Bill 1276 of 1994 was a failed measure that proposed to amend and add sections of the Penal Code relating to ammunition as last amended on May 26, 1994. (See Exhibit #1d) Senator Gary Hart introduced this measure on January 4, 1994 of his own volition. (See Exhibits #1a and #3)

Senate Bill 1276 was assigned to the Senate Committee on Judiciary where policy issues raised by the bill were considered. (See Exhibit #3) The fiscal ramifications of the bill were considered by the Senate Committee on Appropriations. (See Exhibit #5) Three amendments were made to Senate Bill 1276. (See Exhibits #1b through #1d and #2) Senate Bill 1276 was never approved by the Senate and subsequently died. (See Exhibit #2)

As last amended, the Senate Appropriations Committee Fiscal Summary described this bill as making “various changes to laws regarding firearms, ammunition, possession of a firearms and the sale of firearms and ammunition” (See Exhibit #5, page 1)

The Senate Committee on Judiciary analysis set forth the purpose of this legislation as follows:

The purpose of this bill is to place restrictions on the sale of firearms ammunition which are somewhat similar to the existing restrictions on the sale of firearms in California; to ban handgun bullets which can pierce body armor; to ban the sale of specific

[♦] For information on document numbers, research policies, request for judicial notice and more, please visit www.legintent.com and click on the links “How to Use Our Materials” on the Home page and “Points and Authorities” on the State or Federal Research menu.

incendiary ammunition and ammunition which is designed to expel metal balls connected by metal wire; and to require a specified license of persons who possess more than 1,000 rounds of firearm ammunition.

(See Exhibit #3, page 4)

This same analysis noted a long list of supporters, including the Los Angeles County District Attorney's Office, the Santa Cruz County Board of Supervisors, and the legal Community Against Violence, just to name a few. (See Exhibit #3, page 1) Those opposing Senate Bill 1276 were the National Rifle Association of America, the Attorney general, and the California Rifle and Pistol Association, Inc. (Id.)

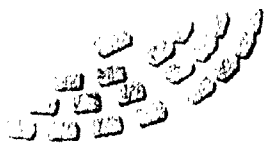
Eventually, this bill was held in committee without further action. (See Exhibit #2)

Your careful review of the documents enclosed may reveal helpful discussion on the issue before you. You should also be able to draw some conclusions based upon the assumption that the language was intended to be consistent with the overall goal of the legislation. Thus, if you are unable to find specific discussion regarding your research question, the analyses contained in the legislative bill files enclosed herewith may provide you with an arguable assessment of the goals and purpose that could be applicable to your particular situation.

The language you are investigating may be affected by bills, pending or enacted, in the current legislative session. *We do not ordinarily review for current session bills, but will do so upon request.*

Any analysis provided in this report is based upon the nature and extent of your request to us, as well as a brief review of the enclosed documents. As such, it must be considered tentative in nature. A more conclusive statement of the impact of the legislative history in your case would be dependent upon a complete understanding of all of the factual issues involved and the applicable legal principles.

We appreciate the opportunity to provide this assistance and hope that these efforts will be of value to you.



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DECLARATION OF MARIA A. SANDERS

I, Maria A. Sanders, declare:

I am an attorney licensed to practice in California, State Bar No. 092900, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the Legislature's consideration of Senate Bill 1276 of 1994. Senate Bill 1276 failed to pass the Senate.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Senate Bill 1276 of 1994. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

SENATE BILL 1276 OF 1994:

1. All versions of Senate Bill 1276 (Hart-1994);
2. Procedural history of Senate Bill 1276 from the 1993-94
Senate Final History;
3. Analysis of Senate Bill 1276 prepared for the Senate
Committee on Judiciary;
4. Material from the legislative bill file of the Senate
Committee on Judiciary on Senate Bill 1276;
5. Fiscal summary of Senate Bill 1276 prepared by the Senate
Committee on Appropriations;
6. Material from the legislative bill file of the Senate
Committee on Appropriations on Senate Bill 1276;
7. Material from the legislative bill file of the Office of the
Senate Floor Analyses on Senate Bill 1276.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 18th day of February, 2010 at Woodland, California.

A handwritten signature in black ink, reading "Maria A. Sanders" with a long, sweeping horizontal line extending to the right.

MARIA A. SANDERS

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SENATE COMMITTEE ON JUDICIARY
David Roberti, Chairman
1993-94 Regular Session

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SB 1276 (Hart)
As amended March 24, 1994
Hearing date: April 4, 1994
Penal Code
SAH:rs

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FIREARMS AMMUNITION - RESTRICTIONS ON POSSESSION AND SALE

HISTORY

Source: Author

Prior Legislation: None

Support: Los Angeles County District Attorney's Office; California District, American Academy of Pediatrics; Chinese for Affirmative Action; Santa Cruz County Board of Supervisors; Criminal Justice Council of Santa Cruz County; Children Now; Lutheran Office of Public Policy - California; California School Employees Association; California Academy of Family Physicians; Handgun Control, Inc.; Legal Community Against Violence

Opposition: National Rifle Association of America; Attorney General; California Rifle and Pistol Association, Inc.

KEY ISSUES

SHOULD FIREARM AMMUNITION CONTAINING EXOTHERMIC PYROPHORIC MISCH METAL AS THE PROJECTILE WHICH IS DESIGNED TO SIMULATE A FLAMETHROWER AND AMMUNITION CAPABLE OF EXPELLING METAL BALLS CONNECTED BY A WIRE BOTH BE ADDED TO THE LIST OF PROHIBITED AMMUNITION IN CALIFORNIA?

SHOULD PERSONS CURRENTLY PROHIBITED FROM OWNING OR POSSESSING FIREARMS ALSO BE PROHIBITED FROM OWNING OR POSSESSING FIREARM AMMUNITION?

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SHOULD EXISTING SENTENCE ENHANCEMENTS FOR A PERSON WHO FURNISHES FIREARMS TO ANOTHER DURING THE COMMISSION OF A FELONY BE EXTENDED TO ALSO INCLUDE FURNISHING FIREARMS AMMUNITION IN THE SAME SITUATIONS?

SHOULD THE SALE OF FIREARMS AMMUNITION IN CALIFORNIA BE INCLUDED IN VARIOUS EXISTING LICENSING REQUIREMENTS FOR THE SALE OF FIREARMS SO THAT THE SALE OF BOTH FIREARMS AND AMMUNITION ARE TREATED IN A MORE SIMILAR MANNER. SO THAT ONLY LICENSED FIREARMS DEALERS COULD SELL AMMUNITION?

SHOULD ANY PERSON SEEKING TO PURCHASE HANDGUN AMMUNITION - EXCEPT FOR SPECIFIED PEACE OFFICERS - COMMENCING JULY 1, 1996, BE REQUIRED TO PRESENT A VALID CALIFORNIA HANDGUN LICENSE?

SHOULD IT BE A MISDEMEANOR TO KNOWINGLY RECEIVE HANDGUN AMMUNITION THROUGH THE MAIL, EFFECTIVE JULY 1, 1996? SHOULD PERSONS SEEKING TO PURCHASE HANDGUN AMMUNITION THROUGH THE MAIL BE REQUIRED TO GO TO A DEALER TO COMPLETE SUCH A PURCHASE?

SHOULD FIREARMS DEALERS BE PROHIBITED FROM EMPLOYING ANY SALES PERSONS UNDER THE AGE OF 21 IF THE DEALER SELLS HANDGUNS AND UNDER THE AGE OF 18 IF THEY DO NOT SELL HANDGUNS? SHOULD FIREARMS DEALERS BE PROHIBITED FROM EMPLOYING ANY PERSON WHO WOULD GENERALLY BE PROHIBITED FROM PURCHASING OR POSSESSING FIREARMS? SHOULD FIREARMS DEALERS BE REQUIRED TO SUBMIT THE NAMES OF PROPOSED EMPLOYEES TO THE DEPARTMENT OF JUSTICE FOR A BACKGROUND CHECK AND WAIT 15 DAYS BEFORE HIRING NEW EMPLOYEES?

PURPOSE

(1) Under existing law, any firearms ammunition that contains or consists of any flechette dart is generally prohibited in California with violations punishable by imprisonment in a county jail not exceeding one year, or in the state prison.

This bill would also prohibit any firearm ammunition that contains exothermic pyrophoric misch metal as the projectile and that is designed for the sole purpose of throwing or spewing a flame or fireball to simulate a flamethrower, or any firearm ammunition that can be fired in a firearm capable of expelling as projectiles 2 or more metal balls connected by metal wire.

(2) Existing law prohibits specified persons from owning or having possession or control, as specified, of any firearm.

(More)



This bill would extend this prohibition to apply to firearm ammunition and to include persons who purchase or receive or attempt to purchase or receive any firearm or firearm ammunition.

(3) Existing law provides for an additional term of imprisonment in the state prison of 1, 2, or 3 years for a person convicted of the commission or attempted commission of a felony during which the person furnished or offered to furnish a firearm to another for the purpose of aiding, abetting, or enabling that person or any other person to commit a felony.

This bill would extend this enhancement to apply to furnishing or offering to furnish firearm ammunition under these circumstances.

(4) Existing law requires that a person be licensed to sell, lease, or transfer firearms.

This bill would extend the licensing provisions to apply to firearm ammunition, as specified, and would generally place similar restrictions on the sale of firearms ammunition as currently exist for the sale of firearms effective July 1, 1995. An exception is made for infrequent sales or transfers of 24 or fewer bullets or shells.

(5) Existing law sets no limits on the mail order purchase of ammunition.

This bill would make it a misdemeanor, effective July 1, 1996, for a person to knowingly sell - or receive - handgun ammunition by mail except for a licensed firearms dealer, punishable as specified. The bill would also authorize a person to order handgun ammunition through a local firearms dealer and to take possession of the handgun ammunition only after furnishing the dealer with clear evidence of his or her identity and a California Handgun License - and California Arsenal License if necessary (both the firearms and arsenal license would be created by SB 1275 [Hart]).

(6) Existing law specifies prohibitions with regard to selling, delivering, or transferring any pistol, revolver, or firearm capable of being concealed upon the person to any person under the age of 21 years or any other firearm to a person under the age of 18 years, punishable as a misdemeanor.

This bill would extend these prohibitions to apply to firearm ammunition so that a person under age 21 may not purchase handgun ammunition and a person under 18 may not purchase any ammunition. The bill would also prohibit any person or dealer licensed to sell firearms from employing any person under the age of 18 years unless the licensee does not sell pistols, revolvers, or other firearms capable of being concealed upon the person. If the licensee sells

(More)

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pistols, revolvers, or other firearms capable of being concealed upon the person, this bill would prohibit him or her from employing any person under the age of 21 years.

(7) Existing law places specified restrictions on the proof of identity a purchaser of a firearm must present.

This bill would require any person seeking to purchase handgun ammunition commencing July 1, 1996, to present clear evidence of identity and a valid California Handgun License (SB 1275 [Hart] would create the California Handgun License).

(8) Existing law prohibits, except as specified, the possession, manufacture, importation, sale, offer of sale, or knowing transportation of handgun ammunition designed primarily to penetrate metal or armor, punishable as a felony.

This bill would authorize the Attorney General to ban the sale and manufacture of any type of handgun bullet that tests show is capable of piercing a body vest (defined in Section 12022.2[c]). The bill also would require the Attorney General to annually compile a list of these bullets.

(9) Existing law provides a definition of handgun ammunition (Penal Code Section 12323) and imposes some restrictions on the sale, purchase, possession, or use of ammunition.

This bill would provide that every person who possesses or purchases in excess of 1,000 rounds of firearm ammunition without a valid California Arsenal License is guilty of a misdemeanor. (SB 1275 [Hart] would create the California Arsenal License.)

The purpose of this bill is to place restrictions on the sale of firearms ammunition which are somewhat similar to the existing restrictions on the sale of firearms in California; to ban handgun bullets which can pierce body armor; to ban the sale of specific incendiary ammunition and ammunition which is designed to expel metal balls connected by metal wire; and to require a specified license for persons who possess more than 1,000 rounds of firearm ammunition.

COMMENT

1. Existing Law.

At the present time, there are few restrictions placed on the sale of ammunition at either the federal or the state level. The federal laws were changed in 1986 to allow almost anyone to sell most ammunition in the United States. Ammunition may be sold in California by almost anyone subject to normal local

(More)



business licensing requirements. Federal laws do place some restriction on federal firearms dealers regarding the sale of ammunition to minors. Federal law does prohibit the sale of armor piercing ammunition and ammunition which contains an explosive projectile. Federal law does prohibit dealer sales to known persons in certain prohibited classes and the knowing sale of stolen ammunition is prohibited by anyone. However, there are few other limitations on the sale of ammunition.

California does place some restrictions and conditions on the possession of ammunition by minors (Penal Code Section 12101). California does impose a sentence enhancement on persons convicted of a felony who possess ammunition designed to penetrate metal or armor (Penal Code Section 12022.2) and bullets containing an explosive charge (Penal Code Section 12020). Possession of handgun ammunition primarily designed to penetrate metal or armor is prohibited (Penal Code Section 12320). However, there are few other restrictions on the sale of firearm ammunition in California.

2. Effect of this bill.

This bill contains three significant changes to existing law regarding the sale of ammunition in California. First, it proposes that all firearm ammunition to be sold by California retailers be sold only by licensed firearm dealers effective July 1, 1995 (added to Penal Code Section 12070). Second, it proposes that any person seeking to purchase handgun ammunition must present proof of identity and a valid California Handgun License commencing July 1, 1996 (added to Penal Code Section 12076).

In addition, the bill would make it a misdemeanor for any person to purchase or possess in excess of 1,000 rounds of handgun ammunition without a valid California Arsenal License, effective July 1, 1996 (added in a new Penal Code Section 12327).

(As noted, both the California Handgun License and the California Handgun License would be created by SB 1275 [Hart].)

3. Prohibition on sale of handgun ammunition by mail.

This bill would add a new Penal Code Section 12070.5 which would prohibit the sale of handgun ammunition by mail. That prohibition would apply penalties to both those who sell by mail - to anyone other than a licensed dealer - and to those who knowingly receive handgun ammunition by mail. Whether or not that statute could be enforced against out of state shippers is unclear. In addition, that prohibition would not

(More)

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apply to private delivery businesses, such as UPS. The author may wish to consider a clarification of that issue at some point.

4. Definition of handgun ammunition.

Existing Penal Code Section 12323 was added in 1982 and defines handgun ammunition as "ammunition principally for use in pistols and revolvers...notwithstanding that the ammunition may also be used in some rifles."

That definition was added when the prohibition on handgun ammunition designed to penetrate metal or armor was added. However, that definition may not be suitable for defining handgun ammunition in general. It may be assumed that many ammunition calibers are suitable for both rifles and handguns. Without additional statutory guidance, it may be very difficult for dealers to determine which ammunition is "handgun ammunition" for purposes of the requirements added to Penal Code Section 12076.

5. Opposition arguments.

Opposition to SB 1276 is generally based on the assertion that criminals would still have access to ammunition and that only "law-abiding" gun owners would face undue burdens under this bill. (There is no apparent opposition to adding a prohibition on "bolo" or flame-thrower ammunition in California.)

The Attorney General notes opposition to the use of the California Handgun License in this bill since it is premature to assume that any "insta-check" system will soon be implemented in California (whether in SB 1275 [Hart] or in any other manner).

6. Conflict with other legislation.

AB 482 (Peace) was recently signed by the Governor. Some of the same provisions in AB 482 are contained in SB 1276 and at some point double-joining or conforming language should be added to SB 1276.



EXHIBIT “6”

C. D. MICHEL

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AFFILIATE COUNSEL:
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JEFFREY M. COHON
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DAVID T. HARDY
TUCSON, AZ

December 16, 2009

Ms. Alison Merrilees
Deputy Attorney General
DEPARTMENT OF JUSTICE
4949 Broadway, Rm. G321
Sacramento, CA 95820
VIA FAX (916) 263-0676 & U. S. MAIL

Attorney General's Office
Public Records Ombudsman
1300 "I" Street, Room 1710-6
Sacramento, CA 95820
VIA FAX (916) 322-4532 & U. S. MAIL

Re: Public Records Act Request
PRAR # 12.16.09 - "DOJ Bureau of Firearms - AB 962"

Dear Ms. Merrilees:

This letter constitutes a request under the California Public Records Act (CPRA), California Government Code Section 6250, *et seq.* (the "Act").¹ When responding, please include the above reference number for internal tracking purposes.

This request is directed to the Public Records Act Clerk or custodian of records for each entity identified in the addressee section above. If the items listed below are under the control of another department or agency, please forward this letter accordingly and so advise us.

This request seeks the information listed below, whether in the form of a writing,² email (including attachments), computer file, photograph, audio or video tape, or however kept.

¹ All references to standards for compliance are pursuant to the Act, as amended by California Assembly Bill 2799, effective January 1, 2001, and further informed by the heightened right to information as provided by the California Constitution, art. 1, section 3, amended by Proposition 59.

² WRITING, whether singular or plural, includes those items listed in the paragraph above, as well as those items described in the definition provided by Evidence Code section 250, which provides as follows:

"Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

INFORMATION REQUESTED

The following public records and all "writings" related thereto are requested:

1. Any and all writings and communications, including, but not limited to, policies, bulletins, correspondence, notices, or internal memoranda, constituting, referring, or relating to the enforcement of Assembly Bill 962.

TIME TO RESPOND & COST REIMBURSEMENT

As the CPRA requires, we expect to receive notification of your compliance with this request within ten (10) days of your receipt of this letter. If you need additional time, please simply notify us in writing as the code requires. If practical circumstances further prohibit a timely response, please contact us so we may attempt to agree on a reasonable deadline for production.

Pursuant to section 6253(b) of the CPRA, we are willing to pay reasonable costs to reimburse you for direct costs of duplication, or to pay statutory fees. If you estimate that the direct copying costs will exceed one hundred dollars (\$100.00), notify us of the cost estimate so that we may determine how to proceed.

Thank you for your anticipated cooperation. Please contact me if you have questions or concerns.

Sincerely,
MICHEL & ASSOCIATES, P.C.



Eric Fligel

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0966	
CONNECTION TEL		19162630676
SUBADDRESS		
CONNECTION ID		
ST. TIME	12/16 09:55	
USAGE T	00'49	
PGS. SENT	3	
RESULT	OK	



Writer's Direct Contact:
(562) 216-4444
vpomella@michelandassociates.com

FAX TRANSMITTAL SHEET

TO: Ms. Alison Merrilees, Deputy Attorney General

FIRM:

FAX NO.: (916) 263-0676

TEL. NO.

FROM: Eric Flagel

DATE: December 16, 2009

RE: PRAR#12.16.09 - "DOJ Bureau of Firearms - AB 962"

THIS FAX CONTAINS COVER PAGE PLUS 2 PAGE(S). IF YOU DO NOT RECEIVE ALL PAGES
PLEASE CONTACT Valerie Pomella AT (562) 216-4444.

SPECIAL INSTRUCTIONS

Will follow via U.S. Mail. Thank you.

MICHEL & ASSOCIATES, P.C.
Attorneys at Law

Writer's Direct Contact:
(562) 216-4444
vpomella@michelandassociates.com

FAX TRANSMITTAL SHEET

TO: Ms. Alison Merrilees, Deputy Attorney General

FIRM:

FAX NO.: (916) 263-0676

TEL. NO.

FROM: Eric Flagel

DATE: December 16, 2009

RE: PRAR#12.16.09 - "DOJ Bureau of Firearms - AB 962"

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TX/RX NO 0967
CONNECTION TEL 19163224532
SUBADDRESS
CONNECTION ID
ST. TIME 12/16 09:56
USAGE T 00'45
PGS. SENT 3
RESULT OK



Writer's Direct Contact:
(562) 216-4444
vpomella@michelandassociates.com

FAX TRANSMITTAL SHEET

TO: Attorney General's Office, Public Records Ombudsman

FIRM:

FAX NO.: (916) 322-4532

TEL. NO.

FROM: Eric Flagel

DATE: December 16, 2009

RE: PRAR#12.16.09 - "DOJ Bureau of Firearms - AB 962"

THIS FAX CONTAINS COVER PAGE PLUS 2 PAGE(S). IF YOU DO NOT RECEIVE ALL PAGES
PLEASE CONTACT Valerie Pomella AT (562) 216-4444.

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TEL. NO.

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EXHIBIT “7”

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. Box 160487
Sacramento, CA 95816-0487
Telephone: (916) 263-0699
Fax: (916) 263-0676
E-Mail Address: alison.merrilees@doj.ca.gov

January 25, 2010

Eric Flagel
Attorney at Law
Trutanich-Michel LLP
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802

COPY

Re: Public Records Act Request 121609 – AB 962

Dear Mr. Flagel:

We received your check (#4631) in the amount of \$24.80. Enclosed are 199 pages in response to the above request, as well as a CD copy.

I hope you find this information helpful.

Sincerely,

ALISON MERRILEES
Deputy Attorney General
Bureau of Firearms

For EDMUND G. BROWN JR.
Attorney General

Enclosures

AM0001

From: Alison Merrilees [<mailto:Alison.Merrilees@doj.ca.gov>]
Sent: Tuesday, December 15, 2009 2:43 PM
To: Clint B. Monfort
Subject: Re: AB 962

Clint,

We expect our annual Information Bulletin about new laws - which will include information about AB 962 - to be sent to dealers and law enforcement, and posted on our website next week. I will be out of the office next week, but will ask for a copy of the IB to be sent to you. If you don't get the IB by December 28th, please let me know and I will forward you a copy when I return to the office.

I do not know how our field representatives will determine whether the type of ammunition sold by a vendor is principally for use in handguns, and therefore needs to be recorded in the ammunition log book. It would be impossible for our field representatives to determine the type of ammunition that is sold and not recorded in the log book, however, unless they personally observe a transfer, because there are no records of past ammunition transfers (other than those recorded in the log book). For the most part, I believe our field representatives will just be checking to make sure a log book is kept, and that it includes all the information required by law to be retained by the ammunition vendor. I do not believe it is accurate to describe this system as "registration," because there is no central record of the purchase to be retained by DOJ, or anyone else.

We cannot adopt a rule about .22 rimfire (or any other specific type of ammunition) without adopting a regulation pursuant to the APA. Otherwise, our rule would be an underground regulation.

My initial thought is that dealers make a similar determination now when deciding whether to sell ammunition to 18 - 20 year olds. A person under 21 cannot lawfully purchase "ammunition designed and intended for use in a handgun" if that ammunition cannot be used in a rifle. (PC 12316, subd. (a)(1)(B).) The definition applicable to record-keeping is slightly more broad, because it applies to ammunition "designed primarily" for use in handguns, "notwithstanding that the ammunition may also be used in some rifles." I suppose if dealers wanted to act in an abundance of caution, they could record the transfer of all ammunition that can be used in a handgun or a rifle.

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 2:03 PM >>>

Alison,

Would you mind to forward me a copy of the materials the Department is sending to California Dealers on this bill? Also, is the Department going to consider .22 rimfire ammunition as ammo principally for use in handguns, thereby requiring registration under section 12061?
Thanks,

Clint B. Monfort

AM0002

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(<http://www.michelandassociates.com/>)
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From: "Clint B. Monfort" <CMonfort@michelandassociates.com>
To: Allison Merrilees <Alison.Merrilees@doj.ca.gov>
Date: 12/15/2009 5:53 PM
Subject: RE: AB 962

I understand. If you can please let me know after you check with your field representatives or Dept. head that would be great. Thanks Alison.

Clint B. Monfort
Attorney

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Fax: (562) 216-4445
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-----Original Message-----

From: Alison Merrilees [mailto:Alison.Merrilees@doj.ca.gov]
Sent: Tuesday, December 15, 2009 5:43 PM
To: Clint B. Monfort
Subject: Re: AB 962

Still don't know and still can't say.

This e-mail was sent from a California Department of Justice BlackBerry Device.

-----Original Message-----

From: "Clint B. Monfort" <CMonfort@michelandassociates.com>
To: Merrilees, Alison <Alison.Merrilees@doj.ca.gov>

Sent: 12/15/2009 5:32:19 PM
Subject: RE: AB 962

No problem. So now that we're on the same page, and circumstances surrounding the sale are irrelevant, will your field reps record this as a violation and seek prosecution by the local DA?

I understand that this is not a DOJ policy interpreting the law. I'm just curious whether your field reps will seek prosecutions for the described action.

Thanks,
Clint B. Monfort
Attorney

[cid:image001.gif@01CA7DAC.8DAD9250]<<http://www.michelandassociates.com/>>

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AM0004

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From: Alison Merrilees [mailto:Alison.Merrilees@doj.ca.gov]
Sent: Tuesday, December 15, 2009 5:27 PM
To: Clint B. Monfort
Subject: RE: AB 962

You're right. It probably wouldn't be relevant, nor would the fact in your hypo that a handgun was being transferred at the same time.

So without those additional facts, it just comes down to the type of ammunition, right? And I have already explained that we can't and won't adopt a general policy about that. If it seems to be a problem, we could consider adopting a regulation. Or, as you suggested, clean-up legislation could address the issue.

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 5:19 PM >>>
I'm sorry, I'm confused. I thought that the definition was "principally for use in handguns." Why would the subjective intent of the purchaser (and his statements about what it was being used for in that one specific instance) matter at all?

Thanks,

Clint B. Monfort

Attorney

[cid:image001.gif@01CA7DAC.8DAD9250]<http://www.michelandassociates.com/>

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From: Alison Merrilees [mailto:Alison.Merrilees@doj.ca.gov]
Sent: Tuesday, December 15, 2009 5:13 PM
To: Clint B. Monfort
Subject: RE: AB 962

I'm sorry, Clint, but we can't answer this hypothetical question in the way you clearly want us to. I think I have been pretty patient and tried to answer all of your questions to the best of my ability. But I have also explained that we cannot adopt a policy about how we would handle this type of situation.

The facts you have described would seem to indicate that handgun ammunition is being transferred (assuming that the handgun can fire the .22 rimfire ammunition. But that determination would have to be made on a case-by-case basis and there could be other factors that would influence the decision, such as statements by the parties. ("I'd like some ammunition for my .22 rifle," or conversely, "I'd like the ammunition for this .22 pistol.")

I'm sorry, but that's as much info as I can give you.

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 4:56 PM >>>
Can you ask your field representatives for me please when you get a chance so that I can properly advise my client and request that he seek the same clarification from the local D.A.? Thank you.

Thanks,
Clint B. Monfort
Attorney

[cid:image001.gif@01CA7DAC.8DAD9250]<<http://www.michelandassociates.com/>>

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From: Alison Merrilees [<mailto:Alison.Merrilees@doj.ca.gov>]
Sent: Tuesday, December 15, 2009 4:51 PM
To: Clint B. Monfort
Subject: Re: AB 962

I don't know.

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 4:48 PM >>>
Sorry, one more thing.

If a field rep sees someone buying .22 rimfire ammunition along with a handgun that they are picking up that day and the vendor does not register the sale of the ammo, will the field rep record this as a violation and submit it to the local D.A. for prosecution?

Thanks,
Clint B. Monfort
Attorney

[cid:image001.gif@01CA7DAC.8DAD9250]<<http://www.michelandassociates.com/>>

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From: Alison Merrilees
To: Clint B. Monfort
Date: 12/15/2009 4:48 PM
Subject: RE: AB 962

In your hypothetical, the vendor has kept the records and presumably made them available for inspection by law enforcement, upon request in compliance with paragraphs 4 and 5 of Penal Code section 12061, subdivision (a).

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 4:26 PM >>>

I know, I know. Well then let me pose it to you or your field representatives this way:

If one of our clients keeps all of their records on microfilm only, will the Dept. record this as a violation and seek prosecution by the D.A.?

I understand that you cannot issue an opinion as to whether this will be a violation generally, and that local law enforcement may enforce the same law differently.

Clint B. Monfort

Attorney

(<http://www.michelandassociates.com/>)

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From: Alison Merrilees [<mailto:Alison.Merrilees@doj.ca.gov>]
Sent: Tuesday, December 15, 2009 4:02 PM
To: Clint B. Monfort
Subject: RE: AB 962

We can't take a position about how records can and can't be kept without adopting a regulation to that effect. If we did so, our position or policy would be an underground regulation.

The vendor has to keep records. That is all the bill says, and all it requires.

AM0008

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 3:57 PM >>>

Thanks. Does the Dept. have a position one way or the other whether microfilm or other electronic storage of records will be acceptable? You must agree that the 5 year storage requirement on the premises is a bit much!

Thanks,

Clint B. Monfort

Attorney

(<http://www.michelandassociates.com/>)

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Long Beach, CA 90802

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From: Alison Merrilees [<mailto:Alison.Merrilees@doj.ca.gov>]

Sent: Tuesday, December 15, 2009 3:45 PM

To: Clint B. Monfort

Subject: RE: AB 962

I don't believe it will be a huge priority for us, especially since we didn't get any funding or additional spending authority for enforcement. The locals (i.e. LAPD and Sacramento PD) seem to have more interest in doing it.

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 3:40 PM >>>

Is this going to be done in practice? Are field reps going to relay info to the agents to run checks?

Thanks,

Clint B. Monfort

Attorney

(<http://www.michelandassociates.com/>)

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Main: (562) 216-4444

Fax: (562) 216-4445

AM0009

Email: CMonfort@michelandassociates.com
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From: Alison Merrilees [<mailto:Alison.Merrilees@doj.ca.gov>]
Sent: Tuesday, December 15, 2009 3:38 PM
To: Clint B. Monfort
Subject: RE: AB 962

You asked about the field reps. Our field reps (like me) **don't** have access to DOJ's criminal history databases. Our agents, like all peace officers, **do** have access to the information. (PC 11105, subd. (b)(2).) Therefore, our agents could check whether persons who entered in the ammunition log book are prohibited from possessing firearms and ammunition.

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 3:31 PM >>>

Who the field reps? What about local law enforcement who want to check for prohibited persons?

Thanks,

Clint B. Monfort
Attorney
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AM00010

From: Alison Merrilees [<mailto:Alison.Merrilees@doj.ca.gov>]
Sent: Tuesday, December 15, 2009 3:30 PM
To: Clint B. Monfort
Subject: RE: AB 962

No. They don't have access to those databases.

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 3:29 PM >>>
Yep. Oh another thought - so are the Field Reps not going to be running background checks on purchasers?

Thanks,

Clint B. Monfort
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From: Alison Merrilees [<mailto:Alison.Merrilees@doj.ca.gov>]
Sent: Tuesday, December 15, 2009 3:26 PM
To: Clint B. Monfort
Subject: RE: AB 962

There's always something (more and more, it seems) to clean up.

Good luck!

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 3:18 PM >>>

Thanks I appreciate it.

I share your same thoughts about the .22 rimfire issue as this definition is technically broader. I think we

AM00011

are going to advise our clients to register these sales out of an abundance of caution. I realize that the enforcement issue makes this somewhat of a moot point with the Department's Field Reps, but we don't want to advise technical violations of the law nonetheless, especially with regard to other law enforcement agencies (even though we don't consider .22 rimfire to be ammunition principally for use in handguns). Maybe this is something that could be addressed in cleanup legislation. I know we have a few more issues that are worthy of some cleanup/clarification.

Thanks,

Clint B. Monfort

Attorney

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From: Alison Merrilees [<mailto:Alison.Merrilees@doj.ca.gov>]

Sent: Tuesday, December 15, 2009 2:43 PM

To: Clint B. Monfort

Subject: Re: AB 962

Clint,

We expect our annual Information Bulletin about new laws - which will include information about AB 962 - to be sent to dealers and law enforcement, and posted on our website next week. I will be out of the office next week, but will ask for a copy of the IB to be sent to you. If you don't get the IB by December 28th, please let me know and I will forward you a copy when I return to the office.

I do not know how our field representatives will determine whether the type of ammunition sold by a vendor is principally for use in handguns, and therefore needs to be recorded in the ammunition log book. It would be impossible for our field representatives to determine the type of ammunition that is sold and not recorded in the log book, however, unless they personally observe a transfer, because there are no records of past ammunition transfers (other than those recorded in the log book). For the most

AM00012

part, I believe our field representatives will just be checking to make sure a log book is kept, and that it includes all the information required by law to be retained by the ammunition vendor. I do not believe it is accurate to describe this system as "registration," because there is no central record of the purchase to be retained by DOJ, or anyone else.

We cannot adopt a rule about .22 rimfire (or any other specific type of ammunition) without adopting a regulation pursuant to the APA. Otherwise, our rule would be an underground regulation.

My initial thought is that dealers make a similar determination now when deciding whether to sell ammunition to 18 - 20 year olds. A person under 21 cannot lawfully purchase "ammunition designed and intended for use in a handgun" if that ammunition cannot be used in a rifle. (PC 12316, subd. (a)(1)(B).) The definition applicable to record-keeping is slightly more broad, because it applies to ammunition "designed primarily" for use in handguns, "notwithstanding that the ammunition may also be used in some rifles." I suppose if dealers wanted to act in an abundance of caution, they could record the transfer of all ammunition that can be used in a handgun or a rifle.

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/15/2009 2:03 PM >>>

Alison,

Would you mind to forward me a copy of the materials the Department is sending to California Dealers on this bill? Also, is the Department going to consider .22 rimfire ammunition as ammo principally for use in handguns, thereby requiring registration under section 12061?

Thanks,

Clint B. Monfort

Attorney

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AM00013

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From: Alison Merrilees
To: Clint B. Monfort
Date: 12/10/2009 9:43 AM
Subject: Re: AB 962

Hi Clint,

We don't plan to hold any regulatory meetings. We will send out a "new laws" bulletin to dealers this month, explaining all of the new laws taking effect next year, including this one. Of course, ammunition is sold by many vendors who are not licensed firearms dealers, but those other vendors are not subject to DOJ oversight. Although the bill gives DOJ the ability to inspect ammunition transfer logs kept by ammunition vendors, DOJ has no way to know who the ammunition vendors are (unless they are licensed firearms dealers). Otherwise, as long as the vendor keeps the records that are required, the vendor has complied with the law.

Let me know if you have any other questions, or concerns.

Allison

>>> "Clint B. Monfort" <CMonfort@michelandassociates.com> 12/9/2009 5:23 PM >>>

Hi Allison,

When is the Department planning to hold any regulatory meetings regarding the implementation of this bill? Though I realize regulations were not authorized by 962 it seems like it will be a nightmare to implement, enforce, and comply with without further clarification and guidance. Is the BOF planning to do anything on this?

Thanks,

Clint B. Monfort

Attorney

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AM00015

EXHIBIT “8”

California Department of Justice DIVISION OF LAW ENFORCEMENT George B. Anderson, Director			INFORMATION BULLETIN
Subject: New and Amended Firearms Laws	No: 2009-BOF-05 Date: 12/30/09		

TO: All California Centralized List of Firearms Dealers, Manufacturers, and Exempted Federal Firearms Licensees

This bulletin provides a brief summary of new and amended California firearms laws that take effect on January 1, 2010, unless otherwise noted. You may contact the California State Capitol Legislative Bill Room at (916) 445-2323 to obtain copies of the bills (order by statute year and chapter number), or access the full text of the bills via the Internet at <http://www.leginfo.ca.gov/>.

AB 962 (Stats. 2009, ch. 628)

- Handgun ammunition must be displayed in a manner that makes the ammunition inaccessible to a purchaser or transferee, and requires the assistance of the vendor or an employee of the vendor. (§ 12061.)¹
- An employee of a handgun ammunition vendor, who is prohibited from possessing firearms, cannot handle, sell, or deliver handgun ammunition in the course and scope of his or her employment. (§ 12061.)
- No one shall supply, deliver, or give ammunition to a minor who is prohibited from possessing ammunition pursuant to section 12101. (§ 12316.)
- Any person who is enjoined from engaging in activity associated with a criminal street gang is prohibited from possessing ammunition. A violation is a misdemeanor. (§ 12316.)
- Beginning February 1, 2011, the delivery or transfer of handgun ammunition must occur in a face-to-face transaction, with the recipient providing bona fide evidence of his or her identity and age, subject to specified exceptions. Non-face-to-face transfers, such as internet transactions and mail order deliveries are prohibited. A violation is a misdemeanor. (§ 12318.)
- Beginning February 1, 2011, handgun ammunition vendors must obtain a thumbprint and other information related to handgun ammunition transactions subject to specified exceptions (including transfers to peace officers who are authorized to carry a firearm in the course and scope their duties). The information must be retained by the vendor for five years from the date of the transaction. A violation is a misdemeanor. (§ 12061.)

¹ All further statutory references are to the California Penal Code, unless otherwise specified.

AB 1286 (Stats. 2009, ch. 144)

- An exemption to the limit of one handgun per 30 days has been added, allowing the transfer of multiple handguns within 30 days to community colleges certified by the Commission on Peace Officer Standards and Training for commission-certified law enforcement training. (§ 12072.)

SB 175 (Stats. 2009, ch. 334)

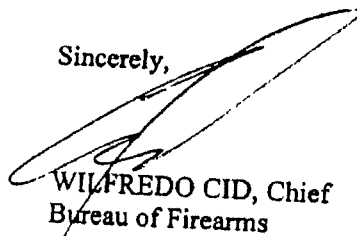
- The firearms dealer licensing requirement provides an exception for the exchange of a firearm to or from a gunsmith for purpose of service or repair. (§ 12072.)
- A California Firearms License Check (CFLC) verification number exemption for dangerous weapons has been removed. (§ 12072.)
- Pawnbrokers are precluded from placement on the Centralized List of Exempted Federal Firearms Licensees (CLEFFL). (§ 12083.)
- Persons who possess a current dangerous weapons permit, are exempt from the fees associated with CLEFFL. (§ 12083.)

SB 449 (Stats. 2009, ch. 335)

- Beginning July 1, 2010, secondhand dealers will report daily to DOJ (rather than the local law enforcement agency) via electronic submission, any firearms purchased, taken in trade, or taken in pawn. Within one working day of receipt of a secondhand dealer report, the DOJ will electronically provide information in the report to a secure mailbox of the local law enforcement agency. (§ 12083; Bus. and Prof. Code §§ 21628 and 21628.2.)

If you have any questions regarding this Information Bulletin, please contact the DOJ Bureau of Firearms at (916) 263-4887.

Sincerely,



WILFREDO CID, Chief
Bureau of Firearms

For EDMUND G. BROWN JR.
Attorney General

EXHIBIT “9”

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SPECIAL COUNSEL:
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W. LEE SMITH

ASSOCIATE COUNSEL:
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JEFFREY M. COHON
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DAVID T. HARDY
TUCSON, AZ

July 16, 2010

Ms. Kimberly Graham
Deputy Attorney General
DEPARTMENT OF JUSTICE
4949 Broadway, Rm. G321
Sacramento, CA 95820
VIA FAX (916) 263-0676 & U. S. MAIL

Public Records Ombudsman
ATTORNEY GENERAL'S OFFICE
P.O. Box 944355
Sacramento, CA 94244
VIA U. S. MAIL

Re: **Public Records Act Request**
PRAR # 7.16.10 – "DOJ Bureau of Firearms"

Dear Ms. Graham:

This letter constitutes a request under the California Public Records Act (CPRA), California Government Code Section 6250, *et seq.* (the "Act").¹ When responding, please include the above reference number for internal tracking purposes.

This request is directed to the Public Records Act Clerk or custodian of records for each entity identified in the addressee section above. If the items listed below are under the control of another department or agency, please forward this letter accordingly and so advise us.

This request seeks the information listed below, whether in the form of a writing,² email (including attachments), computer file, photograph, audio or video tape, or however kept.

¹ All references to standards for compliance are pursuant to the Act, as amended by California Assembly Bill 2799, effective January 1, 2001, and further informed by the heightened right to information as provided by the California Constitution, art. 1, section 3, amended by Proposition 59.

² WRITING, whether singular or plural, includes those items listed in the paragraph above, as well as those items described in the definition provided by Evidence Code section 250, which provides as follows:

"Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

INFORMATION REQUESTED

The following public records and all "writings" related thereto are requested:

1. All writings and communications referring or relating to Assembly Bill 962 (2009), including, but not limited to, bulletins, correspondence, memoranda, notices, and policy statements acquired or created between March 1, 2010 and the present.
2. All writings and communications constituting, referring, or relating to Assembly Bill 2358 (2010), including, but not limited to, bulletins, correspondence, memoranda, notices, and policy statements.
3. All writings and communications between the Department of Justice and the Legal Community Against Violence (LCAV) acquired or created between January 1, 2010 and the present. These documents may include, but are not limited to, studies and research by and correspondence (including e-mails) to or from LCAV.
4. All writings and communications between the Department of Justice and the Brady Campaign acquired or created between January 1, 2010 and the present. These documents may include, but are not limited to, studies and research by and correspondence (including e-mails) to or from the Brady Campaign.

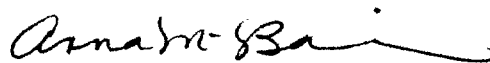
TIME TO RESPOND & COST REIMBURSEMENT

As the CPRA requires, we expect to receive notification of your compliance with this request within ten (10) days of your receipt of this letter. If you need additional time, please simply notify us in writing as the code requires. If practical circumstances further prohibit a timely response, please contact us so we may attempt to agree on a reasonable deadline for production.

Pursuant to section 6253(b) of the CPRA, we are willing to pay reasonable costs to reimburse you for direct costs of duplication, or to pay statutory fees. If you estimate that the direct copying costs will exceed one hundred dollars (\$100.00), notify us of the cost estimate so that we may determine how to proceed.

Thank you for your anticipated cooperation. Please contact me if you have questions or concerns.

Sincerely,
MICHEL & ASSOCIATES, P.C.



Anna M. Barvir

*** TX REPORT ***

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MICHEL & ASSOCIATES, P.C.
Attorneys at Law

Writer's Direct Contact:
(562) 216-4458
vpomella@michellawyers.com

FAX TRANSMITTAL SHEET

TO: Ms. Kimberly Graham
FIRM:
FAX NO.: 916-263-0676
TEL. NO.:
FROM: Anna Barvir
DATE: July 16, 2010
RE: PRAR #7.16.10 - "DOJ Bureau of Firearms"

THIS FAX CONTAINS COVER PAGE PLUS 2 PAGE(S). IF YOU DO NOT RECEIVE ALL PAGES PLEASE
CONTACT Valerie Pomella AT (562) 216-4444.

SPECIAL INSTRUCTIONS

Original to follow via U.S. Mail. Thank you.

EXHIBIT “10”

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 322-6114
Facsimile: (916) 324-8835
E-Mail: Kimberly.Graham@doj.ca.gov

August 9, 2010

Anna M. Barvir
Michel & Associates
180 E. Ocean Blvd., Suite 200
Long Beach, CA 90802

SENT VIA EMAIL TO abarvir@michellawyers.com

RE: Public Records Act Request (PRAR # 7.16.10)

Dear Ms. Barvir:

I am writing in response to the above request made pursuant to the California Public Records Act set forth in California Government Code §6250 et seq. received by the Bureau of Firearms of the California Department of Justice (DOJ) via facsimile on July 16, 2010. In the PRA request, you seek four categories of documents regarding Assembly Bill 962 (2009) and Assembly Bill 2358 (2010).

Under the PRA, government records are open and subject to inspection by and disclosure to the public, unless they are "exempt from disclosure by express provisions of law." (Gov. Code, § 6253, subd. (b).) The PRA specifically exempts certain types of documents from public disclosure, including those described in Government Code sections 6254 and 6255. In addition, Government Code section 6254, subdivision (k) incorporates confidentiality privileges set forth elsewhere in law, and makes those privileged documents exempt from the disclosure requirements of the PRA.

I will respond to the four categories of documents you seek in your request separately, as indicated below.

Categories 1 and 2: All writings and communications referring or relating to Assembly Bill 962 (2009) and Assembly Bill 2358 (2010).

In categories 1 and 2, you seek "[a]ll writing and communications referring or relating to" Assembly Bill 962 (2009) and Assembly Bill 2358 (2010) "including, but not limited to,

bulletins, correspondence, memoranda, notices, and policy statements acquired or created between March 1, 2010 and the present.” For the reasons set forth below, DOJ objects to the request and therefore is unable to produce certain documents responsive to the request.

Deliberative Process Privilege (§ 6255): The deliberative process privilege is applied to the PRA through section 6255. It exempts from disclosure materials that would expose an agency’s decision making process in such a way as to discourage candid discussion within the agency and thereby undermine the agency’s ability to perform its functions. Even if the content of a document is purely factual, it is nonetheless exempt from public scrutiny if it is actually related to the process by which policies are formulated or, if it is inextricably intertwined with policymaking processes. (*Times Mirror Co. v. Superior Court*, *supra*, 53 Cal.3d at p. 1342.)

The documents responsive to this request reveal the decision-making process of the Attorney General and his staff, including but not limited to internal memoranda and emails about the development of policy; specifically, it seeks documents reflecting the analysis by DOJ employees regarding pending legislation. Disclosure of the materials would expose the decision-making process of the Attorney General and DOJ “in such a way as to discourage candid discussion within the agency and thereby undermine the agency’s ability to perform its functions. [Citation.]” (*Times Mirror Company v. Superior Court*, *supra*, 53 Cal.3d at p. 1342.) Therefore, we deny your request for any documents that are responsive to this request which are exempt from disclosure pursuant to the deliberative process privilege.

Attorney-Client Privilege (§ 6254, subd. (k)/Evid. Code 952: Section 6254, subdivision (k), incorporates confidentiality privileges set forth elsewhere in law. The attorney-client privilege is contained in Evidence Code section 952 and protects confidential communications between an attorney and his or her client. Section 6254, sub-division (k), expressly exempts from disclosure matters privileged under the Evidence Code, which includes the attorney-client privilege. (*Roberts v. City of Palmdale* (1993) 5 Cal.4th 363, 370.) Public entities may assert the attorney-client privilege. (*Ibid.*) The privilege “applies to communications in the course of professional employment that are intended to be confidential.” (*Id.*, at p. 371.)

In the present case, deputy attorney generals provide legal advice to the Attorney General, his designees, and to the bureaus and divisions within DOJ. The documents that are responsive to your request include legal advice to the Attorney General, his designees, and to the bureaus and divisions within DOJ regarding pending legislation. Any documents that constitute legal advice from deputy attorneys general to the Attorney General, his designees, or the bureaus/divisions within DOJ are exempt from disclosure pursuant to the attorney-client privilege. Because attorney-client communications are exempt from disclosure in response to a PRA request, we deny your request for any documents that constitute attorney-client communication.

Attorney Work Product Privilege (§ 6254, subd. (k); see also Code Civ. Pro., § 2018.030): Code of Civil Procedure section 2018.030 exempts from disclosure the work product of an attorney. The attorney work product privilege applies to any writing that reflects an attorney's impressions, conclusions, opinions, legal research or legal theories that are maintained as confidential. It is incorporated into the PRA by section 6254, subdivision (k). (*County of Los Angeles v. Superior Court* (2000) 82 Cal.App.4th 819, 833.) Under the attorney work-product exception, records such as confidential analyses, draft language and memoranda prepared by the attorneys employed in the Attorney General's Office constitute attorney work product that is exempt from public disclosure under the PRA.

In the present case, the attorneys in our department provide legal advice to the Attorney General and his designees. To the extent that records were prepared by deputies attorney general to offer their impressions, conclusions, opinions, legal research or legal theories to the Attorney General, his designees, or the bureaus/divisions within DOJ about pending legislation, those records are attorney work product that is exempt from disclosure in response to your request. Because attorney work product is exempt from disclosure in response to a PRA request, we deny your request for any documents that constitute attorney work product.

Subject to and without waiving these exemptions, BOF will produce any non-exempt, non-privileged documents that are responsive to your request.

Categories 3 and 4: Writing and communications between DOJ and LCAV/Brady Campaign

In categories 3 and 4, you seek "[a]ll writings and communications between the Department of Justice" and the Legal Community Against Violence (LCAV) and the Brady Campaign "acquired or created between January 1, 2010 and the present. These documents may include, but are not limited to, studies and research by and correspondence (including emails) to or from" LCAV/Brady Campaign. During our telephone conversation on July 23, 2010, you agreed to modify your request to those communications regarding Assembly Bill 962 (2009) and Assembly Bill 2358 (2010).

BOF has determined that there may be documents responsive to your request, and is in the process of collecting such documents. However, with respect to emails, please be advised that the DOJ computer system only retains emails for a three-month period; therefore, unless the email was personally archived or printed by the recipient, there will be no record of emails sent or received by a DOJ employee beyond the last three months.

* * * * *

Ms. Anna Barvir
August 9, 2010
Page 4

Should have any questions regarding our response to your request, please do not hesitate to contact me. And, in closing, thank you again for your cooperation with regard to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Graham", written over the printed name.

KIMBERLY J. GRAHAM
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

KJG:

SA2010101369
10600713.doc

EXHIBIT “11”

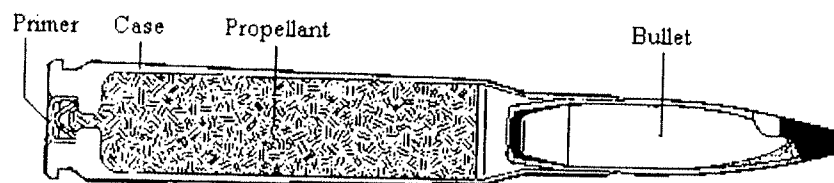
Definitions

Previous Section:  Gun Types

Ammunition Components

Cartridge

Cartridge firearms have been in service since the mid-1800s. In earlier designs such as flint-lock or percussion cap arms, the propellant (powder) and the ignition mechanism were individual components which had to be separately loaded or were part of the arm itself.



Modern cartridges have a case which holds bullet, propellant and primer in a single self-contained system. This complete unit and the bullet fired from it are also referred to as a *round* or *shell*.

The cartridge is perhaps the single most important factor making modern firearms practical. The cartridge is a stand-alone module of mechanical integrity sealing sensitive chemical compounds from the external environment, and keeping together all the consumable components needed for firing one round. This key development enabled the significant advance of arms technology starting in the latter half of the 19th century.

Bullet

The bullet is the projectile driven down the barrel by the pressure of hot, burning propellant gases. Bullet design is a fairly specialized sub-field involving a much design and experimentation. Bullets must be aerodynamically stable and have low drag at their design velocities. They must be soft enough to allow some deformation in the rifling of the barrel. Bullets must have sufficient strength to withstand high acceleration during firing.

One of the topics not covered in this document is ballistics. Internal ballistics is the study of bullet and barrel performance while the bullet is in the barrel. External ballistics studies the bullet in free flight from muzzle to target. Terminal ballistics is the study of the effects of the projectile in the target medium. Targets studied usually include armor plating, sheet metal, flesh, or flesh simulants such as ballistic gelatin. See the [Bibliography](#) for some ballistics references.

It was the .50 caliber Browning rifle bullet which helped shape the first successful manned supersonic aircraft (Chuck Yeager's [Bell X-1](#)) since it was one of the few objects known to be aerodynamically stable at three times the speed of sound.

Case

Cartridge cases are usually made of brass or steel, though some shotgun cases are made mostly of

entirely of plastic. As described above the case is the carrier which holds the propellant, primer and bullet securely. This makes it practical to transport and deploy the components as a single module, greatly simplifying logistics and use. To re-iterate, the important principle was to group the relevant components as a self-contained functional unit.

The most important role of the case after feeding is the sealing of the breech. During firing the case expands outward against the barrel chamber providing a gas-tight seal and preventing the high pressure gases from entering the rest of the arm. Such a release could case a failure hazardous to the user, since usually only the combined case/chamber/breech system has sufficient strength to withstand the high pressures generated. Since the case expands under great pressure against the chamber, considerable force is required to overcome friction in extracting the fired case from the chamber.

Primer


The modern cartridge's percussion primer was a major improvement in starting the ignition chain. Previously a spark from a flint, heat from a smoldering match (a cotton cord), or an externally placed percussion cap provided the source of ignition. The modern primer is cup-shaped and contains percussion (impact or pressure) sensitive explosive compounds. When struck, the primer expels hot burning particles onto the propellant (powder) contained in the cartridge.

In modern rifle and pistol rounds the primer is press fit and sometimes crimped into the back of the cartridge, where the striker can reach it. Cannon rounds are usually electrically fired. That is, the primer is an electrical device with two insulated, usually concentric terminals which is ignited through electrical current. In rimfire rounds, the primer compound is in the fold at the back of case which also forms the extraction rim. The striker impacts the rim, detonating the primer material.

Propellant (Powder)

The first part of the ignition chain is the primer. When struck, the primer detonates (it is a primary explosive rather than a propellant) and begins to ignite the propellant (powder). The powder then burns at a controlled rate appropriate to the particular bore diameter, projectile mass, barrel length, etc. Note that powder is not a primary explosive, so in normal operation it burns relatively gradually rather than detonating. The burning propellant generates high pressure gases which accelerate the projectile down the barrel. Smokeless powder is usually composed of double base (twice nitrated) compounds and binders (glues) to hold grain shape.

Modern powders are extruded in the shape of rods or discs and come in a variety of sizes which together with chemical composition affect the burning rate. Smaller-grained, fast-burning propellants are generally used in higher velocity applications and larger-grained, slower-burning used in lower velocity rounds. Matching of burning rates to bore diameters and projectile masses requires careful calculation and measurement of pressure versus time. This is important to keep within the safe pressure limits of the barrel and rest of the system. Such development can be aided by using piezoelectric cells or strain gauges feeding computerized data acquisition systems. Once calibration procedures are established, these measurement systems are more efficient and simpler to use than old-style mechanical copper crushers.

Next Section: [Gun Components](#) 



[Back to Definitions Index](#)



[Back to Main Index](#)

EXHIBIT “12”

Rifle: Standard with 24" barrel, octagonal through about the serial range 100000, at which time round barrels became common. Brass frame, buttplate, and forend cap (steel cap became standard after serial range 135000). The buttplate of the crescent type.

Carbines: Standard with 20" round barrel and two barrel bands. Brass frame and buttplate, the latter of the distinctive curved profile. Saddle ring mounted on the left side of the frame.

Muskets: Standard with 27" round barrel, 24" magazine, and 17" forend. Three barrel bands present, and the buttplate of carbine style.

Major variations are:

First Model 1866, tang serial number concealed by the buttstock, "Henry drop" in profile of frame at the hammer area, frame does not flare out to meet forend, upper tang has two screws, flat loading gate cover, Henry and King's patent barrel marking, serial range 12476 to about 15500 (with some overlap with Henry Rifle).

Rifle version of the First Model (not fitted with forend cap):
5K-026 Values—Good \$10,000 Fine \$32,500

Carbine version of the First Model:
5K-027 Values—Good \$6,000 Fine \$15,000

Musket version of the First Model: (None produced)

Second Model 1866, concealed "inside" serial marking on the tang (early production through about 19000 serial range), flared frame to meet the forend, the "Henry drop" frame profile has turned to a graceful curved shape in the hammer area, Henry and King's patent barrel marking for most of production, serial range about 15500 to 23000+.

Rifle:
5K-028 Values—Good \$3,500 Fine \$10,000

Carbine:
5K-029 Values—Good \$3,000 Fine \$8,000

Musket: None known to be produced.

Third Model 1866, serial marked in block numerals behind the trigger (and thus visible without removing stock), flared frame to meet forend, and the curved frame profile in hammer area not as pronounced as the First and Second Models; Winchester, New Haven and King's Patent barrel marking, serial range about 23169 (lowest recorded number to date) to 149000.

Rifle:
5K-030 Values—Good \$3,000 Fine \$7,500

Carbine:
5K-031 Values—Good \$2,500 Fine \$6,500

Musket:
5K-032 Values—Good \$2,250 Fine \$5,500

Fourth Model 1866, the serial number marked in script on the lower tang near lever latch, flared frame to meet forend, the curved frame profile in hammer area even less pronounced than the Third Model, barrel marking same as the Third Model, serial range about 149000 to 170101. Late production iron mountings.

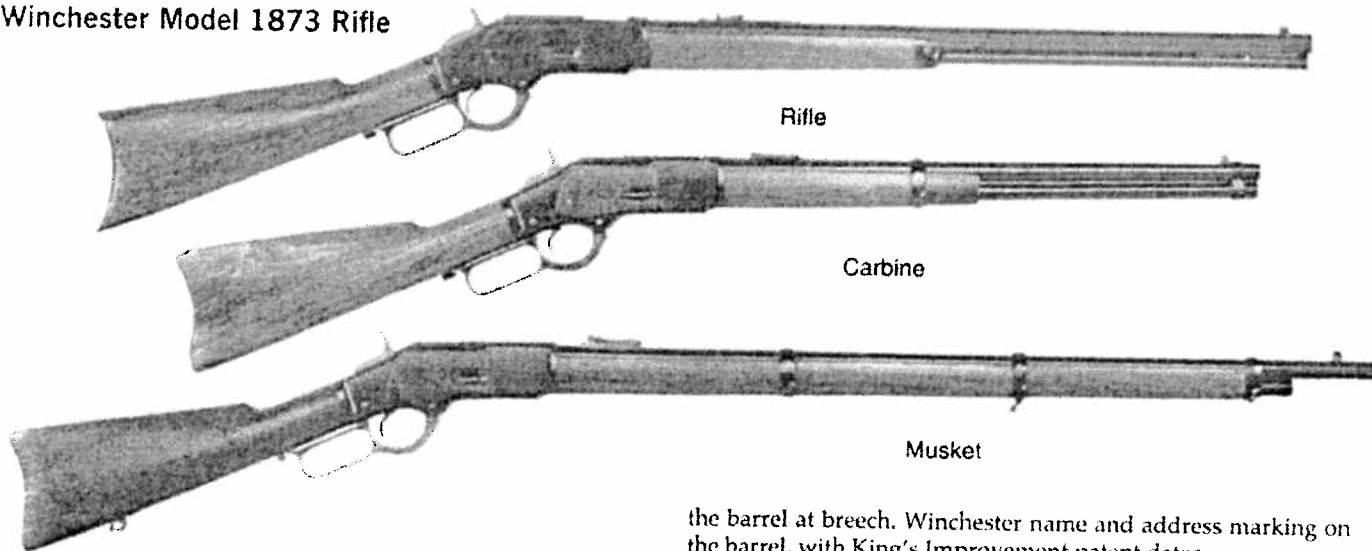
Rifle:
5K-033 Values—Good \$2,500 Fine \$6,750

Carbine:
5K-034 Values—Good \$2,250 Fine \$6,000

Musket:
5K-035 Values—Good \$2,250 Fine \$5,500

(Note: A premium placed on round barrels on rifles, as these are less frequently encountered than octagon.)

Winchester Model 1873 Rifle



Model 1873 Rifle. Made c. 1873-1919; total produced approximately 720,610 (figure includes 19,552 made in 22 rimfire).

32-20, 38-40, and 44-40 calibers. Tubular magazine located beneath barrel. The frames of iron with sideplates, and noticeably different from the Model 1866 predecessor.

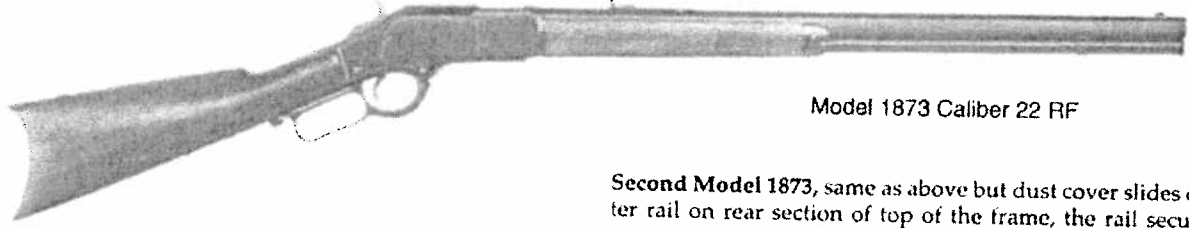
Oil stained or (less common) varnished walnut stocks. Blued finish, with hammers, levers and buttplates casehardened; frames also not uncommon casehardened.

Serial numbering in individual series from 1 on up; located on the lower tang. **MODEL 1873** and Winchester markings appear on the upper tang; caliber markings usually are present on bottom of the brass elevator block (see bottom of frame) and on

the barrel at breech. Winchester name and address marking on the barrel, with King's Improvement patent dates.

To the good fortune of collectors, Winchester Museum factory records are virtually complete for the Model 1873 production. This is a model in which the collector can specialize exclusively, and perhaps never run out of variations to acquire. Considerable variety is apparent in the Model 1873, in sights, magazines, finishes, markings, barrel lengths and weights, stocks, and even in screws, varying contours of wood and metal, knurlings, and *ad infinitum*. Export sales were considerable, and many of these arms experienced rough handling and those that survived are often in poor condition. Domestic sales have survived in a generally better state of condition, but the majority do show use, and often to a great degree. Perhaps the most famous of all Winchester, the '73 was featured in the James Stewart film "Winchester

V-K: Winchester



Model 1873 Caliber 22 RF

"73." The Model boasts a production record covering more years (about 50) and more guns (over 720,000) than most of the company's other lever action models. Those under No. 525900 (approx.) made prior to December 31, 1898.

Rifles: Standard with 24" barrel, round or octagon. Buttplate of the crescent type. Cap on front of forend; the magazine tube attached to barrel with small band. Adjustable, open style sporting rear sight.

Carbines: Standard with 20" round barrel, and two barrel bands. Buttplate of distinctive curved profile. Saddle ring mounted on the left side of the frame. The rear sights of adjustable carbine type (compare with Rifle).

Muskets: Standard with 30" round barrel, 27" magazine. Three barrel bands usually present, the buttplate of carbine style, and the sights of adjustable musket type.

Major variations are:

Early First Model 1873, the dust cover with guide grooves is mortised in forward section of the frame; checkered oval thumbrest is separately affixed (very earliest is round thumbrest and worth premium). Note two screws on frame above trigger, lever latch fits into lower tang with threads, upper lever profile curves away from trigger; serial range from 1 to about 1600 (serials under 100 worth 30% to 50% premium).

Rifle:
5K-036 Values—Good \$1,500 Fine \$5,500

Carbine:
5K-037 Values—Good \$2,250 Fine \$7,500

Musket: None known to be produced.

(Note: On serial numbers 1 through approximately 600 Model 1873 markings are hand engraved and found on the lower tang with the serial number. This feature worth a premium in value.)

Late First Model 1873, the dust cover mortised as above (oval thumbrest is checkered on the cover itself and variations of that oval panel occur and fetch premiums), trigger pin appears below the two frame screws above trigger, improved type lever latch (the threads not visible) became standard as did the trigger block safety and the added profile to the lever behind trigger (to engage newly added safety pin); serial range about 1600 to 31000 (serials under 100 worth 30% to 50% premium).

Rifle:
5K-038 Values—Good \$1,100 Fine \$4,500

Carbine:
5K-039 Values—Good \$1,600 Fine \$6,000

Musket
5K-040 Values—Good \$1,750 Fine \$6,500

Second Model 1873, same as above but dust cover slides on center rail on rear section of top of the frame, the rail secured by screws; serial range about 31000 to 90000. On later Second Models, serrations on rear edges (for finger hold) replaced the checkered oval panel on the dust cover.

Rifle:
5K-041 Values—Good \$650 Fine \$2,250

Carbine:
5K-042 Values—Good \$1,000 Fine \$3,750

Musket:
5K-043 Values—Good \$1,000 Fine \$3,250

Third Model 1873, same as above but the dust cover rail is a machined integral part of the frame, no longer present are the two frame screws and pin formerly located above the trigger, and screws on lower tang are located much more rearward than previously; serial range about 90000 to end of production. Serrated rear edges on dust cover.

Rifles:
5K-044 Values—Good \$600 Fine \$1,800

Carbine:
5K-045 Values—Good \$850 Fine \$3,500

Musket:
5K-046 Values—Good \$900 Fine \$2,000

Model 1873 22 Rimfire Rifle, easily identified by the 22 caliber markings and the lack of a loading gate in the right sideplate. Chambered for 22 short and long rimfire cartridges, and loaded through the front end of the magazine tube. 24" or 26" barrels standard. Made c. 1884-1904 in a total quantity of 19,552, this was the first repeating rifle manufactured in America chambered for the 22 rimfire ammunition. Made only in rifle form:

5K-047 Values—Good \$775 Fine \$2,250

1 of 1000 and 1 of 100 rifles, are among the ultimate rarities in Winchester collecting. In the Model 1873 only 136 "1 of 1000" rifles were made, and 8 "1 of 100". These are distinguished by the special marking found on the top of the breech. Confirmation of the series can be made through Winchester Museum records, in which the original arms are documented. The desirability of 1 of 100/1000 rifles has made them attractive for faking; and caution is suggested in making a purchase. Although the "1 of 100" is the scarcer rifle it seems that the "1 of 1000" is more eagerly sought after, hence values are apparently the same for these two great rarities, ranging from:

1 of 100:
5K-048 Values—Good \$32,500 Fine \$70,000
Exc. \$125,000

1 of 1000:
5K-049 Values—Good \$32,500 Fine \$70,000
Exc. \$125,000

EXHIBIT “13”

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Barrel Making: Pattern Welded or Damascus Barrels

Barrel Making: Early Barrel Making in Europe

Barrel Making: Early Gun Making in Europe

Barrel Making: Early History

Rifling: Manufacturing: Electro Chemical Machining...

Rifling: Manufacturing: Electric Discharge Machini...

Rifling: Manufacturing: Flow Forming

Rifling: Manufacturing: Hammer Forged Rifling

Rifling: Manufacturing: Button Rifling

Rifling: Manufacturing: Broach Rifling

Rifling: Manufacturing: Cut Rifling

Rifling: Terminology

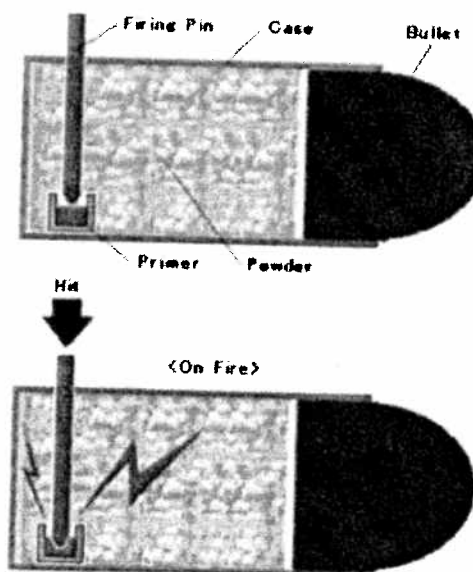
Rifling: Breechloaders

Tuesday, May 4, 2010

Cartridges: Pinfire Cartridge

In our last post, we studied the cartridges of the needle gun. We've also studied how shock-sensitive materials such as fulminates make percussion locks work. We've also studied how the breech-loader loading mechanisms work. In our studies of the needle gun's cartridges, it was noted that one of the defects of this weapon was that the needle tended to break off often. The next type of cartridge we will study is the Pinfire cartridge.

The pinfire cartridge was originally developed around the same time as the needle gun's cartridge. However, unlike the needle gun, where the long needle is part of the gun's firing mechanism, a pinfire cartridge has a firing pin as part of the cartridge.



Public domain image courtesy of wikipedia.com

It consists of a cartridge with a metallic case. On one side of the cartridge is a protruding firing pin. The other end of the pin touches a small copper cap containing a pressure sensitive primer explosive such as mercury fulminate or potassium chlorate. The rest of the case is filled with gunpowder and there is a lead bullet at the end.

To ignite the gunpowder charge, one applies a sharp blow to the pin.

Rifling: Polygonal Bore and the Whitworth Rifle

Rifling: Expanding Bullets and the Minie Rifle

Rifling: Brunswick Rifle

Rifling: History

Rifling: Basics

Exotic Firing Mechanisms:
Electrical

Cartridges: Caseless Cartridge

Cartridges: Centerfire cartridge

Cartridges: Rimfire Cartridge

Cartridges: Pinfire Cartridge

Cartridges: Needle Gun Cartridge

Cartridges: The Paper Cartridge

► April (16)

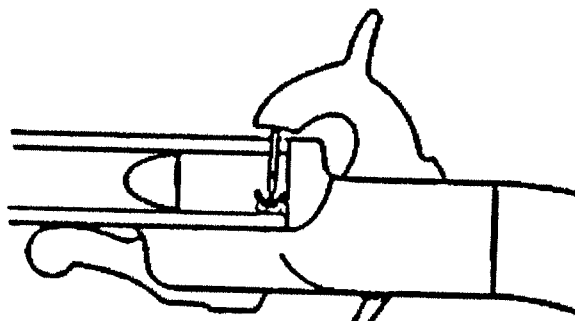
About Me

The Editor

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The other end of the pin then strikes the primer which then ignites and then burns the main gunpowder charge.

To load the weapon, the user opens the breech of the gun and drops in a cartridge. There is a slot at the top of the barrel so that the pin can protrude out of the slot. The user then cocks the hammer against spring pressure. When the user pulls the trigger, the hammer is released and the spring force drives the hammer onto the pin, thereby firing the weapon.



Pinfire revolvers also work on similar principles. There is a slot cut into compartment of the revolver's cylinder, so that the pin can protrude out of it. The hammer of the revolver strikes the top of the pin and thereby fires the weapon.

A little history on the pinfire gun: The original mechanism was developed in 1828 by a Frenchman named Casimir Lefauchaux. By the mid 1840s, guns using this mechanism grew very popular in France, but had limited success in England, chiefly because they were suspicious of breech-loaders in England and also because they didn't trust a French inventor. It was only past the 1850s that the English began to look at breech-loaders and they didn't use the pin-fire cartridge with their weapons. Hence, the pin-fire cartridges were never really popular in English speaking countries. On the other hand, they were very popular in France and French neighbouring countries (Spain, Italy Switzerland etc.)

The pinfire cartridge was one of the reasons for the decline of muzzle-loading weapons. It was much quicker and easier to load a breech-loading weapon using pinfire cartridges. The cartridge was also relatively gas-tight compared to the needle gun, which made the shooting a bit more efficient. It must be noted however that it wasn't as gas tight as some later cartridges working on other principles. The pinfire cartridges were the first metallic cartridges and also responsible for the decline of paper cartridges as well. All future cartridges with metal cases owe some history to the pinfire.

The problems with the pinfire were that, with the protruding pin, it took a little longer to load than the future centerfire and rimfire cartridges, since the pin needs to be aligned to the slot before the gun can be closed. Rough handling could sometimes accidentally trigger the pin and cause the cartridge to detonate. The pin-fire cartridge, while it was an improvement over the needle gun

cartridge, was also not very gas-tight and often, a bit of the expanding hot gas would push the pin up and escape that way. These days, the only weapons that use pinfire cartridges are either antiques from the 1800s, or weapons with really small caliber bullets (e.g. 2 mm bullets), where a rimfire or centerfire cartridge would not work.

Posted by The Editor at 12:26 AM

Labels: cartridge, pinfire cartridge

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EXHIBIT “14”

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Thread Tools

1

07-25-2010, 04:21 PM

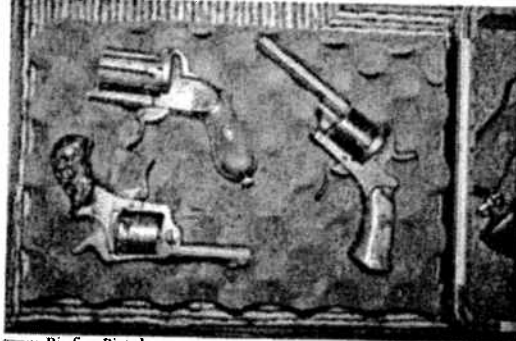
AaronN322
Firearm Enthusiast

Join Date: Feb 2009
Location: Canton, OH

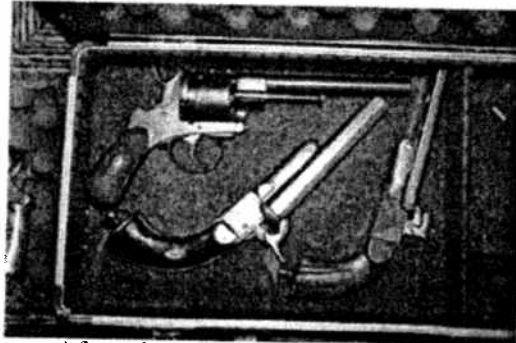
Some of my Antiques

Let's get this antique forum started! Some of this has been posted before but I want to get some content into the new forum.

Guns:



7mm Pinfire Pistols



12mm pinfire revolver, 12mm double barrel pinfire, 15mm double barrel pinfire



Recent Discussion:

Son #2 dies in motorcycle...

Posted By Full Metal Jack
09-06-2010

Marlin 1895 S

Posted By SwedeSteve
09-06-2010

I seem to have contracted...

Posted By Jellybean18
09-06-2010

Don't piss off the American...

Posted By homerfire232
09-06-2010

The woman and a fork

Posted By Huey Rider
09-06-2010

Shooting while pregnant

Posted By Jay
09-06-2010

A little politically...

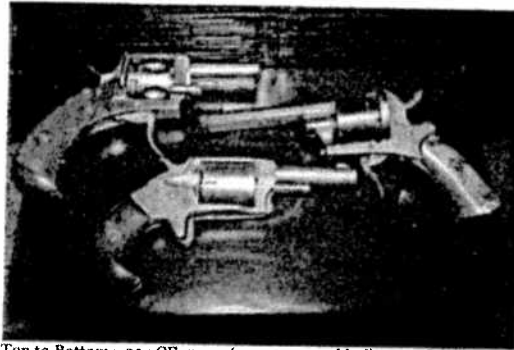
Posted By DaTeacher
09-06-2010

Globalist Soros Launches...

Posted By grizely
09-06-2010



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Top to Bottom: .32s CF, 7mm (approx .32 cal bullet) pinfire, .32 rimfire
This is a nice comparison of the 3 competing technologies in the late 1800s



Left:

Top: Different variations of 12mm Pinfires
Middle: 2mm, 5mm, 7mm, 9mm, 12mm 15mm pinfires and a

12mm Perrin, The 12mm Perrin was mainly used
for 12mm pinfire to centerfire conversion guns.

Bottom: .28, .30, .42 Plant Cupfire cartridges. These were used
to circumvent the patents S&W had for their breach-loading RF
guns

Middle:

Top: 4 black powder .22 variations

Bottom: 2mm, 4mm, 5mm, 6mm, 7mm, 9mm Flobert Rimfire

Right:

All UMC (with "U" headstamp) rimfire cartridges from .25, .30,
.32, .38, .41, .42, .44, .46, .50, .52 with different variations
(short, long, long rifle, extra long, etc)

Oh! And check out my website if you want to see detailed images of all my
hundreds of pinfire cartridges and boxes: <http://www.FreeMyCollection.com>

Last edited by AaronN322: 07-25-2010 at 04:47 PM.



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07-25-2010, 04:44 PM

woody1981

Firearm Zealot



Join Date: Jun 2009
Location: southwest PA

All I can say right now is "Wow"!!!!

Take our country back. Vote!~~Woody

2



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07-25-2010, 08:13 PM

Para Cassatt
Firearm Aficionado



Join Date: May 2010
Location: South Carolina

Nice collection!

If Eastwing made a 1911 then I would be complete.

Reply with Quote

#3

07-25-2010, 10:43 PM

hack1911
Firearm Enthusiast

Join Date: May 2010

Very nice, thanks for sharing, thats the first time I've seen many of those cartridges.

Reply with Quote

#4

07-25-2010, 11:00 PM

MosinRuger
Firearm Aficionado



Join Date: Jan 2010
Location: Florida

lol im more interested int he cartridges than the guns

Reply with Quote

#5

07-26-2010, 02:05 AM

AaronN322
Firearm Enthusiast

Join Date: Feb 2009
Location: Canton, OH

Quote: Originally Posted by **MosinRuger**

lol im more interested int he cartridges than the guns

and those are just the UMC rimfires! =)

Plenty more where they came from. Any particular questions about them, or want to see any other pinfires?

Reply with Quote

#6

07-26-2010, 02:10 AM

ArkansasHunter
Firearm Zealot



Join Date: Mar 2007
Location: Buck Snort, Arkansas.

Thanks from me to, for sharing your very nice collection.

IN GOD WE TRUST
NRA MEMBER

Reply with Quote

#7

07-26-2010, 07:15 AM

Tha Dave
Firearm Aficionado



Join Date: Nov 2009
Location: All over

2mm!!!! thats less than half the size of a BB that crazy. Awsome collection. 😊
Anything that you would want to share about any of these rounds I'd love to read.

Youtube is *NOT* a gunsmithing guide 🗑️

Reply with Quote

#8

07-26-2010, 12:49 PM

SwedeSteve

Firearm Zealot



Thanks for the pics !! Much appreciated !!

We can slow the aging process by requiring it to pass through Congress !!

Join Date: Feb 2007
Location: Anchortown, Alaska

07-26-2010, 08:41 PM

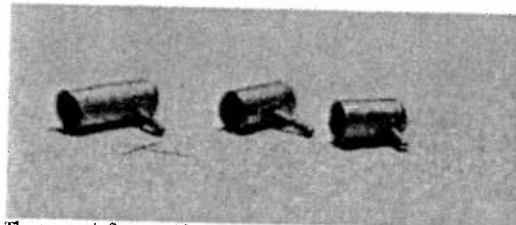
AaronN322

Firearm Enthusiast

Join Date: Feb 2009
Location: Canton, OH

Quote: Originally Posted by Tha Dave

2mm!!!! that's less than half the size of a BB that crazy. Awesome collection. Anything that you would want to share about any of these rounds I'd love to read.



The 2mm pinfire cartridge sizes varied quite a bit. The base is generally between .078 and .088 inches (2mm) whereas the case length ranges anywhere from .117 to .211 inches. This particular cartridge in the middle is the shortest in my collection, though they have been found shorter. Mine measures in at .134 inches. The cartridge on the left is the longest I have found; measuring in at .211 inches. These cartridges were manufactured in Austria, Japan and Germany.

On the right is the .2mm Xythos blank made by ADK in Austria. This is the newer style pinfire that is still currently produced. It has a rounded base and is made specifically for the Berloque Xythos pinfire guns. These guns often have a 9mm flare shooter that attaches to the end of the barrel. They are sold as novelties and for hikers to be able to carry a very small flare launcher.



The two on the left most often came in capsules like the one shown with between 6 and 21 cartridges.



The one on the right most often comes in the little red box as shown in the pictures with the guns.



The older style guns often came in boxes such as the German MAUS that is from early to mid 1900s

Last edited by AaronN322; 07-26-2010 at 08:46 PM.

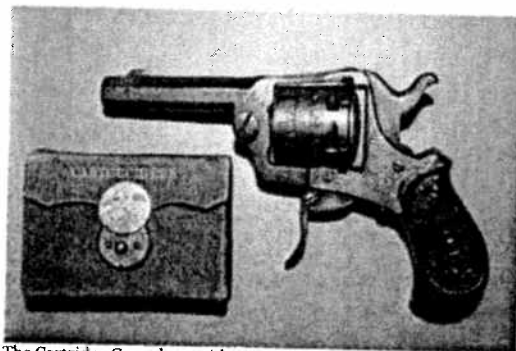
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07-26-2010, 09:09 PM

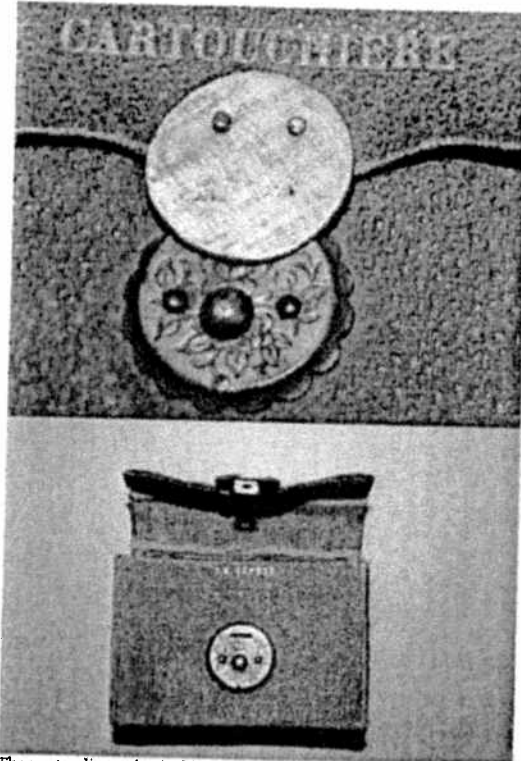
AaronN322
Firearm Enthusiast

Join Date: Feb 2009
Location: Canton, OH

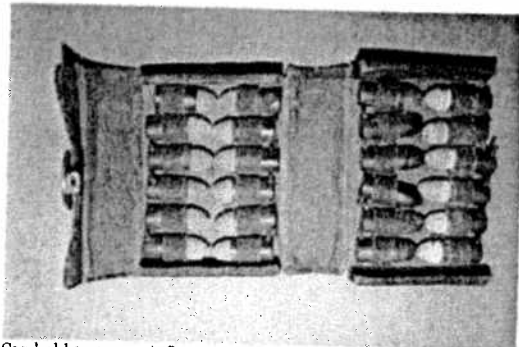
Another one of my favorite pieces in my collection is this leather cartridge holder for 7mm pinfires. I believe this to be from the 1860-1880s. It was most likely used in Europe but who knows, maybe it was even used in our Civil War! Both Union and Confederate soldiers are known to have used pinfire (Lefauchaux) revolvers and carbines during the Civil War. If you all are interested I could type a little about their use in that war.



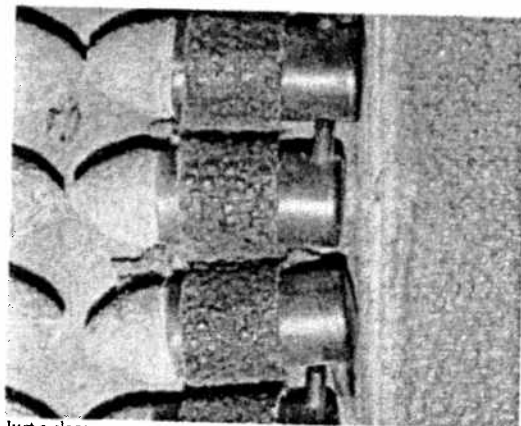
The Cartridge Case along with a 7mm pinfire revolver.



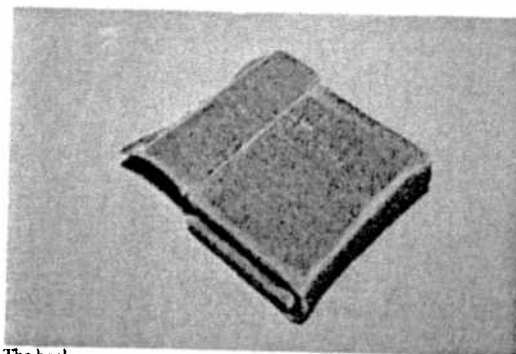
The protruding spherical brass on the bottom brass piece moves down, unlocking the snap.



Can hold 24 7mm pinfire cartridges. The elasticity has begun to diminish, but is still holding them tightly.



Just a close up



The back



The rest of my 7mm cartridges that are displayed on my webpage with information such as headstamp and manufacturer. Some have further information too. I have about this many more that I still need to catalog and photograph. These are all different manufacturers.
<http://www.FreeMyCollection.com/>

Reply with Quote

07-27-2010, 00:30 PM

rimfirenut
Firearm Aficionado



Join Date: Feb 2009
Location: michigan

#12
Very interesting... I like the web site and look forward to more information in the near future.. Oh.. bye the way... NICE COLLECTION!!

Reply with Quote

07-27-2010, 08:41 PM

Para Cassatt
Firearm Aficionado



Join Date: May 2010
Location: South Carolina

#13
Very nice collection and site. I would like to hear about the pinfires of the Civil War and perhaps a little background of the firearms. Did anyone produce pinfire rifles?

If Eastwing made a 1911 then I would be complete.

Reply with Quote

07-28-2010, 01:17 AM

.22guy
Firearm Zealot

#14
Amazing stuff!! Thanks for sharing!

My first priority will be to reinstate the assault weapons ban as soon as I take office.



Join Date: Jul 2004



Reply with Quote

07-28-2010, 11:35 AM

Bigfoot

Firearm Aficionado



Join Date: Oct 2008

Location: Afton NY

Nice batch of old irons there!

15



Reply with Quote

07-28-2010, 12:02 PM

chesterwin

Super Moderator



Join Date: Jun 2009

Location: Outer Banks

Very impressive! I would certainly like to hear more!

16

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Reply with Quote

08-01-2010, 02:10 PM

AaronN322

Firearm Enthusiast

Join Date: Feb 2009

Location: Canton, OH

Quote: Originally Posted by Para Cassatt

Very nice collection and site. I would like to hear about the pinfires of the Civil War and perhaps a little background of the firearms. Did anyone produce pinfire rifles?

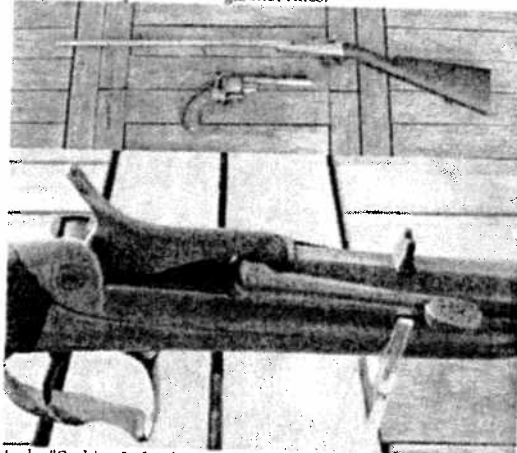
17

I will try to do a write up sometime about pinfire use in the civil war. I will also include information on American manufacturers of pinfire cartridges during that time.

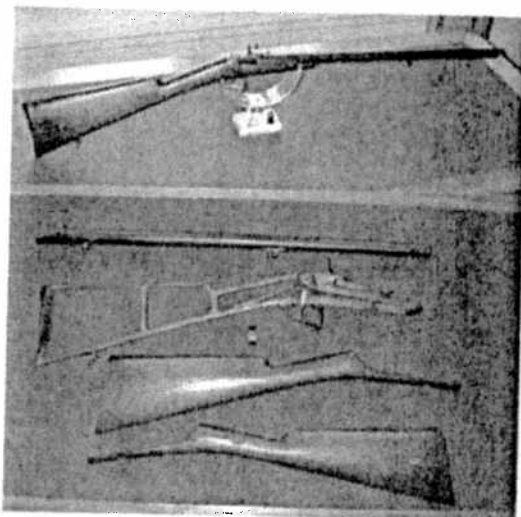
Lefauchaux (Pinfire) rifles and especially shotguns were definitely made. Shotguns were actually probably more popular than the revolvers. People still hunt with them today.

The pictures in this post are not my own guns

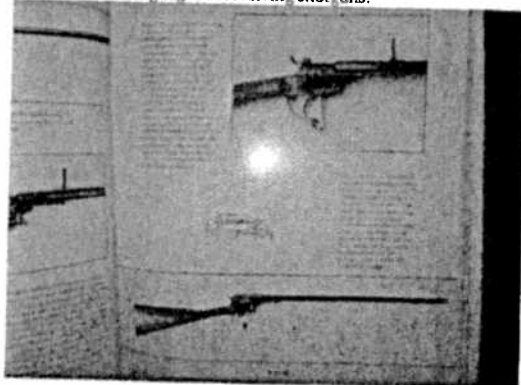
Here are a couple 12mm single shot rifles.



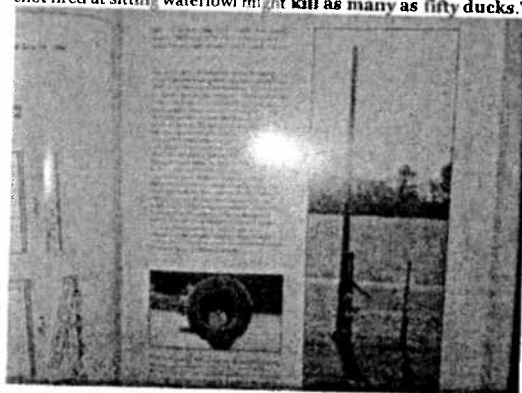
And a "Carbine Lefauchaux 1859"



Here are a couple revolving 12mm pinfire carbines. They also came in 15mm, as well as various gauges of revolving shot guns.



Here is an interesting pinfire punt gun. A single shot would shoot about a pound of BB shot. The gun weighs 130lbs. This one is 9'4" long. "A well placed shot fired at sitting waterfowl might kill as many as fifty ducks."



Also, here are some 2mm pinfire rifles:



Last edited by AaronN322; 08-01-2010 at 02:14 P.M. Reason: grammar, spelling

08-01-2010, 02:32 PM

AaronN322
Firearm Enthusiast

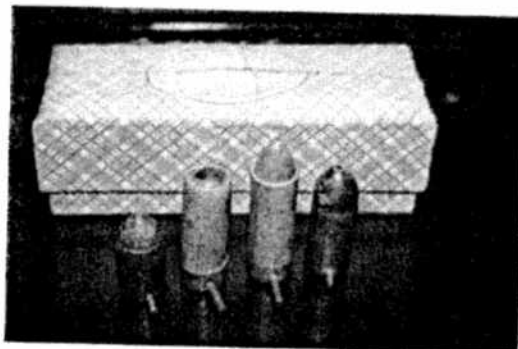
Join Date: Feb 2009
Location: Canton, OH

18

Also, Here is a picture of some 12mm carbine length pinfire cartridges. The cartridge on the left is a standard size, for size comparison.

The box in the back is a full, sealed box of the cartridge on the right. It was made by Houllier & Blanchard of Paris, France. These are documented to have been used in revolving carbines during our Civil War. They are also occasionally dug at civil war battlefields; but not near as often as the shorter, revolver-size pinfires. This cartridge (and box) was made between 1855 and 1872.

The two in the middle are a special cartridge made by Gevelot (Gevelot S. A., (Societe Francaise des Munitions), Paris, France) for a specific British rifle. It has a much longer case than most and it has hard cardboard(pasteboard? paper?) for the case attached to a brass base. I have included a sample of a conical bulletted version and a round ball version.



Last edited by AaronN322; 08-01-2010 at 02:39 P.M. Reason: spelling

08-01-2010, 03:56 PM

Para Cassatt
Firearm Aficionado



Join Date: May 2010
Location: South Carolina

Awesome stuff!

If Eastwing made a 1911 then I would be complete.

19

08-06-2010, 06:36 AM

thrillbilly
Firearm Zealot

Very neat...thanks for kicking off the Antique Forum with a "bang"!

Red Neck, Blue Collar
.270win- "Perfecting the .06 since 1923"

20



Join Date: Apr 2009
Location: San Diego, California



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• bolt action pistol caliber carbines | MAK-90 Accessories: Where to Buy? •

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09-06-2010

Don't piss off the American people.....

Posted By boomerfire232
09-06-2010

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Posted By Huey Rider
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EXHIBIT “15”

Plate 2-11 (*above*). A Lefauchaux Model 1854 pinfire "pistol-carbine" revolver fitted with scarce 16-inch barrel and detachable skeleton shoulder stock, serial number "1700." Note rear leaf sight. *Courtesy Musée d'Armes de Liège; Francis E. Niffle photograph*

Plate 2-12 (*below*). A Lefauchaux Model 1854, single-action pinfire revolving rifle in 12mm caliber. *Courtesy James Lowther; John Calceary photograph*

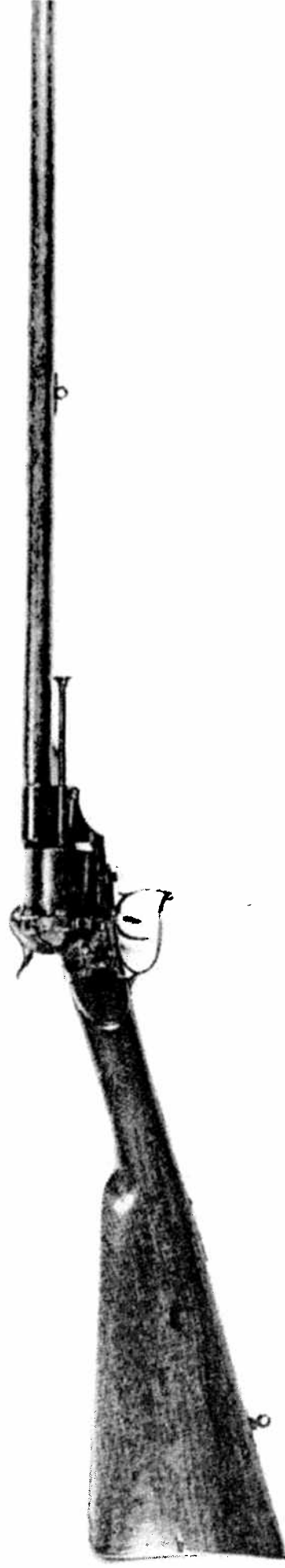
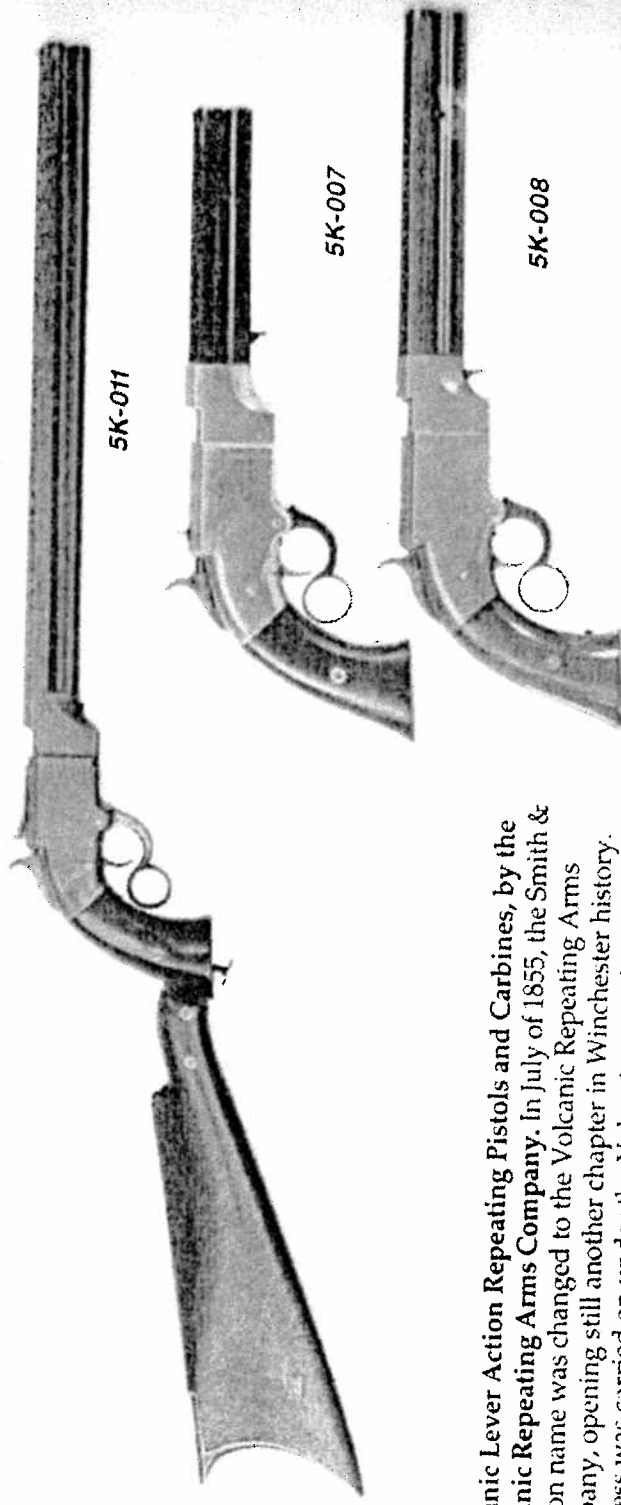


EXHIBIT “16”

Volcanic Lever Action Pistols and Carbines



Volcanic Lever Action Repeating Pistols and Carbines, by the Volcanic Repeating Arms Company. In July of 1855, the Smith & Wesson name was changed to the Volcanic Repeating Arms Company, opening still another chapter in Winchester history. Business was carried on under the Volcanic name from 1855 to 1857, at which time it was reorganized as the New Haven Arms Company. Oliver F. Winchester, a successful manufacturer of clothing, became an increasingly active investor in the lever action arms, having first purchased stock in the Volcanic firm c. 1855. Smith and Wesson both dropped out of the enterprise c. 1855-56.

The breakdown of Volcanic arms is presented in the following model listings. All guns were of the same caliber, 41, and fired the patented, specially designed cartridges (though improved) of the Smith & Wesson type; magazines of integral structure, located beneath the barrel. The Volcanics began with serial 1, and have been observed marked in excess of the number 3000. Standard markings of all models, on the barrels: THE VOLCANIC/REPEATING ARMS CO./PATENT NEW HAVEN

CONN/FEB 14, 1854. Marking variations are noted in these. Finish: Unfinished brass frames; the barrels blued. (Note: Engraved specimens, cut in a large, open scroll pattern, are often encountered. These arms command an added premium.)

Lever Action Navy Pistol; 6" barrel, 41 caliber, brass frame, flat-bottomed varnished walnut grip, rounded finger hole in the lever. VOLCANIC barrel markings as noted above. Quantity estimated 1,200:

5K-007 Values—Good \$3,500 Fine \$8,000

Lever Action Navy Pistol; same as above but with S. B. W. Quantity estimated 1,500:

5K-008 Values—Good \$3,500 Fine \$8,000

(Note: Pistols as above fitted with shoulder stocks demand premium.)

Lever Action Navy Pistol; as above but with 16" barrel, attachable shoulder stock. Quantity estimated 300. Rare

Pistol:

5K-009 Values—Good \$5,000 Fine \$16,000

Pistol with Stock:

5K-010 Values—Good \$8,500 Fine \$22,500

Lever Action Carbine; 41 caliber, barrel length of 16-1/2" utilizing left-over barrels from Navy Pistol. Long and varnished walnut, buttstocks, with crescent type brass VOLCANIC markings as noted above:

16-1/2" barrel:

5K-011 Values—Good \$7,000 Fine \$17,500

21" barrel made only by New Haven Arms Co. (q. r.)

5K-012

25" barrel made only by New Haven Arms Co. (q. r.)

5K-013

EXHIBIT “17”



For good deals on cheap **22lr ammo** go to
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A Brief History of .22 Rimfire Ammunition

By **Chuck Hawks**

The rimfire principle was used to create the first successful self-contained metallic ammunition. Rimfire cases are constructed with the priming compound spun inside the rim of the copper or brass case, which is crushed by the blow of the firing pin to ignite the main powder charge.

The first rimfire cartridges were .22s, but after the type became established many larger caliber rimfire cartridges were developed in the mid to late 19th Century. Some of these had a good run of popularity until they were superseded by the development of higher pressure centerfire ammunition.

Calibers ranged from the .25 Short to the .58 Miller. Probably the best known of the larger caliber rimfires are the .25 Stevens, .32 Long, and .44 Henry Flat. The latter was the cartridge for which the seminal Henry and Winchester 1866 "Yellow Boy" lever action rifles were chambered.

Guns and ammunition for the last of the larger caliber rimfires was discontinued in the U.S. in the late 1930's and early 1940's. According to *Cartridges of the World* by Frank C. Barnes/Edited by M.L. McPherson, for which I am indebted for much of the historical information in this article, Navy Arms commissioned a run of .32 Long ammunition from a Brazilian manufacturer in 1990.

In addition to the larger caliber rimfire cartridges of the past, in recent times sub-caliber rimfire cartridges have been introduced. Among these are the 5mm Remington Magnum, .17 Mach 2, and the very successful .17 HMR. However, the focus of this article is .22 caliber rimfire cartridges.

All .22 rimfires (except the WRF and WMR) are ancient black powder designs, and use tapered heel bullets. If you examine a .22 S, L, or LR cartridge, you will see that the case and bullet are the same diameter. The part of the bullet inside of the case (the heel) is reduced in diameter to allow it to fit inside of the case. Such bullets are also called "outside lubricated," because they are ordinarily waxed or copper plated. In all other modern cartridges, the bullet shank is of constant diameter and the case is slightly larger than the bullet to allow the heel of the latter to fit inside. This old fashioned term for this design is "inside lubricated," as the lubrication grooves of lead bullets are inside of the case.

The BB Cap was the first type of rimfire ammunition. BB stands for "bullet breech." It was invented in France around 1845, designed for the Flobert indoor target rifle. BB Caps were designed for shooting gallery use and are seldom encountered these days, as shooting galleries are now considered politically

incorrect by socialists, tort lawyers, girly men, and liberal politicians.

The BB Cap fires a round lead projectile (ball) powered only by the priming compound in the rim of the case, which is very short as no powder is used. The case is just there to hold the priming compound and bullet together.

BB Caps were made in Europe and America until fairly recently. The last I saw were made in Germany by RWS who, I believe, still loads them today.

The successor to the BB Cap was the CB Cap. "CB" stands for "Conical Bullet." The CB cap uses a 29 grain round nose lead bullet and a tiny pinch of powder. This is also shooting gallery ammunition. CCI produces modern CB Cap loads in .22 Short and .22 Long cases (firearms chambered for the Long Rifle cartridge being far more common today) for gallery and indoor practice use. The MV of either is 710 fps.

The common .22 Short cartridge dates from 1857. It is the oldest cartridge still being loaded today. It was the first American metallic cartridge, introduced in for the first S&W revolver, a pocket pistol developed for personal protection. It was popular during the American Civil War, carried as personal weapons by soldiers on both sides.

The .22 Short is a development of the BB cap using a 29 grain round nose (RN) bullet in a lengthened case (compared to the BB Cap). It was originally powered by 4 grains of fine black powder (about FFFFG). After the advent of smokeless powder, the .22 short was adapted to the new, cleaner burning propellant. Although no longer extremely popular, it is still used all over the world and in the Olympic games for the rapid fire pistol event. Modern .22 Short High Velocity ammunition is loaded to a MV of approximately 1095 fps and ME of 77 ft. lbs. from a rifle barrel (Remington figures).

The .22 Short is a pretty anemic round, and in 1871 a longer case of the same diameter was developed for the 29 grain Short bullet. This became the .22 Long cartridge, still occasionally seen (but obsolescent) today. The .22 Long was once chambered in a large number of pistols and rifles. It was originally loaded with 5.0 grains of very fine black powder and offered about 100+ fps greater velocity than the .22 Short. The Long survived the change to smokeless powder and is still occasionally seen today. CCI loads their .22 Long High Velocity ammo to a MV of 1215 fps and ME of 95 ft. lbs.

Around 1880 the .22 Extra Long cartridge appeared, powered by 6.0 grains of black powder. It fired a 40 grain tapered heel bullet (the same as the later .22 Long Rifle) at a MV similar to the Long Rifle, but used a longer case than the .22 LR. This cartridge was available in a number of rifles in the late 19th Century. .22 Extra Long ammunition was finally discontinued around 1935.

In 1887 the Stevens Arms Co. developed the ultimate in .22 rimfire cartridges, the .22 Long Rifle. This used the .22 Long case with a 40 grain RN bullet loaded to higher velocity than the 29 grain Long bullet. It shot flatter and hit harder than any of the previous .22 rimfires except the .22 Extra Long, whose performance it essentially duplicated in a shorter case, and it was more accurate than that cartridge.

The .22 Long Rifle caught on, was adapted to both rifles and pistols, and became

the most popular sporting and target shooting cartridge in the world. After the advent of smokeless powder a High Velocity version of the .22 LR was introduced, which further extended the .22 LR's superiority as a small game hunting cartridge.

Modern .22 LR target ammunition is loaded to a MV of about 1085 fps with a 40 grain RN bullet. .22 Long Rifle High Velocity cartridges drive a 40 grain copper-plated bullet at a MV of 1255 fps and ME of 140 ft. lbs. from a rifle barrel. For small game hunters, most manufacturers offer a 36-37 grain copper-plated lead hollow point bullet at about 1280 fps (Remington figures). This load expands nicely and makes for quick kills on small game, given proper bullet placement.

Because of its popularity there are many permutations of the .22 LR cartridge. One of the more useless is the .22 LR shot cartridge, which fires a pinch of very fine #12 shot. This load is used, among other things, to collect very small creatures, mice and the like, for museum displays. This is not a hunting load, as it is ineffective for use even on very small birds beyond about 10 feet.

Far more useful are the Hyper Velocity .22 LR loads pioneered by CCI in the form of the Stinger. These use lightweight hollow point bullets at increased velocity for flatter trajectory and dramatic expansion. Remington followed suit with their famous Yellow Jacket load, and the idea was subsequently picked-up by most other manufacturers. The CCI Stinger drives a 32 grain GLHP bullet at a MV of 1640 fps with 191 ft. lbs. of ME.

In 1890 the .22 Winchester Rim Fire (WRF) was introduced. This cartridge is loaded with a 45 grain, flat point, inside lubricated bullet with a full diameter heel, rather than the tapered heel bullet of the .22 LR. The .22 WRF fires a .224" diameter bullet, just like modern centerfire .22s and the later .22 Magnum (WMR). At one time a 40 grain HP bullet was also available, but it has since fallen by the wayside.

Remington called this cartridge the .22 Remington Special, and loaded it with a 45 grain RN bullet. The .22 Rem. Spec. and .22 WRF are the same cartridge and are interchangeable.

The .22 WRF is a good small game cartridge, superior to the .22 LR. CCI loads the ammunition, and Winchester does an occasional run of .22 WRF. Modern CCI ammo is loaded to a MV of 1300 fps and ME of 169 ft. lbs.

Today the .22 WRF is kept alive primarily as a less destructive small game load for rifles chambered for the .22 WMR cartridge. The .22 Magnum is a lengthened version of the .22 WRF and will chamber in firearms designed for the .22 WMR, much as .38 Special ammunition may be fired from .357 Magnum guns, although it will not function correctly in autoloaders.

In the early 20th Century a pair of cartridges about the same size and offering about the same ballistics as the .22 LR were introduced. These were designed for use in autoloading rifles, used smokeless powder and inside lubricated bullets, and in that respect are a more modern design than the .22 LR. However, as soon as the established .22 LR was universally converted to smokeless powder, the .22 Auto cartridges became superfluous.

The .22 Winchester Automatic cartridge was designed for their Model 1903

autoloading rifle (discontinued in 1932). Ammo was produced into the 1970's. Remington's .22 Automatic appeared in their Model 16 autoloader. That rifle was discontinued in 1928, and the ammunition was not loaded after the Second World War. Although similar, these two cartridges differ dimensionally and are *not* interchangeable.

Jump to 1959, the year Winchester introduced their very successful .22 Winchester Magnum Rimfire (WMR). This cartridge pushes the limits of pressure possible with a rimfire case given the limits of contemporary metallurgy. The .22 Magnum was initially offered with 40 grain FMJ and JHP bullets at an advertised MV of 2000 fps from a rifle barrel and 1550 fps from a pistol barrel. Due to its high velocity, .22 WMR cartridges are loaded with jacketed bullets.

The .22 WMR is based on a lengthened version of the .22 WRF case, like that cartridge uses standard diameter .224" inside lubricated bullets, and remains to this day the most powerful .22 rimfire cartridge ever. It has been adapted to many types and brands of firearms, and .22 WMR ammunition is loaded by all of the major rimfire ammunition manufacturers and is very widely distributed.

As good as the .22 WMR is as a rifle cartridge, I feel that it is even better as a revolver cartridge. It offers velocity and trajectory similar to the centerfire magnum pistol cartridges at a fraction of the recoil and cost. Convertible revolvers, supplied with both .22 LR and .22 WMR cylinders, are the ultimate in versatility for plinking, small game hunting, and varmint shooting.

Today the .22 WMR is available with bullet weights ranging from about 30 to 50 grains, and CCI loads a shot shell version. The standard Winchester 40 grain JHP bullet is now loaded to a rifle MV of 1910 fps with ME of 324 ft. lbs. The various 30-40 grain JHP bullets are best for varmint hunting, but are overly destructive on small game intended for the dinner table. A better choice in that case are the heavier 45-50 grain bullets intended for small game hunting, or the use of .22 WRF ammo when possible.

The .22 WMR is the newest, commercially successful, .22 rimfire cartridge (so far). With .22 rimfire cartridges now available from the BB Cap to the WMR, the field seems pretty well covered. Recent rimfire development has concentrated on lighter, smaller caliber bullets that can achieve higher velocity within the existing pressure limits. The .17 HMR, based on a necked-down .22 Magnum case, is the best example.

Rimfire cartridge design is limited by the fact that the brass case rim must be weak enough to be crushed by the blow of the firing pin. This severely limits the permissible maximum pressure and thus the performance of the cartridge. I suspect that the advent of more potent .22 rimfire cartridges will depend on the future development of more advanced case materials.



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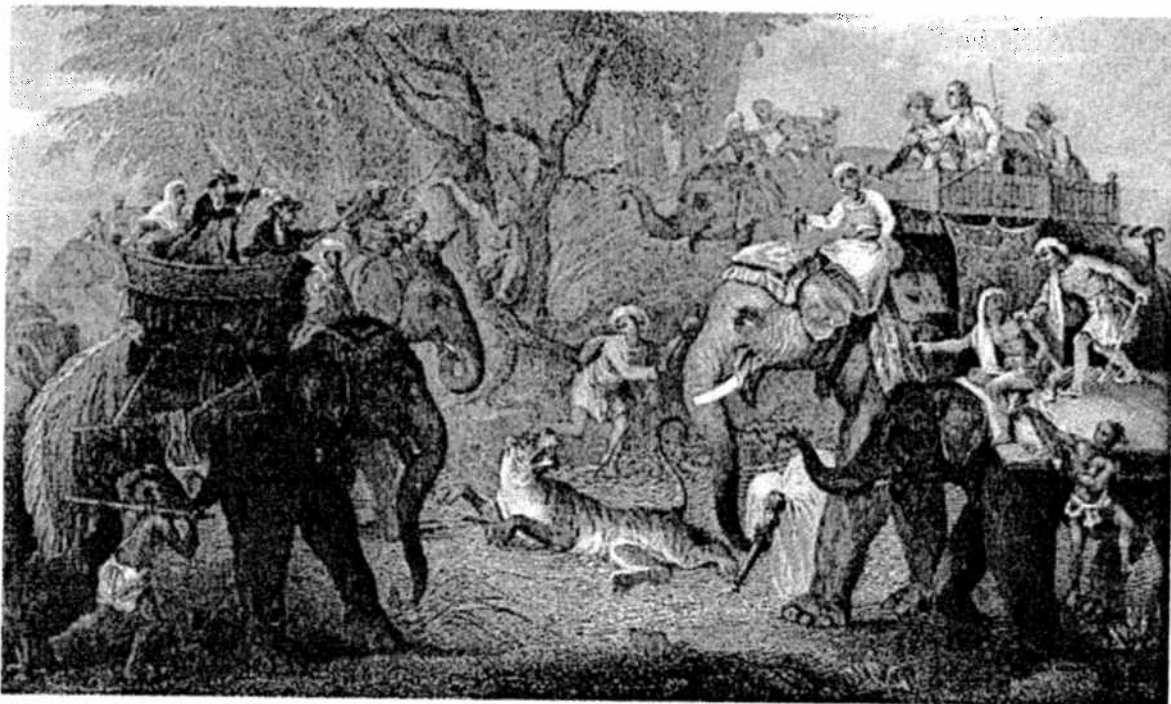
EXHIBIT “18”

TIGER TAMER: A 12-BORE HOWDAH DOUBLE

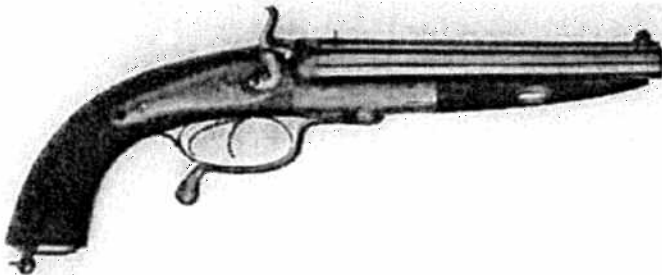
from the collection of

Tony Orr

From very early historical times Indian royalty enjoyed the sport of hunting, or shikar as it was known, especially the pursuit of dangerous game such as tiger, bison and bear from a howdah on the back of specially trained elephants. Regal hunts were by all accounts gala affairs, with an extensive entourage of palace staff, high-ranking officials, tentage and furniture, opulent table fare, and of course shikaris, elephants and their mahouts. The practice appears to have reached almost fever pitch during the British Raj, with the influx of military and civil service personnel from England bringing with it the British *penchant* for field sports. The advantages of hunting tiger from an elephant were quickly realised by senior civil servants and high-ranking military officers alike, especially the added security of an elevated position in the event of a charge from wounded dangerous game.



By all accounts this lofty sanction was far from secure and a range of emergency weapons has been carried in the howdah to be pressed into service in the not-unlikely event (apparently!) of a tiger attempting to leap onto the elephant to attack the hunters. No doubt swords and short jobbing-spears served this purpose well enough in the very early days however large-bore single-barrel or



side-by-side double-barrelled pistols had taken over as outright favourites by the mid-1800s. Ranging from percussion dragoon-pistols or side-by-side muzzle-loaders early on, to break-open breech-loading handguns usually built on a rotary or snap-action under-lever design, these specialised heavy side-arms

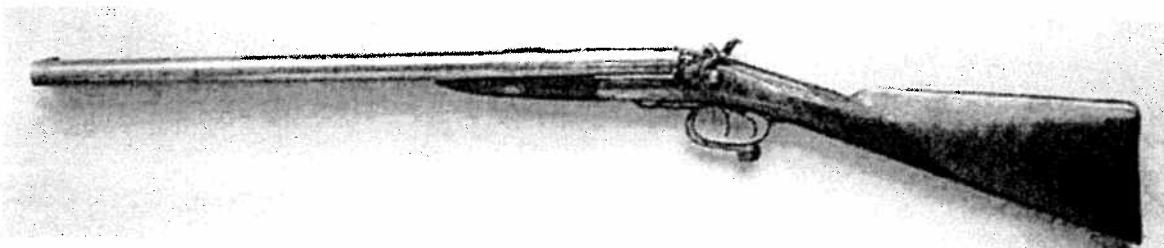
were usually sheathed on or

in the howdah within easy reach of the occupant, or holstered on the hunter's person for instant accessibility in the gravest extreme!



In those days, there were no illusions about the most effective projectiles for close-quarter conclusions with an angry tiger. The bigger the bullet, the better! At such short ranges trajectory was immaterial and penetration rarely limiting, hence the powder-charge was of secondary importance to bullet diameter. Common chamberings ranged from the various .450s, .455s and .476s through the .577 Revolver and .577 Snider, right up to the short 16-bore! In a hand-gun, the latter would have been a handful indeed!

Less common, but nonetheless effective as a close range tiger-stopper, was the light, handy, short-barrelled bore-rifle. These specialist double-guns were designed for spherical ball or a short conical bullet, and were chambered for either a brass or paper-case cartridge. The crucial quick-handling qualities and capacity for a fast follow-up shot were enhanced by the side-by-side coach-gun design and total weight rarely exceeding 8 lbs. Powder-charges were relatively light in order to minimise recoil, although admittedly "recoil is insignificant when there is a tiger on the head of your elephant", as the Maharajah of Cooch Behar was once heard to remark!



The howdah rifle presented here bears the inscription "W & J Kavanagh" on the lock-plates, having been built by the very talented Irish gun-making family by that name. The top rib carries the firm's address: "12 Dame Street, Dublin". We know that William Kavanagh originally set up shop at Lower Ormand Quay around 1817, and moved up to the Dame

Street foundry in 1821 where the company continued to trade for over 100 years! Like the rib and locks of this gun, trade labels from the second half of the 19th Century read "W & J Kavanagh", however the Dublin City Directory of 1850 listed only William Kavanagh as a gun-maker and no-one by the name of J. Kavanagh was listed in the trade. We can surmise that he joined the firm some time after 1850, a younger brother perhaps? Later guns made around the turn of the century were marked "Wm Kavanagh & Son", implicating the next generation of this famous gun-making dynasty.

The Kavanagh firm hung its shingle alongside other well-known Dublin gun-makers, the most notable being William & John Rigby of Suffolk Street, and William Trulock of several addresses in the Dublin gun-making quarter including Dame Street. The well-respected London maker, Stephen Grant, apprenticed to William Kavanagh in his youth.

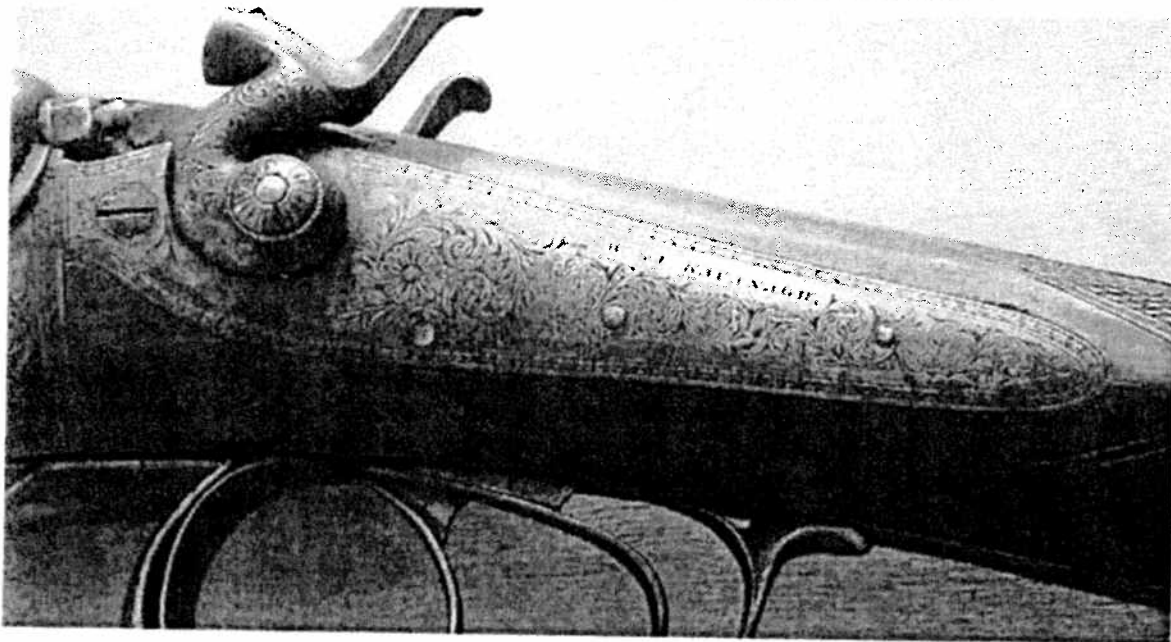
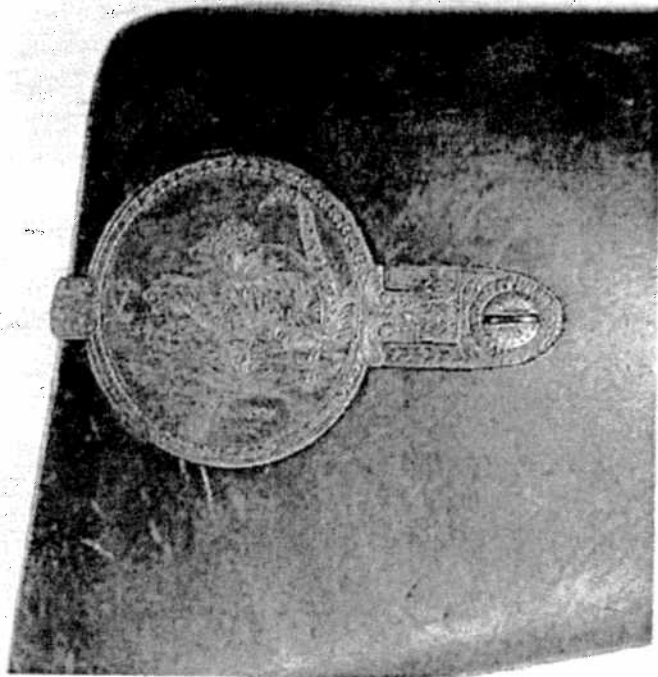


The rifle before us is an early side-by-side double-barrelled hammer gun built on the Jones-patent rotary under-lever action. While this might suggest a date of manufacture some time after 1859, a number of other features of this remarkable vintage firearm speak to us of a far more interesting origin! Neatly-executed and barely-visible metal patches dove-tailed into the tops of the chambers indicate that the gun was converted to central-fire from the earlier pin-fire ignition system. The relatively thin chamber walls and the shallow fences provide further evidence that the firearm is a

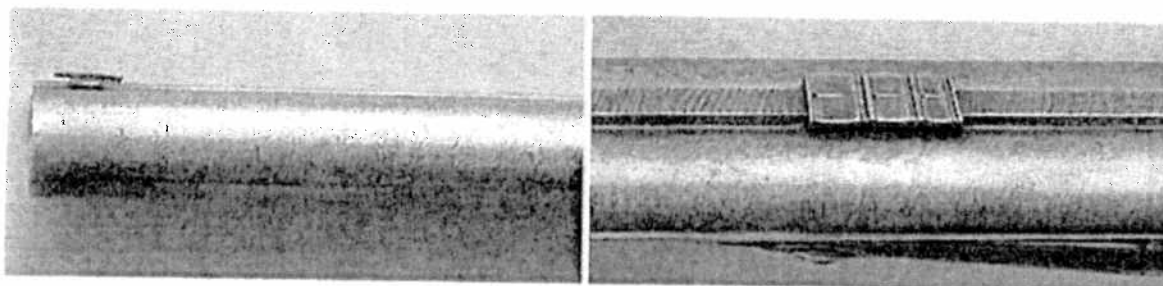
conversion. The pin-fire system lasted only 15 years or so from its appearance in 1847 till the widespread acceptance of Daw's central-fire patent by 1862. Conversion from pin-fire to central-fire was common as the benefits of

the new system were quickly realised.

A prominent patch-box adorns the right hand side of the butt-stock, suggesting that the stock, and therefore probably the locks and possibly even the barrels, may have been salvaged from a percussion side-by-side muzzle-loader prior to the pin-fire conversion! The patch-box is of the correct diameter for 12-bore spherical ball patches, and is engraved with a tiger prowling among palm trees although the style is markedly different from the bold scroll engraving on the remainder of the gun.

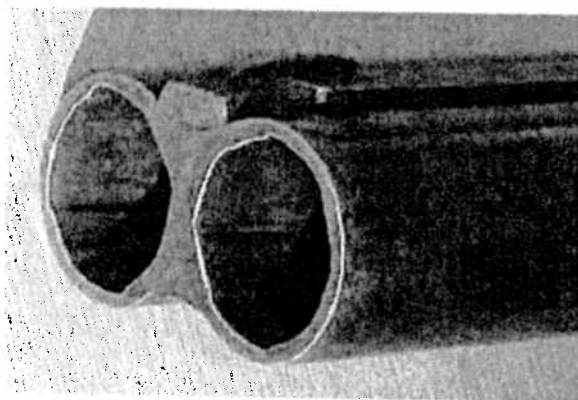


The short barrels measure just under 22 inches, with their wide 4-groove rifling making almost half a turn in that length for perhaps a 1:48 twist rate. The rifling lands are a little steeper on the leading edge and slightly rounded on the trailing edge, giving the impression of an intriguing 'ratchet' effect. The top rib is equipped with three folding leaves ambitiously marked for 100, 200 and 300 yards, with a moderate front bead measuring 80 thou in diameter. The absence of a standing leaf would have proven very handy for point-blank personal defence when the tiger was in dangerously close proximity to the hunter! This firearm is obviously intended to be pointed at the adversary at times, rather than aimed, and perhaps even 'prodded' at the point of discharge in dire circumstances!

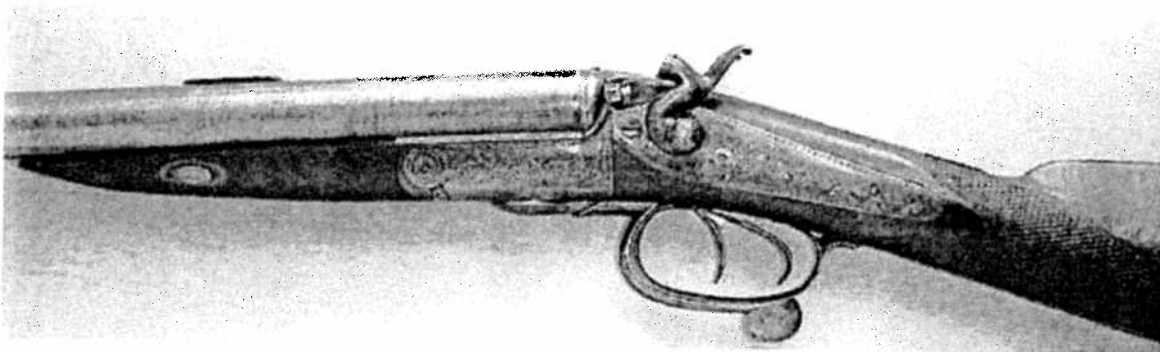


Information on the early 12-bore ball cartridge for which this double-gun was probably intended is rather sketchy in the historical literature. According to W.W. Greener's tome, the most likely charge of the pin-fire cartridge used in these barrels prior to the conversion was $2\frac{3}{4}$ to 3 drams, so I think we can safely regard this double as a 3-dram gun.

Could this particular rifle have been intended for more general hunting than from a howdah? Most historical writings from Baker to Burrard would tend to indicate otherwise. Even at the beginning of the breech-loading era, the 3 dram charge and spherical ball was not considered particularly adequate for jungle



shikar, and was probably rather light even as the primary arm in a howdah. As well as tiger and bear, buffalo and gaur were common quarry, and a rhinoceros or wild bull elephant in 'must' could not be ruled out.



For such game, heavy bore-guns from the 5-dram No.12 up to the 10-dram No.8 were *sine qua non* during the mid to late 1800s. Double express rifles from .450 to .577 would soon become popular as bore-guns gradually faded from the scene, and although the 'Paradox' or 'Jungle Guns' were to enjoy brief popularity around the turn of the century, the various cordite express rifles would eclipse them all by the beginning of the Kaiser's War.

Like the better-known howdah pistols, however, this stumpy 12-bore 3-dram rifle would have possessed all the short-range power required to dislodge an angry tiger from the elephant's head, at distances measured in feet and sometimes barely inches! Sadly, the attempts of modern man to distance himself from the soil have relegated many marvellous

artefacts like this howdah rifle to insipid curiosity, and as a result the majority are now lost. For the avid hunter/collector, however, merely shouldering this surviving example conjures up the sights, smells, and excitement of shikar in that distant land so long ago!

Sources

“Wild Beasts and Their Ways” by Sir Samuel Baker. MacMillan & Co, 1890.

“Notes on Sporting Rifles” by Sir Gerald Burrard. 3rd Edition, 1932.

“The Gun and Its Development” by W.W.Greenier 9th Edition, 1910.

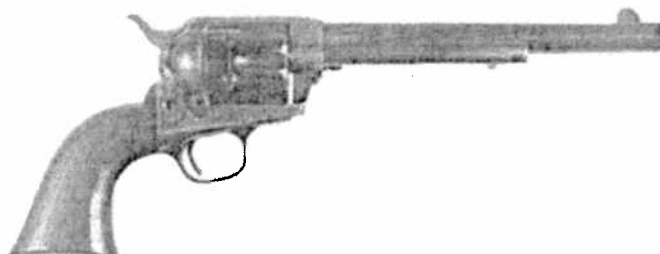
“Gunmakers' Row, Dame Street and Environs, Dublin” by David Stroud pp 43 –45 *in* Classic Arms & Militaria Vol. XV Issue 2, 2008.

<http://www.dublin1850.com/dublin1850/xdubbir44.html#Kavanagh>

EXHIBIT “19”

model and the 44/40 caliber with the etched barrel panel. Other fake single action rarities will undoubtedly show up, too. Close scrutiny is mandatory when acquiring these types; bills-of-sale from the seller with guarantees of authenticity should be obtained.

Classification of these famous Colt single actions, and the identification of their myriad of variants is so extensive that there are currently 15 books specifically dealing with the subject. Quite a few of those works are of major significance to understanding them (see *Bibliography* this chapter).



BASIC VARIATIONS AND THEIR VALUES:

Early production revolvers, 45 caliber, 7-1/2" barrel, with so-called "pinched frame" (constriction in the topstrap to form the rear sight), and slanted barrel address (serial range about 1 to 100):

5B-136 Values—Good \$20,000 Fine \$70,000

Early Martially Marked Model, 7-1/2" barrel with slanted address markings (most of the first 24,000 pistols produced), in 45 caliber, with U.S. markings and inspector stampings:

5B-137 Values—Good \$4,000 Fine \$25,000

Standard models above the serial range 24000 to end of production; common calibers, e.g., 45, 44-40, 38-40, 32-20, etc. Longer barrel lengths and largest calibers in greater demand and tend to bring higher values. Those made for smokeless powder (after c. 1898) to end of production tend to bring lesser values than indicated:

5B-138 Values—Good \$1,200 Fine \$4,000 Exc. \$7,500

Rare calibers: This model was made in a great many calibers of which quite a few are considered either scarce or rare. These calibers, along with quantities manufactured of each, may be found listed in many of the major Colt reference works and should be consulted to determine relative rarity. Depending on the quantity produced of each specific caliber (and, of course, condition) prices of this model can increase from 50 percent to 500 percent.

Civilian arms with the early slanted barrel address, 45 caliber, 7-1/2" barrels (no U.S. government markings):

5B-139 Values—Good \$1,750 Fine \$6,500

U.S. martially marked revolvers with conventional barrel address, 7-1/2", 45 caliber, government inspector markings:

5B-140 Values—Good \$2,750 Fine \$8,500

Springfield Armory and Colt factory refinished U.S. martially marked revolvers with 5-1/2" barrels; so called ARTILLERY MODEL. Three variations: TYPE I all mixed serial numbers;

TYPE II barrel number mismatched, other numbers match, worth small premium; TYPE III all matching numbers, very scarce, worth premium:

5B-141 Values—Good \$1,200 Fine \$4,500

Made for British Market with Pall Mall London address markings:

5B-142 Values—Good \$1,200 Fine \$4,000

44 rimfire series, individual serial range of from 1 to about 1800, 44 Henry caliber, made c. 1875-80, majority with 7-1/2" barrels:

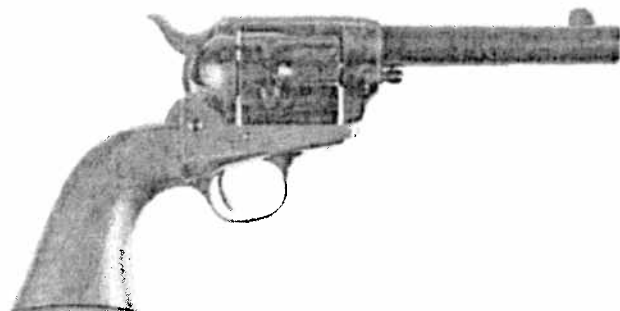
5B-143 Values—Good \$3,750 Fine \$20,000

22 rimfire series, 7-1/2" barrel. Total 107 made (flat-top model not included); 90 of these utilized frames and some parts of the 44 r.f. series (q.v.) with serial numbers in the 44 r.f. special range 1-1800; others fall mostly in serial range 135000. **22 CAL** marked on side of trigger guard:

5B-143.2 Values—Good \$4,000 Fine \$17,500

44-40 revolvers with etched **COLT FRONTIER SIX SHOOTER** barrel marking (left side); within serial range about 21000 to about 130000:

5B-144 Values—Good \$1,400 Fine \$7,500



Sheriff's or Storekeeper's Model. Made without ejector rod or ejector housing. Right forward side of frame made without provision for the ejector housing. 4" barrel most commonly encountered with majority of other barrel lengths from 2-1/2" to 4-3/4" and a small group with 7-1/2". Various calibers:

5B-145 Values—Good \$4,500 Fine \$20,000

Wells Fargo & Company revolvers, bearing the **W.F. & Co.** markings on the butt, and documented by Colt factory ledgers, 45 caliber, usually 5-1/2" barrels:

5B-146 Values—Very Good \$4,000 Exc. \$8,500

Long fluted cylinder model, made in the serial range 330001 - 331480, to use up double action cylinders:

5B-147 Values—Very Good \$2,000 Exc. \$5,500

(Note: Among the important details affecting collector valuations are calibers, barrel lengths, special markings, variations in sights, frames, ejector rods, hammers, cylinder pin locking devices and grips. The number of variants catalogued by collectors is very extensive. Fortunately the Colt factory ledgers are nearly complete for this model. The collector should perform careful and thorough research on rare and/or high value pieces prior to acquisition.)

Colt Flattop Target Model Single Action Army

Flattop Target Model Single Action Army. Made c. 1888 to about 1896; a few in later years; total quantity approximately 925.

Values shown are for following calibers and quantities known made of each: 22 RF (107); 38 Colt (122); 41 (91); 45 (100); 450 Boxer (89); 450 Eley (84).

Premiums usually added to rarer calibers: 32 Colt (24); 32 S&W (30); 32-44 (9); 32-20 (30); 38 S&W (39); 38 Colt Special (7); 38-44 (11); 380 Eley (3); 38-40 (19); 44 Russian (51); 44 S&W (51); 44 S&W Special (51); 44-40 (21); 455 Eley (37); 476 Eley (2).

7-1/2" barrel standard. Variants known, most prominent being the mis-named "Buntline Specials."

Grips of checkered hard rubber; checkered walnut also available. Metal parts blued, with casehardened hammers.

Serial number markings within the range of about 127000 - 162000, with a few in higher ranges; numbered in the sequence of the Single Action Army. Barrel marking: **COLT'S PT. F.A.MFG. CO HARTFORD, CT.U.S.A.** Frame markings of 2-line **1871, 1872**, and **1875** patent dates and the rampant colt were standard. Caliber markings on left side of the barrel for most of the production.

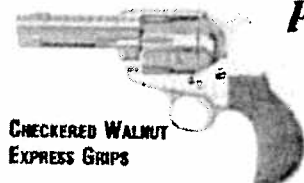
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Colt Single Action Army Revolver

Single Action Army Revolver. A legendary American gun. Contracted and issued in large quantities by the U.S. Army during the Indian Wars; widely carried in the "golden days of the old west" by the most illustrious of lawmen and most notorious of outlaws. A.k.a. "Peacemaker", "Frontier Six-Shooter", "Equalizer", "Hog-leg", "Thumb-buster" and more recently "First Generation" for pre-World War II production 1872-1940 (included here); popularly known as merely the "Single Action" among collectors. "Second Generation" (1956-1978) and "Third Generation" (1978-present) types are easily recognized by large letters "SA" after serials or letter-number combinations on commemoratives and custom guns. (Post-WWII types not covered.) Total quantity, including Flattop Target model and Bisley Model (both numbered in same range) 357,859 of which 310,386 were this standard model. (Those under No. 182,000 (approx.) made prior to Dec. 31, 1898.)

Most popular calibers for collectors are 45 (150,683 made); 44-40 (64,489 made). Other popular calibers: 41 (16,402 made); 38-40 (38,240); 32-20 (29,812 made).

Other scarce and rare calibers with respective quantities follow. Values and premiums are usually in direct relation to quantity produced: (except where noted all are centerfire) 22 RF (107); 32 RF (1); 32 Colt (192); 32 S&W (32); 32-44 (2); 38 Colt (1,011); 38 Colt (up to 1914 1,011); 38 Colt (after 1922 1,365); 38 S&W (9); 38 Colt Special (820); 38 S&W Special (25); 38-44 (2); 357 Magnum (525); 380 Eley (1); 44 Smoothbore (15); 44 RF (1,863); 44 German (59); 44 Russian (154); 44 S&W (24); 44 S&W Special (506); 45 Smoothbore (4); 45 Auto (44); 450 Boxer (729); 450 Eley (2,697); 455 Eley (1,150); 476 Eley (161).

Barrel lengths were standard in 4-3/4", 5-1/2", and 7-1/2". Lengths listed in the Colt serial ledgers run from 2-1/2" on up to 16". Ejector rod standard, mounted on the right side of the barrel.

Long barreled Colts with attachable, skeleton-type Colt made shoulder stocks are commonly called "Buntline Specials" after the legendary Dime Novel author Ned Buntline. He allegedly had five made for presentation to Dodge City lawmen, a story debunked by critical arms and Western students. Some special order Single Actions with varying long length barrels were made and attachable shoulder stocks could be separately purchased from Colt for them (or any Single Action). All are considered rare. Though these types have acquired the nickname of "Buntline Special," the so-called "true" Buntline is a special flat top single action in the serial range of 28800 through 28830, with folding leaf rear sight and barrel length varying from 10" to 16". Considered an extreme rarity. All of those long barreled models with stocks fetch values far in excess of those shown here but each must be valued on its own individual merit and unique features.

Grip types vary, beginning with walnut (either oil stained or varnished), and changing to eagle and shield pattern hard rubber at the serial range about 75000. At the range about 165000 these were succeeded by rampant colt hard rubber without the eagle and shield design. A variety of special grips were available, particularly in ivory and pearl, sometimes carved; quantities, however, were relatively limited.

Finish was standard blued, the frame and hammer casehardened. Nickel plating was fairly common. Silver, gold, and other finishes could be ordered, but are scarce.

Serial numbering began with 1 and continued through 357859. The only exception to the sequence was the special 44 Rimfire Model, which is considered individually below. Barrel address markings went through two standard types:

+COLT'S PT. F.A. MFG. Co. HARTFORD, CT. U.S.A.+ (serial range 1 to approximately 24000). Slanted, italic markings.

COLT'S PT. F.A. MFG. Co. HARTFORD, CT. U.S.A. (serial range 24000 to end of production; in single line on barrels of 5-1/2" and longer).

Patent date markings were on the left sides of the frames. The sequence was as follows: Two line marking of 1871 and 1872 dates (beginning of production through about 34000). Three line marking of 1871, 1872, and 1875 dates (34000—about 135000). Two line marking of 1871, 1872, and 1875 dates (135000 to end of production). A rampant colt trademark was stamped next to the patent dates, beginning at about the 130000 range, and continued in slightly varying formats through the end of manufacture.

The stamping of serial numbers on cylinders ceased about 120000; no serial appeared on that part thereafter. Around 144000 Colt introduced the transverse, spring-loaded catch for the cylinder pin (located on the front of the frame just below barrel) to replace the cylinder pin retaining screw. Generally believed to be the demarcation of the use of black powder loads for smokeless, high pressure loads, it should be specifically noted that such is not the case! By 180000 (October, 1898) Colt warned against the use of smokeless powder and continued to do so until early 1900 (approx. 192000) when they first stated their smokeless guarantee.

Most caliber markings appeared on the left side of the barrel; excepting the early production (up through about the 130000 serial range), where marks were usually on the trigger guard area.

The variety of other marks classified is extensive, and includes government inspector and proof stampings, Colt factory inspector stamps, serial numbering, various inscriptions (e.g., W.F. & Co.), etc., etc.

Caution: Since 1981 there have appeared on the market a number of extremely clever, well-made, completely spurious Colt single-action FAKES of the martially marked 45 caliber

EXHIBIT “20”



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OLD WEST ALIASES AND COSTUMES

One of the unique aspects of SASS approved Cowboy Action Shooting™ is the requirement placed on costuming. Each participant is required to adopt a shooting alias appropriate to a character or profession of the late 19th century, a Hollywood western star, or an appropriate character from fiction. Their costume is then developed accordingly. Many event participants gain more enjoyment from the costuming aspect of our sport than from the shooting competition, itself. Regardless of a SASS member's individual area of interest, SASS events provide regular opportunities for fellowship and fun with like-minded folks and families.



CHOOSING AN ALIAS

Every SASS member is required to select a shooting alias representative of a character or profession from the Old West or the western film genre. Your alias may not in anyway duplicate or easily be confused with any other member's alias. The following guideline should help you in choosing an alias:

Your alias must be printable before a wide audience. No duplications are permitted. If it sounds the same, it is the



same. Adding "too," "II," etc., is not acceptable. "Ranger" could become "Texas Ranger" but not "The Ranger." "John Henry Chisum" could be modified to "Jack Chisum" but not "John H. Chisum" or "Jon Henry Chisum." Historical names may not be modified to make them different. "Wyatt Earp" and "Marshal Wyatt Earp" are considered the same.

The SASS Alias Registry changes daily. Feel free to search the current alias list then telephone or fax the SASS office to confirm the availability of your alias choice. Be creative and good luck!

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Cowboy Action Shooting is a multi-faceted shooting sport in which contestants compete with firearms typical of those used in the taming of the Old West: single action revolvers, pistol caliber lever action rifles, and old time shotguns. The shooting competition is staged in a unique, characterized, "Old West" style. It is a timed sport in which shooters compete for prestige on a course of different shooting stages.



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As the game of Cowboy Action Shooting™ has evolved, our members have developed and adopted an attitude towards their participation called "The Spirit of the Game." It is a code by which we live. Competing in "The Spirit of the Game" means you fully participate in what the competition asks. You try your best to dress the part, use the appropriate competition tools, and respect the traditions of the Old West. Some folks would call it nothing more than good sportsmanship. We call it "Spirit of the Game."

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