

1 Alan Gura, Calif. Bar No.: 178221
2 Gura & Possessky, PLLC
3 105 Oronoco Street, Suite 305
4 Alexandria, VA 22314
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986
7 Law Offices of Donald Kilmer, A.P.C.
8 1645 Willow Street, Suite 150
9 San Jose, CA 95125
10 408.264.8489/Fax 408.264.8487

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Ivan Peña, et al.,)	Case No. 2:09-CV-01185-KJM-CKD
)	
Plaintiffs,)	NOTICE OF SUPPLEMENTAL
)	AUTHORITY
v.)	
)	
Stephen Lindley)	
)	
Defendant.)	
)	

At the hearing on the parties' cross-motions for summary judgment, the Court inquired whether any other jurisdictions had enacted laws relating to microstamping. Neither side was aware of such laws.

It has come to Plaintiffs' attention that there is one other such law, although it is inoperative and appears to be so indefinitely. In 2009, the District of Columbia City Council enacted D.C. Code § 7-2505.03 (2009), which would have required that semi-automatic handguns manufactured in or transferred to the District contain microstamping features, except for handguns already owned by individuals moving to the District.

1 The law required the District's Police Chief to "issue rules to implement" the
2 microstamping provisions. D.C. Code § 7-2505.03(f) (2009). The requirement was
3 set to go into effect on January 1, 2011. D.C. Code § 7-2505.03(b), (c), (e) (2009); see
4 D.C. Act 17-708, 56 D.C. Reg. 1365, 1376 (Feb. 13, 2009).

5
6 On February 2, 2011, the D.C. City Council amended § 7-2505.03 to delay the
7 microstamping requirement's implementation until January 1, 2013. See D.C. Act
8 18-722, 58 D.C. Reg. 1174, 1177 (Feb. 11, 2011).

9
10 On May 15, 2012, the D.C. City Council amended § 7-2505.03 to delay the
11 microstamping requirement's implementation until January 1, 2014. See D.C. Act
12 19-366, 59 D.C. Reg. 5691, 5695-96 (May 25, 2012). "Implementation was postponed
13 because of the very small nature of the District's market. The view was that once
14 California, a much larger market, implements microstamping, it would become
15 more feasible for implementation in the District." Res. 20-379, § 2(e) (Dec. 17, 2013)
16 as published, 60 D.C. Reg. 17187 (Dec. 27, 2013).

17
18 On December 17, 2013, the D.C. City Council amended § 7-2505.03 to again
19 delay the microstamping requirement's implementation, this time until January 1,
20 2016. See Res. 20-379, *supra*; D.C. Bill B20-613, available at
21 <http://dcclims1.dccouncil.us/lims/legislation.aspx?LegNo=B20-0613> (last visited Jan.
22 16, 2014). "Because California is only now beginning to implement the
23 microstamping requirements . . . it is necessary to again delay the implementation
24 of the District's microstamping requirement to allow for more time for the
25 requirement and implementation to take hold in California." Res. 20-379, § 2(f)
26 (Dec. 17, 2013) as published, 60 D.C. Reg. 17187-88 (Dec. 27, 2013).
27
28

1 A search reveals that the District of Columbia's Code of Municipal
2 Regulations does not contain any implementing regulations for microstamping, as
3 required by § 7-2505.03(f).
4

5 Dated: January 16, 2014

Respectfully submitted,

6 Alan Gura, Cal. Bar No.: 178221
7 Gura & Possessky, PLLC
8 105 Oronoco Street, Suite 305
9 Alexandria, VA 22314
703.835.9085/Fax 703.997.7665
alan@gurapossessky.com

10 /s/ Alan Gura

11 Alan Gura
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2014, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

Notice of Supplemental Authority

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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

Executed this the 16th day of January, 2014, at Alexandria, Virginia.

/s/ Alan Gura

Alan Gura
Counsel for Plaintiffs