

1 WRIGHT & L'ESTRANGE  
2 Robert C. Wright (SBN 51864)  
3 Andrew E. Schouten (SBN 263684)  
4 401 West A Street, Suite 2250  
5 San Diego, California 92101  
6 (619) 231-4844  
7 (619) 231-6710 (fax)

8 NATIONAL SHOOTING SPORTS FOUNDATION, INC.  
9 Lawrence G. Keane, General Counsel  
10 (pro hac vice pending)  
11 11 Mile Hill Road  
12 Newtown, Connecticut 06470  
13 (203) 426-1320  
14 (203) 426-7182 (fax)

15 Attorneys for Petitioners U.S. Firearms Company LLC, Eric W. Fisher, and  
16 The National Shooting Sports Foundation, Inc.

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **IN AND FOR THE COUNTY OF SANTA CLARA**

19 U.S. FIREARMS COMPANY LLC, a  
20 limited liability company; ERIC W.  
21 FISHER; and THE NATIONAL  
22 SHOOTING SPORTS  
23 FOUNDATION, INC., a non-profit  
24 trade association,

25 Petitioners,

26 v.

27 CITY OF SUNNYVALE; THE  
28 SUNNYVALE CITY COUNCIL; and  
DOES 1 through 30, inclusive,

Respondents.

CASE NO.

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF PETITIONERS' *EX PARTE*  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO  
SHOW CAUSE RE: PRELIMINARY  
INJUNCTION**

Date: December 9, 2013  
Time: 8:30 a.m.  
Dept:  
Judge:

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to California Evidence Code sections 452(d), (h), and 453, and California Rules of Court 3.1113(l) and 3.1306(c), Petitioners U.S. Firearms Company LLC ("U.S. Firearms"), Eric Fisher, and the National Shooting Sports Foundation, Inc. ("NSSF"), respectfully request that the Court take judicial notice of

1 the following in support of their *ex parte* application for a temporary restraining order and  
2 order to show cause re: preliminary injunction:

3 1. Respondent the City of Sunnyvale ("City") is a charter city subject to the  
4 general laws of the state of California. A true and correct copy of the Preamble to the  
5 City's Charter is attached hereto as Exhibit "A."

6 2. Respondent the Sunnyvale City Council ("City Council") is the City's primary  
7 governing body and is vested with all powers of the City. A true and correct copy of  
8 section 607 of the City's Charter is attached hereto as Exhibit "B."

9 3. The annual number of firearms sold in California has increased 22% from  
10 1991 to 2011. A true and correct copy of the California Department of Justice's statistical  
11 compilation showing firearms dealers records of sale from 1972 to 2012 is attached  
12 hereto as Exhibit "C."

13 4. The annual number of firearm-related homicides in California has decreased  
14 nearly 53% from 1991 to 2011. A true and correct copy of an automatically-generated vital  
15 statistics report by the California Department of Public Health showing the firearm-related  
16 homicides in California from 1991 to 2011 is attached hereto as Exhibit "D."

17 5. The annual number of non-fatal hospitalizations due to firearm-related  
18 assaults in California has decreased more than 65% from 1991 to 2011. A true and  
19 correct copy of an automatically-generated vital statistics report by the California  
20 Department of Public Health showing non-fatal hospitalizations due to firearm-related  
21 assaults in California from 1991 to 2011 is attached hereto as Exhibit "E."

22 6. On January 21, 2011, the Honorable Jeffrey Y. Hamilton, Jr., permanently  
23 enjoined the State and persons acting on its behalf, from enforcing and implementing  
24 former California Penal Code sections 12060, 12061, and 12318 (now Cal. Penal Code  
25 §§ 16662, 16650, 30345-30365). A true and correct copy of the permanent injunction  
26 order entered by Judge Hamilton in *Parker v. State*, Fresno Cty. Case No. 10CECG02116  
27 is attached hereto as Exhibit "F."

28

1           7.     On June 25, 2013, an interest group called Sunnyvale Citizens for Sensible  
2 Gun Measures ("SV4SGM") requested that the City submit a draft ordinance regulating  
3 firearms and ammunition sales to the voters for the 2013 fall election. The City Council  
4 directed staff to prepare such an ordinance.

5           8.     On July 16, 2013, the City Council adopted a resolution to submit the draft  
6 ordinance to the voters as Measure C.

7           9.     SV4SGM submitted ballot arguments in support of and in opposition to  
8 Measure C. True and correct copies of its arguments in favor of Measure C and its  
9 rebuttal to the opposition arguments to Measure C are attached hereto as Exhibits "G"  
10 and "H," respectively.

11          10.    A majority of voters approved Measure C on November 5, 2013, adding,  
12 among other things Section 9.44.060 of the Sunnyvale Municipal Code. A true and correct  
13 copy of Measure C is attached hereto as Exhibit "I."

14          11.    The City Council endorsed the election results on November 26, 2013, and  
15 the Ordinance becomes effective by operation of law on December 6, 2013.

16          12.    Violations of the Sunnyvale Municipal Code are punishable as a  
17 misdemeanor except for certain violations specifically identified as infractions not relevant  
18 here. A true and correct copy of Sunnyvale Municipal Code § 1.04.010 is attached hereto  
19 as Exhibit "J."

20          13.    The July 2, 2009 California Senate Committee on Public Safety Analysis of  
21 AB 962 (2009-2010 Reg. Sess.), a true and correct copy of which is attached hereto as  
22 Exhibit "K."

23          14.    Reproductions of uncodified statements of legislative intent related to  
24 California's Customer Records Act, Cal. Civ. Code §§ 1798.80-1798.84, in Historical and  
25 Statutory Notes, 9B West's Ann. Civ. Code (2012 ed.) foll. § 1798.84, pp. 104-106, a true  
26 and correct copy of which is attached hereto as Exhibit "L."

27    ///

28    ///

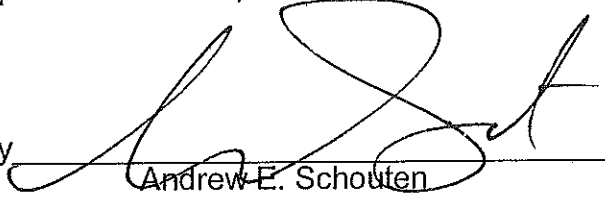
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

15. Excerpts from the U.S. Code Congressional and Administrative News  
Legislative History Report for the Firearm Owners' Protection Act, Pub. L. No. 99-308, 100  
Stat. 449 (1986), true and correct copies of which are attached hereto as Exhibit "M."

WRIGHT & L'ESTRANGE

Attorneys for Petitioners U.S. Firearms Company  
LLC, Eric W. Fisher, and The National Shooting  
Sports Foundation, Inc.

Dated: December 6, 2013

By   
Andrew E. Schouten

**EXHIBIT A**

<b>Sunnyvale Municipal Code</b>							
<a href="#">Up</a>	<a href="#">Previous</a>	<a href="#">Next</a>	<a href="#">Main</a>		<a href="#">Search</a>	<a href="#">Print</a>	<a href="#">No Frames</a>
CHARTER OF THE CITY OF SUNNYVALE							

**Preamble**

We, the people of the City of Sunnyvale, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

**EXHIBIT B**

Sunnyvale Municipal Code							
Up	Previous	Next	Main		Search	Print	No Frames
CHARTER OF THE CITY OF SUNNYVALE							
Article VI The Council							

**Section 607. Powers.**

All powers of the City shall be vested in the City Council, subject to the provisions of the Charter and to the Constitution of the State of California. (Amended effective December 21, 1976; previously Section 706)



**EXHIBIT C**

State of California *~* Department of Justice

OFFICE *of the* ATTORNEY GENERAL

KAMALA D. HARRIS

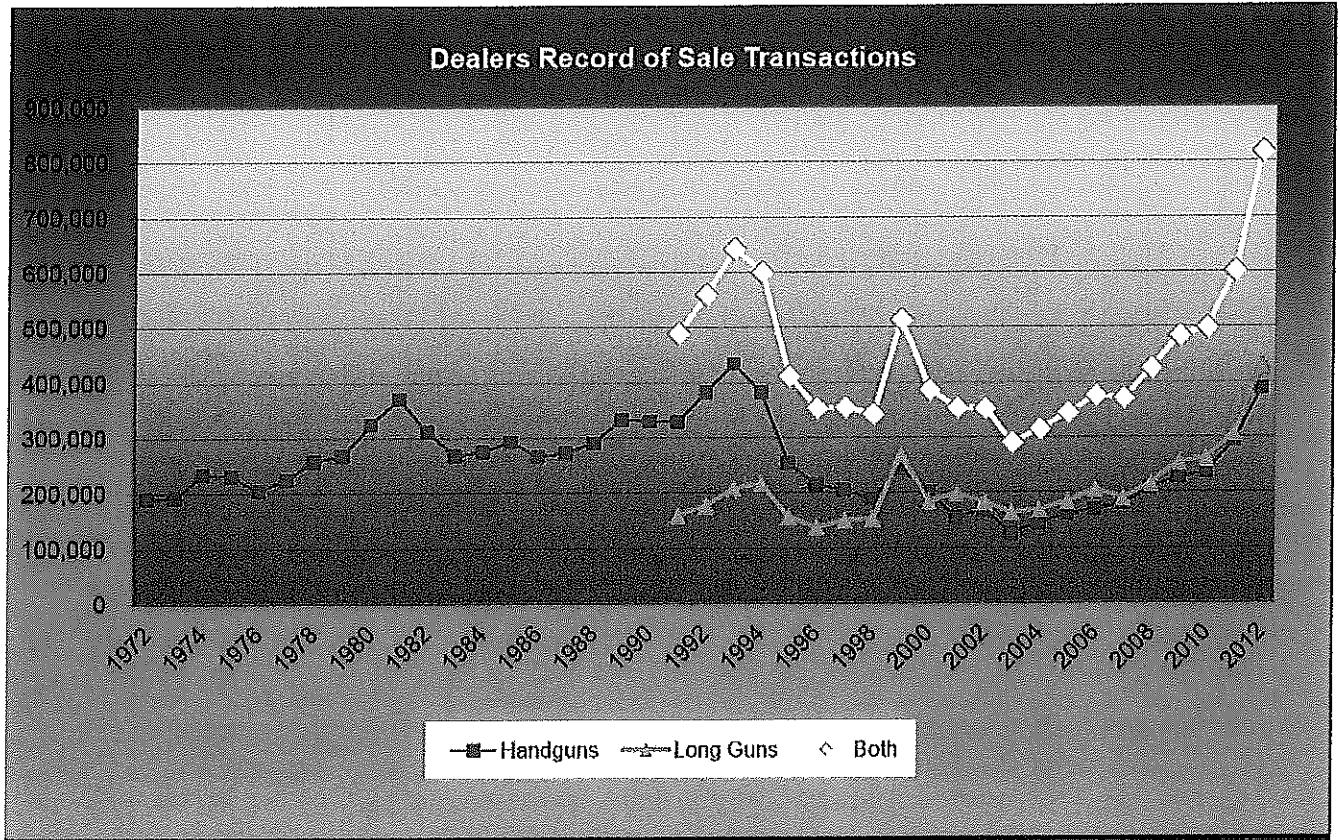
## STATISTICS

· Dealer's Record of Sales Transactions 1972-2012, pdf



## DEALERS RECORD OF SALE TRANSACTIONS

The following chart shows the total number of transactions processed by DOJ between 1972 and 2012.



### NOTES

- 1972-1990:** Figures represent handguns only; legislation requiring eligibility check on long gun purchasers and expanded prohibiting categories effective January 1, 1991.
- 1972-1974:** DOJ was required to notify dealers and law enforcement of prohibited firearm purchasers, but was unable to stop delivery because the waiting period was limited to 5 days.
- 1975-1997:** 15-day waiting period in place.
- 1997-present:** 10-day waiting period in place.
- 2000:** Limit handgun purchases to 1 in a 30-day period.

# DEALER'S RECORD OF SALE

(Calendar Year Statistics)

Year	Handguns	Handgun Denials
1972	190,335	
1973	192,108	
1974	234,691	
1975	231,916	
1976	204,658	
1977	225,412	
1978	258,485	
1979	268,447	
1980	325,041	
1981	371,160	
1982	311,870	1,008
1983	268,462	1,148
1984	275,882	1,349
1985	293,624	1,413
1986	266,480	1,515
1987	273,628	1,702
1988	291,171	1,803
1989	333,069	1,793
1990	330,295	2,437

Year	Handguns	Handgun Denials	Long guns	Long gun Denials	All Guns	Total Denials
1991	329,133	3,934	160,300	1,925	489,433	5,859
1992	382,122	4,037	177,486	1,726	559,608	5,763
1993	433,822	4,605	208,375	1,904	642,197	6,509
1994	382,085	3,862	217,587	2,564	599,672	6,426
1995	254,626	2,534	157,042	1,672	411,668	4,206
1996	215,804	2,111	138,068	1,531	353,872	3,642
1997	204,409	1,839	150,727	1,615	355,136	3,454
1998	189,481	1,721	153,059	1,596	342,540	3,317
1999	244,569	2,233	268,849	2,546	513,418	4,779
2000	201,865	1,572	184,345	1,903	386,210	3,475
2001	155,203	1,449	198,519	2,158	353,722	3,607
2002	169,469	1,661	182,956	2,172	352,425	3,833
2003	126,233	1,254	164,143	1,774	290,376	3,028
2004	145,335	1,497	169,730	1,828	315,065	3,325
2005	160,990	1,592	183,857	1,878	344,847	3,470
2006	169,629	2,045	205,944	1,689	375,573	3,734
2007	180,190	2,373	190,438	1,926	370,628	4,299
2008	208,312	2,737	216,932	2,201	425,244	4,938
2009	228,368	2,916	255,504	2,221	483,872	5,137
2010	236,086	2,740	262,859	2,286	498,945	5,026
2011	293,429	3,094	307,814	2,767	601,243	5,805*
2012	388,006	3,842	429,732	3,682	817,738	7,524

\*The Handgun and Long Gun Dealer's Record of Sales Denials counts do not equal because the same subject may have been denied for both a handgun and long gun purchased at the same time.

**EXHIBIT D**

# Death

Year: 1991 to 2011

Residents of California

Race/Ethnicity: All Race/Ethnicity

Age: All ages

Cause Group: Assault/Homicide - Firearm

Year	N
1991	2,880
1992	3,016
1993	3,159
1994	2,911
1995	2,686
1996	2,161
1997	1,944
1998	1,542
1999	1,362
2000	1,478
2001	1,606
2002	1,791
2003	1,779
2004	1,807
2005	1,869
2006	1,874
2007	1,684
2008	1,559
2009	1,445
2010	1,319

\*

## Death

Year	N
2011	1,356
<b>Total</b>	<b>41,228</b>

**Unlisted rows have zero cases**

Source: CDPH Vital Statistics Death Statistical Master Files

Prepared by: California Department of Public Health, Safe and Active Communities Branch  
Report generated from <http://epicenter.cdph.ca.gov> on: December 04, 2013

### Cautions:

- Injury data are coded to the ICD-9 classification system, except for deaths after 1998, which are coded to the ICD-10. To avoid making invalid comparisons, see [Help with ICD-9 and ICD-10 codes](#).



**EXHIBIT E**

# Non-fatal Hospitalization

Year: 1991 to 2011

Residents of California

Race/Ethnicity: All Race/Ethnicity

Age: All ages

Cause Group: Assault/Homicide - Firearm

Year	N
1991	6,602
1992	7,476
1993	7,261
1994	6,159
1995	5,841
1996	4,654
1997	3,850
1998	3,048
1999	2,660
2000	3,058
2001	2,941
2002	3,319
2003	3,159
2004	3,289
2005	3,603
2006	3,567
2007	3,297
2008	2,791
2009	2,464
2010	2,381

## Non-fatal Hospitalization

Year	N
2011	2,284
Total	83,704
Unlisted rows have zero cases	

Source: California Office of Statewide Health Planning and Development; Inpatient Discharge Data  
Prepared by: California Department of Public Health, Safe and Active Communities Branch  
Report generated from <http://epicenter.cdph.ca.gov> on: December 04, 2013

### Cautions:

- Injury data are coded to the ICD-9 classification system, except for deaths after 1998, which are coded to the ICD-10. To avoid making invalid comparisons, see [Help with ICD-9 and ICD-10 codes](#).

**EXHIBIT F**

1 C. D. Michel - SBN 144258  
Clinton B. Monfort - SBN 255609  
2 Sean A. Brady - SBN 262007  
MICHEL & ASSOCIATES, P.C.  
3 180 East Ocean Blvd., Suite 200  
Long Beach, CA 90802  
4 Telephone: (562) 216-4444  
Fax: (562) 216-4445  
5 cmichel@michellawyers.com

6 Attorneys for Plaintiffs/Petitioners

FILED

JAN 21 2011

FRESNO SUPERIOR COURT

By \_\_\_\_\_ DEPT. 402 - DEPUTY

7  
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF FRESNO

10

11 SHERIFF CLAY PARKER, TEHAMA ) CASE NO. 10CECG02116  
12 COUNTY SHERIFF; HERB BAUER )  
SPORTING GOODS; CALIFORNIA RIFLE )  
13 AND PISTOL ASSOCIATION ) ~~PROPOSED~~ ORDER OF PERMANENT  
FOUNDATION; ABLE'S SPORTING, ) INJUNCTION  
14 INC.; RTG SPORTING COLLECTIBLES, )  
LLC; AND STEVEN STONECIPHER, )

15

Plaintiffs and Petitioners,

16

vs.

17

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

21

Defendants and Respondents.

22

23 On January 18, 2011, the Court granted Plaintiffs' motion for summary adjudication as to  
24 their first cause of action challenging certain California Penal Code sections on facial vagueness  
25 grounds. In furtherance of that ruling, the following injunctive relief is hereby GRANTED:

26

APPLICABILITY

27

28

The provisions of this injunction are applicable to defendants the State of California,  
Kamala D. Harris, in her official capacity as Attorney General of the State of California, and the

1 California Department of Justice, and to each of their agents, employees, representatives,  
2 successors in office, and all persons or entities acting in concert or in participation with them  
3 (hereinafter "enjoined parties").

4 **EFFECTIVE DATE**

5 The provisions of this injunction shall take effect on February 1, 2011, and shall remain  
6 permanently in effect, or until such other Orders are made by this Court.

7 **CONDUCT ENJOINED**

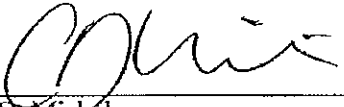
8 IT IS ORDERED that the enjoined parties are hereby permanently prohibited, enjoined,  
9 and restrained from taking any action to implement, enforce, or give effect to the versions of  
10 California Penal Code sections 12060, 12061, and 12318 in effect as of the date of this Injunction.

11 **RETENTION OF JURISDICTION**

12 IT IS FURTHER ORDERED that jurisdiction is retained by this Court for the purpose of  
13 enabling the parties to apply for such further orders and directions as may be necessary and  
14 appropriate for the interpretation or construction of this Order, and for the enforcement or  
15 compliance herewith.

16 Date: January 20, 2011

MICHEL & ASSOCIATES, PC

17  
18   
19 C. D. Michel  
Attorney for Plaintiffs

20 Date: January 20, 2011

OFFICE OF THE ATTORNEY GENERAL

21  
22 \_\_\_\_\_  
23 Peter A. Krause  
Attorney for Defendants

24 **IT IS SO ORDERED.**

25 Dated: 1/21/2011

JEFFREY Y. HAMILTON JR.

26 \_\_\_\_\_  
27 Honorable Judge Jeffrey Y. Hamilton  
28 Judge of the Superior Court

1 California Department of Justice, and to each of their agents, employees, representatives,  
2 successors in office, and all persons or entities acting in concert or in participation with them  
3 (hereinafter "enjoined parties").

4 **EFFECTIVE DATE**

5 The provisions of this injunction shall take effect on February 1, 2011, and shall remain  
6 permanently in effect, or until such other Orders are made by this Court.

7 **CONDUCT ENJOINED**

8 IT IS ORDERED that the enjoined parties are hereby permanently prohibited, enjoined,  
9 and restrained from taking any action to implement, enforce, or give effect to the versions of  
10 California Penal Code sections 12060, 12061, and 12318 in effect as of the date of this Injunction.

11 **RETENTION OF JURISDICTION**

12 IT IS FURTHER ORDERED that jurisdiction is retained by this Court for the purpose of  
13 enabling the parties to apply for such further orders and directions as may be necessary and  
14 appropriate for the interpretation or construction of this Order, and for the enforcement or  
15 compliance herewith.


16 Date: January 20, 2011

MICHEL & ASSOCIATES, PC

17  
18  
19 C. D. Michel  
Attorney for Plaintiffs

20 Date: January 20, 2011

OFFICE OF THE ATTORNEY GENERAL

21  
22   
23 Peter A. Krause  
Attorney for Defendants

24 IT IS SO ORDERED.

25 Dated: \_\_\_\_\_

26 Honorable Judge Jeffrey Y. Hamilton  
27 Judge of the Superior Court  
28

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA

3 COUNTY OF FRESNO

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

6 On January 20, 2011, I served the foregoing document(s) described as

7 **[PROPOSED] ORDER OF PERMANENT INJUNCTION**

8 on the interested parties in this action by placing

9 [ ] the original

[X] a true and correct copy thereof enclosed in sealed envelope(s) addressed as follows:

10 Kamala Harris  
11 Attorney General of California  
Zackery P. Morazzini  
12 Supervising Deputy Attorney General  
Peter A. Krause  
13 Deputy Attorney General  
1300 I Street, Suite 125  
14 Sacramento, CA 94244-2550

15 X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and  
16 processing correspondence for mailing. Under the practice it would be deposited with the  
U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,  
17 California, in the ordinary course of business. I am aware that on motion of the party  
served, service is presumed invalid if postal cancellation date is more than one day after  
18 date of deposit for mailing an affidavit.  
Executed on January 20, 2011, at Long Beach, California.

19 (VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of  
collection and processing correspondence for overnight delivery by UPS/FED-EX. Under  
20 the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for  
receipt on the same day in the ordinary course of business. Such envelope was sealed and  
21 placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for  
in accordance with ordinary business practices.

22 (VIA FACSIMILE TRANSMISSION) As follows: The facsimile machine I used complies  
with California Rules of Court, Rule 2003, and no error was reported by the machine.  
23 Pursuant to Rules of Court, Rule 2006(d), I caused the machine to print a transmission  
record of the transmission, copies of which is attached to this declaration.  
24 Executed on January 20, 2011, at Long Beach, California.

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

27 \_\_\_\_\_  
CLAUDIA AYALA  
28



**EXHIBIT G**

Arguments in support or opposition of the proposed laws are the opinions of the authors.

## Argument In Favor of Measure C

*[Pursuant to §9282: Maximum 300 words]*

Many of us in Sunnyvale are concerned about the risks to our families from stolen, improperly secured, or large-capacity weapons in private hands. Multiple levels of government have been slow to act on these concerns. Accordingly, Sunnyvale Citizens for Sensible Gun Measures ([www.SV4SGM.org](http://www.SV4SGM.org)) was formed to do whatever was possible at the local level to increase our safety. This Measure includes four regulations that have been successfully implemented in other cities.

**1. Report Firearm Loss or Theft within 48 Hours**

This requirement attacks gun trafficking by alerting law enforcement to missing weapons, while helping gun owners recover their missing property.

**2. Lock Up Firearms**

Easy access to guns in the home kills children and increases suicides. This measure requires firearms in the home to be disabled with a safety device or in a locked container if not in the owner's immediate possession.

**3. Prohibit Possession of Large-Capacity Magazines**

California already prohibits the manufacture, sale and purchase of ammunition magazines holding more than ten rounds, due to their role in many mass shootings. This ordinance prohibits their possession as well. It allows 90 days for disposal by sale or donation.

**4. Log Ammunition Sales**

Whoever sells ammunition in Sunnyvale must keep and maintain records of sales, which Public Safety may view upon request. Persons prohibited from having guns will either be deterred from purchasing ammunition, or their illegal gun use will be detected.

We cannot solve the gun violence problem by ourselves. But we can all make our city safer and prevent gun-related tragedies in Sunnyvale without compromising anyone's individual rights.

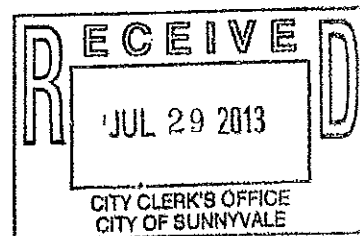
We urge you to vote YES on Measure C.

The undersigned proponent(s) or author(s) of the (primary/author) argument (in favor of / against) Ballot Measure C at the General Municipal Election for the City of Sunnyvale to be held on November 5, 2013 hereby state that this argument is true and correct to the best of ~~his/her~~ (their) knowledge and belief.

Signed:

		Residence Address	Official Use Only
1	Print Name <u>ANTHONY SPITALERI</u> Signature <u><i>Anthony Spitaleri</i></u> Organization / Title: <u>MAYOR OF SUNNYVALE</u> Date <u>7/24/13</u>	545 S. FRANCIS ST SUNNYVALE CA 94086	
2	Print Name <u>Vivi Davis</u> Signature <u><i>Vivi Davis</i></u> Organization / Title: <u>Councilmember / Retired Public Safety Officer</u> Date <u>7/24/13</u>	424 Southwood Ave. Sunnyvale, Ca 94086	
3	Print Name <u>CAROL L. WEISS</u> Signature <u><i>Carol L. Weiss</i></u> Organization / Title: <u>Co-founder - Sunnyvale Citizens for Sensible Gun Measures</u> Date <u>7/24/2013</u>	778 Steuben Drive Sunnyvale, CA 94087	
4	Print Name <u>Donald P. Veith Jr.</u> Signature <u><i>Donald P. Veith Jr.</i></u>	955 Iris Ave. Sunnyvale CA 94086	

	Co-chair, Santa Clara Co, Brady Campaign Organization / Title: to prevent Gun Violence  Date <u>7/29/13</u>		
5	Print Name <u>Kulvinder Singh</u> ----- Gilt Signature <u>Kulvinder Singh</u> Organization / Title: <u>Small Business Owner</u> Date <u>29 July 2013</u>	Residence Address <u>201 W. California</u> <u>Ave. # 1022</u>  <u>Sunnyvale, CA</u> <u>94086</u>	



**EXHIBIT H**

Arguments in support or opposition of the proposed laws are the opinions of the authors.

## Rebuttal To Argument Against Measure C

*[Pursuant to §9285: Maximum 250 words]*

Newtown, Connecticut had a low crime rate. So did Santa Monica. So did Sunnyvale, but that didn't stop Richard Farley from fatally shooting 7 and wounding 4 more here at ESL in 1988.

We do have an urgent public safety problem. There are many guns out there, even in Sunnyvale. We must act to prevent another mass shooting, suicides, injuries, and accidental deaths.

The opposition's argument makes statements that just aren't true. The truth is:

- Existing state law does not preempt or duplicate this measure.
- City Council voted 6-1 to let you decide on this measure.
- Councilmember Davis never said this measure wouldn't work. He voted to put it on the ballot and signed the argument for it.
- This measure will work. Large-capacity gun magazine bans have been shown to reduce their availability and use. Studies show that safe storage measures significantly reduce youth suicide and other firearm deaths among children. Since Sacramento required ammunition sales logs, Sacramento police have seized hundreds of guns from felons, gang members, and sex offenders.

The opponents threaten "unknown costs." This measure will give our police tools to fight crime at little cost to our city. The opponents bluster about lawsuits against Sunnyvale. No city has successfully been sued over these regulations.

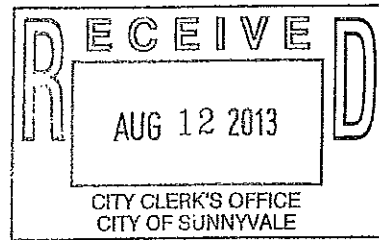
We can make Sunnyvale safer for all our families. Vote YES on Measure C on November 5.

The undersigned proponent(s) or author(s) of the (primary/rebuttal) argument (in favor of / against) Ballot Measure C at the General Municipal Election for the City of Sunnyvale to be held on November 5, 2013 hereby state that this argument is true and correct to the best of (his/her/their) knowledge and belief.

Signed:

		Residence Address	Official Use Only
1	Print Name <u>OTTO LEE</u> Signature <u><i>Otto Lee</i></u> Organization / Title: <u>Former Sunnyvale Mayor</u> Date <u>August 7, 2013</u>	813 Ladis Court Sunnyvale CA 94086	
2	Print Name <u>Karen Pandula</u> Signature <u><i>Karen Pandula</i></u> Organization / Title: <u>member of Moms Demand Action</u> Date <u>August 8, 2013</u>	1035 Katrine Ct. Sunnyvale, CA 94087	
3	Print Name <u>Rev. Genesieve Heywood</u> Signature <u><i>Rev. Genesieve Heywood</i></u> Organization / Title: <u>Congregational Community Church, UCC</u> Date <u>8/11/13</u>	1141 Reed Ave Unit A Sunnyvale, CA 94086	
4	Print Name <u>Margaret Okuzumi</u> Signature <u><i>Margaret Okuzumi</i></u> Organization / Title: <u>Member, Sunnyvale Citizens for Sensible Gun Measures</u> Date <u>8/11/13</u>	749 Winstead Ter Sunnyvale CA 94087	

5	Print Name <u>Benjamin H Picard</u>	Residence Address	
	Signature <u><i>Benjamin H Picard</i></u>	<u>559 W Remington Drive</u>	
	Organization / Title: <u>Sunnyvale Educator</u>	<u>Sunnyvale CA 94087</u>	
	Date <u>8/12/13</u>		





**AUTHORIZATION FOR ANOTHER PERSON OR PERSONS TO PREPARE, SUBMIT OR SIGN THE REBUTTAL ARGUMENT**

The following author or majority of 5 authors of the Argument

In Favor of       Against

Measure \_\_\_ authorize(s) the following person(s) to prepare, submit or sign the Rebuttal to the Argument

In Favor of       Against

Measure \_\_\_ for the City of Sunnyvale Election to be held on November 5, 2013.

Signature(s) of the author or majority of the authors of the Argument

In Favor of       Against

Measure \_\_\_ are required:

Carol L. Weiss  
Name (Print)

[Signature]  
Signature

7/26/2013  
Date

Jim Davis  
Name (Print)

[Signature]  
Signature

7/26/2013  
Date

Anthony Spaleni  
Name (Print)

[Signature]  
Signature

7/29/2013  
Date

The following authors are authorized to prepare, submit or sign the Rebuttal to the Argument

In Favor of       Against      Measure C

Signed:

		Residence Address	Official Use Only
1	Print Name <u>Otto Lee</u> ----- Signature _____ Organization / Title: _____ Date _____		
2	Print Name <u>Karen Pandula</u> ----- Signature _____ Organization / Title: _____ Date _____		
3	Print Name <u>Rev. Genavieve Heywood</u> ----- Signature _____ Organization / Title: _____ Date _____		

4	Print Name <u>Margaret Okuzumi</u> ----- Signature _____ Organization / Title: _____ Date _____	Residence Address	
5	Print Name <u>Benjamin H. Picard</u> ----- Signature _____ Organization / Title: _____ Date _____	Residence Address	

Attach this form to the Form of Statement of Authors Form submitted with the Argument

In Favor of

Against

Measure \_\_\_\_

**EXHIBIT I**

**PROPOSED ORDINANCE TO AMEND  
THE CITY OF SUNNYVALE MUNICIPAL CODE  
ESTABLISHING GUN SAFETY REGULATIONS**

The City Council of the City of Sunnyvale, on its own motion, submits to the electors the following proposed ordinance to amend the Municipal Code of the City of Sunnyvale. The City Council has called a Special Municipal Election to be held on Tuesday, November 5, 2013, for the purpose of voting on the proposed amendments.

The proposed ordinance to amend the Municipal Code of the City of Sunnyvale follows the statement of the measure; it is set out in full.

**CITY OF SUNNYVALE MEASURE C**

Shall the City of Sunnyvale adopt a gun safety ordinance to require: 1) reporting to police, within 48 hours, known loss or theft of a firearm; 2) storing firearms in residences in a locked container or disabling them with a trigger lock when not in the owner's immediate possession; 3) prohibiting the possession of ammunition magazines capable of holding more than 10 rounds, with certain exceptions; and 4) logging and tracking of ammunition sales within the City of Sunnyvale?

Yes \_\_\_\_\_  
No \_\_\_\_\_

If Measure C carries, an ordinance amending the Municipal Code of the City of Sunnyvale shall be adopted, adding new Sections 9.44.030, 9.44.040, 9.44.050, 9.44.060 to Chapter 9.44, entitled "Firearms," which reads as follows:

**AN ORDINANCE AMENDING CHAPTER 9.44 (FIREARMS) OF THE SUNNYVALE  
MUNICIPAL CODE TO ADD GUN SAFETY MEASURES**

WHEREAS, the People of the City of Sunnyvale find that the violence and harm caused by and resulting from both the intentional and accidental misuse of guns constitutes a clear and present danger to the populace, and find that sensible gun safety measures provide some relief from that danger and are of benefit to the entire community; and

WHEREAS, the People of the City of Sunnyvale find that laws that provide for safe storage of guns in homes, that require a gun owner to report a stolen or lost gun, that prohibit the possession of ammunition magazines capable of holding more than ten rounds unless circumstances warrant such possession, and that require record-keeping relating to the sale of ammunition constitute sensible gun safety regulations because they are not unduly burdensome for gun owners, they aid law enforcement officers in their duties, and they offer some protection to all members of the community.

NOW THEREFORE, THE PEOPLE OF THE CITY OF SUNNYVALE DO ORDAIN AS  
FOLLOWS:

SECTION 1. SMC §§9.44.030, 9.44.040, 9.44.050, 9.44.060. ADDED.

Sunnyvale Municipal Code Title IX (Public Peace, Safety or Welfare), Chapter 9.44 (Firearms), is amended to add four new Sections to read as follows:

**9.44.030. Duty to report theft or loss of firearms.**

Any person who owns or possesses a firearm (as defined in Penal Code Section 16520 or as amended) shall report the theft or loss of the firearm to the Sunnyvale Department of Public Safety within forty-eight (48) hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, whenever: (1) the person resides in the City of Sunnyvale; or (2) the theft or loss of the firearm occurs in the City of Sunnyvale.

**9.44.040. Safe storage of firearms.**

Except when carried on his or her person, or in his or her immediate control and possession, no person shall keep a firearm (as defined in Penal Code Section 16520 or as amended) in any residence owned or controlled by that person unless the firearm is stored in a locked container, or the firearm is disabled with a trigger lock that is listed on the California Department of Justice's list of approved firearms safety devices.

**9.44.050. Possession of large-capacity ammunition magazines prohibited.**

(a) No person may possess a large-capacity magazine in the City of Sunnyvale whether assembled or disassembled. For purposes of this section, "large-capacity magazine" means any detachable ammunition feeding device with the capacity to accept more than ten (10) rounds, but shall not be construed to include any of the following:

- (1) A feeding device that has been permanently altered so that it cannot accommodate more than ten (10) rounds; or
- (2) A .22 caliber tubular ammunition feeding device; or
- (3) A tubular magazine that is contained in a lever-action firearm.

(b) Any person who, prior to the effective date of this section, was legally in possession of a large-capacity magazine shall have ninety (90) days from such effective date to do either of the following without being subject to prosecution:

- (1) Remove the large-capacity magazine from the City of Sunnyvale; or
- (2) Surrender the large-capacity magazine to the Sunnyvale Department of Public Safety for destruction; or
- (3) Lawfully sell or transfer the large-capacity magazine in accordance with Penal Code Section 12020.

(c) This section shall not apply to the following:

(1) Any federal, state, county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties;

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

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

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

(5) Any person who has been issued a license or permit by the California Department of Justice pursuant to Penal Code Sections 18900, 26500-26915, 31000, 32315, 32650, 32700-32720, or 33300, when the possession of a large capacity magazine is in accordance with that license or permit;

(6) A licensed gunsmith for purposes of maintenance, repair or modification of the large capacity magazine;

(7) Any person who finds a large capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large capacity magazine no longer than is reasonably necessary to deliver or transport the same to a law enforcement agency;

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

(9) Any retired peace officer holding a valid, current Carry Concealed Weapons (CCW) permit issued pursuant to the California Penal Code.

#### **9.44.060. Ammunition Sales.**

(a) It is unlawful for any person to engage in the business of selling, leasing, or otherwise transferring firearm ammunition within the City of Sunnyvale except in compliance with this code.

(b) Definitions:

(1) "Ammunition" means any cartridge or encasement containing a bullet or projectile, propellant, or explosive charge, and a primer which is used in the operation of a firearm.

(2) "Ammunition vendor" means any person engaged in the business of selling, leasing, or otherwise transferring firearm ammunition.

(3) "Person" means a natural person, association, partnership, firm, corporation, or other entity.

(c) Every ammunition vendor shall maintain an ammunition sales log which records all ammunition sales made by the vendor. The transferee shall provide, and the ammunition vendor shall record on the ammunition sales log, at the time of sale, all of the following information for each sale of firearms ammunition:

(1) The name, address, and date of birth of the transferee;

(2) The date of the sale;

- (3) The transferee's driver's license number, state identification card number, passport number, or other valid government-issued photographic identification;
- (4) The brand, type, and quantity of firearms ammunition transferred;
- (5) The identity of the person transferring the firearms ammunition on behalf of the ammunition vendor;
- (6) The transferee's signature and right thumbprint.

(d) The ammunition sales log shall be recorded on a form approved by the Director of Public Safety. All ammunition sales logs shall be kept at the location of the firearms ammunition sale for a period of not less than two years from the date of the sale. Ammunition sales logs shall be open to reasonable inspection by peace officers at all times the ammunition vendor is regularly open for business.

(e) No person shall knowingly provide false, inaccurate, or incomplete information to an ammunition vendor for the purpose of purchasing firearms ammunition. No ammunition vendor shall knowingly make a false, inaccurate, or incomplete entry in any ammunition sales log, nor shall any ammunition vendor refuse any reasonable inspection of an ammunition sales log subject to inspection.

## SECTION 2. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Sunnyvale hereby declare that they would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**EXHIBIT J**



Sunnyvale Municipal Code							
Up	Previous	Next	Main		Search	Print	No Frames
Title 1. GENERAL PROVISIONS							
Chapter 1.04. GENERAL PENALTY							

### 1.04.010. Violation—Misdemeanor or infraction.

(a) It is unlawful for any person to violate any provision or fail to comply with any requirement of this code or any requirements or conditions validly imposed upon such person under the authority of this code. Any person violating any of the provisions of this code, failing to comply with any of the mandatory requirements of this code, or failing to comply with any requirements or conditions validly imposed under authority of this code is guilty of a misdemeanor unless such action or inaction shall be designated and declared to be an infraction. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code or any requirement or condition validly imposed upon such person under authority of this code is committed, continued or permitted by such person and shall be punishable accordingly.

(b) Violations of the following provisions are infractions:

- (1) Title 5: Chapters 5.16, 5.24, 5.26, 5.28, 5.32, and 5.38;
- (2) Title 6: Entire title except Sections 6.08.100 through 6.08.130 and Section 6.16.060;
- (3) Title 8;
- (4) Title 9: Chapter 9.24, except Section 9.24.180; Chapters 9.26, 9.28, 9.42, 9.52, 9.54, 9.60, 9.62, 9.64, 9.66, and 9.84;
- (5) Title 10: Chapters 10.08 through 10.60, with the exception of sections set forth in subsection (c) herein;
- (6) Title 13: Chapter 13.16;
- (7) Title 16, except Chapters 16.52, 16.53 and 16.54;
- (8) Title 18: Section 18.20.080;
- (9) Title 19: Entire title except Chapters 19.67 and 19.69.

(c) Violations of the following sections shall not be deemed infractions, but rather shall be subject to civil penalties in accordance with a schedule of penalties established by the city, and procedures as set forth in Vehicle Code Section 40203.5 and following, or as the same shall be later amended: Sections 9.24.180, 10.16.020, 10.16.040, 10.16.050, 10.16.060, 10.16.080, 10.16.090, 10.16.110, 10.16.120, 10.16.140, 10.16.150, 10.16.160, 10.16.170, 10.24.010, 10.24.015, 10.24.020, 10.24.030, 10.36.040(b), 10.36.050, 10.36.060, 10.36.065, 10.36.070, and 10.36.090.

(d) Notwithstanding the above, a violation shall be deemed an infraction if it is deemed an infraction by any other provision of this code; if a citation is issued specifying that the violation is an infraction; if the city attorney files a complaint in the Superior Court specifying that the offense is an infraction; or if the city attorney makes a motion to reduce a misdemeanor charge to an infraction prior to trial on the matter. (Ord. 2998-13 § 1; Ord. 2976-12 § 3; Ord. 2478-94 § 2; Ord. 2477-94 § 3; Ord. 2438-93 § 1; Ord. 2422-92 § 1).

**EXHIBIT K**

BILL ANALYSIS

SENATE COMMITTEE ON PUBLIC SAFETY  
 Senator Mark Leno, Chair A  
 2009-2010 Regular Session B  
 9  
 6  
 2

AB 962 (De Leon)  
 As Amended June 22, 2009  
 Hearing date: July 2, 2009  
 Penal Code  
 SM:mc

HANDGUN AMMUNITION VENDOR LICENSES

HISTORY

Source: Author

Prior Legislation: AB 2062 (De Leon) - 2008, held in Senate Appropriations Committee  
 AB 362 (De Leon) - 2007, held in Senate Appropriations Committee  
 AB 1471 (Feuer) - Chapter 572, Statutes of 2007  
 AB 996 (Ridley-Thomas) - 2006, vetoed  
 AB 352 (Koretz) - 2006, died in conference  
 SB 357 (Dunn) - 2005, amended to remove relevant provisions  
 AB 2714 (Torrico) - 2005-06, vetoed  
 SB 1152 (Scott) - 2003-04, vetoed

Support: Alameda County Board of Supervisors; Brady Campaign to Prevent Gun Violence, Chapter Alameda County/Oakland; Brady Campaign to Prevent Gun Violence, Contra Costa County Chapter; Brady Campaign to Prevent Gun Violence, Los Angeles Chapter; Brady Campaign to Prevent Gun Violence, Long Beach Chapter; Brady Campaign to Prevent Gun Violence, Nevada County Chapter; Brady Campaign to Prevent Gun Violence, Orange County Chapter; Brady Campaign to Prevent Gun

(More)

AB 962 (De Leon)  
 Page B

Violence, Riverside County Chapter; Brady Campaign to Prevent Gun Violence, Sacramento Valley Chapter; Brady Campaign to Prevent Gun Violence, San Diego Chapter; Brady Campaign to Prevent Gun Violence, San Fernando Valley Chapter; Brady Campaign to Prevent Gun Violence, San Mateo/Santa Clara Counties Chapter; Brady Campaign to Prevent Gun Violence, Sonoma County Chapter; Brady Campaign to Prevent Gun Violence, Ventura County Chapter; Brady Campaign to Prevent Gun Violence, West Contra Costa County Chapter; California Chapters of the Brady Campaign to Prevent Gun Violence; Chief of Police Edward Medrano, City of Gardena; Chief of Police Anthony Batts, City of Long Beach; Chief of Police William Bratton, City of Los Angeles; Chief of Police (Acting) Howard Jordan, City of Oakland; Chief of Police Cam Sanchez, City of Santa Barbara; Chief of Police Blair Urling, City of Stockton; Chief of Police John Crombach, City of Oxnard; Chief of Police Peter Dunbar, City of Pleasant Hill; Chief of Police Phillip Green, Cities of Corte Madera/Larkspur; Chief of Police Susan Jones, City of Healdsburg; City of Los Angeles, Mayor Antonio Villaraigosa; City of Oakland, Mayor Ronald V. Dellums; City of Sacramento; Coalition Against Gun Violence; Councilmember Kevin McCarty, City of Sacramento; Friends Committee on Legislation of California; Legal Community Against Violence; Lutheran Office of Public Policy; Sheriff Leroy D. Baca, County

of Los Angeles; Women Against Gun Violence; Violence Prevention Coalition of Greater Los Angeles; Violence Prevention Coalition of Orange County; Youth ALIVE!; 4 private citizens

Opposition: California Association of Firearm Retailers; California Public Defenders Association; California Rifle and Pistol Association; California Sportsman's Lobby, Inc.; El Cajon Gun Exchange; Crossroads of the West Gun Shows; Gun Owners of California; Herb Bauer Sporting Goods; Mike Barranco, Firearms Dealer; National Rifle Association of America; National

(More)

AB 962 (De Leon)  
PageC

Shooting Sports Foundation, Inc.; Outdoor Sportsmen's Coalition of California; Safari Club International; The California Sportsman's Lobby, Inc.; Roy D. Whiteaker, Firearms Dealer; several thousand private citizens (based on petitions on file with Committee)

Assembly Floor Vote: Ayes 42 -- Noes 31

KEY ISSUES

SHOULD A SYSTEM BE CREATED TO LICENSE VENDORS OF HANDGUN AMMUNITION AND SHOULD IT BE A MISDEMEANOR, PUNISHABLE BY 6 MONTHS IN COUNTY JAIL, A FINE OF UP TO \$1,000, OR BOTH, TO TRANSFER MORE THAN 50 ROUNDS PER MONTH OF HANDGUN AMMUNITION WITHOUT A HANDGUN AMMUNITION VENDOR'S LICENSE, EXCEPT AS SPECIFIED?

SHOULD THE DEPARTMENT OF JUSTICE ("DOJ") BE AUTHORIZED TO ISSUE HANDGUN AMMUNITION VENDOR LICENSES, AS SPECIFIED, CHARGE LICENSE APPLICANTS SUFFICIENT FEES TO COVER THE COST OF ADMINISTERING THE LICENSE PROGRAM, AND ESTABLISH REGULATIONS PERTAINING TO THOSE LICENSES?

(CONTINUED)

SHOULD FUNDS FROM THE DEALERS' RECORD OF SALE SPECIAL ACCOUNT OF THE GENERAL FUND BE MADE AVAILABLE FOR EXPENDITURE BY DOJ TO OFFSET THE COSTS INCURRED TO INITIATE THE LICENSE PROGRAM?

SHOULD AMMUNITION VENDORS BE REQUIRED TO NOT ALLOW ANY EMPLOYEE WHO IS PROHIBITED BY LAW FROM POSSESSING A FIREARM TO HANDLE,

(More)

AB 962 (De Leon)  
PageD

SELL, OR DELIVER HANDGUN AMMUNITION?

SHOULD EMPLOYEES OF AMMUNITION VENDORS BE REQUIRED TO PROVIDE TO THE VENDOR A CERTIFICATE OF ELIGIBILITY OBTAINED FROM DOJ, AS SPECIFIED?

SHOULD AMMUNITION VENDERS BE REQUIRED TO NOT ALLOW HANDGUN AMMUNITION TO BE ACCESSIBLE TO CUSTOMERS WITHOUT THE ASSISTANCE OF AN EMPLOYEE OF THE VENDOR?

SHOULD IT BE A MISDEMEANOR, PUNISHABLE BY UP TO SIX MONTHS IN JAIL, A FINE OF UP TO \$1,000, OR BOTH, FOR A VENDOR TO FAIL TO OBTAIN AND RECORD SPECIFIED PERSONAL INFORMATION FROM AMMUNITION BUYERS, TO MAINTAIN THAT INFORMATION FOR NO LESS THAN FIVE YEARS ON THE VENDOR'S PREMISES, TO MAKE THAT INFORMATION AVAILABLE TO SPECIFIED LAW ENFORCEMENT OFFICIALS, OR TO KNOWINGLY MAKE A FALSE ENTRY OR FAIL TO OBTAIN THE REQUIRED PERSONAL INFORMATION FROM A HANDGUN AMMUNITION BUYER, EXCEPT AS SPECIFIED?

SHOULD THE FUNDS RECEIVED BY DOJ IN RELATION TO THIS LICENSING PROGRAM BE DEPOSITED IN THE DEALER'S RECORD OF SALE SPECIAL ACCOUNT OF THE GENERAL FUND?

SHOULD THE EXISTING DEFINITION OF AMMUNITION THAT MAY NOT BE SOLD TO PERSONS PROHIBITED FROM POSSESSING A FIREARM EXCLUDE BLANKS?

(CONTINUED)

(More)

AB 962 (De Leon)  
PageE

SHOULD IT BE A MISDEMEANOR, PUNISHABLE BY UP TO 6 MONTHS IN JAIL, A FINE OF UP TO \$1,000, OR BOTH, FOR A PERSON WHO IS ENJOINED FROM ACTIVITY AS A MEMBER OF A CRIMINAL STREET GANG, TO POSSESS ANY AMMUNITION OR RELOADED AMMUNITION, EXCEPT AS SPECIFIED?

SHOULD IT BE A MISDEMEANOR, PUNISHABLE BY UP TO 6 MONTHS IN JAIL, A FINE OF UP TO \$1,000, OR BOTH, TO DELIVER OR TRANSFER HANDGUN AMMUNITION IN ANYTHING OTHER THAN A FACE-TO-FACE TRANSACTION WITH THE DELIVERER OR TRANSFEROR BEING PROVIDED WITH BONA FIDE EVIDENCE OF THE TRANSFEREE'S IDENTITY?

SHOULD IT BE A MISDEMEANOR, PUNISHABLE BY UP TO 6 MONTHS IN JAIL, A FINE OF UP TO \$1,000, OR BOTH, FOR ANY PERSON, CORPORATION OR DEALER TO SUPPLY, DELIVER OR GIVE POSSESSION OF ANY AMMUNITION TO ANY MINOR WHO HE OR SHE KNOWS, OR USING REASONABLE CARE SHOULD KNOW, IS PROHIBITED FROM POSSESSING THAT AMMUNITION, AS SPECIFIED?

#### PURPOSE

The purpose of this bill is to (1) create a system to license vendors of handgun ammunition and make it a misdemeanor, punishable by 6 months in county jail, a fine of up to \$1,000, or both, to transfer more than 50 rounds per month of handgun ammunition without a handgun ammunition vendor's license, except as specified; (2) authorize the Department of Justice ("DOJ") to issue handgun ammunition vendor licenses, as specified, charge license applicants sufficient fees to cover the cost of administering the license program, and establish regulations pertaining to those licenses; (3) authorize funds from the

(More)

AB 962 (De Leon)  
Page F

Dealers' Record of Sale Special Account of the General Fund to be made available for expenditure by DOJ to offset the costs incurred to initiate the license program; (4) require that vendors not allow any employee who is prohibited by law from possessing a firearm to handle, sell or deliver handgun ammunition; (5) require that employees of ammunition vendors provide to the vendor a certificate of eligibility obtained from DOJ, as specified; (6) require that vendors not allow handgun ammunition to be accessible to customers without the assistance of an employee of the vendor; (7) provide that it is a misdemeanor, punishable by up to six months in jail, a fine of up to \$1,000, or both, for a vendor to fail to obtain and record specified personal information from ammunition buyers, to maintain that information for no less than five years on the vendor's premises, to make that information available to specified law enforcement officials, or to knowingly make a false entry or fail to obtain the required personal information from a handgun ammunition buyer, except as specified; (8) provide that the funds received by DOJ in relation to this licensing program shall be deposited in the Dealer's Record of Sale Special Account of the General Fund; (9) exclude from the existing definition of ammunition that may not be sold to persons prohibited from possessing firearm blanks; (10) provide that it is a misdemeanor, punishable by up to 6 months in jail, a fine of up to \$1,000, or both, for a person who is enjoined from activity as a member of a criminal street gang, to possess any ammunition or reloaded ammunition, except as specified; (11) provide that it is a misdemeanor punishable by up to one year in jail, a fine of up to \$1,000, or both, for any person to transfer ammunition to any person they know or reasonably should know to be prohibited from owning handgun ammunition because that person is prohibited from possessing a firearm or is enjoined as a member of a criminal street gang, as specified; and (12) provide that it is a misdemeanor, punishable by up to 6 months in jail, a fine of up to \$1,000, or both, to deliver or transfer handgun ammunition in anything other than a face-to-face transaction with the deliverer or transferor being provided with bona fide evidence of the transferee's identity; and (13) provide that it is a misdemeanor, punishable by up to 6 months in jail, a fine of up to \$1,000, or both, for any person,

(More)

AB 962 (De Leon)  
Page G

corporation or dealer to supply, deliver or give possession of any ammunition to any minor who he or she knows, or using reasonable care should know, is prohibited from possessing that ammunition, as specified.

Existing law states that it is a misdemeanor for any person, corporation, or licensed firearms dealer to sell ammunition to a person under 18 years of age or to sell any ammunition to be used in a handgun to a person under 21 years of age. (Penal Code 12316(a)(1).)

Existing law provides that 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 law. (Penal Code 12316(a)(2).)

Existing law defines "bona fide evidence of majority and identity" as a document issued by a federal, state, county, or municipal government, 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.

(Penal Code 12316(a)(2).)

Existing law defines "ammunition" to 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. (Penal Code 12316(b)(2).)

Existing law defines "handgun ammunition" as ammunition principally for use in pistols, revolvers, and other firearms capable of being concealed upon the person, as defined, notwithstanding that the ammunition may also be used in some rifles. (Penal Code 12323(a).)

Existing law makes it an alternate felony/misdemeanor for a

(More)

AB 962 (De Leon)  
PageH

person prohibited from possessing a firearm to possess or have under his or her control any ammunition. (Penal Code 12316(b)(1).)

Existing law defines relevant federal law as: "It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver - any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than 18 years of age and, if the firearm or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than 21 years of age . . . ." (18 United States Code Service 922(b)(1).)

Definitions

This bill defines "handgun ammunition" as ammunition principally for use in pistols, revolvers and other firearms capable of being concealed upon the person, as defined, notwithstanding that the ammunition may also be used in some rifles, but excluding ammunition designed and intended to be used in an "antique firearm" as defined. Handgun ammunition also does not include blanks used in prop weapons.

This bill states that "immediate family member" means any one of the following relationships: parent and child, grandparent and grandchild.

Handgun Ammunition Vendor Licenses

This bill would provide that the Department of Justice ("DOJ") is authorized to issue handgun ammunition vendor licenses.

This bill would provide that no handgun ammunition vendor

(More)

AB 962 (De Leon)  
PageI

license may be issued to an applicant who fails to provide:

- a copy of any regulatory or business license, or licenses, required by local government;

a valid seller's permit issued by the State Board of Equalization;

a federal firearms license if the person is federally licensed; and

a certificate of eligibility issued pursuant to Section 12071.

The license issued pursuant to this section shall be issued to an individual and for a specific physical location where the sale or other transfer of ownership of handgun ammunition is to be conducted. The department shall inform applicants who are denied licenses of the reasons for the denial in writing.

This bill would provide:

The handgun ammunition vendor license shall be issued in a form prescribed by the Attorney General and shall be valid for a period of one year.

The Attorney General may adopt regulations to administer application procedures and enforcement procedures for the licensee.

The Attorney General may adopt regulations that

(More)

AB 962 (De Leon)  
PageJ

establish grounds for suspension or revocation of the license.

DOJ may charge handgun ammunition vendor license applicants a fee sufficient to reimburse the department for the costs of administering the license program, maintaining the registry of handgun ammunition vendors, and necessary regulatory functions, including enforcement, provided, however, that the fee shall not exceed fifty dollars (\$50).

Funds from the Dealers' Record of Sale Special Account of the General Fund shall be made available for expenditure by DOJ to offset the costs incurred to initiate the license program.

DOJ shall issue licenses pursuant to this section to the following applicants:

- o licensed firearms dealers, as specified;
- o a person who is on the centralized list maintained by DOJ of federal firearms dealer's license holders;
- o a target facility which holds a business or regulatory license;
- o gunsmiths;
- o wholesalers; and
- o manufacturers or importers of firearms licensed pursuant to federal law, as specified.



(More)

AB 962 (De Leon)  
PageK

The department shall waive all application fees for licensed firearms dealers, as specified.

The department shall keep a centralized registry of all persons, businesses, and corporations that are vendors.

The department may remove from this registry any vendor that violates the provisions of this section.

The license of any vendor that violates this section three times shall be revoked, and that person, firm, or corporation shall become permanently ineligible to obtain a license pursuant to this section.

Upon removal of a vendor from the registry, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the vendor's business is located.

Information compiled from the handgun ammunition vendor license registry shall be made available, upon request, for the following purposes only:

- o for law enforcement purposes; and
- o when the information is requested for the purposes of determining the validity of handgun ammunition deliveries.

#### Requirements of Handgun Ammunition Vendors

(More)

AB 962 (De Leon)  
PageL

This bill would provide that as of July 1, 2010, no person shall sell or otherwise transfer ownership of more than 50 rounds of handgun ammunition in any month unless the person is licensed by the department as a licensed handgun ammunition vendor, as specified. Violation would be a misdemeanor, punishable by up to 6 months in county jail, a fine of up to \$1,000, or both.

This bill would provide that this restriction would not apply to or affect any of the following:

sales or other transfers of ownership of handgun ammunition by persons licensed under federal law as an importer, manufacturer, or wholesaler, to licensed handgun ammunition vendors, as specified;

sales or other transfers of ownership of handgun ammunition by an authorized law enforcement representative of a city, county, or city and county, or the state or federal government to a peace officer authorized to carry a

handgun in the course and scope of his or her duties;

sales or other transfers of ownership of handgun ammunition to authorized law enforcement representatives of local, 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, as specified;

sales or other transfers of ownership of handgun ammunition to authorized representatives of local, state or

(More)

AB 962 (De Leon)  
PageM

federal governments for those government agencies in which the entity is acquiring the ammunition as part of an authorized, voluntary program in which the entity is buying or receiving ammunition from private individuals;

sales or other transfers of ownership of handgun ammunition between immediate family members, spouses, or registered domestic partners, as defined;

sales or other transfers of ownership of handgun ammunition to persons licensed as a collector of firearms pursuant to federal law whose licensed premises are within this state who has a current certificate of eligibility issued to him or her by DOJ;

sales or other transfers of ownership of handgun ammunition to a consultant-evaluator, as defined;

the sale or other transfer of ownership of handgun ammunition by a person licensed pursuant to federal law, to any of the following:

- o a person licensed under federal law as a manufacturer of firearms pursuant to federal law;
- o a person licensed under federal law as an importer of firearms;
- o a person who is licensed under federal law as a dealer in firearms, where that dealer receiving that handgun ammunition is acting as a wholesaler.

sales or other transfers of ownership of handgun ammunition by a person designated as a handgun safety instructor by DOJ, when acting in the course and scope of

(More)

AB 962 (De Leon)  
PageN

his or her duties, as specified.

This bill would require that a licensed handgun ammunition vendor comply with all of the following conditions,

requirements, and prohibitions:

No vendor shall sell or transfer ownership of handgun ammunition pursuant to their license unless the vendor is listed on the centralized registry.

A vendor shall not permit any employee who the vendor knows or reasonably should know is prohibited from possessing a firearms, as specified, to handle, sell, or deliver handgun ammunition in the course and scope of his or her employment.

Except as provided below, for an employee of a vendor who becomes an employee after July 1, 2010, and who handles, sells, or delivers handgun ammunition, the employee shall provide to the vendor a certificate of eligibility obtained from DOJ, as specified. The request shall be made within 45 days of employing the individual.

In the case of a person who is employed by a vendor on or before July 1, 2010, and who handles, sells, or delivers handgun ammunition, the employee shall provide to the vendor a certificate of eligibility obtained from DOJ, as specified, no later August 15, 2010.

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

(More)

AB 962 (De Leon)  
Page 0

transferee without the assistance of the vendor or employee thereof.

Commencing July 1, 2010, a vendor shall not sell or otherwise transfer ownership of any handgun ammunition without, at the time of delivery, legibly recording the following information on a form that is in a format to be prescribed by the department:

- o the date of the sale or other transaction;
- o the purchaser's or transferee's driver's license or other identification number and the state in which it was issued;
- o the brand, type, and amount of ammunition sold or otherwise transferred;
- o the purchaser's or transferee's signature;
- o the name of the salesperson who processed the sale or other transaction;
- o the right thumbprint of the purchaser or transferee on the above form;
- o the purchaser's or transferee's full residential address and telephone number; and
- o the purchaser's or transferee's date of birth.

Failure to comply with this record-keeping requirement would be a misdemeanor punishable by up to six months in jail, a fine of up to \$1,000, or both.

Commencing July 1, 2010, the required records of ammunition sales shall be maintained on the premises of the

(More)

AB 962 (De Leon)  
PageP

vendor for a period of not less than five years from the date of the recorded transfer. Failure to comply with this requirement would be a misdemeanor, punishable by up to six months in jail, a fine of up to \$1,000, or both.

Commencing July 1, 2010, the required records of ammunition sales 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 specified, 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, as specified, 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, as specified, or any other laws pertaining to firearms or ammunition.

Commencing July 1, 2010, 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 regarding ammunition sales, as specified. 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. Commencing July 1, 2010, the required records of ammunition sales shall be maintained on the premises of the vendor for

(More)

AB 962 (De Leon)  
PageQ

a period of not less than five years from the date of the recorded transfer. Failure to comply with this requirement would be a misdemeanor, punishable by up to six months in jail, a fine of up to \$1,000, or both.

Commencing July 1, 2010, no vendor shall refuse to permit any authorized person, as specified, to examine any record of ammunition sales, as specified, during any inspection conducted pursuant to this section, or refuse to permit the use of any record or information by those persons.

Commencing July 1, 2010, the required records of ammunition sales 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. Failure to comply with this requirement would be a misdemeanor, punishable by up to six months in jail, a fine of up to \$1,000, or both.

This bill provides that the vendor's record-keeping requirements regarding sales or other transfers of handgun ammunition, specified above, shall not apply to or affect sales or other transfers of ownership of handgun ammunition by licensed handgun ammunition vendors to any of the following that are properly identified as such in a manner prescribed by the Department of Justice:

licensed firearms dealers, as specified;

a licensed handgun ammunition vendor;

a person who is on the centralized list of licensed federal firearms dealers, as specified, maintained by DOJ;

(More)

AB 962 (De Leon)  
PageR

a target facility which holds a business or regulatory license;

gunsmiths;

wholesalers;

manufacturers or importers of firearms licensed under specified federal law, and the regulations issued pursuant thereto; and

sales or other transfers of ownership made to authorized law enforcement representatives of local, 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.

This bill provides that fees received by the department pursuant to the handgun ammunition vendor statute shall be deposited in the Dealers' Record of Sale Special Account of the General Fund.

This bill provides that 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.

Persons Under A Gang Injunction

(More)

AB 962 (De Leon)  
PageS

This bill provides that it will be a misdemeanor, punishable by up to 6 months in county jail, a fine of up to \$1,000, or both for any person who is not prohibited from possessing a firearm

but is enjoined from engaging in activity, as specified, resulting from an injunction against that person as a member of a criminal street gang, as defined, to possess any ammunition or reloaded ammunition, except as specified.

Ammunition Sales to Persons Prohibited From Possessing a Firearm

Existing law prohibits sale of ammunition, as defined, to any person prohibited from possessing a firearm, as specified.

This bill would exempt from those provisions sales of blanks.

This bill would provide that it is a misdemeanor, punishable by up to six months in the county jail, a fine of up to \$1,000, or both, for any person, corporation, or firm to supply, deliver, sell, or give 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 either because that person is prohibited from possessing a firearm, as specified, or because that person is subject to a gang injunction as a member of a criminal street gang, as specified.

This bill would provide that it is a misdemeanor, punishable by up to six months in the county jail, a fine of up to \$1,000, or both, for any person, corporation, or dealer to supply, deliver, or give possession of any ammunition to any minor who he or she knows or using reasonable care should know is prohibited from possessing that ammunition, as specified.

Department of Justice

Existing law requires DOJ to keep and properly file all legally required records relating to sales of handguns, licenses to carry concealed weapons, and related records.

(More)

AB 962 (De Leon)  
Page 1

This bill would add to these records, license information pertaining to handgun ammunition vendors, as specified.

Requirement of Face-To-Face Transfers

This bill provides that beginning July 1, 2010, 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, punishable by up to 6 months in jail, a fine of up to \$1,000, or both.

This bill defines, for purposes of this section, the following terms:

"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.

"Handgun ammunition" means ammunition principally for use in pistols, revolvers and other firearms capable of being concealed upon the person, as defined, notwithstanding that the ammunition may also be used in some rifles, but excluding ammunition designed and intended to be used in an "antique firearm" as defined. Handgun ammunition also does not include blanks.

This bill provides that the face-to-face transaction requirement

shall not apply to or affect the deliveries, transfers, or sales

(More)

AB 962 (De Leon)  
PageU

of, handgun ammunition to any of the following:

authorized law enforcement representatives of local, 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;

sworn peace officers, as defined, who are authorized to carry a firearm in the course and scope of their duties;

importers and manufacturers of handgun ammunition or firearms licensed to engage in business pursuant to specified federal law and the regulations issued pursuant thereto;

persons who are on DOJ's centralized list of federally licensed firearms dealers, as specified;

persons whose licensed premises are outside this state who are licensed as dealers or collectors of firearms pursuant to specified federal law and the regulations issued pursuant thereto;

persons licensed as collectors of firearms pursuant to specified federal law 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 DOJ, as specified;

(More)

AB 962 (De Leon)  
PageV

a licensed handgun ammunition vendor; and

a consultant-evaluator, as specified.

#### RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

California continues to face a severe prison overcrowding crisis. The Department of Corrections and Rehabilitation (CDCR) currently has about 170,000 inmates under its jurisdiction. Due to a lack of traditional housing space available, the department houses roughly 15,000 inmates in gyms and dayrooms. California's prison population has increased by 125% (an average of 4% annually) over the past 20 years, growing from 76,000 inmates to 171,000 inmates, far outpacing the state's population growth rate for the age cohort with the highest risk of incarceration.<1>

In December of 2006 plaintiffs in two federal lawsuits against CDCR sought a court-ordered limit on the prison population pursuant to the federal Prison Litigation Reform Act. On February 9, 2009, the three-judge federal court panel issued a tentative ruling that included the following conclusions with respect to overcrowding:

No party contests that California's prisons are overcrowded, however measured, and whether considered in comparison to prisons in other states or jails within this state. There are simply too many prisoners for the existing capacity. The Governor, the principal defendant, declared a state of emergency

<1> "Between 1987 and 2007, California's population of ages 15 through 44 - the age cohort with the highest risk for incarceration - grew by an average of less than 1% annually, which is a pace much slower than the growth in prison admissions." (2009-2010 Budget Analysis Series, Judicial and Criminal Justice, Legislative Analyst's Office (January 30, 2009).)

(More)

AB 962 (De Leon)  
Page#

in 2006 because of the "severe overcrowding" in California's prisons, which has caused "substantial risk to the health and safety of the men and women who work inside these prisons and the inmates housed in them." . . . A state appellate court upheld the Governor's proclamation, holding that the evidence supported the existence of conditions of "extreme peril to the safety of persons and property." (citation omitted) The Governor's declaration of the state of emergency remains in effect to this day.

. . . the evidence is compelling that there is no relief other than a prisoner release order that will remedy the unconstitutional prison conditions.

. . .

Although the evidence may be less than perfectly clear, it appears to the Court that in order to alleviate the constitutional violations California's inmate population must be reduced to at most 120% to 145% of design capacity, with some institutions or clinical programs at or below 100%. We caution the parties, however, that these are not firm figures and that the Court reserves the right - until its final ruling - to determine that a higher or lower figure is appropriate in general or in particular types of facilities.

. . .

Under the PLRA, any prisoner release order that we issue will be narrowly drawn, extend no further than necessary to correct the violation of constitutional rights, and be the least intrusive means necessary to correct the violation of those rights. For this reason, it is our present intention to adopt an order requiring the State to develop a plan to reduce the prison population to 120% or 145% of the prison's design capacity (or somewhere in between) within a

(More)

AB 962 (De Leon)  
PageX

period of two or three years.<2>



The final outcome of the panel's tentative decision, as well as any appeal that may be in response to the panel's final decision, is unknown at the time of this writing.

This bill does not appear to aggravate the prison overcrowding crisis outlined above.

#### COMMENTS

##### 1. Need for This Bill

According to the author:

According to the Department of Justice (DOJ), California's gun violence has increased nearly 35% in just six years, with more than 60% of all murders committed with handguns. In Los Angeles alone, between 2005 and 2006, the LA Sheriff's office handled more than 400 homicides-over 80% involving firearms and nearly 60% committed by gang members.

In a state where firearms outnumber people, there is currently no regulatory control over deadly ammunition that fuels gun violence. It is easier in California to purchase handgun ammunition than it is a package of cigarettes or allergy medicine.

Bullets are ending up in the wrong hands across California. A 2006 RAND Corporation study found that, in just a two month period in Los Angeles, felons and others prohibited by law from possessing ammunition purchased over 10,000 rounds of ammunition at gun

<2> Three Judge Court Tentative Ruling, Coleman v. Schwarzenegger, Plata v. Schwarzenegger, in the United States District Courts for the Eastern District of California and the Northern District of California United States District Court composed of three judges pursuant to Section 2284, Title 28 United States Code (Feb. 9, 2009).

(More)

AB 962 (De Leon)  
PageY

shops and sporting goods stores across the city. Extrapolate that number, and statewide at least 565,000 bullets are annually sold to criminals-enough to fully load more than 94,000 handguns.

California has enacted legislation designed to keep guns out of the hands of criminals, but it has done little to prevent criminals and gang members from loading up on the ammunition that fuels gun violence. We have absolutely no idea who is selling bullets; not a single statewide law enforcement agency tracks ammunition dealers in California. This blind eye approach is putting ammunition in the hands of killers and it needs to stop.

This bill would require handgun ammunition dealers to obtain a DOJ-issued Handgun Ammunition Vendor's License (HAVL) in order to sell handgun ammunition. This will help crack down on illegal uses of ammunition and assist law enforcement in tracking down criminal purchasers.

Also, this measure would require handgun ammunition vendors to record handgun ammunition sales, and make the records available to law enforcement for the purposes of crosschecking purchasers with prohibited person's databases, to help crack down on criminals purchasing ammunition. Thirteen cities across California currently enforce successful local ammunition record-keeping laws used to record ammunition sales and purchases. Notably, the City of Sacramento Police Department reports that the ordinance is an effective enforcement and investigative tool. In reviewing their ammunition-purchaser records for 2008, the Sacramento Police Department recently found that over 150 prohibited persons purchased ammunition within the

year in their city alone. A statewide requirement is needed to prevent purchasers from loading up on unmonitored ammunition sales outside these city

(More)

AB 962 (De Leon)  
Page 2

boundaries.

Numerous states, including to name a few Maryland, Massachusetts, Minnesota, and Washington, also regulate the sale of ammunition and have found their laws to be highly effective in deterring criminal purchases of ammunition.

To help law enforcement stop straw purchases, the measure will also make it unlawful to sell or furnish ammunition to any person known to be prohibited from possessing or acquiring ammunition. While it is illegal to knowingly sell a gun to a felon, it is currently perfectly legal to sell or supply known felons with handgun ammunition. Additionally, to keep bullets out of the hands of gang members, this bill will prohibit any person subject to a gang injunction from possessing ammunition.

This measure would cut off the dangerously easy access to handgun ammunition and will ensure that handgun ammunition will not be sold to criminals, gang members, and kids.

2. Ammunition Purchases by Prohibited Persons: The Scope of the Problem

In Los Angeles, a city ordinance requires that vendors selling any firearm ammunition within the city limits must record the following information:

the date of the transaction;

the name, address and date of birth of the transferee;

the transferee's drivers license or other identification number and the state in which it was issued;

(More)

AB 962 (De Leon)  
Page A

the brand, type and amount of ammunition transferred;

the transferee's signature;

the name of the sales person who processed the transaction; and

the vendor shall also at the time of purchase or transfer obtain the right thumb print of the purchaser or transferee on the above-referenced form. (Los Angeles Municipal Code, Ch. V, 55.11.)

Using this information, required to be maintained by ammunition

dealers, a RAND corporation study examined ammunition sales during a two-month period in Los Angeles in 2004. RAND reported:

Substantial amounts of bullets and shotgun shells sold in Los Angeles are purchased by felons and others who are prohibited by law from buying ammunition, according to a new RAND Corporation study that is the first to examine the amount of ammunition sold to criminals.

With support from the National Institute of Justice, researchers analyzed records detailing ammunition sales made during April and May of 2004 at 10 of the 13 retail stores in the city of Los Angeles that sell bullets and shotgun shells to the public.

A total of 2,031 people purchased 436,956 rounds of ammunition during the study period. This included 10,050 rounds of ammunition purchased by 52 people with felony convictions or other violations on their records that legally prohibit them from buying

(More)

AB 962 (De Leon)  
PageB

ammunition.

While federal and state laws prohibit certain people from buying ammunition, there are no mechanisms to enforce the rules. Los Angeles and a few other cities require ammunition sellers to collect information about the purchasers, but in the past those records were not routinely reviewed.

"Strategies to reduce gun violence in communities thus far have focused intensely on the guns," said George Tita, a criminologist at the University of California, Irvine, and lead author of the study that appears in the October edition of the journal Injury Prevention. "More effective policies will need to address access to ammunition as well as access to guns."

While the study examined only a short period of time, researchers say it provides the first reliable information about whether ammunition is routinely purchased by people who are barred from possessing ammunition.

"We found that it's not uncommon for people with criminal records simply to buy ammunition at a retail store," said Greg Ridgeway, co-author of the study and a researcher at RAND, a nonprofit research organization. "It is particularly risky for communities to have guns and ammunition in the hands of such people."

Past studies have shown that guns and ammunition possessed by felons and others prohibited from owning weapons are more likely to be used in violent crimes than weapons bought by people with no criminal histories.  
(<http://www.rand.org/news/press.06/10.05.html>.)

ARE PROHIBITED PERSONS BUYING A SIGNIFICANT AMOUNT OF AMMUNITION FROM RETAIL STORES, DESPITE EXISTING LAWS PROHIBITING THESE

(More)

AB 962 (De Leon)  
PageC

PURCHASES?

DOES THIS POSE A THREAT TO PUBLIC SAFETY?

3. Results of Logging Ammunition Sales in Sacramento.

In August 2007, the City of Sacramento passed an ordinance similar to the ammunition tracking provisions contained in this bill. (Sacramento City Code, Chapter 5.66.) The ordinance requires that at the time of the purchase of ammunition, the seller obtain the name, address, and date of birth of the purchaser, the brand, type and amount of ammunition purchased, the purchaser's signature, the name of the salesperson, the right thumbprint of the purchaser, and the transfer date and time of the purchase.

Collection of this data has allowed the Sacramento Police Department to compare the names of ammunition purchasers to DOJ's database of persons prohibited from owning firearms or ammunition. This has resulted in a significant number of arrests and successful prosecutions.

According to the Sacramento Police Department, from January 16, 2008, to December 31, 2008, 156 prohibited persons purchased ammunition. One hundred and twenty four of these individuals had prior felony convictions, 31 had prior misdemeanor convictions, and 6 were subject to a domestic violence restraining order. One hundred and nine persons were charged with felonies, 3 were charged with misdemeanors, and 10 were federally indicted. Only 7 cases were rejected, and 37 more are still being actively investigated.

Thirty-six cases have resulted in felony convictions, and 17 have resulted in misdemeanor convictions. There have been two cases resolved in federal court, with an average sentence of 37 months.

As a result of the investigations generated by the ammunition sale records, 48 search warrants were issued and 26 probation and parole searches were conducted. In 70 percent of the

(More)

AB 962 (De Leon)  
PageD

searches either firearms or ammunition were located. There were illegal 84 firearms seized and a substantial amount of illegal drugs, stolen property and cash.

HAS LOGGING AMMUNITION SALES BEEN A SUCCESS IN SACRAMENTO?

DOES REQUIRING LOGGING OF AMMUNITION SALES UNDULY RESTRICT SALES OF AMMUNITION TO LAW-ABIDING GUN OWNERS?

HAS REQUIRING LOGGING OF AMMUNITION SALES PLACED AN UNDUE BURDEN ON AMMUNITION DEALERS?

4. Regulation of Internet Sales of Ammunition.

In 2007, the Legislature approved legislation to address the problem of Internet sales of ammunition to minors by requiring third parties (e.g., common carriers) to obtain verification of the buyer's age. (AB 2714 (Torrico).) Governor Schwarzenegger vetoed that bill and in his veto message stated the following:

(More)

It is important to ensure that minors do not use mail-order or internet sales to obtain access to items prohibited under current law that could be dangerous if used improperly. However, current law already requires sellers to verify the age of a purchaser who wishes to buy ammunition at the time of sale. By adding a new requirement that retailers ensure third party verification of the identity of the purchaser at time of delivery, this bill could inadvertently subject legitimate retailers to criminal penalties for actions that they have no control over. As a result, this bill could be counter productive by providing a negligible benefit to public safety while concurrently discouraging legitimate business.

In addition, this bill would allow local governments to enact their own measures governing the sale of ammunition if they are stricter than state law. Statewide uniformity of the laws regulating firearms is critical to public safety. By allowing local governments to proliferate local measures regarding the sale of ammunition that significantly differ from state law, this bill could result in inconsistent regulation, interpretation, and enforcement of firearms laws by businesses, law enforcement, and the public.

For these reasons, I am returning this bill without my signature.

This bill provides that "Commencing July 1, 2010, 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." This bill would appear to address the Governor's first objection to AB 2714's approach, in that it would not "subject legitimate retailers to criminal penalties for actions that they have no control over."

(More)

AB 962 (De Leon)  
Page F

The bill would also appear to preempt any local ordinance regarding this issue, addressing the Governor's second objection to AB 2714. (See also, *Fiscal v. City and County of San Francisco*, 158 Cal. App. 4th 895, 920 (2008), [holding state law regulating firearms preempts local ordinances].)

This current language of the bill would not appear to ban Internet sales of ammunition directly to consumers. The author's office has informed the Committee staff that the author's intent was to allow Internet sales of ammunition to be conducted only through a licensed dealer. That is, if a consumer wanted to buy certain types of ammunition available only on the Internet, this transaction could take place by having the ammunition shipped to a licensed ammunition dealer who could then sell the ammunition to the consumer. However,

the current language of the bill contains no requirement that the "deliverer" only deliver ammunition to a licensed dealer, only that the "deliverer," presumably a common carrier like Federal Express or UPS, check the purchaser or transferee's identification.

Members may wish to consider whether the bill should be amended to require that any ammunition sales must be either face-to-face between the seller and the purchaser or between an authorized seller and a licensed dealer?

SHOULD ALL HANDGUN AMMUNITION SALES BE REQUIRED TO BE FACE-TO-FACE, EXCEPT AS PROVIDED?

5. Putting Handgun Ammunition Behind the Counter

This bill would prohibit all handgun ammunition vendors from displaying for sale 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 his or her employee. AB 996 (Ridley-Thomas) (2005) would have required, similarly to this bill, specified types of handgun ammunition to be sold in a manner such that it would not be accessible to the purchaser without the assistance of a salesperson. Governor

AB 962 (De Leon)  
Page 6

Schwarzenegger vetoed AB 996, issuing the following veto message:

This bill is unnecessary because there has been no documentation of a problem with the theft of ammunition from retail establishments. In addition, I have just signed SB 48 by Senator Scott into law which will ensure those underage will no longer be purchasing ammunition.

Requiring retail ammunition sellers to store any handgun ammunition offered for sale in a manner inaccessible to the purchaser would impose more regulation in California without a corresponding benefit to public safety. It is not clear how requiring store employees to obtain and hand customers ammunition instead of letting customers choose their own ammunition will curb crimes committed with firearms.

WILL REQUIRING HANDGUN AMMUNITION TO BE SOLD FROM BEHIND A COUNTER HELP REDUCE GUN-RELATED CRIME?

\*\*\*\*\*

**EXHIBIT L**

West's  
ANNOTATED  
CALIFORNIA CODES



CIVIL CODE

Sections 1798 to 1812.999

---

*Official  
California Civil Code  
Classification*

---

**WEST<sup>®</sup>**

A Thomson Reuters business

MAT #40781285



**§ 1798.83**

Law of Financial Privacy ¶ 5.05(4), Methods of Access to Confidential Information.  
Law of Financial Privacy ¶ 9.01(11), Relationship of the Financial Privacy Law to State Law.  
5 Witkin, California Summary 10th Torts § 670, (S 670) Failure to Destroy Consumer Records.

7 Witkin, California Summary 10th Constitutional Law § 607, (S 607) Other Privacy Statutes.

**OBLIGATIONS**

**Div. 3**

**§ 1798.84. Waiver and violations of provisions of this title; civil actions and penalties; attorney's fees and costs**

(a) Any waiver of a provision of this title is contrary to public policy and is void and unenforceable.

(b) Any customer injured by a violation of this title may institute a civil action to recover damages.

(c) In addition, for a willful, intentional, or reckless violation of Section 1798.83, a customer may recover a civil penalty not to exceed three thousand dollars (\$3,000) per violation; otherwise, the customer may recover a civil penalty of up to five hundred dollars (\$500) per violation for a violation of Section 1798.83.

(d) Unless the violation is willful, intentional, or reckless, a business that is alleged to have not provided all the information required by subdivision (a) of Section 1798.83, to have provided inaccurate information, failed to provide any of the information required by subdivision (a) of Section 1798.83, or failed to provide information in the time period required by subdivision (b) of Section 1798.83, may assert as a complete defense in any action in law or equity that it thereafter provided regarding the information that was alleged to be untimely, all the information, or accurate information, to all customers who were provided incomplete or inaccurate information, respectively, within 90 days of the date the business knew that it had failed to provide the information, timely information, all the information, or the accurate information, respectively.

(e) Any business that violates, proposes to violate, or has violated this title may be enjoined.

(f) A prevailing plaintiff in any action commenced under Section 1798.83 shall also be entitled to recover his or her reasonable attorney's fees and costs.

(g) The rights and remedies available under this section are cumulative to each other and to any other rights and remedies available under law.

(Formerly § 1798.82, added by Stats.2000, c. 1039 (A.B.2246), § 1. Renumbered § 1798.84 and amended by Stats.2002, c. 915 (S.B.1386), § 3, operative July 1, 2003; Stats.2002, c. 1054 (A.B.700), § 3, operative July 1, 2003. Amended by Stats.2003, c. 505 (S.B.27), § 4.)

**Historical and Statutory Notes**

Stats.2002, c. 915 (S.B.1386), § 3 and Stats. 2002, c. 1054 (A.B.700), § 3, which were identical, renumbered the section without change to the text.

Section 5 of Stats.2002, c. 915 (S.B.1386), provides:

"SEC. 5. This act shall become operative on July 1, 2003."

Sections 1 and 6 of Stats.2002, c. 915 (S.B. 1386), provide:

"SECTION 1. (a) The privacy and financial security of individuals is increasingly at risk due

## OBLIGATIONS FROM PARTICULAR TRANSACTIONS

§ 1798.84

### Pt. 4

to the ever more widespread collection of personal information by both the private and public sector.

"(b) Credit card transactions, magazine subscriptions, telephone numbers, real estate records, automobile registrations, consumer surveys, warranty registrations, credit reports, and Internet Web sites are all sources of personal information and form the source material for identity thieves.

"(c) Identity theft is one of the fastest growing crimes committed in California. Criminals who steal personal information such as social security numbers use the information to open credit card accounts, write bad checks, buy cars, and commit other financial crimes with other people's identities. The Los Angeles County Sheriff's Department reports that the 1,932 identity theft cases it received in the year 2000 represented a 108 percent increase over the previous year's caseload.

"(d) Identity theft is costly to the marketplace and to consumers.

"(e) According to the Attorney General, victims of identity theft must act quickly to minimize the damage; therefore expeditious notification of possible misuse of a person's personal information is imperative."

"SEC. 6. This act deals with subject matter that is of statewide concern, and it is the intent of the Legislature that this act supersede and preempt all rules, regulations, codes, statutes, or ordinances of all cities, counties, cities and counties, municipalities, and other local agencies regarding the matters expressly set forth in this act."

Section 5 of Stats.2002, c. 1054 (A.B.700), provides:

"SEC. 5. This act shall become operative on July 1, 2003."

Sections 1 and 6 of Stats.2002, c. 1054 (A.B.700), provide:

"SECTION 1. (a) The privacy and financial security of individuals is increasingly at risk due to the ever more widespread collection of personal information by both the private and public sector.

"(b) Credit card transactions, magazine subscriptions, telephone numbers, real estate records, automobile registrations, consumer surveys, warranty registrations, credit reports, and Internet Web sites are all sources of personal information and form the source material for identity thieves.

"(c) Identity theft is one of the fastest growing crimes committed in California. Criminals who steal personal information such as social security numbers use the information to open credit card accounts, write bad checks, buy

cars, and commit other financial crimes with other people's identities. The Los Angeles County Sheriff's Department reports that the 1,932 identity theft cases it received in the year 2000 represented a 108 percent increase over the previous year's caseload.

"(d) Identity theft is costly to the marketplace and to consumers.

"(e) According to the Attorney General, victims of identity theft must act quickly to minimize the damage; therefore expeditious notification of possible misuse of a person's personal information is imperative."

"SEC. 6. This act deals with a subject matter that is of statewide concern, and it is the intent of the Legislature that this act supersede and preempt all rules, regulations, codes, statutes, or ordinances of all cities, counties, cities and counties, municipalities, and other local agencies regarding the matters expressly set forth in this act."

Section affected by two or more acts at the same session of the legislature, see Government Code § 9605.

Stats.2003, c. 505 (S.B.27), rewrote this section, which read:

"(a) Any customer injured by a violation of this title may institute a civil action to recover damages.

"(b) Any business that violates, proposes to violate, or has violated this title may be enjoined.

"(c) The rights and remedies available under this section are cumulative to each other and to any other rights and remedies available under law."

Similar provisions were formerly contained at Civil Code § 1798.83 as added by Stats.2002, c. 815 (A.B.2331), § 15.

Section 1 of Stats.2003, c. 505 (S.B.27), provides:

"SECTION 1. (a) For free market forces to have a role in shaping the privacy practices of California businesses and for 'opt-in' and 'opt-out' remedies to be effective, Californians must be more than vaguely informed that a business might share personal information with third parties. Consumers must, for these reasons and pursuant to Section 1 of Article I of the California Constitution, be better informed about what kinds of personal information are purchased by businesses for direct marketing purposes. With these specifics, consumers can knowledgeably choose to opt-in or opt-out or choose among businesses that disclose information to third parties for direct marketing purposes on the basis of how protective the business is of consumers' privacy.

## § 1798.84

## OBLIGATIONS Div. 3

"(b) Nothing in this act is intended to impose, and this act may not be construed to impose, any prohibition or requirement upon, restraint of, or prerequisite to, a business disclosing or exchanging personal information to third parties, including affiliated parties, for any lawful purpose, including direct marketing purposes. This act, generally, and Section 1798.83 of the

Civil Code, specifically, provides merely for descriptions of general business practices regarding direct marketing to be disclosed to customers after those practices have occurred and, for example, does not require that personal information associated with specific individuals be disclosed."

### Cross References

"Business" defined for purposes of this Title, see Civil Code § 1798.80.  
"Customer" defined for purposes of this Title, see Civil Code § 1798.80.  
Identity theft actions, statute of limitations, see Civil Code § 1798.96.  
Injunctions, provisional remedies and specific and preventive relief, generally, see Civil Code § 3420 et seq.; Code of Civil Procedure § 525 et seq.

### Law Review and Journal Commentaries

California to the rescue: A contrasting view of minimum statutory damages in privacy torts. Mac Cabal, 29 Whittier L. Rev. 273 (2007).

Companies positioned in the middle: Municipal wireless and its impact on privacy and free speech. Nicole A. Ozer, 41 U.S.F. L. Rev. 635 (2007).

Practice tips: New California identity theft legislation. Chad C. Coombs and Keenen Milner, 27 L.A. Law 21 (Aug. 2004).

Reasonable foreseeability in information security law: A forensic analysis. Meiring De Villiers, 30 Hastings Comm. & Ent. L.J. 419 (2008).

Review of Selected 2007 California Legislation (Chapter 353 protects auto dealers from lawsuits and prohibits computer vendors from contracting around consumer privacy rights, but does it do enough)? Ian M. Hunter, 38 McGeorge L. Rev. 330 (2007).

### Library References

Antitrust and Trade Regulation Ⓒ297.  
Records Ⓒ31.  
Westlaw Topic Nos. 29T, 326.

C.J.S. Criminal Law § 449.  
C.J.S. Records §§ 74 to 92.

### Research References

#### Encyclopedias

CA Jur. 3d Consumer and Borrower Protection Laws § 567, Enforcement; Remedies.

#### Forms

Cal. Transaction Forms - Bus. Transactions § 8:34.20, Direct Marketing Disclosure Requirements.

Cal. Transaction Forms - Bus. Transactions § 32:208.60, Remedies.

West's California Code Forms, Civil § 1798.84, Complaint for Unauthorized Disclosure of Personal Information.

#### Treatises and Practice Aids

Data Security & Privacy Law: Combating Cyberthreats § 9:66, State Notice-Of-Breach Laws.

Data Security & Privacy Law: Combating Cyberthreats § 7:5.60, State Security Breach Notification Measures.

Employment Law Yearbook § 11:3.1, The Bases of the Right to Privacy.

Investigating Employee Conduct App D, Search, Seizure and Privacy Laws.

Investigating Employee Conduct § 13:19, Data Protection Laws.

Law of Financial Privacy ¶ 5.05(4), Methods of Access to Confidential Information.

5 Witkin, California Summary 10th Torts § 669, (S 669) Failure to Protect Security of Personal Information.

5 Witkin, California Summary 10th Torts § 670, (S 670) Failure to Destroy Consumer Records.

5 Witkin, California Summary 10th Torts § 671, (S 671) Breach of Security for Computerized Personal Information.

7 Witkin, California Summary 10th Constitutional Law § 607, (S 607) Other Privacy Statutes.

**EXHIBIT M**

UNITED STATES CODE  
CONGRESSIONAL AND  
ADMINISTRATIVE NEWS

99th Congress—Second Session  
1986

Convened January 21, 1986

Adjourned October 18, 1986

Volume 4

LEGISLATIVE HISTORY  
PUBLIC LAWS 99-272 CONT'D to 99-499

ST. PAUL, MINN.  
WEST PUBLISHING CO.

## FIREARMS OWNERS' PROTECTION ACT

*P.L. 99-308, see page 100 Stat. 449*

### DATES OF CONSIDERATION AND PASSAGE

*Senate July 9, 1985; May 6, 1986*

*House April 10, 1986*

House Report (Judiciary Committee) No. 99-495,  
Mar. 14, 1986 [To accompany H.R. 4332]

Cong. Record Vol. 131 (1985)

Cong. Record Vol. 132 (1986)

*No Senate Report was submitted with this legislation.*

### HOUSE REPORT NO. 99-495

[page 1]

The Committee on the Judiciary to whom was referred the bill (H.R. 4332) to amend chapter 44 (relating to firearms) of title 18, United States Code, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

\* \* \* \* \*

### PURPOSE OF THE LEGISLATION

H.R. 4332 is designed to relieve the nation's sportsmen and firearms owners and dealers from unnecessary burdens under the Gun Control Act of 1968, to strengthen the Gun Control Act of 1968 to enhance the ability of law enforcement to fight violent crime and narcotics trafficking, and to improve administration of the Act.

### OVERVIEW OF THE LEGISLATION

#### BENEFITS FOR SPORTSMEN

Permits interstate sale of rifles and shotguns if the sale is made face to face between buyer and seller and complies with laws of both states.

7

LEGISLATIVE HISTORY

P.L. 99-308

[page 16]

*Clarifying the disabilities under the Gun Control Act*

Currently the prohibitions on who may receive, possess and transport firearms are divided among two subsections of the GCA and a subsection of title VII of the Omnibus Crime Control and Safe Streets Act. S. 49 and H.R. 945 would add to the GCA provisions three conditions it does not now cover (which are in title VII): A person who (1) being an alien, is illegally in the United States; (2) has been discharged from the Armed Services under dishonorable conditions; and (3) having been a citizen of the United States, has renounced his or her citizenship.

H.R. 4332 includes such a provision.

*Lesser penalties for merely technical violations of the GCA*

S. 49 would provide a misdemeanor penalty for licensees who fail to make required entries or who fail to properly maintain their records. (S. 49, sec. 104(1), pages 22-23, lines 19-3. H.R. 945 has no such provision.)

H.R. 4332 includes such provisions.

VIEWS OF THE ADMINISTRATION

At the Subcommittee's hearing on February 19, 1986, the Deputy Assistant Secretary of the Treasury Edward T. Stevenson conceded that there would be serious problems for law enforcement under these bills. He, with reluctance, turned over to the Subcommittee a seven page "assessment" of S. 49, prepared by the Bureau of Alcohol, Tobacco and Firearms, which contained six positive aspects and eighteen negative aspects which follows:

ASSESSMENT BY THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

DEPARTMENT OF THE TREASURY,  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,  
Washington, DC, February 10, 1986.

CC-34,270 FE:SRR

Memorandum to: Assistant Secretary (Enforcement and Operations).

From: Director.

Subject: S. 49, the "Firearms Owners Protection Act".

As you requested at the Heads of Bureaus' meeting, I have prepared a memorandum giving our assessment of the strengths and weaknesses of S. 49 (Firearms Owners Protection Act) from an administrative and law enforcement perspective. We provided most of these same comments to the Department when the bill was being considered in the Senate; and, as you can see, some of our concerns were accepted while others were rejected. As the agency responsible for enforcing the Gun Control Act of 1968, a fair hearing of our concerns was probably the most we could expect. We obviously hoped our recommendations would have resulted in more changes than ultimately occurred.

## FIREARMS OWNERS' PROTECTION ACT

P.L. 99-308

[page 17]

### POSITIVE ASPECTS OF S. 49

1. *Ammunition Licensing and Recordkeeping.* The bill would eliminate dealers, pawnbrokers and collectors in ammunition only from the Gun Control Act's licensing provisions. However, importers and manufacturers of ammunition would continue to be licensed. In addition, all recordkeeping provisions concerning ammunition would be repealed. The Bureau and the Department have recognized that current recordkeeping requirements for ammunition have no substantial law enforcement value. In addition, their elimination would remove an unnecessary recordkeeping burden from licensees. Felons and other proscribed persons would still be prohibited from transporting or receiving ammunition in commerce.
2. *Sales to Prohibited Persons.* The bill makes it unlawful for any person, not only licensees, to sell or otherwise dispose of firearms to certain prohibited categories of persons, e.g., a convicted felon. Under existing law it is only unlawful for a licensee to sell or otherwise dispose of firearms knowing or having reasonable cause to believe that such a person is in a prohibited category. This proposal would close an existing loophole whereby qualified purchasers have acquired firearms from licensees on behalf of prohibited persons.
3. *Repeal of Certain Provisions of Title VII of the Omnibus Crime Control and Safe Streets Act of 1968.* The bill would repeal most of Title VII and incorporate its provisions into the Gun Control Act. Thus, all provisions of Federal firearms laws imposing disabilities on felons and other prohibited persons would be combined in the GCA and existing inconsistencies between Title VII and the GCA would be eliminated. The Armed Career Criminal Act, imposing mandatory penalties based upon previous robbery or burglary convictions, would be retained in Title VII. Both ATF and the Department have supported legislation of this nature in the past.
4. *Gun Shows.* The bill would permit licensed importers, manufacturers and dealers to conduct business temporarily at locations other than that specified on their license, within the same State, pursuant to regulations issued by the Secretary. This provision is similar to regulations recently promulgated which allow licensees to conduct business at gun shows if the gun show is located in the same State as that specified on the license. See 27 C.F.R. § 178.000. The bill would remove any doubt concerning the statutory validity of such regulations.
5. *Importation of Certain "Saturday Nite Special" Parts.* Current law prohibits, among other things, the importation of firearms, including firearms frames or receivers, not particularly suitable for or readily adaptable to sporting purposes. Generally, easily concealable and inexpensive handguns are not importable under existing law. The bill would add a new prohibition against the importation of barrels for nonsporting handguns. This change will, to some extent, discourage the existing circumvention of the importation controls which allows the assembly of nonsporting handguns from imported parts.
6. *Mandatory Penalties.* The bill would provide that those who carry or use firearms in the commission of Federal drug offenses will be subject to the Act's mandatory penalties. This amendment