

**No. 14-16840**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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KAMALA D. HARRIS,  
in her official capacity as the Attorney General of California,  
*Defendant-Appellant,*

v.

JEFF SILVESTER, et. al.,  
*Plaintiffs-Appellees.*

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Appeal from the United States District Court for the  
Eastern District of California, No. 1:11-cv-02137-AWI-SKO  
(Hon. Anthony W. Ishii, Judge)

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**APPELLEES' SUPPLEMENTAL EXCERPTS OF RECORD**

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May 26, 2015

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Pursuant to Ninth Circuit Rule 30-1, Plaintiffs-Appellees Jeff Silvester, Brandon Combs, and the Calguns Foundation, Inc., by and through their counsel of record, hereby submit their Supplemental Excerpts of Record.

Dated: May 26, 2015

Benbrook Law Group, PC

By: /s/ Bradley A. Benbrook  
Bradley A. Benbrook  
Counsel for Plaintiffs-Appellees

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### **CERTIFICATE OF SERVICE**

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Dated: May 26, 2015

Benbrook Law Group, PC

By: /s/ Bradley A. Benbrook  
Bradley A. Benbrook  
Counsel for Plaintiffs-Appellees

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
HON. ANTHONY W. ISHII

JEFF SILVESTER, et al.,	)	1:11-cv-2137-AWI
	)	
Plaintiff,	)	
	)	COURT TRIAL
vs.	)	
	)	Day 2
KAMALA D. HARRIS, Attorney	)	
General of California, and	)	
DOES 1 to 20,	)	
	)	
Defendants.	)	
_____	)	

Fresno, California

Wednesday, March 26, 2014

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Volume 2, Pages 159 to 366, inclusive

REPORTED BY: GAIL LACY THOMAS, RMR-CRR  
Official Court Reporter  
CSR NO. 3278

1 years ago, say.

2 A. They're up substantially. I think the lowest year I  
3 remember was 2003, which we were only at 290,000. So that's a  
4 significant increase from 2003.

5 Q. If we have a DROS application that makes it through -- is  
6 it possible for a DROS application to make it through all of  
7 the databases that we just mentioned without there being any  
8 hits at all?

9 A. Yes.

10 Q. Is there an internal name at BOF or a DROS application  
11 that has that characteristic?

12 A. Yes, we call those auto approvals.

13 Q. What percentage of the DROS applications are auto  
14 approvals?

15 A. About 20 percent.

16 Q. What's the basis for your information there?

17 A. Just looking at the numbers over years from time and  
18 trying to maintain it at the lowest possible level. We try to  
19 achieve a higher level than 20 percent. We worked  
20 continuously to try to keep it up as high as we can.

21 Q. When you say looking at the numbers, where are these  
22 numbers coming from?

23 A. I get daily reports.

24 Q. And do you know the source of the information, the  
25 ultimate source of the information?

1 A. The information comes out of our Consolidated Firearms  
2 Information System database. CFIS is the acronym, C-F-I-S.

3 Q. If someone's DROS application is automatically approved,  
4 does that mean that there's never a human being that looks at  
5 the record?

6 A. That's true. Yes.

7 Q. A human being never looks at an auto-approved record?

8 A. Well, the only time that a human being would be asked to  
9 look at an auto-approved record is if sometime within the  
10 waiting period, we're contacted by a potentially treating  
11 psychoanalyst, or somebody that says, "Hey, I just treated  
12 this guy. He told me he's purchased a gun. I want to let you  
13 know that we've held him as a 5150. You need to stop that  
14 transfer." So occasionally we get those kind of contacts, or  
15 we'll get a contact from a peace officer somewhere, or  
16 occasionally something happens along with ATF or a U.S.  
17 Marshal will call us or something and say, "Hey, I see you  
18 guys did a background check on this guy. Just to let you  
19 know, there's something going on here. This guy is being held  
20 right now for a felony." Something, somewhere else. So we'll  
21 get those calls occasionally. And usually what we do is we  
22 say, "Okay, you're going to have to give us something that  
23 would sustain a prohibition." So if it's a treating  
24 psychoanalyst, we're asking for a 5150 report or some kind of  
25 order from a judge or somebody that says that that person

1 can't have a gun.

2 Q. So if somewhere in the neighborhood of 20 percent of the  
3 DROS applications are auto-approved, that means that the rest  
4 are not auto-approved; correct?

5 A. That's correct.

6 Q. So what happens to a DROS application if it does come  
7 back, having gone through one of those databases, and it has  
8 at least one hit, what's the next stage in the process?

9 A. Next stage of the process is for an analyst to review it,  
10 and what happens is, electronically it drops into what we call  
11 a queue, an electronic queue.

12 Q. Is there a name for the -- or a job title for the analyst  
13 that do the human review of the records?

14 A. Their official state job classification is Criminal  
15 Identification Specialist II.

16 Q. Have you ever heard of them referred to by an acronym?

17 A. CIS's.

18 Q. CIS's. How many CIS's are there?

19 A. I believe there's about 24 involved in the DROS process --  
20 involved in just the background check process part of it.  
21 There's a whole another group of individuals that we use to  
22 chase dispositions.

23 Q. Are all these people within a certain unit at the Bureau  
24 of Firearms?

25 A. Yes, they're in the purchaser clearance section.



1 Q. And how long does that process usually take?

2 A. To determine whether a gun -- whether an auto approval can  
3 happen?

4 Q. Yes.

5 A. It can happen fairly quickly, probably within an hour, an  
6 hour or two of -- you know, the transactions coming in.

7 Q. You spoke earlier about the difficulty of trying to  
8 identify people that are unknown to the State so that you can  
9 make sure that they're not a prohibited class. You spoke  
10 earlier about biometrics being an issue there. And I think  
11 you mentioned fingerprints and retina scans.

12 A. Yes.

13 Q. Does the State of California currently employ retina scans  
14 for biometric identification for the general public?

15 A. No, I was using biometrics as a term. Basically I was  
16 saying it would be nice to have fingerprints involved in the  
17 process because fingerprints provide for positive  
18 identification, so you're not matching names and looking at  
19 different information. If you have those fingerprints, it's  
20 for sure.

21 Q. Okay. And some fingerprint records in California are just  
22 a right or left thumbprint; is that correct?

23 A. Not for criminal history.

24 Q. No, but I mean for DMV record?

25 A. For DMV, yes, it's like a thumbprint.

1 MR. EISENBERG: Objection. Assumes facts not in  
2 evidence.

3 THE COURT: Overruled. The answer will stand.

4 THE WITNESS: I don't -- there is another entity  
5 within the department that handles all the system accesses  
6 for -- for local law enforcement and that's knowledgeable  
7 about that, so that's not something that I have extensive  
8 knowledge about.

9 BY MR. KILMER:

10 Q. Okay, well, I'm not going to ask you about the  
11 technicalities of it, but do you know whether or not judges  
12 need that information when they're making decisions about  
13 restraining orders?

14 MR. EISENBERG: Objection. Calls for speculation.

15 THE COURT: Foundation. Sustained.

16 THE WITNESS: Um --

17 THE COURT: That's okay. You don't have to answer.

18 BY MR. KILMER:

19 Q. Does the AFS -- can the AFS system provide information to  
20 police officers in the field with regard to whether weapons  
21 are contained in the home or not?

22 A. Yes.

23 Q. And how is that information accessed by the officer in the  
24 field?

25 A. If some officers have mobile digital terminals in their

1 vehicles, if they have that, they have that kind of  
2 connection, they can access it. Some of them don't have that.  
3 They may have to call a dispatcher and ask the dispatcher at  
4 the agency to run the information to see if they can get that  
5 information.

6 Q. Does that come in through CLETS as well?

7 A. Yes, it's usually through CLETS.

8 Q. And then the CLETS system sends out a message, and that  
9 accesses your AFS database?

10 A. Yes.

11 Q. All right. So for public safety reasons, it's possible  
12 for other agencies to access your AFS system to determine if  
13 somebody at least in your system, on your records is shown to  
14 have purchased a firearm and had not transferred it.

15 A. AFS, again, it's a leads database. So it doesn't mean  
16 just because it says that, there's a firearm in that house.  
17 It doesn't mean there's an actual firearm in the house. We  
18 don't have a registration process in California. It's a lead,  
19 so it's possible. It alerts the officer to be a little bit  
20 more cautious potentially, because potentially, there could be  
21 a firearm there.

22 Q. You said that earlier in your testimony, too. You're  
23 saying that California doesn't have a registration system.

24 A. Right.

25 Q. But, in fact, since 1991, at least for handguns, the State

1 MR. KILMER: Your Honor, may I have a moment to  
2 confer with cocounsel and my clients?

3 THE COURT: Yes.

4 (Pause in the proceedings.)

5 MR. KILMER: I just have two more questions for you,  
6 but don't hold me to that because it may turn into three.

7 BY MR. KILMER:

8 Q. You testified earlier that you helped design the -- the  
9 system of background checks.

10 A. Yes.

11 Q. All right. Could the system be designed or redesigned --  
12 and I'm asking technically here, not legally -- to run a gun  
13 buyer through the standard background check, then also make  
14 the following inquiry whether the person has a COE, a CCW, or  
15 a gun already in the system and then generate a message based  
16 on that information?

17 MR. EISENBERG: Objection. Lacks and compound.

18 THE COURT: Overruled, if you can answer.

19 THE WITNESS: It could, but it would be incomplete.

20 BY MR. KILMER:

21 Q. So the answer is, yes, the system could generate --

22 A. It could check to say yes or no whether a person has a COE  
23 or whether a person has a CCW. That's a simple check. It's a  
24 yes-or-no answer.

25 Q. Okay.

1 A. So, yeah, we could check that. The problem is, that that  
2 in itself doesn't mean that the person is still eligible to  
3 own or possess a firearm.

4 Q. Yeah, and maybe I --

5 A. Because things change.

6 Q. Maybe my question was a little long. Because what I meant  
7 to ask was, could the system be made to run the person through  
8 the complete background check, and then as a last inquiry --  
9 inquire whether they have a COE, a CCW, or a gun already in  
10 the AFS system. That's the question I want.

11 A. It could run the background check, but then someone's  
12 going to have to look at the hits, and someone's going to have  
13 to match up the records, and someone's going to have to review  
14 the record to make sure that the information in those records  
15 is up-to-date, accurate, and correct.

16 Q. Okay. Now, you also testified earlier that approximately  
17 20 percent of the DROS's that are processed are auto-approved  
18 within an hour.

19 A. Right.

20 Q. Okay. And of those 20 percent that are auto-approved  
21 within an hour, you can add as a further check whether or not  
22 the person has a COE, a CCW, or a gun already in the AFS  
23 system. That's possible.

24 A. That's possible.

25 MR. KILMER: Thank you. Nothing further, Your Honor.

1 us in order to run a complete background check. Otherwise,  
2 the background checks would fail.

3 Q. After this federal check with NICS and the other federal  
4 databases, what is the next -- what happens if there are hits  
5 in the NICS system?

6 A. So if there are hits in the NICS system, what our system  
7 does, it goes in the process through the response, and it  
8 looks to see if there is an FBI number or a state ID number  
9 from another state included in the response. And if there is,  
10 the CFIS system will send another transaction out specifically  
11 to triple I with those numbers to see if there's any  
12 additional information with those specific numbers.

13 Q. And what happens after -- what's the next step after this  
14 check?

15 A. So after this check is complete, then the background check  
16 is considered done, and all the results are appended together  
17 and put into a queue that -- a DROS processing queue for an  
18 analyst to review.

19 Q. Do all DROS applications go to this queue for analysts to  
20 review?

21 A. Not all.

22 Q. What applications don't go to a review queue?

23 A. There are some transactions where if the system has gone  
24 and checked all the databases, and there are no hits that have  
25 come back from any of them, then those transactions are

1 considered an auto-approved or automatically approved by the  
2 system. So they're not put into any queue for a person to  
3 review.

4 Q. Let's talk about APPS. Are you familiar with APPS?

5 A. Yes.

6 Q. Are records in APPS updated -- I'll rephrase.

7 How often are records in APPS updated?

8 A. They're updated every day.

9 Q. What kind of -- how is it updated every day?

10 A. There is a nightly job that runs, that gets information  
11 from the four DOJ databases, criminal history, wanted persons,  
12 restraining order and mental health. It sends updates that  
13 are inserted into that database every day. It's a file that's  
14 created from each one, and it sends that information to the  
15 APPS database.

16 Q. And what does the APPS database do with this daily update  
17 of its records?

18 A. So what the APPS database does is it's doing a match on  
19 any names or ID information that may be contained in the  
20 record. So it's looking for a name and date of birth match or  
21 an ID number match, and if there is a match, then the  
22 background check starts, as I just described for the DROS  
23 background check.

24 Q. So how does the APPS record matching, as you have just  
25 described, how is that different than the regular DROS

1 Q. All right. And that was the last year and a half before  
2 you moved over to your new agency?

3 A. No, that was before I moved into my IT role. So I  
4 actually worked on the program side for about a year and a  
5 half. And then I moved into IT, maintaining their systems for  
6 them.

7 Q. Okay. The APPS system that you were discussing a few  
8 minutes ago, its function is a little bit different than DROS,  
9 in that it is designed to try and find or locate people who  
10 are known to have guns and who subsequently become prohibited;  
11 is that correct?

12 A. Correct.

13 Q. Were you involved at all in the design of this current  
14 system that's on the display?

15 A. Yes.

16 Q. Did you run test programs as part of the design and  
17 development of that system?

18 A. Oh, yes.

19 Q. Did you run any test programs for a DROS that would  
20 auto-approve, for example?

21 A. Yes.

22 Q. And approximately how long would it take a DROS that you  
23 had set up to be auto-approved to be -- to go through the  
24 system from the moment it was entered until the moment you got  
25 an auto approval?



1 A. It depends pretty much on, you know, the status of the  
2 databases at that time, the processing time, you know, what  
3 other things are happening on the networks. So our focus in  
4 testing is more to ensure that the record is behaving properly  
5 along its way, not so much the timing of it.

6 Q. Okay. Could you give me a range, five minutes, an hour?

7 A. Just for an auto-approve?

8 Q. For a test program that you would set up for you know that  
9 it's going to be an auto-approve because it's going to go  
10 through -- it's going to start and follow all of these flows  
11 through here, and it will go through the DMV check, the AFS  
12 check, the ACHS check, the WPS check, the CARPOS check, the  
13 mental health check, and the NICS check and then return an  
14 auto-approved. Could you give me a range of time on how long  
15 that might take?

16 A. Again, it depends. It could take anywhere from, you know,  
17 a minute to five minutes.

18 Q. Thank you.

19 MR. KILMER: Nothing further, Your Honor.

20 THE COURT: And redirect.

21 REDIRECT EXAMINATION

22 BY MR. CHANG:

23 Q. Miss Orsi, you just talked about how, when you ran test  
24 programs, the time that it takes to run these -- these test  
25 DROS applications through the system. If there are no hits,

1 it could be a minute to five minutes; correct?

2 A. Correct.

3 Q. Now, in real life applications, are they always -- do they  
4 always complete between a minute and five minutes?

5 A. No.

6 Q. What are some circumstances when it doesn't get completed  
7 within a minute to five minutes?

8 A. Databases could be down. NICS goes down sometimes. We  
9 get out-of-service messages, so we can't complete the  
10 transaction. Even internally, we could have something go  
11 down, or as I mentioned before, you know, network traffic  
12 sometimes will cause slowness and the background check. And  
13 the other thing that was mentioned before is, you know, we  
14 shut down at 10:00 at night, so any DROS's that come in after  
15 that point in time aren't run until the next day.

16 MR. CHANG: Thank you, Miss Orsi.

17 THE COURT: Okay, and recross.

18 MR. KILMER: Very short.

19 RE CROSS-EXAMINATION

20 BY MR. KILMER:

21 Q. Same sort of question. I'm not asking for how long it  
22 takes to process the DROS application, but is it approximately  
23 the same time frame even if the system is generating hits?

24 A. There again, it depends a lot, if we -- what I described  
25 as I walked through this, this is like where we would get a

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
HON. ANTHONY W. ISHII

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Plaintiff,	)	
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General of California, and	)	
DOES 1 to 20,	)	
	)	
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_____	)	

Fresno, California

Thursday, March 27, 2014

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Volume 3, Pages 367 to 534, inclusive

REPORTED BY: GAIL LACY THOMAS, RMR-CRR  
Official Court Reporter  
CSR NO. 3278

1 looking into their wallet to figure out who they really are.  
2 So it wouldn't help in every eventuality. But time is a  
3 benefit to us to investigate straw purchases.

4 Q. That was my question, though. Wouldn't additional time  
5 also be a benefit?

6 A. I'm sorry, I thought I just said that towards the end of  
7 my answer there.

8 Q. Okay. And the additional time between while you're doing  
9 investigations for the straw purchase and the time the gun is  
10 delivered, that also helps ensure public safety; correct?

11 A. I believe so.

12 Q. All right. Have you ever stopped a straw purchase on the  
13 day you observed a suspicious activity?

14 A. I can't say that we have, because typically, if the straw  
15 purchase occurs at a show, we know there's going to be a  
16 10-day wait in a sense. And if -- because of manpower  
17 issues -- we have multiple things that are going on at the  
18 shows often. A straw purchase is often -- isn't the only  
19 potential criminal violation we've seen.

20 Q. All right.

21 A. So we have to figure out what we can spend time on that  
22 day. And it will get handled because we don't want guns to  
23 get out there that shouldn't to a straw buyer and hidden  
24 purchaser scenario.

25 Q. Yesterday you testified about a shooting by someone who

1 used a newly acquired purchase to commit a violent crime. Do  
2 you remember testifying about that?

3 A. Yes.

4 Q. I believe you said you think the shooting occurred in  
5 Cupertino.

6 A. Yes.

7 Q. Do you -- as you sit here today, do you recall any other  
8 instances of that scenario?

9 A. Where a person that already owned a gun acquired a second  
10 weapon and then used one of those in the shooting. Is that  
11 what you're getting at, sir?

12 Q. Yes, I am.

13 A. I would say that off the top of my head right now would be  
14 one that comes to mind. I don't -- I don't think I have  
15 others.

16 Q. So the one that you -- you were referring to, or the one  
17 that you have knowledge of is the one that happened in  
18 Cupertino recently?

19 A. Yeah. It was Shareef Allman, I think, was the shooter in  
20 that case.

21 Q. You didn't have the name yesterday, but you have it today?

22 A. Yes.

23 Q. Okay. What can you tell us about the facts of that case?

24 A. So when the shooting did happen, the -- when there's kind  
25 have a mass shooting like that, myself and the two analysts

1 that work for me will sort of get an assignment to research  
2 the -- the facts surrounding the case to see A, is the person  
3 in APPS, are they prohibited? Are there guns in the system  
4 that we do know about that match the fact patterns that's  
5 coming out in the news, something like that.

6 This happened probably a year or two ago. I don't  
7 remember who asked me to look into it, but I did myself, or my  
8 analyst looked into it, and I ended up contacting -- I think  
9 it was the sheriff's department and spoke to the detective  
10 that was in charge of that just to figure out some of the news  
11 they were putting out, that an AK-47 was involved. And I was  
12 trying to figure out if this was a true AK-47, or was it a  
13 clone. Was it an assault weapon, or did it have some type of  
14 device that caused the magazine to be a fixed magazine versus  
15 an attachable magazine, that sort of thing. Just trying to  
16 get to the bottom to get through what's put in the news.

17 Q. Did Mr. Shareef use an AK-47?

18 A. He had one. Again, it was a clone-type weapon, and I  
19 don't believe it was used in the shooting, but it was found, I  
20 think, later the same day that he ended up -- he killed  
21 himself.

22 Q. And did -- did you conduct an investigation as to how many  
23 firearms Mr. Shareef had?

24 A. At the time within a day or so of that shooting, I was  
25 involved in an investigation to see what weapons were known to

1 us.

2 Q. And what weapons were known to you?

3 A. There was at least one or two handguns and, I believe, an  
4 AK-47. I don't remember if it was a pistol version or a long  
5 gun version of the AK. And the long gun version obviously  
6 wouldn't be in our systems, so I think that might have been  
7 what prompted me to call the Sheriff's Department to get a  
8 little more information about it.

9 Q. Any other firearms?

10 A. That's what I remember. He may have had other ones, but I  
11 don't remember. It's been a while.

12 Q. Are you aware that the District Attorney of Santa Clara  
13 County issued a full report on that incident?

14 A. No, sir.

15 Q. Have you ever read that report?

16 A. No.

17 Q. Did you personally observe the AK-47 that Mr. --

18 A. No.

19 Q. So you're relying on the -- on other officers' reports?

20 A. It was actually just a verbal. I hadn't read any reports  
21 by any of the agencies involved. I basically just called to  
22 figure out who was involved in the case and identified myself  
23 and my position at DOJ and said, "Hey, is there something you  
24 can tell me about this without, you know, giving away any, you  
25 know, secrets, so to speak?" Just trying to figure out if

1 it's an assault weapon or a clone, that kind of thing.

2 Q. Would it surprise you to learn that the two weapons  
3 recovered from Mr. Shareef were a Glock and a Caltech .223  
4 rifle?

5 A. The Glock, actually I remember there being a Glock  
6 involved. The Caltech, I don't really have a recollection of  
7 that coming up in my conversation or even reading about it  
8 like other people in the news or anything.

9 Q. Did you conduct any further investigation to find out  
10 whether or not Mr. Shareef had obtained these firearms  
11 legally?

12 A. I recall, you know, looking at the AFS record, and I think  
13 there was a Glock. There may have been at least one other  
14 pistol, but I don't remember hearing much about the second  
15 pistol or anything like that. But I think -- yeah, because it  
16 was in the system under his name. So it was the handgun, I  
17 want to say, was a lawfully purchased weapon.

18 Q. All right. And the Caltech being a rifle, you wouldn't  
19 have a record on it past the approval; correct?

20 A. Yeah, even less -- well, you know, after the approval had  
21 been granted, then it would be purged on the computer side of  
22 our systems.

23 Q. That's because Caltech is a long arm.

24 A. Caltech rifles are long arms. There are a few Caltech  
25 handguns out there, but we're talking about a rifle.



1 Q. The DA report refers to a Caltech .223.

2 A. Probably it was a SU-16 variant of some type.

3 Q. Was there any evidence that that rifle was obtained  
4 illegally by Mr. Shareef?

5 A. I didn't get into anything like that. That was the  
6 Sheriff's Department. And I figured if they needed help on  
7 that level, they could get back to us. I had already  
8 contacted them, and the ATF often gets involved in these  
9 because the tracing aspect of that and their -- the San Jose  
10 office would have handled that for ATF.

11 Q. And, in fact, when there is a crime involving a firearm,  
12 the ATF does something called a time-to-crime trace. Is that  
13 accurate?

14 A. Yeah. Basically every crime gun entry that gets pushed  
15 into AFS by local agencies here, when that information gets  
16 sent back to them, either by eTrace or maybe by mail, there's  
17 going to be a time-to-crime number thrown out there, and  
18 that's going to be based upon the original date of sale and  
19 then the recovery date.

20 Q. So the ATF keeps statistics on the passage of time from a  
21 lawful sale, because by definition, if ATF has a record of it,  
22 it was a lawful sale, to the time to crime.

23 A. Yes.

24 Q. Do you know if those statistics are published publicly or  
25 not?

1 A. It may be. I don't know. I know that there are  
2 ATF-tracing statistics, but I don't know if it gets down to  
3 that level of detail.

4 Q. Okay. We can go to an ATF website and pull up a report on  
5 that or something?

6 A. Yeah, there are ATF published tracing data for California  
7 and other states on their websites, I can assure you of that.

8 Q. And it gives us statistics on average and probably  
9 individual breakdown of the time it -- or the time from a  
10 purchase to a crime?

11 A. I don't know about the time-to-crime stats. I can say  
12 that it will give you raw numbers for sure about the number of  
13 guns that were traced in a particular state, but I'm not sure  
14 if they provide that time-to-crime information.

15 Q. And this tragic incident involving Mr. Shareef Allman, I  
16 think, is the man's name -- Allman, I think, is his last name.  
17 S-H-A-R-E-E-F, A-L-L-M-A-N. That event terminated with his  
18 suicide, didn't it?

19 A. As I understand it, yes.

20 Q. Would it be fair to say that this was an instance in which  
21 the background check and 10-day waiting period did not prevent  
22 violent acts?

23 A. Yes.

24 Q. I want to ask you a little bit more about the APPS system.  
25 This is a relatively new system, isn't it?

1 that's pretty good. You may have a make issue or maybe a typo  
2 in the model. But it's pretty good information on the DROS's.

3 Q. Pretty reliable?

4 A. Yes.

5 Q. In fact, the AFS system has also accessed real time by  
6 these officers in the street investigating act of crimes  
7 sometimes too, aren't they?

8 A. AFS, yes.

9 Q. For instance, an officer might be investigating, rolling  
10 up to a scene of alleged domestic violence, and they want to  
11 know whether there might be a gun in the house; is that  
12 correct?

13 A. That might be something that an officer would do, roll  
14 into a hot caller. The dispatcher would funnel that  
15 information perhaps if there is a shots fired call or domestic  
16 or something.

17 Q. And that's an automated system and pretty fast?

18 A. Yes, if you know the person that you're dealing with. If  
19 you've got prior calls for service, then maybe they might have  
20 a name and date of birth already.

21 Q. Have you ever relied upon the AFS database for an  
22 investigation on the proposition that somebody had a gun in  
23 the house, and then you later found out that they didn't have  
24 a gun?

25 A. Yeah. Yes. We'll knock on a door, and they'll say, "Oh,

1 Q. What's your understanding of that term?

2 A. Basically as the -- our DROS entry system gets the  
3 information from the dealer, it's forwarded to our DROS  
4 system. A background check, electronic background check is  
5 done at that time, so an analyst can analyze information to  
6 see what actual work needs to be done. That's usually done  
7 day one, let's say.

8 Sometimes the analyst might not get to that  
9 information for several more days. Before they start their  
10 background process, they will refresh that information to make  
11 sure that any information that maybe came in in the past three  
12 or four, five days is refreshed, and we have the best  
13 information possible in order to start the background process  
14 with.

15 Q. Are you familiar with the system known as APPS, A-P-P-S?

16 A. Yes.

17 Q. Are you aware that APPS is a database system?

18 A. It is a system that relies on information from other  
19 databases, yes.

20 Q. Okay, relies on information from other databases?

21 A. Yes.

22 Q. Do you know what databases APPS pulls its information  
23 from?

24 A. It uses our CFIS, AFS information to identify individuals  
25 that have legally purchased firearms at one time or registered

1 assault weapons since 1989. Then it compares that information  
2 to the department's mental health system, our commission on  
3 the Restraining Order System, the wanted persons system, and  
4 our criminal history system.

5 Q. Have you heard of a term called BFEC in your work at the  
6 Bureau?

7 A. Yes. Our Basic Firearms Eligibility Check.

8 Q. Are there databases consulted in a BFEC?

9 A. Yes, basically the same ones, however, we also check the  
10 National NICS system as part of BFEC.

11 Q. Does the APPS database pull from NICS?

12 A. No. It is not allowed to.

13 Q. Why is it not allowed to?

14 A. I believe under federal law, that's not one of the uses  
15 for a NICS check.

16 Q. In your work either as a police officer or at the Bureau  
17 of Firearms, have you ever come across a situation where one  
18 family member wants to take firearm -- firearms away from  
19 another family member who may be acting erratically or  
20 depressed?

21 A. Yes. That happens a little more often as of late,  
22 especially dealing with our soldiers that are returning from  
23 Iraq and Afghanistan, and if that they have certain PTSD, or  
24 Posttraumatic Distress Disorder.

25 MR. KILMER: I object to this point, Your Honor, this

1 Q. Why is that done?

2 A. We want to take a firearm away from somebody who is  
3 prohibited from possessing it.

4 Q. All right.

5 A. It poses a threat to public safety.

6 Q. And how do you learn about that prohibition?

7 A. We have a system which, in laymen's term, is called a  
8 rap-back system.

9 Q. Can you explain what that is?

10 A. Based on the person's submitted fingerprints, if their  
11 name comes up through the criminal history system as being  
12 arrested, that goes into the system and would flag. So I'll  
13 use myself as an example.

14 Q. All right.

15 A. Let's say that last night, I was arrested for domestic  
16 violence. Taken down to county jail, my fingerprints were  
17 rolled. This morning, DOJ would have been notified by our own  
18 system that I was arrested for domestic violence, which  
19 potentially could be a prohibiting offense if I'm convicted or  
20 plead guilty to it. So that allows that agency to take some  
21 action, especially since I'm a police officer, maybe to remove  
22 me from the field, put me on admin leave, but they're notified  
23 of that arrest.

24 Q. All right. What's the difference between rap-back and  
25 APPS?

1 somebody might seek a COE?

2 A. If they -- say, someone in the entertainment business,  
3 someone has a dangerous weapons permit because they're dealing  
4 as a vendor or a contractor or trainer for military or law  
5 enforcement, maybe someone in the high tech industry because  
6 they're working on some type of contract for the military.  
7 There's others. Those are the ones that come up to my mind  
8 right now.

9 Q. Does a COE also get a full live scan set of fingerprints?

10 A. Yes.

11 Q. Are they also issued a CII number?

12 A. As part of that fingerprint process. If they already  
13 didn't have one, they would be issued one.

14 Q. You testified earlier that a CCW is not an ongoing  
15 background check process because I believe you said -- because  
16 there is no way to know that a person has committed a  
17 subsequent act that might be prohibiting.

18 A. That's correct.

19 Q. Does the APPS system keep track of people who have  
20 concealed carry permits?

21 A. It is not designed to track CCW permits, no.

22 Q. May not be designed to, but does it?

23 A. I don't believe it does. Other than the firearms that a  
24 person might have in their name, and if they do have a CCW  
25 permit, that's listed in AFS. But it's not independently

1 tracking those.

2 Q. All right. How -- the APPS system is designed to flag for  
3 further investigation people who are suspected to have guns  
4 and who become prohibited. Is that a fair description of the  
5 system?

6 A. I would clarify it a little bit differently, but that's  
7 relatively close, yes. APPS is a pointer system that  
8 identifies, compares people who are in our CFIS or AFS system  
9 to four databases. Then the human analysts are based off  
10 those triggering events to determine if that's the same  
11 person. And we have that information once a person is  
12 identified as potentially possessing these firearms that they  
13 purchased at one time legally and have subsequently become  
14 prohibited due to several different issues. Triggering events  
15 hits if we identify that as accurate, then the person goes  
16 into the APPS system, but APPS is a pointer system, it's an  
17 investigative tool for law enforcement. They still need to do  
18 their due diligence off that. And being in the APPS system  
19 isn't probable cause for us to take action on somebody. We  
20 still have to develop the case.

21 Q. Okay. But suppose somebody committed a triggering act and  
22 went into the APPS system and then applied to purchase a  
23 firearm. Would their Dealer Record of Sale application get  
24 flagged or hit?

25 A. It would get flagged or hit, but not by APPS. It would



1 Q. All right, but if they already had a gun, the APPS system  
2 would flag them; correct?

3 A. If an individual already had a gun, and then they had a  
4 subsequent prohibition, that person would be contained in  
5 APPS, yes.

6 Q. Well, except for running the recheck, which is not  
7 statutorily required, is it?

8 A. No, sir.

9 Q. Why not simply release firearms upon approval?

10 A. Because we have the 10-day waiting period as a cooling-off  
11 period as well.

12 Q. All right, so the only thing that's stopping you from  
13 releasing a firearm upon approval of the background check is  
14 the statute, and the statute is based upon we still want a  
15 cooling-off period.

16 A. Once the background is approved?

17 Q. Yes.

18 A. Yes.

19 Q. You testified earlier that APPS can't draw on the NICS  
20 system. Why is that?

21 A. I believe it's federal law.

22 Q. Okay. But does APPS draw on any other federal database?

23 A. I don't believe so. There are occasions where we become  
24 aware of a federal prohibition, and since that would still be  
25 a prohibition for firearm possession, we would then put that



# **SPECIAL PROJECT REPORT #3**

## **Criminal Justice Information System (CJIS) Redesign**

**820-171**

**State of California  
Department of Justice**

**December 2007**



AG001659  
*Silvester v. Harris*

AFS is used by law enforcement for tactical, investigatory and prosecutorial purposes.

#### Tactical uses of AFS

Tactical uses of AFS by LEAs involve any response that must be made within minutes rather than hours due to officer safety or public safety concerns. Tactical AFS queries are, by nature, quick and simple requests to search AFS for online law enforcement and historical DROS records of gun ownership.

By providing name and date of birth of the subject or the firearm serial number, the officer at the scene of the crime can request the online DROS information connected with the records found. When such a request is made, AFS will search all online records and report what it has found for immediate transmission back to the requesting law enforcement agency. This search will examine only the online records, which date back to 1980. In FY 06/07 statewide law enforcement agencies made 1.3 million inquiries against the AFS on-line database.

Situation: police respond to the scene of a shooting. A gunshot victim is transported to the hospital. Four suspects are detained and one handgun is taken as evidence. The responding officers routinely place a request to identify the purchaser of the handgun. This request goes through CLETS and is processed by AFS. If AFS can find a record in the online DROS historical and law enforcement records, AFS will respond back to the requesting LEA the information it has found.

Situation: police are called to respond to the scene of a shooting where a suspect has been apprehended. The responding officers may request to know what guns may be linked to the suspect. This request goes through CLETS and is processed by AFS. If an AFS on-line record search results in a matching record(s) for the individual, the information is provided back to the requesting LEA. If there are more than twelve guns listed in the online historical and law enforcement DROS information, the response to the requesting LEA will provide twelve records and say "Contact DOJ"; this is due to legacy restrictions in the size of the allowable CLETS transmissions and the lack of ability of the standard data terminal in the police cruiser to display more than twelve records. When selecting the maximum of twelve matching records, the law enforcement records are given priority. (See Figure 1: AFS Query and Automated Response Process.) For tactical purposes, twelve responses have been sufficient: even a single response notifies the responding officers that the suspect is known to own firearms and that they should take appropriate precautions.

#### Investigative Uses of AFS

AFS is a valuable tool to LEAs when they are investigating gun crime of any sort. Investigative queries, because the need for an answer is not immediate, can be more complex, providing search criteria that would not be used for a tactical query, and can search the AFS offline records for DROS information prior to 1980.

Situation: during a murder investigation in Los Angeles County, a bullet is recovered from the body. The slug is identified as coming from a .40-caliber Springfield semi-automatic. The investigator requests the addresses and names for all purchasers of .40-caliber Springfield semi-automatic, restricting the search to Los Angeles and surrounding counties.

Situation: during a murder investigation in Amador County, a .22 Colt Woodsman semi-automatic is found next to the murder victim. The investigator requests the name and address for the recorded purchaser owner of this particular handgun, specifying make, model and serial number, recovered from the weapon.

In each of these situations, a standard AFS query is made via CLETS. The response is immediate. Since many .40-caliber Springfield semi-automatics are listed in the online data for Los Angeles, there would be more than twelve responses to be made in that case. The response by AFS would be to provide twelve matching record with a request to "Contact DOJ". The investigator would contact DOJ Firearms Bureau during normal working hours in order to request a special search of the AFS records by a trained Bureau of Firearms analyst.

The BOF analyst would construct a special search request based on the information provided by the investigator. This is submitted to the Hawkins Data Center via batch process, using a fill-in-the-blank interface. Twelve special AFS search requests may be processed daily by BOF analysts. This is an administrative cap, used to limit the processing requirements of these special reports and to balance the needs of the other CJIS applications.

The report is returned to the BOF analyst from AFS on green-bar paper. The BOF analyst is specially trained to read and interpret the printout and provide the results back to the requestor. BOF analysts perform approximately 880 such special search requests per year. Every effort is made to report the results back to the requesting LEA

as soon as possible, but in most cases, the time between the BOF analyst submitting the batch job and receiving the green-bar report is at least 24 hours (See Figure 2: AFS Special Report Process.)

The Amador County example is different in that it is looking for one particular weapon. If no records matching the serial number of the Colt .22 are found in the online AFS DROS historical records, the AFS response will be that no records are found. The investigator, however, finds in his research that the Colt Woodsman hasn't been manufactured since 1977. If the firearm isn't listed in the online DROS historical records, it may still have been recorded as having been sold in California prior to 1980. By searching the offline data, the last known owner of record of this pistol may be found. In such a case, the investigator would contact DOJ, using the same method above, requesting that the offline records be searched, looking for matches to the make, model and serial number of the Colt. This request would be processed in the same way.

#### Prosecutorial Uses of AFS

AFS is used by prosecutors state-wide to provide authenticated copies of information in AFS to be used in prosecutions. An example of this use would be certification that a particular handgun was purchased on a DROS by the defendant in a case. This requires the prosecutor to make a special report request to BOF analysts, specifying the information relevant to the case.

The BOF analysts use a fill-in-the-blank interface to generate a report from AFS, but the report cannot be used directly, being on standard green-bar computer paper and in a format not usable in court. The BOF analyst must extract information from the printed report and insert it into a document that can be used as evidence in court. This requires special training on the part of the analyst in interpreting the AFS report and that special care is taken to insure that the information in the court-acceptable document precisely matches the information provided in the printout. Since this court-acceptable document is to be used as evidence, it is provided as a matter of course to the defense in the case during the discovery process. Errors in transcribing the AFS report to the court-acceptable document could be grounds for reasonable doubt, endangering the prosecution's case. The requirement for human intervention in the production of the court-acceptable document introduces the possibility of human error in two areas:

- On initial input using the fill-in-the blank interface. This interface is not equipped to sense and reject common operator errors. For instance, the operator can input the make and model of the weapon, but the interface will not check the

manufacturer name against a list and warn the BOF analyst that the word "Colt" is misspelled in their request. It would, instead, attempt to produce the report, search the AFS data and report that it found nothing. BOF analysts are specially trained to avoid this problem, but the possibility of error is inherent in the interface.

- On interpretation and transcription of the report. Again, BOF analysts are specially trained to interpret the green-bar printout, extract the required information and transcribe the information into court-acceptable documents. Human error, as simple as the transposition of two digits in the serial number, can render the produced document useless in court.

#### **ATF Firearms Tracing System (FTS)**

To carry out its firearms tracing functions, ATF maintains the FTS, which is a law enforcement information database, at the NTC. The NTC provides ATF field agents and other law enforcement agencies with "trace data" as quickly as possible as well as investigative leads obtained from the traced firearm.

ATF receives its crime gun information from AFS, which in turn receives it from local law enforcement.

Based on the gun trace requests provided by FTS, ATF staff performs the lengthy process of performing the gun trace. With the exception of some major manufacturers, no automated process exists at any level of government to track a crime gun from manufacturer to the first legal owner of record; this must be done by telephone or visit, requiring the manufacturer, importer or FFL holder to examine their records and report the results of that record search to ATF. ATF then stores these results in FTS. The final results of the gun trace are sent back to the original jurisdiction who requested it. Federal law requires dissemination of ATF gun tracing information only to the submitting law enforcement agency. This prevents the use of federal gun trace information for strategic gun trafficking analysis by state and local law enforcement agencies.

It is important to note that the gun trace performed by the ATF and returned to the inquiring LEA will trace the firearm from manufacture or import to the first legal individual owner. If the firearm has been recovered at the scene of a crime and the first legal owner is the suspect, the ATF portion of the gun trace is definitive. If, however, the gun has been transferred from one person to another, the ATF gun trace is only a



*authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter one hundred forty-five of California statutes of 1917, relating to the same subject.*

[Approved June 13, 1923.]

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

Manufacture,  
sale, carry-  
ing, etc.,  
certain  
dangerous  
weapons  
prohibited.

SECTION 1. On and after the date upon which this act takes effect, every person who within the State of California manufactures or causes to be manufactured, or who imports into the state, or who keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slung-shot, billy, sandclub, sandbag, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition, or who carries concealed upon his person any dirk or dagger, shall be guilty of a felony and upon a conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Aliens and  
felons must  
not possess  
certain  
firearms.

SEC. 2. On and after the date upon which this act takes effect, no unnaturalized foreign born person and no person who has been convicted of a felony against the person or property of another or against the government of the United States or of the State of California or of any political subdivision thereof shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person. The terms "pistol," "revolver," and "firearms capable of being concealed upon the person" as used in this act shall be construed to apply to and include all firearms having a barrel less than twelve inches in length. Any person who shall violate the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Committing  
felony while  
carrying  
dangerous  
weapon.

SEC. 3. If any person shall commit or attempt to commit any felony within this state while armed with any of the weapons mentioned in section one hereof or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as hereinafter provided, upon conviction of such felony or of an attempt to commit such felony, he shall in addition to the punishment prescribed for the crime of which he has been convicted, be punishable by imprisonment in a state prison for not less than five nor for more than ten years. Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he stands convicted and shall not run concurrently with such sentence. Upon a second conviction under like circumstances such additional period of impris-

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cealed a pistol, revolver or other firearm for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. Such applications and licenses shall be uniform throughout the state, upon forms to be prescribed by the attorney general.

Applications.

Record.

SEC. 9. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferrer is a retail dealer, pawnbroker or otherwise, except as hereinafter provided, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber or other marks of identification on such pistol, revolver or other firearm. Such register shall be prepared by and obtained from the state printer and shall be furnished by the state printer to said dealers on application at a cost of three dollars per one hundred leaves in duplicate and shall be in the form hereinafter provided. The purchaser of any firearm, capable of being concealed upon the person shall sign, and the dealer shall require him to sign his name and affix his address to said register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signatures of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor. The duplicate sheet of such register shall on the evening of the day of sale, be placed in the mail, postage prepaid and properly addressed to the board of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the city, city and county, town or other municipal corporation wherein the sale was made; *provided*, that where the sale is made in a district where there is no municipal police department, said duplicate sheet shall be mailed to the county clerk of the county wherein the sale is made. A violation of any of the provisions of this section by any person engaged in the business of selling, leasing or otherwise transferring such firearm is a misdemeanor. This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms as merchandise by mail, express, or other mode of shipment, to points outside of the city, city and county, town or municipal corporation wherein

Dealers registers.

Cost.

Signatures.

Disposition of duplicate sheets.

Penalty.



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STATUTES OF CALIFORNIA.

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Form of  
register.

they are situated. The register provided for in this act shall be substantially in the following form:

Form of Register.

Series No. \_\_\_\_\_  
Sheet No. \_\_\_\_\_

## ORIGINAL.

## Dealers' Record of Sale of Revolver or Pistol.

State of California.

Notice to dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in duplicate.

Carbon duplicate must be mailed on the evening of the day of sale, to head of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the municipal corporations wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by \_\_\_\_\_ Salesman \_\_\_\_\_  
City, town or township \_\_\_\_\_  
Description of arm (state whether revolver or pistol) \_\_\_\_\_  
Maker \_\_\_\_\_ Number \_\_\_\_\_ Caliber \_\_\_\_\_  
Name of purchaser \_\_\_\_\_ age \_\_\_\_\_ years.  
Permanent residence (state name of city, town or township, street and number of dwelling) \_\_\_\_\_  
Height \_\_\_\_\_ feet \_\_\_\_\_ inches. Occupation \_\_\_\_\_  
Color \_\_\_\_\_ skin \_\_\_\_\_ eyes \_\_\_\_\_ hair \_\_\_\_\_  
If traveling or in locality temporarily, give local address \_\_\_\_\_

Signature of purchaser \_\_\_\_\_  
(Signing a fictitious name or address is a misdemeanor.) (To be signed in duplicate.)

Witness \_\_\_\_\_, salesman.  
(To be signed in duplicate.)

Series No. \_\_\_\_\_  
Sheet No. \_\_\_\_\_

## DUPLICATE.

## Dealers' Record of Sale of Revolver or Pistol.

State of California.

Notice to dealers: This carbon duplicate must be mailed on the evening of the day of sale as set forth in the original of this register page. Violation of this law is a misdemeanor.

Sold by \_\_\_\_\_ Salesman \_\_\_\_\_  
City, town or township \_\_\_\_\_  
Description of arm (state whether revolver or pistol) \_\_\_\_\_  
Maker \_\_\_\_\_ number \_\_\_\_\_ caliber \_\_\_\_\_

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Name of purchaser -----age-----years.  
 Permanent address (state name of city, town or township,  
 street and number of dwelling) -----

Height -----feet-----inches. Occupation -----  
 Color -----skin-----eyes-----hair-----  
 If traveling or in locality temporarily, give local address -----

Signature of purchaser -----  
 (Signing a fictitious name or address is a misdemeanor.) (To  
 be signed in duplicate.)

Witness -----, salesman.  
 (To be signed in duplicate.)

SEC. 10. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by section two hereof from owning or possessing such firearms, nor to any minor under the age of eighteen years. In no event shall any such firearm be delivered to the purchaser upon the day of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section shall be a misdemeanor.

Restrictions  
 on transfer  
 of certain  
 firearms.

SEC. 11. The duly constituted licensing authorities of any county, city and county, city, town or other municipality within this state, may grant licenses in form prescribed by the attorney general, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

Local  
 licenses for  
 sale of cer-  
 tain firearms.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

THOMAS C. LYNCH  
ATTORNEY GENERAL

STATE OF CALIFORNIA



OFFICE OF THE ATTORNEY GENERAL

**Department of Justice**

LIBRARY AND COURTS BUILDING, SACRAMENTO 95814

June 24, 1965

Honorable Edmund G. Brown  
Governor  
State of California  
First Floor, State Capitol  
Sacramento 14, California

Attention Frank Mesple  
Legislative Secretary

Dear Governor Brown:

Assembly Bill No. 1564 (Beilenson)

We urge your signature of Assembly Bill No. 1564, introduced by the Honorable Anthony Beilenson, at the request of our office. This measure extends the waiting period from three days to five days during which the Division of CII of the Department of Justice can check into the background of persons seeking to purchase concealable firearms.

This measure is supported by all law enforcement groups as a means of making sure that undesirable persons do not become owners of concealable weapons in California.

We have examined the bill and find no legal objection thereto.

Sincerely,

THOMAS C. LYNCH  
Attorney General

*Charles A. Barrett*  
CHARLES A. BARRETT  
Assistant Attorney General

CAB:JD

AG000470

Silvester v. Harris

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