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## New gun and ammunition laws face legal challenges

By Paula Lehman-Ewing

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A tumultuous rollout of a state law requiring background checks on ammunition might add ammunition to the building legal resistance California lawmakers are facing as they amend the state's gun laws.

Last week, Gov. Gavin Newsom and Attorney General Xavier Becerra touted background checks on ammunition as "common sense legislation" and the system to implement those checks as "instantaneous." The attorney general's press office confirmed Tuesday that the Ammunition Purchase Authorization Program was "up and running" and on Monday had processed nearly 2,000 ammunition eligibility checks.

But attorneys for the California Rifle & Pistol Association, which has contested elements of the proposition in two federal lawsuits, said things were rocky from the start.

Sean A. Brady, an attorney at Michel & Associates PC, said gun owners who went to purchase ammunition Monday, the first day the background checks were required, faced 20- to 30-minute waits and voluminous paperwork to complete purchases. With the holiday weekend approaching, his clients will have to wait even longer and perhaps be denied due to system glitches.

"Monday was a slow day," Brady said. "We're going to see an even more disastrous situation when there's actually lines of people waiting for ammunition."

**'If they are legal adults in the eyes of the law, they're entitled to fully exercise all their fundamental rights.'**

— John W. Dillon, Gatzke Dillon & Ballance LLP

As the Department of Justice was handling the system glitches causing delays Monday, another lawsuit was filed, this one challenging a bill signed by Gov. Jerry Brown, SB 1100, which went into effect Jan. 1, raising the minimum age for the purchase or transfer of a handgun to 21.

The law, authored by Sen. Anthony J. Portantino, D-La Cañada Flintridge, was passed by the Legislature in the wake of the school shooting in Parkland, Florida. John W. Dillon, who filed the lawsuit Monday, said the law is a blatant violation of the Second Amendment. *Jones et al. v. Becerra*, 19-CV01226 (S.D. Cal., filed July 1, 2019).

In the ammunition lawsuit filed on behalf of the California Rifle & Pistol Association, the state branch of the National Rifle Association, Brady said it was hard to prove irreparable harm because that law had not yet taken effect. But since the rollout has proven to be detrimental to plaintiffs, a motion to enjoin the law is likely forthcoming, he said. *Rhode v. Becerra* 18-CV00802 (C.D. Cal., filed April 26, 2018).

The firm has already received a favorable ruling in a separate suit challenging the ban on large capacity magazine clips, with U.S. District Judge Roger T. Benitez of the Southern District enjoining that element of the proposition in March. *Duncan et al. v. Becerra*, 17-CV01017 (S.D. Cal., filed May 17, 2017). Becerra has filed an appeal with the 9th U.S. Circuit Court of Appeals.

Dillon, an associate at Gatzke Dillon & Ballance LLP who filed the

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constitutional challenge to the new age limit for gun ownership, said, "If they are legal adults in the eyes of the law, they're entitled to fully exercise all their fundamental rights."

"Our governor is not shy about his views on gun ownership and Second Amendment rights so a lot of gun owners in California are concerned their rights are going to be infringed and we can see it already happening with the implementation of these laws," Dillon added.

In response to the lawsuit, the law's author, Portantino, issued a statement Tuesday saying, "I'm outraged that some people would work so hard to put our school children in jeopardy by fighting this very sensible and appropriate law. Parents should not be worried about purchasing bulletproof backpacks or afraid of gun violence on our campuses when California has already put in place an effort to alleviate those concerns."

"Here, you cannot purchase alcohol,

tobacco or rent a car at 18 so putting an age restriction on gun purchases is an effective and legal practice," he continued. "This lawsuit is a dumb and heartless effort that needlessly puts our children at risk."

Dillon called Portantino's statement "emotion-based" and noted that the difference between age limits for alcohol, tobacco and car rentals and guns is that the latter is protected by the Second Amendment.

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