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22
23 IN THE UNITED STATES DISTRICT COURT
24 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

25 B & L PRODUCTIONS, INC., d/b/a
26 CROSSROADS OF THE WEST, et al.,

27 Plaintiffs,

28 v.

29 GAVIN NEWSOM, in his official
30 capacity as Governor of the State of
31 California and in his personal capacity, et
32 al.

33 Defendants.

CASE NO: 21CV1718 AJB KSC

**PLAINTIFFS’ REQUEST FOR
JUDICIAL NOTICE IN SUPPORT
OF OPPOSITION TO
DEFENDANTS’ MOTIONS TO
DISMISS; EXHIBITS 1-6**

[Filed concurrently with Joint
Opposition to Defendants’ Motions to
Dismiss]

Hearing Date: April 7, 2022
Hearing Time: 2:00 p.m.
Courtroom: 4A
Judge: Hon. Anthony J. Battaglia

Action Filed: October 4, 2021

1 **REQUEST FOR JUDICIAL NOTICE**

2 Under Federal Rule of Evidence 201, Plaintiffs B&L Productions, Inc., d/b/a
3 Crossroads of the West, Barry Bardack, Ronald J. Diaz, Sr., John Dupree,
4 Christopher Irick, Robert Solis, Lawrence Michael Walsh, Captain Jon’s Lockers,
5 LLC, L.A.X. Firing Range, Inc., d/b/a LAX Ammo, California Rifle & Pistol
6 Association, Incorporated, South Bay Rod & Gun Club, Inc., and Second
7 Amendment Foundation, respectfully request that the Court take judicial notice of
8 the following documents in support of Plaintiffs’ Opposition to Defendants’ Motion
9 to Dismiss:

10 1. Bureau of Justice Statistics Report on Sources of Criminal Guns,
11 published by the United States Department of Justice, Office of Justice Programs,
12 Bureau of Statistics, *available at* <https://bjs.gov/content/pub/pdf/suficspi16.pdf>, (last
13 accessed Feb. 24, 2022). A true and correct copy is attached as **Exhibit 1**.

14 2. Centers for Disease Control and Prevention, National Center for Health
15 Statistics, Underlying Cause of Death 1999-2020 on CDC WONDER Online
16 Database (2021), *available at* <http://wonder.cdc.gov/ucd-icd10.html> (accessed Feb.
17 24, 2022). Data depict all external causes of morbidity and mortality in California in
18 2019 without reference to age or other demographics. Data are derived from the
19 Multiple Cause of Death Files, 1999-2020, as compiled from data provided by the
20 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. A
21 true and correct copy is attached s **Exhibit 2**.

22 3. Tom Kiskan, *Gun Show Ban? Ventura County Fair Board to Ask*
23 *Lawyers, Governor for Advice on Controversial Events*, Ventura Cnty. Star (Nov.
24 25, 2021), [https://www.vcstar.com/story/news/local/2021/11/25/ventura-county-fair-](https://www.vcstar.com/story/news/local/2021/11/25/ventura-county-fair-board-take-gun-show-dilemma-lawyers-newsom-gun-sales-gunbroker/8691370002/)
25 [board-take-gun-show-dilemma-lawyers-newsom-gun-sales-gunbroker/8691370002/](https://www.vcstar.com/story/news/local/2021/11/25/ventura-county-fair-board-take-gun-show-dilemma-lawyers-newsom-gun-sales-gunbroker/8691370002/).
26 A true and correct copy is attached as **Exhibit 3**.

27 4. Letter from Karen Ross, Secretary, Cal. Dep’t of Food & Agric., to Ms.
28 Mansfield (May 2, 2019), from 31st District Agricultural Association, Ventura

1 County Fairgrounds, *Board of Directors Committee Report on Gun Shows* (June 21,
2 2019). A true and correct copy is attached as **Exhibit 4**.

3 5. Letter from Karen Ross, Secretary, Cal. Dep't of Food & Agric., to Ira
4 Sharp, Co-Founder, NeverAgainCA (June 10, 2019), from 31st District Agricultural
5 Association, Ventura County Fairgrounds, *Board of Directors Committee Report on*
6 *Gun Shows* (June 21, 2019). A true and correct copy is attached as **Exhibit 5**.

7 6. Shaun Naidu, 06/24/19 Sen. Comm. Approps., Bill Analysis Re: AB
8 819 (Gloria), 2019-2020 Reg. Sess. (Cal. 2019), *available at*
9 <https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml/>. A true and correct
10 copy is attached as **Exhibit 6**.

11 Rule 201(b) of the Federal Rules of Evidence allows this Court to take judicial
12 notice of adjudicative facts that are “not subject to reasonable dispute” because they
13 are “generally known” or are “capable of accurate and ready determination by resort
14 to sources whose accuracy cannot reasonably be questioned.” All of the documents
15 of which Plaintiffs ask this Court to take judicial notice meet the requirements of
16 FRE 201(b).

17 For instance, Exhibits 1-2 are true and correct copies of reports and data
18 published by governmental departments or agencies, the accuracy of which cannot
19 be reasonably questioned. Indeed, “[a] trial court may presume that public records
20 are authentic and trustworthy.” *Gilbrook v. City of Westminster*, 177 F.3d 839, 858
21 (9th Cir. 1999) (taking judicial notice of agency report), *see also Nebraska v. EPA*,
22 331 F.3d 995, 998 n.3 (D.C. Cir. 2003) (taking notice of research from
23 Environmental Protection Agency).

24 Exhibit 3 is a newspaper article reporting on a vote of the 31st District
25 Agricultural Association’s vote to delay its vote on whether to ban gun shows from
26 the state-owned fairgrounds and the board’s reasons for doing so. The ongoing,
27 statewide discussion of gun show bans at state-owned fairgrounds is patently
28 relevant to this case. And this Court has discretion to take notice of relevant

1 newspaper articles. *See, e.g., Wash. Post v. Robinson*, 935 F.2d 282, 291-92 (D.C.
2 Cir. 1991)

3 Finally, Exhibits 4-5 are official records of the 31st District Agricultural
4 Association Board of Directors, and they are part of the legislative history of the
5 31st DAA’s consideration of the gun show ban debate before that body. And Exhibit
6 6 is the official legislative bill analysis of Assembly Bill 893 prepared for the Senate
7 Committee on Appropriations. These documents are not subject to “reasonable
8 dispute” because they are official records of public bodies related to legislative
9 history. “They are matters of public record suitable for judicial notice.” *See, e.g.,*
10 *Shames v. Hertz Corp.*, No. 07- 2174, 2008 U.S. Dist. LEXIS 56952 (S.D. Cal. July
11 24, 2008).

12 For these reasons, Plaintiffs ask this Court to grant their request and take
13 judicial notice of each of the documents identified herein.

14 Dated: February 24, 2022

15 *s/ Anna M. Barvir*
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17
18 Dated: February 24, 2022

19 *s/ Donald Kilmer*
20 Donald Kilmer
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EXHIBIT 1



SPECIAL REPORT

JANUARY 2019

NCJ 251776

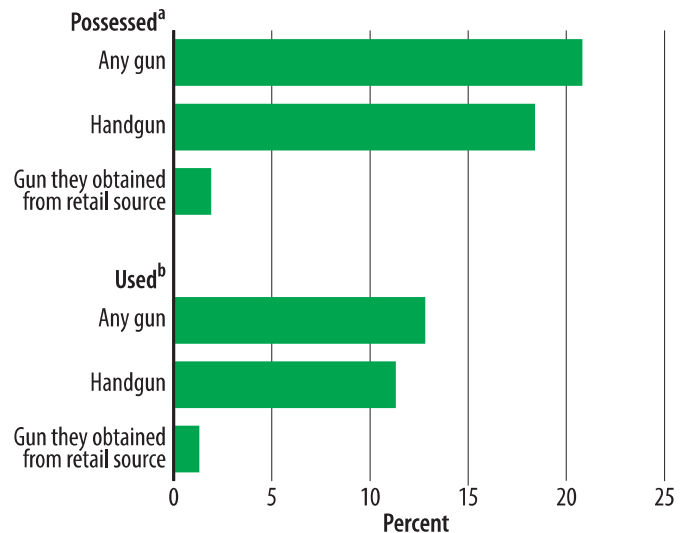
Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016

Marriel Alper, Ph.D., and Lauren Glaze, *BJS* Statisticians

Based on the 2016 Survey of Prison Inmates (SPI), about 1 in 5 (21%) of all state and federal prisoners reported that they had possessed or carried a firearm when they committed the offense for which they were serving time in prison (**figure 1**). More than 1 in 8 (13%) of all prisoners had used a firearm by showing, pointing, or discharging it during the offense for which they were imprisoned. Fewer than 1 in 50 (less than 2%) of all prisoners had obtained a firearm from a retail source and possessed, carried, or used it during the offense for which they were imprisoned.

An estimated 287,400 prisoners had possessed a firearm during their offense. Among these, more than half (56%) had either stolen it (6%), found it at the scene of the crime (7%), or obtained it off the street or from the underground market (43%). Most of the remainder (25%) had obtained it from a family member or friend, or as a gift. Seven percent had purchased it under their own name from a licensed firearm dealer.

FIGURE 1
Percent of all state and federal prisoners who had possessed or used a firearm during their offense, 2016



Note: See appendix table 1 for standard errors.

^aIncludes prisoners who carried or possessed a firearm during the offense.

^bIncludes prisoners who showed, pointed, or discharged a firearm during the offense.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

HIGHLIGHTS

- About 21% of state and 20% of federal prisoners said they possessed a gun during their offense, while 79% of state and 80% of federal prisoners did not.
- About 29% of state and 36% of federal prisoners serving time for a violent offense possessed a gun during the offense.
- About 1.3% of prisoners obtained a gun from a retail source and used it during their offense.
- Handguns were the most common type of firearm possessed by state and federal prisoners (18% each); 11% of all prisoners used a handgun.
- Among prisoners who possessed a gun during their offense, 90% did not obtain it from a retail source.
- Among prisoners who possessed a firearm during their offense, 0.8% obtained it at a gun show.
- About 1 in 5 state and federal prisoners who possessed a firearm during their offense obtained it with the intent to use it during the crime.
- Among state prisoners who possessed a gun during their offense, 27% killed someone with it, another 12% injured someone, 7% fired the gun but did not injure anyone, and 54% did not fire it.
- State prisoners with no military service were more likely to possess a gun during their offense (21%) than prisoners who had served in the military (16%).

Statistics in this report are based on self-reported data collected through face-to-face interviews with a national sample of state and federal prisoners in the 2016 SPI. (See *Methodology*.)

The 2016 SPI data collection was conducted from January through October 2016. The SPI was formerly known as the Survey of Inmates in State and Federal Correctional Facilities (SISFCF). The Bureau of Justice Statistics (BJS) has periodically conducted the

survey since the 1970s, with the most recent iteration fielded in 2004. The survey collects information from prisoners on a variety of topics, including firearm possession during the crime for which a prisoner was serving time and how the firearm was used during the crime. It also collects information on the method, source, and process that prisoners used to obtain the firearm. (See appendix 1, *Questions related to firearms in the Survey of Prison Inmates, 2016*.)

Terms and definitions

- **Firearm** – a weapon that uses gunpowder to shoot a bullet. Primary types are handguns, rifles, and shotguns:¹
 - **Handgun** – a firearm which has a short stock and is designed to be held and fired by the use of a single hand.
 - **Rifle** – a firearm intended to be fired from the shoulder and designed to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.
 - **Shotgun** – a firearm intended to be fired from the shoulder and designed to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger.
- **Firearm possession** – carrying or possessing at least one firearm when the offense for which prisoners were serving a sentence was committed.
- **Firearm use** – showing a firearm to or pointing a firearm at anyone or discharging a firearm during the offense for which a prisoner was serving time.
- **Source of the firearm** – from where and how prisoners reported obtaining the firearm they possessed during the crime for which they were imprisoned—
 - **Purchased or traded from a retail source** – includes a gun shop or store, pawn shop, flea market, or gun show.
 - **Gun shop or store** – a business establishment that sells firearms in an open shopping format.
 - **Pawn shop** – a business that offers secured loans to customers, with personal property used as collateral. This personal property is sold to the public if the loan is not repaid.
 - **Flea market** – a market that rents space to individuals to sell or barter merchandise.
 - **Gun show** – a temporary market where licensed dealers and unlicensed sellers can rent tables or booths to sell firearms.
 - **Obtained from an individual** – includes purchasing, trading, renting, or borrowing from a family or friend. Also includes when the firearm was gifted to or purchased for the person.
 - **Off the street or underground market** – illegal sources of firearms that include markets for stolen goods, middlemen for stolen goods, criminals or criminal enterprises, or individuals or groups involved in sales of illegal drugs.
 - **Theft** – includes stealing the firearm during a burglary or from a retail source, family member, friend, or another source.
 - **Other sources** – includes a firearm that a prisoner obtained or found at the location of the crime, including one that belonged to a victim or that someone else brought to the location of the crime. This category also includes sources for which there were few responses, such as for guns bought online, and other sources that did not fit into one of the existing categories. This also includes instances where there was not enough information to categorize the source, such as when a firearm was purchased from an unknown source or obtained from another person by an unknown method.

¹The definitions of types of firearms in this section were taken from 18 U.S.C. § 921 (2009). They have been edited for length.

Controlling-offense characteristics

About 29% of state and 36% of federal prisoners serving a sentence for a violent offense in 2016 possessed a firearm during the crime (table 1). About a quarter of state (23%) and federal (25%) prisoners serving time for a violent offense used a firearm during the crime. “Firearm use” is defined in this report as showing, pointing, or discharging a firearm during the offense for which a prisoner was serving a sentence.

Among prisoners serving time for homicide, more than 2 in 5 (44%) state prisoners and more than 1 in 3 (36%) federal prisoners had possessed a firearm during

the crime. About 37% of state and 28% of federal prisoners serving time for homicide used a firearm during the homicide.

Among those serving time for robbery, more than 2 in 5 state prisoners (43%) and federal prisoners (46%) possessed a firearm during the offense, and nearly a third of state (31%) and federal (32%) prisoners used a firearm during the robbery. Firearm possession was less common among state prisoners serving a sentence for rape or sexual assault (2%). Less than 1% of state prisoners serving time for rape or sexual assault used a firearm in the commission of their crime.

TABLE 1
Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of controlling offense, 2016

Controlling offense ^a	Estimated number of state prisoners ^b	Percent of state prisoners who—		Estimated number of federal prisoners ^b	Percent of federal prisoners who—	
		Possessed a firearm ^b	Used a firearm ^c		Possessed a firearm ^b	Used a firearm ^c
Total	1,211,200	20.9%	13.9%	170,400	20.0%	5.0%
Violent*	667,300	29.1%	23.0%	20,900	36.2%	25.3%
Homicide ^d	191,400	43.6	37.2	3,800	35.9	28.4
Rape/sexual assault	144,800	2.0	0.8	2,400	:	:
Robbery	149,600	43.3	31.5	10,700	46.3	32.1
Assault	149,400	25.0	20.6	2,900	29.0	18.1
Other violent ^e	32,200	17.0	12.6	1,200	34.1	:
Property	186,100	4.9% †	2.0% †	12,000	2.6% †	:
Burglary	88,100	6.7	3.2	300	:	:
Other property ^f	98,000	3.3	1.0	11,800	2.4	:
Drug	180,800	8.4% †	0.8% †	80,500	12.3% †	0.6% †
Trafficking ^g	130,500	9.4	0.9	72,300	12.9	0.7
Possession	45,900	6.1	:	3,500	:	:
Other/unspecified drug	4,300	:	:	4,700	:	:
Public order	158,300	21.5% †	5.6% †	52,900	30.2%	5.3% †
Weapons ^h	43,800	67.2	15.7	22,200	66.9	11.3
Other public order ⁱ	114,400	4.0	1.7	30,700	3.6	:
Other	3,900	:	:	1,800	:	:
Unknown	14,900	4.3% †	:	2,200	:	:

Note: See appendix table 2 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level across main categories, and no testing was done on subcategories (e.g., homicide).

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aSee *Methodology* for information on how controlling offense was measured.

^bExcludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession. Includes prisoners who were missing responses on firearm use.

^cExcludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession, and an additional 0.6% of state prisoners and 0.7% of federal prisoners who were missing responses on firearm use.

^dIncludes murder and both negligent and non-negligent manslaughter.

^eIncludes kidnapping, blackmail, extortion, hit-and-run driving with bodily injury, child abuse, and criminal endangerment.

^fIncludes larceny, theft, motor vehicle theft, arson, fraud, stolen property, destruction of property, vandalism, hit-and-run driving with no bodily injury, criminal tampering, trespassing, entering without breaking, and possession of burglary tools.

^gIncludes possession with intent to distribute.

^hIncludes being armed while committing a crime; possession of ammunition, concealed weapons, firearms and explosive devices; selling or trafficking weapons; and other weapons offenses. Among federal prisoners, weapons offense include violations of federal firearms and explosives.

ⁱIncludes commercialized vice, immigration crimes, DUI, violations of probation/parole, and other public-order offenses.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

State and federal prisoners serving time for a violent offense were much more likely to have possessed a firearm during the offense (29% state, 36% federal) than prisoners serving time for a property (5% state, 3% federal) or drug (8% state, 12% federal) offense. Among prisoners serving time for a public-order offense, about 1 in 5 (21%) state prisoners and nearly 1 in 3 (30%) federal prisoners reported that they possessed a firearm during the crime, and about 1 in 20 reported they had used it. About two-thirds of state and federal prisoners sentenced for a weapons offense said they possessed a firearm during the crime.²

²In addition to prisoners serving a sentence in state or federal prison in 2016 who possessed a firearm during the offense, weapons offenses include prisoners who were convicted of trafficking firearms but did not possess them at the time of the offense and prisoners who were convicted of a weapons offense that did not involve a firearm.

Extent of firearm use among prisoners during the crime

State and federal prisoners in 2016 who had possessed a firearm during their offense were about equally likely to report that they had obtained the firearm with the intent to use it during the offense (19% state, 20% federal) (table 2). However, state prisoners (68%) who possessed a firearm were more than 2.5 times as likely as federal prisoners (26%) who possessed a firearm to have used it during the crime.

Nearly half of state prisoners (46%) serving a sentence for a crime during which they possessed a firearm discharged the firearm when they committed the crime, compared to 12% of federal prisoners. Among state prisoners who possessed a firearm during their offense, 27% killed a victim with the firearm and another 12% injured or shot a victim but did not kill him or her. Federal prisoners who possessed a firearm when they committed their offense were much less likely to have killed (4%) or injured (2%) a victim with the firearm than state prisoners.

TABLE 2

Among state and federal prisoners who possessed a firearm during the offense for which they were serving time, extent of firearm use, 2016

Firearm use	State prisoners*	Federal prisoners	State prisoners		Federal prisoners	
			Violent offense*	Non-violent offense ^a	Violent offense*	Non-violent offense ^a
Total	100%	100%	100%	100%	100%	100%
Obtained firearm because planned to use in controlling offense^b						
Yes	19.3%	19.7%	17.7%	24.6% †	26.4%	18.0%
No	80.7	80.3	82.3	75.4 †	73.6	82.1
Used firearm^c	68.0%	25.9% †	81.0%	24.8% †	72.5%	12.9% †
Discharged	46.5%	11.9% †	55.9%	15.4% †	27.3%	7.5% †
Killed victim	27.1	4.1 †	35.0	:	16.5	:
Injured/shot victim but did not kill victim	12.4	2.2 †	14.5	5.3 †	:	:
Discharged firearm but did not shoot anyone	7.0	5.6	6.4	9.0	5.7	5.4
Did not discharge ^d	21.5%	14.0% †	25.2%	9.4% †	45.3%	5.4% †
Did not use firearm	32.0%	74.1% †	19.0%	75.2% †	27.5%	87.1% †
Estimated number of prisoners who possessed a firearm (with valid data)^e	245,400	32,900	187,800	57,000	7,200	25,600

Note: Percentages are based on data reported on firearm possession, use, and controlling offense. Excludes 3.1% of state prisoners and 3.5% of federal prisoners who possessed a firearm during the offense and were missing responses on firearm use and 0.3% of state prisoners and 0.7% of federal prisoners who possessed a firearm and were missing a controlling offense. The sum of violent offense and non-violent offense does not equal the total number of state and federal prisoners who possessed a firearm in this table due to an estimated 600 state and 100 federal prisoners whose offense type was unknown. See appendix table 3 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aIncludes property, drug, public order, and other non-violent offenses.

^bPercentages are based on the 246,200 state and 32,600 federal prisoners who reported they carried or possessed a firearm and whether they obtained a firearm to use during the offense.

^cIncludes prisoners who showed a firearm to anyone, pointed a firearm at anyone, or discharged the firearm during the offense.

^dIncludes prisoners who showed or pointed a firearm at anyone during the offense but did not discharge it.

^eIncludes prisoners who reported they carried or possessed a firearm. Excludes prisoners who were missing responses on firearm possession or use. For violent offense and non-violent offense, also excludes prisoners who were missing a controlling offense.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Among prisoners who possessed a firearm during a violent offense, a large majority of both state (81%) and federal (73%) prisoners used the firearm during the offense, far more than the percentages for non-violent offenders (25% state, 13% federal). More than half (56%) of state prisoners serving time for a violent offense who possessed a firearm during the crime discharged it, compared to fewer than a sixth (15%) of non-violent offenders in state prison who possessed a firearm. Violent offenders (27%) in federal prison who possessed a firearm during the crime were about 3.5 times as likely to discharge it as non-violent offenders (8%). Among state prisoners who had possessed a firearm during their offense, however, non-violent offenders (25%) were more likely than violent offenders (18%) to have planned to use the firearm during the offense.

Type of firearm possessed by prisoners during offense

Handguns were by far the most common type of firearm possessed or used by prisoners during the crime for which they were sentenced. About 18% of all state and federal prisoners in 2016 reported that they had possessed a handgun during the crime for which they were serving a sentence (**table 3**). Two percent or fewer possessed a rifle or a shotgun. Twelve percent of state and 5% of federal prisoners used a handgun during their offense. Most state (79%) and federal (80%) prisoners did not possess any type of firearm during the crime for which they were imprisoned.

TABLE 3

Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of firearm, 2016

Type of firearm	Percent of prisoners who possessed a firearm			Percent of prisoners who used a firearm ^a		
	All prisoners	State*	Federal	All prisoners	State*	Federal
Total	100%	100%	100%	100%	100%	100%
Firearm ^b	20.8%	20.9%	20.0%	12.8%	13.9%	5.0% †
Handgun	18.4	18.4	18.3	11.2	12.2	4.6
Rifle	1.5	1.4	2.0 †	0.8	0.8	0.4 †
Shotgun	1.6	1.6	1.7	1.1	1.2	0.4 †
No firearm	79.2%	79.1%	80.0%	87.2%	86.1%	95.0%
Estimated number of prisoners (with valid data) ^c	1,378,200	1,208,100	170,100	1,378,200	1,208,100	170,100

Note: Details on type of firearm may not sum to totals because prisoners could report more than one type of firearm. Percentages exclude missing data. Excludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession during the offense and an additional 0.3% of state prisoners and 0.2% of federal prisoners who were missing responses on type of firearm. See appendix table 4 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

^aPercentages exclude 0.6% of state prisoners and 0.7% of federal prisoners who were missing responses on firearm use.

^bIncludes prisoners who reported a type of firearm that did not fit into one of the existing categories and those who did not provide enough information to categorize the type of firearm. About 0.1% of state prisoners and 0.2% of federal prisoners reported another type of firearm or did not report enough information to specify the type of firearm.

^cExcludes prisoners who were missing responses on firearm possession or type of firearm. Counts are weighted to totals from the 2015 National Prisoner Statistics Program; see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Demographic characteristics

Male prisoners were more likely than female prisoners to have possessed a firearm during their crime. About a fifth of male state and federal prisoners serving a sentence in 2016 possessed a firearm during the crime (table 4). Males in state prisons in 2016 were about 2.5 times as likely (22%) as females in state prisons (9%) to have possessed a firearm during the crime for which they were imprisoned. In federal prisons, males (21%) were about three times as likely as females (7%) to have possessed a firearm during their crime. Almost

3 in 10 (29%) black prisoners serving a sentence in state prison in 2016 possessed a firearm during their crime. White (12%) and Hispanic (21%) state prisoners were less likely to have possessed a firearm during their crime. Similarly, white (17%) and Hispanic (13%) federal prisoners serving a sentence in 2016 were less likely to have possessed a firearm during the crime than black (29%) federal prisoners. State prisoners who served in the military were less likely to have possessed a firearm during their crime (16%) than state prisoners who had not served in the military (21%).

TABLE 4
Firearm possession among state and federal prisoners during the offense for which they were serving time, by demographic characteristics, 2016

Demographic characteristic	State		Federal	
	Number of prisoners	Percent of prisoners who possessed a firearm during the offense	Number of prisoners	Percent of prisoners who possessed a firearm during the offense
Sex				
Male*	1,124,200	21.8%	159,800	20.9%
Female	87,000	9.5 †	10,600	6.6 †
Race/Hispanic origin^a				
White	383,300	12.4% †	35,400	16.6% †
Black*	401,500	29.4	53,800	29.2
Hispanic	247,200	21.5 †	62,600	12.6 †
American Indian/Alaska Native	17,200	14.8 †	2,800	23.8
Asian/Native Hawaiian/Other Pacific Islander	10,700	22.8	2,600	:
Two or more races	133,100	19.1 †	10,900	29.3
Age at time of survey				
18–24*	123,800	31.7%	8,200	30.1%
25–34	389,100	24.4 †	47,700	27.4
35–44	318,800	19.3 †	58,800	19.0 †
45–54	224,800	14.6 †	36,700	14.1 †
55 or older	154,800	16.0 †	19,000	12.2 †
Marital status				
Married*	168,500	16.7%	36,800	14.4%
Widowed/widowed	34,300	18.3	3,100	21.7
Separated	58,300	12.7 †	9,600	12.8
Divorced	233,300	14.5	30,900	15.2
Never married	715,900	24.8 †	90,000	24.6 †
Education^b				
Less than high school*	750,500	23.1%	94,900	22.7%
High school graduate	273,700	19.6 †	36,500	19.4
Some college	133,900	14.7 †	23,100	18.8
College degree or more	43,600	11.0 †	12,700	6.3 †
Citizenship				
U.S. citizen*	1,156,800	21.0%	127,500	24.2%
Non-U.S. citizen	53,100	18.5	42,400	7.2 †
Military service				
Yes*	95,200	15.6%	9,200	15.9%
No	1,115,900	21.4 †	161,200	20.3

Note: Percentages and counts exclude missing data. Excludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession during the offense. Details for counts may not sum to totals due to missing data. See appendix table 5 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aExcludes persons of Hispanic/Latino origin, unless specified.

^bBased on highest year of education completed.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

In general, the likelihood of state and federal prisoners having possessed a firearm during their crime decreased with age. Firearm possession among state prisoners ages 18 to 24 (32%) in 2016 was more common than among older prisoners. Federal prisoners ages 18 to 24 (30%) were more likely to possess a firearm than those age 35 or older (16%, not shown in table).

The difference in firearm possession between U.S. citizens (21%) and non-citizens (18%) in state prisons in 2016 was not statistically significant. Among federal prisoners serving a sentence in 2016, firearm possession was more than three times as high among U.S. citizens (24%) as non-citizens (7%).

Method, source, and process used to obtain the firearm

Among prisoners who possessed a firearm when they committed the offense for which they were imprisoned and who reported the source from which they obtained it, the most common source (43%) was off-the-street or the underground market ([table 5](#)). Another 7% of state and 5% of federal prisoners stole the firearm, and 7% of state and 8% of federal prisoners reported that they obtained the firearm at the location of the crime.

TABLE 5

Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, sources and methods used to obtain a firearm, 2016

Source and method to obtain firearm	All prisoners	State	Federal
Purchased/traded at retail source	10.1%	9.7%	13.7%
Gun shop/store	7.5	7.2	9.6
Pawn shop	1.6	1.5	2.2
Flea market	0.4	:	:
Gun show	0.8	0.8	1.4
Obtained from individual	25.3%	26.0%	20.5%
Purchased/traded from family/friend	8.0	7.9	9.1
Rented/borrowed from family/friend	6.5	7.0	3.0
Gift/purchased for prisoner	10.8	11.2	8.4
Off the street/underground market^a	43.2%	43.2%	42.9%
Theft^b	6.4%	6.6%	4.7%
From burglary	1.5	1.5	:
From retail source	0.2	:	:
From family/friend	1.6	1.8	:
Unspecified theft ^c	3.1	3.3	1.8
Other source	17.4%	17.1%	20.1%
Found at location of crime/victim	6.9	6.7	7.9
Brought by someone else	4.6	4.7	3.6
Other ^d	5.9	5.6	8.5
Multiple sources^e	2.5%	2.6%	2.0%
Estimated number of prisoners who possessed a firearm, excluding prisoners who did not report source^f	256,400	227,100	29,300

Note: Prisoners were asked to report all sources and methods of obtaining any firearm they possessed during the offense, so details may not sum to totals. Each source is included in this table when multiple sources were reported. See *Methodology*. Percentages exclude missing data. Excludes 10.3% of state prisoners and 14.1% of federal prisoners who possessed a firearm during the offense and were missing responses on either source or method of obtaining the firearm. These prisoners were excluded either because they did not provide a valid response or they did not receive the questions due to providing an open-ended response to the previous question about type of weapon. See appendix table 6 for standard errors.

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aIllegal sources of firearms that include markets for stolen goods, middlemen for stolen goods, criminals or criminal enterprises, or individuals or groups involved in sales of illegal drugs.

^bExcludes theft from victim.

^cIncludes theft where the source could not be identified and theft other than from a burglary, retail location, family, or friend.

^dIncluded if no source specified in the table was reported. Includes sources that did not fit into one of the existing categories, sources for which there were few responses such as bought online, or if there was not enough information to categorize the source. Examples of other sources include bought from an unknown source or obtained from a friend by an unknown method.

^eIncludes prisoners who reported multiple sources or methods that fit into more than one of the categories. Each reported source is included in the categories above.

^fIncludes prisoners who reported they carried or possessed a firearm and prisoners who reported a source or method.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Among prisoners who possessed a firearm during the offense for which they were imprisoned, 7% of state and 10% of federal prisoners serving a sentence in 2016 bought or traded for the firearm from a gun shop or gun store. About 1% bought or traded for the firearm at a gun show. About a quarter (26%) of state prisoners and about a fifth (21%) of federal prisoners obtained a firearm that they possessed during their offense from an individual in a non-retail setting, such as a friend or family member.

Prisoners who reported that they had purchased or traded a firearm at a retail source were asked if they had obtained the firearm from a licensed dealer or private seller. Among prisoners who had possessed a firearm during the offense for which they were serving time, 8% of state and 11% of federal prisoners had purchased it from or traded with a licensed firearm dealer at a retail source (table 6).

Prisoners who reported that they had purchased a firearm from a licensed firearm dealer at a retail source were further asked whether they bought the firearm under their own name and whether they knew a background check was conducted. Among those who had possessed a firearm during the offense for which they were imprisoned, 7% of state and 8% of federal prisoners had purchased it under their own name from a licensed firearm dealer at a retail source, while approximately 1% of state and 2% of federal prisoners had purchased a firearm from a licensed dealer at a retail source but did not purchase it under their own name (not shown in table).

Among all prisoners who purchased or traded a firearm from a licensed firearm dealer at a retail source (8.2%), the majority reported that a background check was conducted (6.7%).

TABLE 6

Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, processes used to obtain a firearm, 2016

Process to obtain firearm	All prisoners	State	Federal
Total	100%	100%	100%
Not purchased or traded at retail source	89.9%	90.3%	86.3%
Purchased or traded at retail source ^a	10.1%	9.7%	13.7%
Licensed firearm dealer at retail source	8.2	7.9	10.9
Purchased under own name ^b	6.9	6.8	8.4
Background check was reportedly conducted ^c	6.7	6.3	9.4
Private seller at retail source ^d	1.2	1.1	2.3
Unknown ^e	0.7	0.8	:
Estimated number of prisoners who possessed a firearm (with valid data) ^f	256,400	227,100	29,300

Note: Percentages exclude missing data. Excludes 10.3% of state prisoners and 14.1% of federal prisoners who possessed a firearm during the offense and were missing responses on source or method of obtaining the firearm. See appendix table 7 for standard errors.

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aIncludes prisoners who purchased or traded from a retail source, including a retail store, pawn shop, flea market, or gun show.

^bIncludes prisoners who purchased from a retail source, including a retail store, pawn shop, flea market, or gun show. Excludes prisoners who traded for a firearm from a retail source.

^cIncludes prisoners who purchased from a retail source, including a retail store, pawn shop, flea market, or gun show. Excludes prisoners who traded for a firearm from a retail source and prisoners who reported that a background check was not conducted or who were unaware as to whether one was conducted.

^dExcludes private sellers other than at a retail source.

^eIncludes prisoners who purchased or traded a firearm from a retail source and were missing responses on whether a firearm was purchased or traded from a licensed firearm dealer or a private seller at a retail source.

^fIncludes prisoners who reported they carried or possessed a firearm and prisoners who reported a source or method.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Use and source of firearms among all state and federal prisoners

About 1% of all state and federal prisoners used a firearm during the offense that they obtained from a retail source (table 7). About 2% of prisoners possessed a firearm that they obtained from a retail source, including a retail store, pawn shop, flea market, or gun show.

Thirteen percent of all state and federal prisoners used a firearm during the offense for which they were serving time in 2016.

TABLE 7

Firearm possession and use among all state and federal prisoners during the offense for which they were serving time, by type of controlling offense and source, 2016

Controlling offense ^a	Percent of state and federal prisoners who—		Percent of state and federal prisoners who—	
	Possessed a firearm ^b	Possessed a firearm that they obtained from a retail source ^c	Used a firearm ^d	Used a firearm that they obtained from a retail source ^e
Total	20.8%	1.9%	12.8%	1.3%
Violent*	29.3%	2.8%	23.1%	2.3%
Homicide ^f	43.5	5.9	37.0	5.2
Robbery	43.5	1.8	31.5	1.3
Property	4.8% †	0.5% †	1.9% †	:
Drug	9.6% †	1.0% †	0.8% †	0.1% †
Public order	23.6% †	1.7% †	5.5% †	0.6% †

Note: Percentages exclude missing data. Excludes 2.8% of prisoners who were missing responses on firearm possession during the offense and 1.2% of prisoners who had a valid response to firearm possession but were missing a controlling offense. Retail source includes purchasing or trading the firearm from a retail store, pawn shop, flea market, or gun show. Use includes prisoners who showed a firearm to anyone, pointed a firearm at anyone, or discharged a firearm during the controlling offense. See appendix table 8 for standard errors.

*Comparison group.

† Difference with comparison group is significant at the 95% confidence level across main categories, and no testing was done on subcategories (e.g., homicide).

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aSee *Methodology* for more information on how controlling offense was measured.

^bIncludes state and federal prisoners who reported a valid response to firearm possession.

^cIncludes state and federal prisoners who reported a valid response to firearm possession and source.

^dIncludes state and federal prisoners who reported a valid response to firearm possession and use.

^eIncludes state and federal prisoners who reported a valid response to firearm possession, source, and use.

^fIncludes murder and both non-negligent and negligent manslaughter.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Methodology

Survey of Prison Inmates

The findings in this report are primarily based on data collected through the 2016 Survey of Prison Inmates (SPI). The SPI is a periodic, cross-sectional survey of the state and sentenced federal prison populations. Its primary objective is to produce national statistics of the state and sentenced federal prison populations across a variety of domains, including—but not limited to—demographic characteristics, current offense and sentence, incident characteristics, firearm possession and sources, criminal history, socioeconomic characteristics, family background, drug and alcohol use and treatment, mental and physical health and treatment, and facility programs and rule violations. RTI International served as BJS's data collection agent for the 2016 SPI under a cooperative agreement (award no. 2011-MU-MU-K070). From January through October 2016, data were collected through face-to-face interviews with prisoners using computer-assisted personal interviewing (CAPI).

Prior iterations of the SPI were known as the Survey of Inmates in State and Federal Correctional Facilities (SISFCF), which was renamed with the 2016 implementation. The first survey of state prisoners was fielded in 1974 and thereafter in 1979, 1986, 1991, 1997, and 2004. The first survey of federal prisoners was fielded in 1991, along with the survey of state prisoners, and since then both surveys have been conducted at the same time using the same questionnaire and administration.

The target population for the 2016 SPI was prisoners ages 18 and older who were held in a state prison or had a sentence to federal prison in the United States during 2016. Similar to prior iterations, the 2016 survey was a stratified two-stage sample design in which prisons were selected in the first stage and prisoners within sampled facilities were selected in the second stage. The SPI sample was selected from a universe of 2,001 unique prisons (1,808 state and 193 federal) that were either enumerated in the 2012 Census of State and Federal Adult Correctional Facilities or had opened between the completion of the census and July 2014 when the SPI sample of prisons was selected. A total of 364 prisons (306 state and 58 federal) participated in the 2016 survey out of the 385 selected (324 state and 61 federal) for interviewing. The first-stage response rate (i.e., the response rate among selected prisons) was 98.4% (98.1% among

state prisons and 100% among federal prisons).³

A total of 24,848 prisoners participated (20,064 state and 4,784 federal) in the 2016 SPI based on a sample of 37,058 prisoners (30,348 state and 6,710 federal). The second-stage response rate (i.e., the response rate among selected prisoners) was 70.0% (69.3% among state prisoners and 72.8% among federal prisoners).⁴

Responses from interviewed prisoners in the 2016 SPI were weighted to provide national estimates. Each interviewed prisoner was assigned an initial weight corresponding to the inverse of the probability of selection within each sampled prison. A series of adjustment factors were applied to the initial weight to minimize potential bias due to non-response and to provide national estimates.

For more information on the 2016 SPI methodology, see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

Standard errors and tests of significance

When national estimates are derived from a sample, as with the SPI, caution must be used when comparing one estimate to another or when comparing estimates between years. Although one estimate may be larger than another, estimates based on a sample rather than a complete enumeration of the population have some degree of sampling error. The sampling error of an estimate depends on several factors, including the size of the estimate, the number of completed interviews, and the intracluster correlation of the outcome within prisons. When the sampling error around an estimate is taken into account, estimates that appear different may not be statistically different. One measure of the sampling error associated with an estimate is the standard error. The standard error may vary from one estimate to the next. Standard errors in this report were estimated using Taylor Series Linearization to account for the complex design of the SPI in producing the variance estimates.

³A total of 15 prisons (12 state and 3 federal) that were sampled were deemed ineligible for the 2016 SPI. For more information, see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

⁴There were 10,661 sampled prisoners who were eligible for the survey but did not participate. Another 1,549 sampled prisoners were deemed ineligible for the survey. For more information, see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

Readers may use the estimates and standard errors of the estimates provided in this report to generate a 95% confidence interval around the estimates as a measure of the margin of error. Typically, multiplying the standard error by 1.96 and then adding or subtracting the result from the estimate produces the confidence interval. This interval expresses the range of values with which the true population parameter is expected to fall 95% of the time if the same method is used to select different samples.

For small samples and estimates close to 0%, the use of the standard error to construct the 95% confidence interval may not be reliable. Therefore, caution should be used when interpreting the estimates. Caution should also be used if constructing a 95% confidence interval, which would include zero in these cases, because the estimate may not be distinguishable from zero.

The standard errors have been used to compare estimates of firearm possession during the offense, firearm use during the crime, and type of firearm possessed. They have also been used to compare firearm possession among selected groups of prisoners that have been defined by demographic characteristics and controlling offense. To facilitate the analysis, rather than provide the detailed estimates for every standard error, differences in the estimates for subgroups in the relevant tables in this report have been tested and notated for significance at the 95% level of confidence. Readers should reference the tables for testing on specific findings. Unless otherwise noted, findings described in this report as higher, lower, or different passed a test at the 0.05 level of statistical significance (95% confidence level).

Measurement of firearm possession and source

The 2016 SPI was restricted to prisoners age 18 or older at the time of the survey. Firearms analyses in this report were restricted to state and federal prisoners who were sentenced or state prisoners who were convicted but were awaiting sentencing. This report excludes prisoners who were awaiting trial (i.e., unconvicted) or a revocation hearing or who were held for other reasons. Unconvicted prisoners, such as those awaiting trial or being held for other reasons like safekeeping or a civil commitment, were excluded from this report because they were not asked questions about firearm possession to protect against self-incrimination. (See appendix 1, *Questions related to firearms in the Survey of Prison Inmates, 2016*.) Of

the estimated 1,421,700 state and federal prisoners in 2016, an estimated 287,400 were armed with a firearm, 1,094,200 were not armed with a firearm, 23,800 did not know or refused to answer the question, and 16,300 were not asked the question because they were not convicted or they stopped the interview before responding to the question.⁵

To determine whether prisoners possessed a firearm at the time of the offense for which they were serving time in prison, respondents were first asked whether they had carried, possessed, or used a weapon when the controlling offense occurred. Respondents could report that they carried, possessed, or used a firearm or another weapon such as a toy or BB gun, knife, other sharp object, or blunt object. Weapons other than firearms, including toy and BB guns, were excluded from this report. Multiple weapons and firearms could be reported by respondents.

Of the respondents who were asked about possessing a firearm during the offense for which they were imprisoned, about 3.0% of state and 1.7% of federal prisoners in 2016 were missing responses on firearm possession. These prisoners were excluded from the analyses in this report. All prisoners who reported they carried, possessed, or used a firearm during the offense were asked whether they had obtained the firearm because they were planning to carry, possess, or use it during the offense. They were also asked whether they showed, pointed, or fired the firearm during the offense. Respondents who reported that they fired the firearm were also asked whether they shot anyone and, if so, whether anyone they shot had died. Of the respondents who possessed a firearm during the offense, about 3.1% of state and 3.5% of federal prisoners in 2016 were missing responses on how they used the firearm. These prisoners were excluded from the analyses in figure 1, tables 1 through 3, and table 7.

To measure the type of firearm possessed by prisoners, respondents were asked whether they had carried, possessed, or used a handgun, rifle, shotgun, or some other type of firearm during the offense for which they were imprisoned. About 0.3% of state prisoners and 0.2% of federal prisoners in 2016 were missing responses on the type of firearm that they possessed. These prisoners, along with prisoners who were missing a response on firearm possession, were excluded from the analyses in table 3.

⁵The SPI sample was weighted to the state and federal prison populations that were eligible to be sampled in the survey. See *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

To measure the source and method of obtaining the firearm possessed by prisoners during their crime, two separate questions were asked in the survey. The first question asked how the prisoners obtained the firearm, and multiple responses could be reported in the 2016 SPI. Possible responses included stole it, rented it, borrowed it from or were holding it for somebody, traded something for it, bought it, someone bought it for them, someone gave it as a gift, found it or it was at the location where the offense occurred, it was brought by someone else, or other. If respondents specified an “other” method of obtaining the firearm, then the field interviewers entered the respondents’ answers into a text field. These responses originally reported as “other” were coded to one of the existing response categories if possible.

The second question asked where prisoners obtained the firearm, and multiple responses could be reported in the 2016 SPI. Respondents received this question if they reported that they stole, rented, borrowed from or were holding for somebody, traded something for, or bought the firearm. Possible responses included gun shop or gun store; pawn shop; flea market; gun show; from a victim, family member, or friend; from a fence (a middleman for stolen goods) or underground market; off the street or from a drug dealer; in a burglary; online or the internet; or other. Fewer than 1% of state and federal prisoners reported obtaining a firearm online. These responses were included in table 5 in the “other” category due to the small number of sample cases. If respondents specified an “other” source of obtaining a firearm, then the field interviewers entered the respondents’ answers into a text field. Responses originally reported as “other” were coded to one of the existing response categories if possible.

The responses from these two questions were used to create the source and method categories in figure 1 and tables 5 through 7. Approximately 10.3% of state and 14.1% of federal prisoners in 2016 who possessed a firearm during the offense for which they were serving a sentence were missing responses on source or method of obtaining the firearm. These prisoners were excluded from figure 1 and tables 5 through 7.

Prisoners who reported purchasing or trading a firearm from a retail source (gun shop or gun store, pawn shop, flea market, or gun show) were asked if they purchased or traded it from a licensed firearm dealer or a private seller. Prisoners who reported they purchased a firearm from a retail source were further asked whether they bought the firearm under their own name and whether the seller did a firearm purchase background check before selling them the firearm. About 1% of the respondents who possessed a firearm during the offense purchased or traded it from a retail source and were missing responses on whether they bought the firearm from a licensed dealer or private seller. About 1% of respondents who possessed a firearm during the offense purchased it from a retail source and were missing responses on whether the firearm was purchased under their own name or whether a background check was conducted.

Measurement of controlling offense

The way controlling offense was measured through the 2016 SPI, and reflected in this report, varies by sentence status and the number of offenses of prisoners:

- For sentenced prisoners and those awaiting sentencing with one offense, that offense is the controlling offense.
- For sentenced prisoners with multiple offenses and sentences, the controlling offense is the one with the longest sentence.
- For sentenced prisoners with multiple offenses and one sentence and those awaiting sentencing with multiple offenses, the controlling offense is the most serious offense. For this report, violent offenses are considered most serious, followed by property, drug, public-order, and all other offenses.

For prisoners who were convicted but awaiting sentencing, the controlling offense is the most serious offense.

Appendix 1. Questions related to firearms in the Survey of Prison Inmates, 2016

This appendix includes the questions from the 2016 SPI that were used to measure the firearms' constructs in this report. Text that appears in capital letters in the questions was not read out loud to respondents. That text reflects programming instructions for the CAPI instrument, instructions to field interviewers who conducted the interviews, or response options that were not read out loud to respondents but were coded by the field interviewers during the interviews.

Questions

CJ39. (ASK IF RESPONDENT REPORTED BEING SENTENCED IN CJ1 OR CJ3 OR IF RESPONDENT REPORTED HE/SHE WAS AWAITING SENTENCING IN CJH2A.) Did you carry, possess, or use a weapon when the (INSERT CONTROLLING OFFENSE) occurred?

- YES
- NO (SKIP TO NEXT SECTION)

CJH1. How many weapons did you carry, possess, or use when the (INSERT CONTROLLING OFFENSE) occurred?

- ONE
- TWO OR MORE

CJH2. What (INSERT "kind of weapon was it?" OR "kinds of weapons were they?") CHECK ALL THAT APPLY.

- FIREARM
- TOY OR BB GUN (INCLUDE FAKE OR REPLICA GUNS)
- KNIFE
- OTHER SHARP OBJECT (SCISSORS, ICE PICK, AX, ETC.)
- BLUNT OBJECT (ROCK, CLUB, BLACKJACK, ETC.)
- ANOTHER WEAPON
 - What kinds of weapons were they?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH3. (ASK IF RESPONDENT REPORTED "FIREARM" IN CJH2.) How many firearms did you carry, possess, or use when the (INSERT CONTROLLING OFFENSE) occurred?

- ENTER NUMBER OF FIREARMS

CJH4. (ASK IF RESPONDENT REPORTED "FIREARM" IN CJH2.) What (INSERT "type of firearm was it?" OR "types of firearms were they?") CHECK ALL THAT APPLY.

- A HANDGUN
- A RIFLE
- A SHOTGUN
- SOME OTHER TYPE OF FIREARM
 - What type of firearm?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH5. (ASK IF RESPONDENT REPORTED "FIREARM" IN CJH2.) How did you obtain the (INSERT "firearm" OR "firearms") that you carried, possessed, or used during the (INSERT CONTROLLING OFFENSE)? Any others? CHECK ALL THAT APPLY.

- STOLE IT (GO TO CJH6)
- RENTED IT (GO TO CJH6)
- BORROWED FROM OR WAS HOLDING FOR SOMEBODY (GO TO CJH6)
- TRADED SOMETHING FOR IT (GO TO CJH6)
- BOUGHT IT (GO TO CJH6)
- SOMEONE BOUGHT IT FOR ME (GO TO CJH7)
- SOMEONE GAVE IT TO ME AS A GIFT (GO TO CJH9)
- FOUND IT/WAS AT LOCATION WHERE OFFENSE OCCURRED (GO TO CJH9)
- WAS BROUGHT BY SOMEONE ELSE (GO TO CJH9)
- OTHER
 - How did you obtain the firearm that you carried, possessed, or used during the offense?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH6. (ASK IF RESPONDENT REPORTED "FIREARM" IN CJH2 AND REPORTED IN CJH5 HE/SHE "STOLE IT", "RENTED IT", "BORROWED FROM OR WAS HOLDING FOR SOMEBODY", "TRADED SOMETHING FOR IT", OR "BOUGHT IT") Where did you obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)? CHECK ALL THAT APPLY.

- GUN SHOP OR GUN STORE (GO TO CJH6A)
- PAWN SHOP (GO TO CJH6A)
- FLEA MARKET (GO TO CJH6A)
- GUN SHOW (GO TO CJH6A)
- FROM THE VICTIM(S) (GO TO CJH9)
- FROM A FAMILY MEMBER (GO TO CJH9)
- FROM A FRIEND (GO TO CJH9)
- FROM A FENCE/BLACK MARKET SOURCE (GO TO CJH9)
- OFF THE STREET/FROM A DRUG DEALER (GO TO CJH9)
- IN A BURGLARY (GO TO CJH9)
- ONLINE/THE INTERNET (GO TO CJH9)
- OTHER
 - Where did you obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

Continued on next page

Appendix 1. Questions related to firearms in the Survey of Prison Inmates, 2016 (continued)

CJH6a. (ASK IF RESPONDENT REPORTED IN CJH6 THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) When you obtained the (INSERT TYPE OF FIREARM REPORTED IN CJH4) was it from a licensed firearm dealer or a private seller?

- LICENSED FIREARM DEALER
- PRIVATE SELLER

CJH6b. (ASK IF RESPONDENT REPORTED IN CJH5 THAT HE/SHE “BOUGHT IT” AND IN CJH6 REPORTED THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) Did you buy the (INSERT TYPE OF FIREARM REPORTED IN CJH4) under your own name?

- YES
- NO
- NO PAPERWORK WAS REQUIRED

CJH6c. (ASK IF RESPONDENT REPORTED IN CJH5 THAT HE/SHE “BOUGHT IT” AND REPORTED IN CJH6 THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) Did the seller do a firearm purchase background check before selling you the gun?

- YES
- NO

CJH6d. (ASK IF RESPONDENT REPORTED IN CJH5 THAT HE/SHE “BOUGHT IT” AND REPORTED IN CJH6 THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) Did you buy the (INSERT TYPE OF FIREARM REPORTED IN CJH4) directly or did someone else buy it for you?

- INMATE BOUGHT
- SOMEONE ELSE BOUGHT

CJH7. (ASK IF RESPONDENT REPORTED “SOMEONE ELSE BOUGHT IT FOR ME” IN CJH5.) Where did that person obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)?

- GUN SHOP OR GUN STORE
- PAWN SHOP
- FLEA MARKET
- GUN SHOW
- FROM THE VICTIM(S)
- FROM A FAMILY MEMBER
- FROM A FRIEND
- FROM A FENCE/BLACK MARKET SOURCE

- OFF THE STREET/FROM A DRUG DEALER
- IN A BURGLARY
- ONLINE/THE INTERNET
- OTHER
 - Where did that person obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH8. (ASK IF RESPONDENT REPORTED “SOMEONE ELSE BOUGHT IT FOR ME” IN CJH5.) Why did someone else obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4) for you? CHECK ALL THAT APPLY.

- COULD NOT TRAVEL TO WHERE THE SELLER WAS
- NOT ALLOWED BECAUSE TOO YOUNG
- NOT ALLOWED BECAUSE OF CRIMINAL RECORD
- THEY COULD GET IT MORE QUICKLY OR EASILY
- DID NOT WANT TO BE LINKED TO FIREARM PURCHASE
- OTHER
 - Why did someone else obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4) for you?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH9. Did you get the (INSERT TYPE OF FIREARM REPORTED IN CJH4) because you were **planning** to carry, possess, or use it during the (INSERT CONTROLLING OFFENSE)?

- YES
- NO

CJH10. Did you show or point (INSERT “the firearm” OR “any of the firearms”) at anyone during the (INSERT CONTROLLING OFFENSE)?

- YES
- NO

CJH11. Did you fire (INSERT “the firearm” OR “any of the firearms”) during the (INSERT CONTROLLING OFFENSE)?

- YES
- NO (SKIP TO NEXT SECTION)

CJH12. Did you shoot anyone?

- YES
- NO (SKIP TO NEXT SECTION)

CJH13. Did anyone you shot die?

- YES
- NO

APPENDIX TABLE 1

Standard errors for figure 1: Percent of all state and federal inmates who had possessed or used a firearm during their offense, 2016

Characteristic	Possessed	Used
Any gun	0.64%	0.51%
Handgun	0.59	0.46
Gun they obtained from retail source	0.13	0.12

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 2

Standard errors for table 1: Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of controlling offense, 2016

Controlling offense	Estimated number of state prisoners	Percent of state prisoners who—		Estimated number of federal prisoners	Percent of federal prisoners who—	
		Possessed a firearm	Used a firearm		Possessed a firearm	Used a firearm
Total	31,100	0.69%	0.57%	8,300	1.76%	0.71%
Violent	22,400	0.90%	0.73%	2,700	2.87%	2.83%
Homicide	10,900	1.16	1.12	700	6.53	4.75
Rape/sexual assault	9,900	0.36	0.22	600	:	:
Robbery	6,700	1.32	1.28	1,600	3.73	3.80
Assault	5,900	1.34	1.24	700	5.15	4.52
Other violent	2,100	2.03	1.73	300	8.42	:
Property	7,800	0.53%	0.32%	2,000	0.83%	:
Burglary	3,900	0.80	0.54	100	:	:
Other property	5,800	0.58	0.33	2,000	0.81	:
Drug	11,400	0.68%	0.20%	5,400	0.87%	0.21%
Trafficking	9,700	0.83	0.24	5,000	0.88	0.21
Possession	3,400	1.06	:	600	:	:
Other/unspecified drug	700	:	:	600	:	:
Public order	8,400	1.35%	0.58%	3,600	3.55%	0.88%
Weapons	3,000	2.02	1.70	2,700	2.02	1.60
Other public order	7,200	0.70	0.42	3,800	0.89	:
Other	600	:	:	300	:	:
Unknown	1,400	1.61%	:	400	:	:

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 3

Standard errors for table 2: Among state and federal prisoners who possessed a firearm during the offense for which they were serving time, extent of firearm use, 2016

Firearm use	State prisoners	Federal prisoners	State prisoners		Federal prisoners	
			Violent offense	Non-violent offense	Violent offense	Non-violent offense
Obtained firearm because planned to use in controlling offense						
Yes	0.81%	1.57%	0.81%	2.00%	4.01%	1.88%
No	0.81	1.57	0.81	2.00	4.01	1.88
Used firearm	1.11%	1.92%	0.85%	1.83%	3.86%	1.57%
Discharged	1.34%	1.17%	1.36%	1.47%	3.58%	1.14%
Killed victim	1.28	0.75	1.40	:	2.49	:
Injured/shot victim but did not kill victim	0.73	0.55	0.86	0.89	:	:
Discharged firearm but did not shoot anyone	0.47	0.98	0.51	1.17	2.16	1.02
Did not discharge	0.97%	1.60%	1.21%	1.24%	4.99%	0.87%
Did not use firearm	1.11%	1.92%	0.85%	1.83%	3.86%	1.57%
Estimated number of prisoners who possessed a firearm (with valid data)	10,100	3,100	9,200	3,400	1,200	2,200

: Not calculated. Too few cases to provide a reliable estimate or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 4

Standard errors for table 3: Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of firearm, 2016

Type of firearm	Percent of prisoners who possessed a firearm			Percent of prisoners who used a firearm		
	All prisoners	State	Federal	All prisoners	State	Federal
Firearm	0.64	0.69%	1.76%	0.51	0.57%	0.71%
Handgun	0.59	0.64	1.63	0.46	0.51	0.67
Rifle	0.10	0.10	0.28	0.07	0.08	0.13
Shotgun	0.11	0.12	0.22	0.09	0.10	0.09
No firearm	0.64	0.69	1.76	0.51	0.57	0.71
Estimated number of prisoners (with valid data)	32,100	31,000	8,300	32,100	31,000	8,300

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 5

Standard errors for table 4: Firearm possession among state and federal prisoners during the offense for which they were serving time, by demographic characteristics, 2016

Demographic characteristic	State		Federal	
	Number of prisoners	Percent of prisoners who possessed a firearm during the offense	Number of prisoners	Percent of prisoners who possessed a firearm during the offense
Sex				
Male	30,700	0.74%	8,200	1.88%
Female	5,200	0.96	1,300	1.00
Race/Hispanic origin				
White	16,500	0.64%	3,900	2.28%
Black	16,200	0.91	5,600	2.02
Hispanic	12,400	1.26	8,000	1.70
American Indian/Alaska Native	2,500	2.94	800	5.18
Asian/Native Hawaiian/Other Pacific Islander	1,600	4.69	600	:
Two or more races	5,000	1.19	1,200	3.50
Age at time of survey				
18–24	8,200	1.71%	1,000	5.69%
25–34	13,700	1.00	3,200	2.57
35–44	9,500	0.94	3,400	1.68
45–54	9,100	0.76	2,400	1.68
55 or older	7,700	1.02	2,200	2.02
Marital status				
Married	6,300	1.06%	3,100	1.77%
Widowed/widowed	2,000	2.10	400	5.93
Separated	2,700	1.34	1,200	3.11
Divorced	10,600	0.97	2,200	1.58
Never married	20,100	0.81	5,800	2.10
Education				
Less than high school	21,500	0.83%	6,000	2.18%
High school graduate	8,500	0.88	2,100	1.69
Some college	5,000	0.96	2,000	2.08
College degree or more	2,500	1.43	2,000	1.83
Citizenship				
U.S. citizen	30,000	0.69%	10,700	1.87%
Non-U.S. citizen	3,700	2.04	9,500	1.09
Military service				
Yes	4,800	1.07%	1,200	2.98%
No	28,700	0.72	8,200	1.80

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 6**Standard errors for table 5: Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, sources and methods used to obtain a firearm, 2016**

Source and method to obtain firearm	All prisoners	State	Federal
Purchased/traded at retail source	0.66%	0.70%	2.07%
Gun shop/store	0.54	0.56	1.87
Pawn shop	0.27	0.29	0.62
Flea market	0.13	:	:
Gun show	0.16	0.17	0.44
Obtained from individual	0.87%	0.94%	2.02%
Purchased/traded from family/friend	0.59	0.65	1.27
Rented/borrowed from family/friend	0.47	0.52	0.54
Gift/purchased for prisoner	0.69	0.75	1.40
Off the street/underground market	1.07%	1.13%	3.26%
Theft	0.48%	0.53%	0.79%
From burglary	0.22	0.24	:
From retail source	0.07	:	:
From family/friend	0.26	0.29	:
Unspecified theft	0.31	0.34	0.53
Other source	0.78%	0.85%	1.80%
Found at location of crime/victim	0.50	0.53	1.31
Brought by someone else	0.45	0.49	0.87
Other	0.51	0.55	1.40
Multiple sources	0.27%	0.29%	0.50%
Estimated number of prisoners who possessed a firearm, excluding prisoners who did not report source	9,900	9,500	2,800

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 7**Standard errors for table 6: Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, processes used to obtain a firearm, 2016**

Process to obtain firearm	All prisoners	State	Federal
Not purchased or traded at retail source	0.66%	0.70%	2.07%
Purchased or traded at retail source	0.66%	0.70%	2.07%
Licensed firearm dealer at retail source	0.60	0.63	2.08
Purchased under own name	0.54	0.57	1.89
Backgroundcheck was reportedly conducted	0.54	0.56	1.93
Private seller at retail source	0.19	0.20	0.63
Unknown	0.21	0.24	:
Estimated number of prisoners who possessed a firearm (with valid data)	9,900	9,500	2,800

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 8

Standard errors for table 7: Firearm possession and use among all state and federal prisoners during the offense for which they were serving time, by type of controlling offense and source, 2016

Controlling offense	Percent of state and federal prisoners who—		Percent of state and federal prisoners who—	
	Possessed a firearm	Possessed a firearm that they obtained from a retail source	Used a firearm	Used a firearm that they obtained from a retail source
Total	0.64%	0.13%	0.51%	0.12%
Violent	0.88%	0.23%	0.72%	0.21%
Homicide	1.14	0.63	1.10	0.62
Robbery	1.25	0.29	1.22	0.25
Property	0.50%	0.15%	0.30%	:
Drug	0.52%	0.17%	0.15%	0.04%
Public order	1.35%	0.27%	0.48%	0.17%

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeffrey H. Anderson is the director.

This report was written by Mariel Alper and Lauren Glaze of BJS. Mariel Alper conducted statistical analyses. Marcus Berzofsky and John Bunker of RTI International provided statistical review. Danielle Kaeble, Laura Maruschak, Todd Minton, and Stephanie Mueller verified the report. Lauren Glaze was the BJS project manager for the 2016 Survey of Prison Inmates.

Eric Hendrixson and Jill Thomas edited the report. Tina Dorsey and Morgan Young produced the report.

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EXHIBIT 2

Underlying Cause of Death, 1999-2020 Results
Deaths occurring through 2020

Cause of death	Deaths	Population	Crude Rate Per 100,000
V03.0 (Pedestrian injured in collision with car, pick-up truck or van, nontraffic accident)	22	39,512,223	0.1
V03.1 (Pedestrian injured in collision with car, pick-up truck or van, traffic accident)	480	39,512,223	1.2
V04.1 (Pedestrian injured in collision with heavy transport vehicle or bus, traffic accident)	27	39,512,223	0.1
V05.9 (Unspecified whether traffic or nontraffic accident)	86	39,512,223	0.2
V09.0 (Pedestrian injured in nontraffic accident involving other and unspecified motor vehicles)	21	39,512,223	0.1
V09.2 (Pedestrian injured in traffic accident involving other and unspecified motor vehicles)	548	39,512,223	1.4
V09.9 (Pedestrian injured in unspecified transport accident)	14	39,512,223	Unreliable
V13.4 (Pedal cyclist injured in collision with car, pick-up truck or van, driver injured in traffic accident)	21	39,512,223	0.1
V13.9 (Pedal cyclist injured in collision with car, pick-up truck or van, unspecified pedal cyclist injured in traffic accident)	51	39,512,223	0.1
V18.9 (Pedal cyclist injured in noncollision transport accident, unspecified pedal cyclist injured in traffic accident)	14	39,512,223	Unreliable
V19.4 (Driver injured in collision with other and unspecified motor vehicles in traffic accident)	15	39,512,223	Unreliable
V19.6 (Unspecified pedal cyclist injured in collision with other and unspecified motor vehicles in traffic accident)	27	39,512,223	0.1
V19.9 (Pedal cyclist [any] injured in unspecified traffic accident)	31	39,512,223	0.1
V23.4 (Motorcycle rider injured in collision with car, pick-up truck or van, driver injured in traffic accident)	122	39,512,223	0.3
V23.9 (Motorcycle rider injured in collision with car, pick-up truck or van, unspecified motorcycle rider injured in traffic accident)	12	39,512,223	Unreliable
V24.4 (Motorcycle rider injured in collision with heavy transport vehicle or bus, driver injured in traffic accident)	14	39,512,223	Unreliable
V27.4 (Motorcycle rider injured in collision with fixed or stationary object, driver injured in traffic accident)	53	39,512,223	0.1
V27.9 (Motorcycle rider injured in collision with fixed or stationary object, unspecified motorcycle rider injured in traffic accident)	16	39,512,223	Unreliable
V28.4 (Motorcycle rider injured in noncollision transport accident, driver injured in traffic accident)	37	39,512,223	0.1
V29.4 (Driver injured in collision with other and unspecified motor vehicles in traffic accident)	93	39,512,223	0.2
V29.5 (Passenger injured in collision with other and unspecified motor vehicles in traffic accident)	10	39,512,223	Unreliable
V29.9 (Motorcycle rider [any] injured in unspecified traffic accident)	76	39,512,223	0.2
V43.5 (Car occupant injured in collision with car, pick-up truck or van, driver injured in traffic accident)	193	39,512,223	0.5
V43.6 (Car occupant injured in collision with car, pick-up truck or van, passenger injured in traffic accident)	105	39,512,223	0.3
V43.9 (Car occupant injured in collision with car, pick-up truck or van, unspecified car occupant injured in traffic accident)	38	39,512,223	0.1
V44.5 (Car occupant injured in collision with heavy transport vehicle or bus, driver injured in traffic accident)	23	39,512,223	0.1
V44.6 (Car occupant injured in collision with heavy transport vehicle or bus, passenger injured in traffic accident)	11	39,512,223	Unreliable
V47.5 (Car occupant injured in collision with fixed or stationary object, driver injured in traffic accident)	117	39,512,223	0.3
V47.6 (Car occupant injured in collision with fixed or stationary object, passenger injured in traffic accident)	41	39,512,223	0.1
V47.9 (Car occupant injured in collision with fixed or stationary object, unspecified car occupant injured in traffic accident)	21	39,512,223	0.1
V48.5 (Car occupant injured in noncollision transport accident, driver injured in traffic accident)	30	39,512,223	0.1
V48.6 (Car occupant injured in noncollision transport accident, passenger injured in traffic accident)	18	39,512,223	Unreliable
V48.9 (Car occupant injured in noncollision transport accident, unspecified car occupant injured in traffic accident)	10	39,512,223	Unreliable
V49.4 (Driver injured in collision with other and unspecified motor vehicles in traffic accident)	18	39,512,223	Unreliable
V49.9 (Car occupant [any] injured in unspecified traffic accident)	19	39,512,223	Unreliable
V53.5 (Occupant of pick-up truck or van injured in collision with car, pick-up truck or van, driver injured in traffic accident)	20	39,512,223	0.1
V54.5 (Occupant of pick-up truck or van injured in collision with heavy transport vehicle or bus, driver injured in traffic accident)	11	39,512,223	Unreliable

Cause of death	Deaths	Population	Crude Rate Per 100,000
V57.5 (Occupant of pick-up truck or van injured in collision with fixed or stationary object, driver injured in traffic accident)	18	39,512,223	Unreliable
V86.0 (Driver of all-terrain or other off-road motor vehicle injured in traffic accident)	10	39,512,223	Unreliable
V86.5 (Driver of all-terrain or other off-road motor vehicle injured in nontraffic accident)	20	39,512,223	0.1
V86.9 (Unspecified occupant of all-terrain or other off-road motor vehicle injured in nontraffic accident)	13	39,512,223	Unreliable
V87.0 (Person injured in collision between car and two- or three-wheeled motor vehicle (traffic))	24	39,512,223	0.1
V87.4 (Person injured in collision between car and heavy transport vehicle (traffic))	13	39,512,223	Unreliable
V87.7 (Person injured in collision between other specified motor vehicles (traffic))	496	39,512,223	1.3
V89.0 (Person injured in unspecified motor-vehicle accident, nontraffic)	11	39,512,223	Unreliable
V89.2 (Person injured in unspecified motor-vehicle accident, traffic)	889	39,512,223	2.2
V89.9 (Person injured in unspecified vehicle accident)	10	39,512,223	Unreliable
V91.9 (Accident to watercraft causing other injury, unspecified watercraft, boat NOS, ship NOS, or watercraft NOS)	23	39,512,223	0.1
V92.9 (Water-transport-related drowning and submersion without accident to watercraft, unspecified watercraft, boat NOS, ship NOS, or watercraft NOS)	10	39,512,223	Unreliable
V95.9 (Unspecified aircraft accident injuring occupant)	40	39,512,223	0.1
W01 (Fall on same level from slipping, tripping and stumbling)	34	39,512,223	0.1
W05 (Fall involving wheelchair)	28	39,512,223	0.1
W06 (Fall involving bed)	60	39,512,223	0.2
W07 (Fall involving chair)	19	39,512,223	Unreliable
W10 (Fall on and from stairs and steps)	116	39,512,223	0.3
W11 (Fall on and from ladder)	57	39,512,223	0.1
W13 (Fall from, out of or through building or structure)	66	39,512,223	0.2
W15 (Fall from cliff)	16	39,512,223	Unreliable
W17 (Other fall from one level to another)	58	39,512,223	0.1
W18 (Other fall on same level)	1,302	39,512,223	3.3
W19 (Unspecified fall)	1,090	39,512,223	2.8
W20 (Struck by thrown, projected or falling object)	42	39,512,223	0.1
W22 (Striking against or struck by other objects)	15	39,512,223	Unreliable
W23 (Caught, crushed, jammed or pinched in or between objects)	26	39,512,223	0.1
W31 (Contact with other and unspecified machinery)	17	39,512,223	Unreliable
W34 (Discharge from other and unspecified firearms)	17	39,512,223	Unreliable
W40 (Explosion of other materials)	11	39,512,223	Unreliable
W55 (Bitten or struck by other mammals)	10	39,512,223	Unreliable
W65 (Drowning and submersion while in bath-tub)	68	39,512,223	0.2
W67 (Drowning and submersion while in swimming-pool)	111	39,512,223	0.3
W69 (Drowning and submersion while in natural water)	165	39,512,223	0.4
W70 (Drowning and submersion following fall into natural water)	19	39,512,223	Unreliable
W73 (Other specified drowning and submersion)	27	39,512,223	0.1
W74 (Unspecified drowning and submersion)	29	39,512,223	0.1
W75 (Accidental suffocation and strangulation in bed)	54	39,512,223	0.1
W76 (Other accidental hanging and strangulation)	11	39,512,223	Unreliable
W78 (Inhalation of gastric contents)	26	39,512,223	0.1
W79 (Inhalation and ingestion of food causing obstruction of respiratory tract)	191	39,512,223	0.5
W80 (Inhalation and ingestion of other objects causing obstruction of respiratory tract)	115	39,512,223	0.3
W84 (Unspecified threat to breathing)	27	39,512,223	0.1
W87 (Exposure to unspecified electric current)	13	39,512,223	Unreliable
X00 (Exposure to uncontrolled fire in building or structure)	148	39,512,223	0.4
X01 (Exposure to uncontrolled fire, not in building or structure)	10	39,512,223	Unreliable
X09 (Exposure to unspecified smoke, fire and flames)	11	39,512,223	Unreliable
X30 (Exposure to excessive natural heat)	30	39,512,223	0.1
X31 (Exposure to excessive natural cold)	41	39,512,223	0.1
X40 (Accidental poisoning by and exposure to nonopioid analgesics, antipyretics and antirheumatics)	16	39,512,223	Unreliable
X41 (Accidental poisoning by and exposure to antiepileptic, sedative-hypnotic, antiparkinsonism and psychotropic drugs, not elsewhere classified)	1,674	39,512,223	4.2
X42 (Accidental poisoning by and exposure to narcotics and psychodysleptics [hallucinogens], not elsewhere classified)	1,623	39,512,223	4.1
X44 (Accidental poisoning by and exposure to other and unspecified drugs, medicaments and biological substances)	2,287	39,512,223	5.8
X45 (Accidental poisoning by and exposure to alcohol)	311	39,512,223	0.8
X47 (Accidental poisoning by and exposure to other gases and vapours)	80	39,512,223	0.2
X49 (Accidental poisoning by and exposure to other and unspecified chemicals and noxious substances)	20	39,512,223	0.1
X59.0 (Exposure to unspecified factor causing fracture)	94	39,512,223	0.2
X59.9 (Exposure to unspecified factor causing other and unspecified injury)	248	39,512,223	0.6

Cause of death	Deaths	Population	Crude Rate Per 100,000
X60 (Intentional self-poisoning by and exposure to nonopioid analgesics, antipyretics and antirheumatics)	17	39,512,223	Unreliable
X61 (Intentional self-poisoning by and exposure to antiepileptic, sedative-hypnotic, antiparkinsonism and psychotropic drugs, not elsewhere classified)	116	39,512,223	0.3
X62 (Intentional self-poisoning by and exposure to narcotics and psychodysleptics [hallucinogens], not elsewhere classified)	71	39,512,223	0.2
X64 (Intentional self-poisoning by and exposure to other and unspecified drugs, medicaments and biological substances)	292	39,512,223	0.7
X67 (Intentional self-poisoning by and exposure to other gases and vapours)	109	39,512,223	0.3
X69 (Intentional self-poisoning by and exposure to other and unspecified chemicals and noxious substances)	14	39,512,223	Unreliable
X70 (Intentional self-harm by hanging, strangulation and suffocation)	1,553	39,512,223	3.9
X71 (Intentional self-harm by drowning and submersion)	93	39,512,223	0.2
X72 (Intentional self-harm by handgun discharge)	883	39,512,223	2.2
X73 (Intentional self-harm by rifle, shotgun and larger firearm discharge)	192	39,512,223	0.5
X74 (Intentional self-harm by other and unspecified firearm discharge)	511	39,512,223	1.3
X76 (Intentional self-harm by smoke, fire and flames)	14	39,512,223	Unreliable
X78 (Intentional self-harm by sharp object)	141	39,512,223	0.4
X80 (Intentional self-harm by jumping from a high place)	201	39,512,223	0.5
X81 (Intentional self-harm by jumping or lying before moving object)	150	39,512,223	0.4
X82 (Intentional self-harm by crashing of motor vehicle)	33	39,512,223	0.1
X83 (Intentional self-harm by other specified means)	15	39,512,223	Unreliable
X91 (Assault by hanging, strangulation and suffocation)	41	39,512,223	0.1
X93 (Assault by handgun discharge)	193	39,512,223	0.5
X94 (Assault by rifle, shotgun and larger firearm discharge)	42	39,512,223	0.1
X95 (Assault by other and unspecified firearm discharge)	1,011	39,512,223	2.6
X97 (Assault by smoke, fire and flames)	12	39,512,223	Unreliable
X99 (Assault by sharp object)	232	39,512,223	0.6
Y00 (Assault by blunt object)	16	39,512,223	Unreliable
Y03 (Assault by crashing of motor vehicle)	15	39,512,223	Unreliable
Y04 (Assault by bodily force)	22	39,512,223	0.1
Y07.9 (By unspecified person)	10	39,512,223	Unreliable
Y08 (Assault by other specified means)	34	39,512,223	0.1
Y09 (Assault by unspecified means)	108	39,512,223	0.3
Y11 (Poisoning by and exposure to antiepileptic, sedative-hypnotic, antiparkinsonism and psychotropic drugs, not elsewhere classified, undetermined intent)	22	39,512,223	0.1
Y12 (Poisoning by and exposure to narcotics and psychodysleptics [hallucinogens], not elsewhere classified, undetermined intent)	14	39,512,223	Unreliable
Y14 (Poisoning by and exposure to other and unspecified drugs, medicaments and biological substances, undetermined intent)	48	39,512,223	0.1
Y21 (Drowning and submersion, undetermined intent)	28	39,512,223	0.1
Y26 (Exposure to smoke, fire and flames, undetermined intent)	11	39,512,223	Unreliable
Y33 (Other specified events, undetermined intent)	11	39,512,223	Unreliable
Y34 (Unspecified event, undetermined intent)	63	39,512,223	0.2
Y35.0 (Legal intervention involving firearm discharge)	76	39,512,223	0.2
Y57.9 (Drug or medicament, unspecified)	13	39,512,223	Unreliable
Y83.0 (Surgical operation with transplant of whole organ)	12	39,512,223	Unreliable
Y83.1 (Surgical operation with implant of artificial internal device)	30	39,512,223	0.1
Y83.2 (Surgical operation with anastomosis, bypass or graft)	19	39,512,223	Unreliable
Y83.3 (Surgical operation with formation of external stoma)	23	39,512,223	0.1
Y83.6 (Removal of other organ (partial) (total))	11	39,512,223	Unreliable
Y83.8 (Other surgical procedures)	27	39,512,223	0.1
Y83.9 (Surgical procedure, unspecified)	27	39,512,223	0.1
Y84.1 (Kidney dialysis)	17	39,512,223	Unreliable
Y84.2 (Radiological procedure and radiotherapy)	10	39,512,223	Unreliable
Y84.6 (Urinary catheterization)	22	39,512,223	0.1
Y84.8 (Other medical procedures)	45	39,512,223	0.1
Y85.0 (Sequelae of motor-vehicle accident)	97	39,512,223	0.2
Y86 (Sequelae of other accidents)	127	39,512,223	0.3
Y87.1 (Sequelae of assault)	40	39,512,223	0.1
Y87.2 (Sequelae of events of undetermined intent)	11	39,512,223	Unreliable
Total	21,987	39,512,223	55.6

Notes:

Caveats:Data are Suppressed when the data meet the criteria for confidentiality constraints. [More information.](#)[\(/wonder/help/ucd.html#Assurance of Confidentiality\)](#) Case 3:21-cv-01718-AJB-KSC Document 28-1 Filed 02/24/22 PageID.997 Page 30 of 44Death rates are flagged as Unreliable when the rate is calculated with a numerator of 20 or less. [More information.](#)[\(/wonder/help/ucd.html#Unreliable\)](#)

The population figures for year 2020 are bridged-race estimates of the July 1 resident population, from the Vintage 2020 postcensal series released by NCHS on September 22, 2021. The population figures for year 2019 are bridged-race estimates of the July 1 resident population, from the Vintage 2019 postcensal series released by NCHS on July 9, 2020. The population figures for year 2018 are bridged-race estimates of the July 1 resident population, from the Vintage 2018 postcensal series released by NCHS on June 25, 2019. The population figures for year 2017 are bridged-race estimates of the July 1 resident population, from the Vintage 2017 postcensal series released by NCHS on June 27, 2018. The population figures for year 2016 are bridged-race estimates of the July 1 resident population, from the Vintage 2016 postcensal series released by NCHS on June 26, 2017. The population figures for year 2015 are bridged-race estimates of the July 1 resident population, from the Vintage 2015 postcensal series released by NCHS on June 28, 2016. The population figures for year 2014 are bridged-race estimates of the July 1 resident population, from the Vintage 2014 postcensal series released by NCHS on June 30, 2015. The population figures for year 2013 are bridged-race estimates of the July 1 resident population, from the Vintage 2013 postcensal series released by NCHS on June 26, 2014. The population figures for year 2012 are bridged-race estimates of the July 1 resident population, from the Vintage 2012 postcensal series released by NCHS on June 13, 2013. The population figures for year 2011 are bridged-race estimates of the July 1 resident population, from the Vintage 2011 postcensal series released by NCHS on July 18, 2012. Population figures for 2010 are April 1 Census counts. The population figures for years 2001 - 2009 are bridged-race estimates of the July 1 resident population, from the revised intercensal county-level 2000 - 2009 series released by NCHS on October 26, 2012. Population figures for 2000 are April 1 Census counts. Population figures for 1999 are from the 1990-1999 intercensal series of July 1 estimates. Population figures for the infant age groups are the number of live births.

Note: Rates and population figures for years 2001 - 2009 differ slightly from previously published reports, due to use of the population estimates which were available at the time of release.

The population figures used in the calculation of death rates for the age group 'under 1 year' are the estimates of the resident population that is under one year of age. [More information.](#) [\(/wonder/help/ucd.html#Age Group\)](#)

Beginning with the 2018 data, changes have been implemented that affect the counts for ICD-10 cause of death codes O00-O99 compared to previous practice. In addition, data for the cause of death codes O00-O99 for 2003 through 2017 reflect differences in information available to individual states and probable errors. Caution should be used in interpreting these data. More information can be found at: <https://www.cdc.gov/nchs/maternal-mortality/> (<https://www.cdc.gov/nchs/maternal-mortality/>).

On March 11, 2021, the 2019 mortality data on CDC WONDER was updated with the 2019 mortality data updated by NCHS on March 4, 2021 to include corrected information for residents of Texas affecting 5 records previously coded to cause code *U01.4, Terrorism involving firearms (homicide). The underlying and multiple cause of death codes for 5 records were corrected in the 2019 data. Underlying and multiple cause of death codes for those 5 records were recoded to Assault (homicide) by other and unspecified firearm discharge, ICD-10 code X95. The corrected final death records replaces the data released on December 22, 2020.

Changes to cause of death classification affect reporting trends. [More information.](#) [\(/wonder/help/ucd.html#ICD-10 Changes\)](#)

Help: See [Underlying Cause of Death, 1999-2020 Documentation \(/wonder/help/ucd.html\)](#) for more information.

Query Date: Feb 24, 2022 6:51:50 PM

Suggested Citation:

Centers for Disease Control and Prevention, National Center for Health Statistics. Underlying Cause of Death 1999-2020 on CDC WONDER Online Database, released in 2021. Data are from the Multiple Cause of Death Files, 1999-2020, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/ucd-icd10.html> on Feb 24, 2022 6:51:50 PM

Query Criteria:

ICD-10 Codes: V01-Y89 (External causes of morbidity and mortality)
States: California (06)
Year/Month: 2019
Group By: Cause of death
Show Totals: True
Show Zero Values: False
Show Suppressed: False
Calculate Rates Per: 100,000
Rate Options: Default intercensal populations for years 2001-2009 (except Infant Age Groups)

EXHIBIT 3

LOCAL

Gun show ban? Ventura County Fair Board to ask lawyers, governor for advice on controversial events



Tom Kisken

Ventura County Star

Published 7:00 a.m. PT Nov. 25, 2021

Ventura County Fair Board directors want to talk to lawyers and Gov. Gavin Newsom before deciding whether to ban gun shows at the state-owned fairgrounds.

Directors voted 4-3 Tuesday to schedule a discussion as soon as possible with legal counsel on the liability that could come with ending the controversial gun shows held at the Ventura fairgrounds for more than a decade.

They expressed concerns about litigation threats from Crossroads of the West, the gun show operator that won a \$500,000 settlement in a lawsuit over a ban at the Del Mar Fairgrounds in San Diego County.

"It behooves us to know what all the facts are so we can do this thing right," Director Dan Long said. He suggested the meeting be held behind closed doors.

Director Mike Bradbury noted that fair board members are appointed by the governor and proposed reaching out to Newsom.

"I think we should also seek the advice of the governor, ask him what he wants his fair board members to do," Bradbury said.

The fair board has taken several steps short of a ban in response to mounting pressures from gun control advocates, the gun show operator and its patrons.

After gun control advocates and the Ventura County Board of Supervisors pushed for a ban in 2018, the board allowed the shows to continue so long as they provided more gun safety education and had all firearms cabled to surfaces.

Earlier this year, directors voted to allow an October gun show but prohibited the sale of "ghost gun" kits, which enable people to build firearms without serial numbers.

At Tuesday's board meeting, after community members again pushed for a ban, Director M. Cecilia Cuevas said it was time to make a decision.

Standoff: State lawmakers seek to ban gun shows at Ventura County Fairgrounds

"I don't think we need further discussion," said Cuevas, who supports ending the shows. "We've been discussing this for three years."

Directors were cautioned by fairgrounds CEO Barbara Quaid to consider the financial impact of the threatened lawsuit on a fairgrounds recovering from the pandemic that canceled the last two fairs.

State Sen. Monique Limon, D-Santa Barbara, and Assemblymember Steve Bennett, D-Ventura, have announced plans for a state bill prohibiting gun shows at the fairgrounds. Directors discussed the possibility of not taking action until the legislative process is completed.

The strategy may not shield the fair board from liability as intended. Rob Templeton, vice president of Crossroads of the West, said the company would likely sue both the fair board and the state if the proposed bill became law.

Templeton said the Del Mar lawsuit established precedence.

"It's already been decided whether you can just eliminate gun shows because you don't like gun shows and you can't," he said.

Crossroads has requested dates for at least three gun shows at the fairgrounds next year. Quaid said no decisions have been made on the requests.

Bradbury made the motion for the board to consult with lawyers but rejected a suggested amendment from Long that would have not allowed any gun shows to be held at the fairgrounds until after the meeting.

"I don't think we should mess with that at all. We may create liability for ourselves," Bradbury said.

Bradbury, Armando Lopez, Leslie Cornejo and Leah Lacayo voted for the motion. Cuevas, Shanté Morgan-Carter and Long voted against it.

On Tuesday, directors also elected current Vice President Lacayo to serve as board president for the next two years. Lopez will serve as vice president.

Cornejo, the board's current president, also announced Director Bonnie Weigel submitted her resignation during a closed session on Tuesday. Weigel, a director for eight years, said she was frustrated because the board was not working as closely as she wanted with community members.

Tom Kisken covers health care and other news for the Ventura County Star. Reach him at tom.kisken@vcstar.com or 805-437-0255.

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EXHIBIT 4

31st District Agricultural Association



Ventura County Fairgrounds

Board of Directors Committee Report on Gun Shows

June 21, 2019

Gun Show Committee:

Leslie Cornejo, Board President
Leah Lacayo, Vice President

Assisted by:

Barbara Quaid, Chief Executive Officer
Heidi Ortiz, Executive Assistant
Christine Vana, CDFA Staff Counsel



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

May 2, 2019

Sent via email

Dear Ms. Mansfield:

Thank you for your April 23, 2019 email regarding the 31st District Agricultural Association (DAA or Ventura Fair), known as the Ventura County Fairgrounds, and its pending policy on gun shows. In your email, you express your hope that the Administration creates a statewide policy prohibiting gun sales on all state fairgrounds; concern that the Ventura Fair is dragging its feet in adopting a gun show policy; and request that staff from the California Department of Food and Agriculture (Department) and the Governor's office attend the next Ventura Fair Board meeting.

While the Department's Fairs and Expositions Branch (Branch) exercises oversight of all 52 DAAs, the Department does not require DAAs to hold or prohibit certain activities on fairgrounds. The cultural diversity of California is vast, and the Department respects the autonomy of each DAA Board, appointed by the Governor, to manage its fairgrounds aligned with the local community's interests. Not all DAA Boards are faced with the same local concerns. For instance, many DAAs have gun shows without community protest. Should there be a statewide directive to prohibit gun sales on fairgrounds, the Department and all DAAs would implement such a policy.

As part of its oversight, the Department provides services to DAAs, including legal counsel. At the time the Board appointed an ad hoc committee, it requested legal counsel's assistance to put together a report for the Board to gather information and provide policy recommendations. The committee has been reviewing and consolidating all public comments from Board meetings and collecting data based on those comments. In addition, constitutional rights and legal implications must be considered.

The Ventura Fair Board is committed to making an informed decision, and I have great confidence in its ability to do so. However, an informed decision takes time to allow a high level of due diligence such a sensitive and legally complex subject demands. Once the committee's report is complete, it will be presented to the Board for its deliberation during a publicly noticed meeting.

Finally, I want to assure you that whenever gun shows are on the Board's agenda, the Ventura Fair notifies the Branch and legal counsel attends the meeting. If the matter is placed on the May meeting agenda, which is within the Board President's discretion, a Branch representative with legal counsel will be in attendance.

Yours truly,

A handwritten signature in cursive script that reads "Karen Ross".

Karen Ross
Secretary

cc: Leslie Cornejo, President, 31st DAA Board of Directors
Rachael O'Brien, Deputy Secretary for Legislative Affairs



EXHIBIT 5

31st District Agricultural Association



Ventura County Fairgrounds

Board of Directors Committee Report on Gun Shows

June 21, 2019

Gun Show Committee:

Leslie Cornejo, Board President
Leah Lacayo, Vice President

Assisted by:

Barbara Quaid, Chief Executive Officer
Heidi Ortiz, Executive Assistant
Christine Vana, CDFA Staff Counsel



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

June 10, 2019

Ira Sharp, Co-Founder
NeverAgainCA
irasharp@me.com

Transmitted via E-Mail

Dear Mr. Sharp:

Thank you for Never Again CA's May 21, 2019 letter regarding the 31st District Agricultural Association (DAA or Ventura Fair), known as the Ventura County Fairgrounds, and its pending policy on gun shows. In your letter, you request that the California Department of Food and Agriculture (Department) implement a policy at the Ventura Fair to stop contracting for gun shows.

While the Department's Fairs and Expositions Branch exercises oversight of all 52 DAAs, the Department does not formulate policy for DAAs regarding what events and activities should be held or prohibited on fairgrounds. The cultural diversity of California is vast, and the Department respects the autonomy of each DAA Board, appointed by the Governor, to manage its fairgrounds aligned with the local community's interests. Not all DAA Boards are faced with the same local concerns. For instance, many DAAs have gun shows without community protest. Should there be a statewide directive to prohibit gun sales on fairgrounds, the Department and the DAAs, including Ventura Fair, would implement such a policy.

At its May 28, 2019 Board meeting, the Ventura Fair Board approved contracting with the gun show promoter for three more events through 2019 conditioned on the Board's pending policy decision. If the Board ultimately prohibits gun shows, the contracts will be cancelled. If the Board imposes specific requirements for its gun shows, then the gun show promoter will have to comply.

The Ventura Fair's gun show committee has been working diligently on an informational report with recommendations to the Board by reviewing and consolidating all public comments from Board meetings and collecting data based on those comments. In addition, constitutional rights and legal implications must be considered.

The committee's report will be presented at a special Board meeting on June 27, 2019 at the Ventura Fair. The report is expected to be completed prior to this meeting and available for public review on the Ventura Fair website.

Yours truly,

Karen Ross
Secretary

cc: Leslie Cornejo, President, 31st DAA Board of Directors
Rachael O'Brien, Deputy Secretary for Legislation



EXHIBIT 6

SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2019 - 2020 Regular Session

AB 893 (Gloria) - 22nd District Agricultural Association: firearm and ammunition sales at the Del Mar Fairgrounds

Version: May 15, 2019

Urgency: No

Hearing Date: June 24, 2019

Policy Vote: PUB. S. 5 - 2

Mandate: Yes

Consultant: Shaun Naidu

Bill Summary: AB 893 would prohibit the sale of firearms and ammunition at the Del Mar Fairgrounds.

Fiscal Impact:

- Annual revenue loss in the low hundreds of thousands of dollars to the extent that the 22nd District Agricultural Association is unable to secure alternative events to gun shows (that would not have taken place at the fairgrounds already) that could generate similar levels of revenue. (Special fund)
- Unknown loss of sales tax revenue if firearm and ammunition sales that would have taken place at the Del Mar Fairgrounds do not occur at another location within the state. (General Fund, local funds)

Background: On September 11, 2018, the 22nd District Agricultural Association's Board of Directors voted to refuse considering any contracts with producers of gun shows beyond December 31, 2018 until it adopts a more thorough policy regarding the conduct of gun shows. Consequently, B&L Productions, Inc., the operator of Crossroads of the West Gun Shows, filed a lawsuit challenging the board's decision on the grounds that it violates the U.S. Constitution's First Amendment guarantee to free expression. On June 18, 2019, the U.S. District Court for the Southern District of California issued a preliminary injunction prohibiting the district from enforcing the policy adopted in September 2018 of refusing to allow any gun show events at the fairgrounds for the 2019 calendar year. The court ordered the district, upon the request of B&L Productions, Inc., to "make available the next available date for a gun show and allow B&L to reserve dates for gun show events (and to hold such events) at the Fairgrounds as the District would any other show promoters who have previously held events at the Fairgrounds."

Proposed Law: This bill would prohibit, as of January 1, 2021, an officer, employee, lessee, or licensee of the 22nd District Agricultural Association from contracting for, or allowing the sale of firearms and ammunitions at the Del Mar Fairgrounds in the County of San Diego, the City of Del Mar, the City of San Diego. This measure would exclude gun buyback events held by a law enforcement agency.

Related Legislation: A number of bills in a number of legislative sessions have sought to prohibit firearms and ammunition sales at the Cow Palace. These bills are SB 281 (Wiener, 2019); SB 221 (Wiener, 2017); SB 475 (Leno, 2013); and SB 585 (Leno, 2009). SB 281 is pending in this Committee. Senate bills 221, 475, and 585 were vetoed by previous governors.

AB 893 (Gloria)

Page 2 of 2

Staff Comments: The 22nd District Agricultural Association collects a number of fees associated with gun shows held at the Del Mar Fairgrounds. Namely, it collects rental fees, food concessions, parking fees, and ancillary revenue. Gun show revenue generated at the fairgrounds varies annually depending on the number of events held and the number of people in attendance. For example, it appears that there were five gun shows held at the fairgrounds in 2017 that resulted in net revenue of approximately \$304,000. In 2018, there were three gun shows held at the fairgrounds that generated a total net revenue of roughly \$146,000.

-- END --

CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *B & L Productions, Inc., et al. v. Newsom, et al.*
Case No.: 21CV1718 AJB KSC

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS; EXHIBITS 1-6**

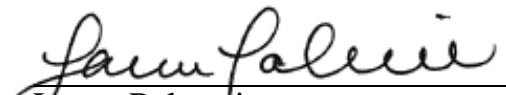
on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Charles J. Sarosy, Deputy Attorney General
charles.sarosy@doj.ca.gov
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230
*Attorneys for Defendants Governor Gavin Newsom,
Attorney General Rob Bonta, Secretary Karen Ross, and
22nd District Agricultural Association*

Timothy M. White, Senior Deputy
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Office of County Counsel, County of San Diego
1600 Pacific Highway, Room 355
San Diego, CA 92101-2469
*Attorneys for Defendants Summer Stephan, Attorney of
San Diego County and Lonnie Eldridge, County Counsel
of San Diego County*

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

Executed February 24, 2022.



Laura Palmerin