¢	ase 8:22-cv-01421-CJC-ADS Document 48 Filed 01/27/23 Page 1 of 6 Page ID #:594
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20	Attorney General of the State of California
21	UNITED STATES DISTRICT COURT
22	CENTRAL DISTRICT OF CALIFORNIA
23	SOUTHERN DIVISION
24	LANCE BOLAND, an individual; MARIO SANTELLAN, an individual;
25	RENO MAY, an individual; JEROME PLAINTIFFS' AND DEFENDANT'S
26	SCHAMMEL, an individual; CALIFORNIA RIFLE & PISTOL ASSOCIATION INCORPORATED A
27	ASSOCIATION, INCORPORATED, a California corporation, HEARING ON MOTION FOR PRELIMINARY INJUNCTION AND LODGING OF EXHIBITS
28	Plaintiffs,
	PLA'S' AND DEF'S STIPULATION AS TO EXHIBITS ADMITTED
	AT HEARING AND LODGING OF EXHIBITS 8:22-cv-01421-CJC(ADSx

ROBERT BONTA, in his official capacity as Attorney General of the State of California; and DOES 1-10,

v.

Defendants.

WHEREAS an evidentiary hearing on Plaintiffs' Motion for Preliminary

Injunction was held on January 23-24, 2023 in this matter where exhibits were presented

and moved into evidence, it is stipulated by Plaintiffs Lance Boland, Mario Santellan,

Reno May, Jerome Schammel, and California Rifle & Pistol Association, Incorporated,

and Defendant Robert Bonta, that the following is a true and correct list of the exhibits

admitted at the January 23-24, 2023 hearing:

Exhibit Number:	Description:	No. of
		Pages
Plaintiffs' Exh. 1	Picture Depicting Loaded Chamber Indicator on	1
	Shotgun (red background)	
Plaintiffs' Exh. 2	Picture Depicting Loaded Chamber Indicator on	1
	Shotgun (with action open)	
Plaintiffs' Exh. 3	Webpage of fnamerica.com Depicting FN High	11
	Power Pistol	
Plaintiffs' Exh. 4	Webpage of <u>doj.ca.gov</u> : "De-Certified Handgun	85
	Models"	
Plaintiffs' Exh. 5	Webpage of <u>smith-wesson.com</u> : "Shield Series"	1
	(California compliant model)	
Plaintiffs' Exh. 6	Webpage of <u>smith-wesson.com</u> : "Shield M2.0	1
	Series" (non-California compliant model)	
Plaintiffs' Exh. 7	NSSF Report: "Firearm and Ammunition Industry	7
	Economic Impact Report 2022"	
Plaintiffs' Exh. 8	c.v. of Clayton E. Cramer	6
Plaintiffs' Exh. 9	Saul Cornell: " 'Don't Know Much About History'	26
	The Current Crisis in Second Amendment	
	Scholarship," 29 N. Ky. L. Rev. 657 (2002)	
Plaintiffs' Exh. 10	Webpage of scotusblog.com: Saul Cornell, "Cherry-	5
	picked history and ideology-driven outcomes:	
	Bruen's originalist distortions" (June 27, 2022)	

PLA'S' AND DEF'S STIPULATION AS TO EXHIBITS ADMITTED AT HEARING AND LODGING OF EXHIBITS 8:22-cv-01421-CJC(ADSx)

	26
•	
	217
	21/
Trandguits Certified For Sale (LCF DRI. 100. 24-1)	
Curriculum Vitae of Special Agent Supervisor	3
Salvador Gonzalez	-
Screenshot of Search Function for Handgun Roster	1
on Bureau of Firearms' Website (Source: California	
Department of Justice,	
https://oag.ca.gov/firearms/certified-	
handguns/search [last visited Jan. 18, 2023])	
Photographs of North American Arms, Model	1
NAA-22MS (Revolver)	
Photographs of Sturm, Ruger, & Co., Model KSP-	1
Photographs of Kahr Arms, Model M9098A (Pistol)	1
Photographs of Smith & Wesson, Model M&P9	1
Shield Black (Pistol)	
Photographs of Chamber Load Indicator in Smith &	2
Wesson, Model M&P9 Shield Black (Pistol)	
	2
Photographs of Franklin Armory, Model CA320 (Pistol)	1
Photographs of Smith & Wesson, Model M&P9	1
Shield Robin's Egg Blue (Pistol)	
Blank BOF 021 Compliance Test Report Form	4
United States Coneral Accounting Office (CAO)	52
	52
-	
1 0	
-	
3	
DEF'S STIPULATION AS TO EXHIBITS ADMITT	ED
F HEARING AND LODGING OF EXHIBITS	
	Screenshot of Search Function for Handgun Roster on Bureau of Firearms' Website (Source: California Department of Justice, https://oag.ca.gov/firearms/certified- handguns/search [last visited Jan. 18, 2023]) Photographs of North American Arms, Model NAA-22MS (Revolver) Photographs of Sturm, Ruger, & Co., Model KSP- 321X (Revolver) Photographs of Sturm, Ruger, & Co., Model KSP- 321X (Revolver) Photographs of Kahr Arms, Model M9098A (Pistol) Photographs of Smith & Wesson, Model M&P9 Shield Black (Pistol) Photographs of Chamber Load Indicator in Smith & Wesson, Model M&P9 Shield Black (Pistol) Photographs of Magazine Disconnect Mechanism in Smith & Wesson, Model M&P9 Shield Black (Pistol) Photographs of Franklin Armory, Model CA320 (Pistol) Photographs of Smith & Wesson, Model M&P9 Shield Robin's Egg Blue (Pistol)

8:22-cv-01421-CJC(ADSx)

efendant's Exh. 13	Richard B. Ismach, et al., Unintended Shootings in a	8
	Large Metropolitan Area: An Incident-Based	
	Analysis, 41:1 Annals of Emergency Medicine, 10-	
	17 (January 2003)	_
efendant's Exh. 14	J. S. Vernick, et al., Unintentional and	5
	undetermined firearm related deaths: a preventable	
	death analysis for three safety devices, 9 Injury	
	Prevention, 307-311 (2003)	
efendant's Exh. 15	Photographs of Wilson Combat, Model Tactical	1
	Elite, Ambi (Black) (WTE-A-A-CA) (Pistol)	
efendant's Exh. 16	Photographs of Heckler & Koch, Model P2000 SK- V3 (Pistol)	1
efendant's Exh. 17	Photographs of Springfield Armory, Model XD9162	1
afandant's Ext 10	(Pistol) Photographs of Sig Squar, Model P220 (Plack)	1
efendant's Exh. 18	Photographs of Sig Sauer, Model P229 (Black) 229R-9-BSS-CA (Pistol)	1
efendant's Exh. 19	Photographs of Fabrique Nationale, Model FN Five-	1
	seven (Black) (FNH USA Fredericksburg, VA)	
<u> </u>	(Pistol)	
efendant's Exh. 20	Photographs of Glock, Model 19 (Pistol)	1
efendant's Exh. 21	Photographs of Glock, Model 26 (Pistol)	1
efendant's Exh. 22	Photographs of Sturm, Ruger, & Co., Model	1
	LC380CA (Pistol)	
efendant's Exh. 23	Curriculum Vitae of Dr. Saul Cornell	15
erendunt 5 Emil 25	Currentani Vitae of Di. Saar Comen	10
efendant's Exh. 24	Partial Compendium of Historical Primary Sources	18
efendant's Exh. 25	Appellants' Answer Brief on the Merits, National	25
	Shooting Sports Foundation, Inc., et al. v. State of	
	California, 5 Cal.5th 428 (2018) (No. S239397)	
efendant's Exh. 26	Wendy Wang, Firearms micro-stamping feasible	2
	but not ideal, experts say, The California Aggie	
	(May 23, 2008),	
	https://theaggie.org/2008/05/23/firearms-	
	microstamping-feasible-but-not-ideal-experts-say/	
efendant's Exh. 27	Davie Howitt, PhD, et al., What Micro Serialized	50
	Firing Pins Can Add to Firearm Identification in	
	Forensic Science: How Viable are Micro-Marked	
	Firing Pin Impressions as Evidence? (2008)	
	Α	
	4 DEF'S STIPULATION AS TO EXHIBITS ADMITT	

1	Defendant's Exh. 28	California Department of Justice Bureau of	3
2		Firearms, Invitation for Preliminary Comments on	
		Proposed Rulemaking Regarding Firearm	
3	Defendant's	<i>Microstamping</i> (Dec. 23, 2022) Microstamping diagram (Source: Microstamping: A	1
4	Demonstrative Exh.	1	
5		Tool to Identify Crime Guns, Solve Shootings, and Hold Gun Traffickers Accountable, Johns Hopkins	
		Bloomberg School of Public Health, Center for Gun	
6		Violence Solutions, 2 (2022),	
7		https://publichealth.jhu.edu/sites/default/files/2022-	
8		11/johns-hopkins-center-for-gun-violence-solutions-	
9	Defendant's	microstamping-memo-11-2022.pdf) Microstamping photos (Source: Microstamping: A	1
_	Demonstrative Exh.	Tool to Identify Crime Guns, Solve Shootings, and	1
10		Hold Gun Traffickers Accountable, Johns Hopkins	
11		Bloomberg School of Public Health, Center for Gun	
12		Violence Solutions, 2 (2022),	
13		https://publichealth.jhu.edu/sites/default/files/2022- 11/johns-hopkins-center-for-gun-violence-solutions-	
		microstamping-memo-11-2022.pdf)	
14	A copy of the ab	ove-listed exhibits are electronically lodged herewith.	
15			
16	Dated: January 27, 202	MICHEL & ASSOCIATES, P.C.	
17			
		/s/Sean A. Brady	
18		Sean A. Brady Counsel for Plaintiffs	
19		Counsel for Thankings	
20	Dated: January 27, 202	3 Respectfully submitted,	
21	Dutod. Sullary 27, 202.	· ·	
		ROB BONTA Attorney General of California	
22		Attorney General of California MARK R. BECKINGTON Supervising Deputy Attorney Ge	neral
23		Supervising Deputy Automety Ge	licial
24		/s/Charles J. Sarosv	
25		<u>/s/Charles J. Sarosy</u> CHARLES J. SAROSY Deputy Atterney Concrel	
		Deputy Attorney General Attorneys for Rob Bonta, in his o capacity as Attorney	fficial
26		capacity as Attorney	-
27			
28		5	
		DEF'S STIPULATION AS TO EXHIBITS ADMITT	ED
	AT	۲ HEARING AND LODGING OF EXHIBITS 8:22-cv-01421-	CIC(ADSv)
		0.22 00-01-21-	

¢	ase 8:22-cv-01421-CJC-ADS Document 48 Filed 01/27/23 Page 6 of 6 Page ID #:599					
1	CERTIFICATE OF SERVICE					
2	IN THE UNITED STATES DISTRICT COURT					
3	CENTRAL DISTRICT OF CALIFORNIA					
4	Case Name: Boland, et al. v. Bonta					
5	Case No.: 8:22-cv-01421-CJC(ADSx)					
6	IT IS HEREBY CERTIFIED THAT:					
7	I, the undersigned, am a citizen of the United States and am at least eighteen					
8	years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach,					
9	California 90802.					
10	I am not a party to the above-entitled action. I have caused service of:					
11 12	PLAINTIFFS' AND DEFENDANT'S STIPULATION AS TO EXHIBITS ADMITTED AT EVIDENTIARY HEARING ON MOTION FOR PRELIMINARY					
13	INJUNCTION AND LODGING OF EXHIBITS					
14	on the following party by electronically filing the foregoing with the Clerk of the					
15	District Court using its ECF System, which electronically notifies them.					
16	Robert L. Meyerhoff, Deputy Attorney General					
17	robert.meyerhoff@doj.ca.gov Gabrielle D. Boutin Gabrielle.Boutin@doj.ca.gov					
18	Charles J. Sarosy					
19	<u>charles.sarosy@doj.ca.gov</u> <u>S. Clinton Woods</u> <u>clint.woods@doj.ca.gov</u>					
20	300 South Spring Street, Suite 1702 Los Angeles, CA 90013-1230					
21	I declare under penalty of perjury that the foregoing is true and correct.					
22	Executed January 27, 2023.					
23	Christing (astron)					
24	Christina Castron					
25						
26						
27						
28						
	CERTIFICATE OF SERVICE					
	8:22-cv-01421-CJC(ADSx)					

Plaintiffs' Exhibit 1

aaa

2

Plaintiffs' Exhibit 2 Long

OAD

[http://fnamerica.com/] Case 8:22-cv-01421-CJC-ADS Document 48-3 Filed 01/27/23 Page 1 of 11 Page ID #:602



THE WORLD'S MOST BATTLE-PROVEN FIREARMS:



FN HIGH POWER™ THE LEGEND. REBORN.

From NATO's trusted sidearm for more than 80 years to a modern pistol designed for today's sport shooter, the FN High Power is reborn to exceed every expectation. Extending the legacy of the original John Browning pistol design completed in 1935 by FN Herstal, over a million FN High Power pistols have served more than 50 NATO armies.

9MM | Single-Action | Steel Slide & Frame | 17-Rd. Mag

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Case 8:22-cv-01421-CJC-ADS Document 48-3 Filed 01/27/23 Page 2 of 11 Page ID #:603







DRESSED TO THE NINES

FN stays true to JMB's final handgun design, including its namesake, the High Power double stack magazine. With 17+1 rounds at the ready the new pistol has 25% more capacity in 9mm, besting any clone of the original FN design. The all-new FN High Power is finished in black, stainless steel or the FN signature flat dark earth (FDE). Two pairs of grips come standard, with seven unique accessory grip pairs to personalize your FN High Power.

Learn More [https://fnamerica.com/pistols/fn-high-power-series/]



0:00 / 1:02

The revolutionary High Power takes everything you love about all-metal handguns to the next level with enhanced, modern features. Watch the video above to see the all-new High Power[™].

Explore Now [https://fnamerica.com/pistols/fn-high-power-series-2/]



BUILT IN THE USA FOR TODAY SPANDOUNNERS -3 Filed 01/27/23 Page 5 of 11 Page ID #:606

The easy takedown for maintenance, distinctive rake of the dust cover and long arm slide release inspired the allnew FN High Power. With dramatic improvements to ergonomics and fire control

design, shootability and accuracy of the new FN High Power bests even custom all-metal pistols. Built at the FN factory in Columbia, SC, state-of-the-art engineering, design and manufacturing refines the historic FN pistol into a modern arms masterpiece.



IT IS WHAT IT WAS. AND SO MUCH MORE.

With its substantial all-metal frame and slide, the robust 40-oz. pistol holds a crisp, single action trigger, driftable steel dovetail sights make the FN High Power a flat-shooting wonder. Modern updates include full ambidextrous controls, an easy-cocking slide and redesigned ergonomics to cure hammer bite. A knurled ambi-safety provides instinctive control in any hand.



FRAME

- Industry first 17+1 capacity in a High Power, magazine disconnnect deleted
- Rapid takedown for immediate field stripping, no traditional pins and bushings to speed maintenance
- Fully ambidextrous, knurled and textured thumb safety, slide release, reversible magazine release
- Customize with seven unique G10 or wood grip accessories, includes two polymer grip pairs
- Durable PVD finish, black, stainless steel or flat dark earth

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SLIDE

- Oversized ejection port cycles most factory loaded ammunition
- Driftable steel blackout sights
- Durable, corrosion-resistant PVD finish
- Distinctive keyhole muzzle profile

Case 8:22-cv-01421-CJC-ADS Document 48-3 Filed 01/27/23 Page 8 of 11 Page ID #:609



BARREL

- 4.7", target-crowned for pinpoint accuracy
- Cold-hammer forging maximizes longevity
- Polished chamber and ramp for reliable feeding



BE THE FIRST TO KNOW ABOUT NEW PRODUCTS, PROMOTIONS AND COMPANY NEWS.

First Name		
Last Name		
Email Address*		
ZIP / Postal Code		
Do you own any FN Firearms?*		
⊖ Yes		
○ No		
Interested in		
New Products		
Promotions	Plaintiffs' Exhibit 3	3-009

Company News Case 8:22-cv-01421-CJC-ADS	Document 48-3	Filed 01/27/23	Page 10 of 11	Page ID
I am 21+ years old*	#:611			
□ Yes				

SUBMIT

IF YOU LIKE FN HIGH POWER™, YOU MAY ALSO LIKE THESE FN PRODUCTS



THE FN 509® TACTICAL

The striker-fired FN 509 Tactical packs a full-sized punch in a condensed, optics-ready package. This versatile and reliable FN sidearm can be equipped with nearly all commercially available mini-red dot sights through our patented Low Profile Mounting System[™].

Learn More [https://fnamerica.com/products/pistols/fn-509-tactical/]



THE FN 509® COMPACT MRD

This striker-fired FN 509 Compact MRD shoots 9mm and features a 3.7-inch barrel. It also boasts our patented FN Low-Profile Optics Mounting System[™], making it easy to equip all commercially available mini red-dot optics.

Learn More [https://fnamerica.com/products/fn-509-series/fn-509-compact-mrd-fde/]



ROB BONTA

Attorney General

De-Certified Handgun Models

The following handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

Manufacturer	Model	Caliber	Gun Type	Barrel Length	Expired
Ed Brown Products	KC-SS-CAL2 (Gray)	.45 ACP	Pistol	4.25"	01/01/2023
Ed Brown Products	ET-BB-CAL2 (Black)	.45 ACP	Pistol	5"	01/01/2023
Ed Brown Products	SF3-BB-CAL2 (Black)	.45 ACP	Pistol	5"	01/01/2023
FMK Firearms	9C1 Gen II (Front Sight) (Black)	9mm	Pistol	3.87"	01/01/2023
Heckler & Koch	USP9, V1	9mm	Pistol	4.25"	05/06/2022
Heckler & Koch	USP Comp 45 Stnls V1	.45 ACP	Pistol	3.80"	05/06/2022
Heckler & Koch	USP40C-LEM	.40 S&W	Pistol	3.58"	05/06/2022
Heckler & Koch	USP Comp 40 Stnls V1	.40 S&W	Pistol	3.58"	05/06/2022
Heckler & Koch	Comp USP45 V1	.45 ACP	Pistol	3.8"	05/06/2022
Heckler & Koch	USP 40 Exp.V9	.40 S&W	Pistol	5.20"	05/06/2022
Heckler & Koch	Comp USP40 V1	.40 S&W	Pistol	3.58"	05/06/2022
Heckler & Koch	USP 45 Elite	.45 ACP	Pistol Plaintiffs'	6'' Exhibit 4	05/06/2022 4-001

Case 8:22-cv- Manufacturer	-01421-CJC-ADS Document 4 Model	48-4 Filed 01/27 Caliber	/2 Gup age 2 (Type	of Barnel ge Length	ID #:614 Expired
Heckler & Koch	USP 45 Exp.V1	.45 ACP	Pistol	5.20"	05/06/2022
Heckler & Koch	USP40, V1	.40 S&W	Pistol	4.25"	05/06/2022
Heckler & Koch	USP Comp 9 Stnls V1	9mm	Pistol	3.58"	05/06/2022
Heckler & Koch	Comp USP9 V1 (Black Frame)	9mm	Pistol	3.58"	03/17/2022
Heckler & Koch	Comp USP9 V1 Midnight Bronze Slide	9mm	Pistol	3.58"	03/17/2022
Heckler & Koch	USP9 V1 (FDE Frame)	9mm	Pistol	4.25"	03/17/2022
Heckler & Koch	Comp USP9 V1 (Grey Frame)	9mm	Pistol	3.58"	03/17/2022
Heckler & Koch	USP45, V1 (Grey Frame)	.45 ACP	Pistol	4.41"	03/17/2022
Heckler & Koch	USP45, V1 (Black Frame)	.45 ACP	Pistol	4.41"	03/17/2022
Smith & Wesson	SD9 VE (Two-Tone) SKU 13048	9mm	Pistol	4"	02/04/2022
Smith & Wesson	SD9 VE (TwoTone) Hi Viz SKU 11907	9mm	Pistol	4"	02/04/2022
Smith & Wesson	SD9 VE (Two-Tone) SKU 123903	9mm	Pistol	4"	02/04/2022
Bond Arms	Brown Bear CA	.45 Colt	Derringer	3"	01/01/2022
Bond Arms	California Defender	9mm	Derringer	2.5"	01/01/2022
Bond Arms	CA Mama Bear	9mm	Derringer	2.5"	01/01/2022
Bond Arms	CA Papa Bear	.45 Colt	Derringer	3"	01/01/2022
Bond Arms	Big Bear CA	.45 Colt	Derringer	3"	01/01/2022
Bond Arms	CA Backup	9mm	Derringer	2.5"	01/01/2022
Browning	Hi-Power Blue Adj Sights 051003493	9mm	Pistol	4.66"	01/01/2022

Case 8:22-cv Manufacturer	v-01421-CJC-ADS Document Model	48-4 Filed 01/2 Caliber	7/2 Gup_{age 3} Type	of Barnel Length	e ID #:615 Expired
Browning	Hi-Power MKIII Fixed Sights 051001393	9mm	Pistol	4.66"	01/01/2022
Browning	Hi-Power Blue Fixed Sights 051003393	9mm	Pistol	4.66"	01/01/2022
Charter 2000	53835 Pink Lady	.38 Spl	Revolver	2"	01/01/2022
Charter 2000	23520 Tiger	.357 Magnum	Revolver	2.2"	01/01/2022
Charter 2000	24420 Tiger (Black & Green Stripe)	.44 Spl	Revolver	2.5"	01/01/2022
Walther	P1 (P.W. Arms)	9mm	Pistol	4.94"	01/01/2022
Charter 2000	53823 Undercover Lite (Red/SS) Std	.38 Spl	Revolver	2"	01/01/2021
Charter 2000	53889 Leopard	.38 Spl	Revolver	2"	01/01/2021
Charter 2000	13825 Tiger	.38 Spl	Revolver	2"	01/01/2021
Charter 2000	53890 Goldfinger (Blk/Gold tone) Std	.38 Spl	Revolver	2"	01/01/2021
Taurus	M85 Protector 2- 850021PFS	.38 Spl	Revolver	2.5"	01/01/2021
Taurus	2-856029CHVL	.38 Special	Revolver	2"	01/01/2021
Taurus	2-856029ULCH13	.38 Special	Revolver	2"	01/01/2021
Taurus	2-856029ULCH12	.38 Special	Revolver	2"	01/01/2021
Taurus	2-856029ULCHVL	.38 Special	Revolver	2"	01/01/2021
Taurus	M85 SS 2-850029FS	.38 Spl	Revolver	2"	01/01/2021
Taurus	M85 Blk 2-850021FS	.38 Spl	Revolver	2"	01/01/2021
Taurus	M85 Ultralite Blk 2- 850021ULFS	.38 Spl	Revolver	2"	01/01/2021
Taurus	M85 Ultralite SS 2- 850029ULFS	.38 Spl	Revolver Plaintiffs'	2" Exhibit 4	01/01/2021 4-003

Case 8:22-cv Manufacturer	-01421-CJC-ADS Document 4 Model	48-4 Filed 01/27 Caliber	/2 Gup_{age 4} (Type	of Barnel ge Length	ID #:616 Expired
Magnum Research	DE44CA (Black) (Made in Israel)	.44 Magnum	Pistol	6"	01/01/2021
Cobra Enterprises	C22LR (Royal Blue)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22MRD (Ruby Red)	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22TL (Teal)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22MPK (Majestic Pink)	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22MS	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22GK (Olive Drab Green)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	CB38 (Satin)	.38 Spl	Derringer	2.75"	01/01/2021
Cobra Enterprises	C22LR (Black)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22S	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22PR (Purple)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22M (Chrome)	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	CB38TK (Tan)	.38 Spl	Derringer	2.75"	01/01/2021
Cobra Enterprises	CB38 (Chrome)	.38 Spl	Derringer	2.75"	01/01/2021
Cobra Enterprises	CB38GK (Olive Drab Green)	.38 Spl	Derringer	2.75"	01/01/2021
			Plaintitts'	Exhibit 4	4-()()4

Case 8:22-cv Manufacturer	-01421-CJC-ADS Document 4 Model	48-4 Filed 01/27 Caliber	/2 Gup_{age 5 (} Type	of Barnelge Length	ID #:617 Expired
Cobra Enterprises	C22M (Blue)	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	S38BKB (Black)	.38 Special	Revolver	1.85"	01/01/2021
Cobra Enterprises	S38SKB (Satin)	.38 Special	Revolver	1.85"	01/01/2021
Cobra Enterprises	C22MRB (Royal Blue)	.22 Magnum	Derringer	2.4"	01/01/2021
Cobra Enterprises	CB38 (Majestic Pink)	.38 Spl	Derringer	2.75"	01/01/2021
Cobra Enterprises	CB38 (Black)	.38 Spl	Derringer	2.75"	01/01/2021
Cobra Enterprises	C22LR (Chrome)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	C22LR (Ruby Red)	.22 LR	Derringer	2.4"	01/01/2021
Cobra Enterprises	S38PB Shadow (Pink)	.38 Spl	Revolver	1.85"	01/01/2021
Cobra Enterprises	C22LR (Majestic Pink)	.22 LR	Derringer	2.4"	01/01/2021
Franklin Armory	Pistol SKU 3130-BLK	5.56 NATO (.223 Remington)	Pistol	7.5"	01/01/2020
Sturm, Ruger & Co.	GP100 (Wood Grip) 01771	.357 Magnum	Revolver	4.2"	01/01/2020
Cobra Enterprises	Patriot 45 (Black)	.45 ACP	Pistol	3"	01/01/2020
Cobra Enterprises	Patriot 45 (Stainless)	.45 ACP	Pistol	3"	01/01/2020

Case 8:22-cv Manufacturer	-01421-CJC-ADS Document - Model	48-4 Filed 01/27 Caliber	7/2 Gup age 6 Type	of Barnel ge Length	EID #:618 Expired
Ed Brown Products	SF-BB-CAL2 (Black)	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9502	.40 S&W	Pistol	4.08"	01/01/2019
Springfield Armory	XD9624	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9810	9mm	Pistol	3"	01/01/2019
Springfield Armory	PX9628L	.45 ACP	Pistol	6"	01/01/2019
Springfield Armory	PI9134L	9mm	Pistol	5"	01/01/2019
Springfield Armory	PI9132L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9262	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PW9151L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9405	.40 S&W	Pistol	5"	01/01/2019
Springfield Armory	PW9108L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PX9161L	.45 ACP	Pistol	3.5"	01/01/2019
Springfield Armory	PX9152L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PC9106L	.45 ACP	Pistol	5"	01/01/2019
Springfield Armory	PX9130L	9mm	Pistol	5"	01/01/2019

Case 8:22-cv Manufacturer	-01421-CJC-ADS Model	Document 48-4 Ca	Filed 01/27/ liber	2 Gup_{age 7 d} Type	of Barnelge Length	ID #:619 Expired
Springfield Armory	XD9612	.45	5 ACP	Pistol	4"	01/01/2019
Springfield Armory	PW9142L	.45	5	Pistol	4.0"	01/01/2019
Springfield Armory	PX9142L	.45	5 ACP	Pistol	4"	01/01/2019
Springfield Armory	XD9831	9n	۱m	Pistol	3"	01/01/2019
Springfield Armory	PX9109L	.45	5 ACP	Pistol	5"	01/01/2019
Springfield Armory	PX9608L	.45	5 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9646	.45	5 ACP	Pistol	4"	01/01/2019
Springfield Armory	PX9511L	.45	5 ACP	Pistol	4"	01/01/2019
Springfield Armory	PW9609L	.45	5 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9701	9n	าทา	Pistol	4"	01/01/2019
Springfield Armory	XD9648	.45	5 ACP	Pistol	4"	01/01/2019
Springfield Armory	PB9113L	.38	3 Super	Pistol	5"	01/01/2019
Springfield Armory	XD9614	.45	5 ACP	Pistol	4"	01/01/2019
Springfield Armory	PX9151L	.45	5 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9832	.40) S&W	Pistol	3.01"	01/01/2019
				Plaintiffs' I	Exhibit 4 4	1-007

Case 8:22-cv Manufacturer	-01421-CJC-ADS Model	Document 48-4 Ca	Filed 01/27, liber	/2 Gup age 8 (Type	of Bornelge Length	ID #:620 Expired
Springfield Armory	XD9109	.40) S&W	Pistol	4.08"	01/01/2019
Springfield Armory	XD9411	9n	าทา	Pistol	5.01"	01/01/2019
Springfield Armory	XD9704	9n	ım	Pistol	4"	01/01/2019
Springfield Armory	XD9202	.40) S&W	Pistol	4.08"	01/01/2019
Springfield Armory	XD9103	.35	57 SIG	Pistol	4.08"	01/01/2019
Springfield Armory	PX9301L	.45	5 ACP	Pistol	3.5"	01/01/2019
Springfield Armory	XD9104	9n	าทา	Pistol	4.08"	01/01/2019
Springfield Armory	PX9154L	.45	5 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9113	.35	57 SIG	Pistol	4.08"	01/01/2019
Springfield Armory	XD9702	.40) S&W	Pistol	4"	01/01/2019
Springfield Armory	PC9107L	.45	5 ACP	Pistol	5"	01/01/2019
Springfield Armory	PX9801L	.45	5 ACP	Pistol	3"	01/01/2019
Springfield Armory	PX9104L	.45	5 ACP	Pistol	5"	01/01/2019
Springfield Armory	PI9140L	.45	5 ACP	Pistol	5"	01/01/2019
Springfield Armory	XD9622	.45	5 ACP	Pistol	5"	01/01/2019

Case 8:22-cv- Manufacturer	-01421-CJC-ADS Document Model	48-4 Filed 01/27 Caliber	7/2 Gup_{age 9 (} Type	of Barnel ge Length	EID #:621 Expired
Springfield Armory	XD9501	9mm	Pistol	4.08"	01/01/2019
Springfield Armory	XD9647	.45 ACP	Pistol	4"	01/01/2019
Bond Arms	Brown Bear	.45 Colt	Derringer	3"	01/01/2019
Bond Arms	Big Bear	.45 Colt	Derringer	3"	01/01/2019
Franklin Armory	SE-SSP SKU 3125-PNK	5.56 NATO	Pistol	10.25" Bull Barrel	01/01/2019
Franklin Armory	SE-SSP SKU 3125-BLK	5.56 NATO	Pistol	10.25" Bull Barrel	01/01/2019
Charter 2000	53833 Cougar (Pink/SS) Std	.38 Spl	Revolver	2"	01/01/2019
Fabrique Nationale	FNP-40 Stainless	.40 S&W	Pistol	4"	01/01/2019
Fabrique Nationale	FNP-40	.40 S&W	Pistol	4"	01/01/2019
Fabrique Nationale	FN 5.7 I.O.M. (Matte Black)	5.7x28mm	Pistol	4.75"	01/01/2019
Fabrique Nationale	FN HP-SFS 40 (Polished Blue)	.40 S&W	Pistol	4.6"	01/01/2019
Fabrique Nationale	FN HP-SA 40 (Polished Blue)	.40 S&W	Pistol	4.5"	01/01/2019
Fabrique Nationale	HP-SFS 40 (Matte Black)	.40 S&W	Pistol	4.6"	01/01/2019
Fabrique Nationale	FNP-9 (Stnls. Matte Black)	9mm	Pistol	4"	01/01/2019
Fabrique Nationale	FN 5.7 U.S.G. (Matte Black)	5.7x28mm	Pistol	4.75"	01/01/2019

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gyyn Page Type	1 07891 F	Page ID Expired
Fabrique Nationale	FNP-9 (Stainless Slide/Black Frame)	9mm	Pistol	4"	01/01/2019
Fabrique Nationale	FN HP-SA	.40 S&W	Pistol	4.5"	01/01/2019
Fabrique Nationale	FN HP-SA	9mm	Pistol	4.66"	01/01/2019
Auto-Ordnance	Auto-Ordnance T1911 STD	.45 ACP	Pistol	5"	01/01/2019
Auto-Ordnance	AHF Commemorative Model	.45 ACP	Pistol	5"	01/01/2019
Auto-Ordnance	Auto-Ordnance 1911 WGS Deluxe	.45 ACP	Pistol	5"	01/01/2019
Armscor Precision	MAPP1 FS	9mm	Pistol	4.5"	08/17/2018
Taurus	"Raging Bull" M444 (Stainless)	.44 Magnum	Revolver	6.5"	01/01/2018
Sturm, Ruger & Co.	KNR-5-10 (Satin Stainless) 08100	.22 LR	Revolver	5.5"	01/01/2018
Sig Sauer	1911-22 (Blued) 1911-22- B-CA	.22 LR	Pistol	5"	01/01/2017
Sig Sauer	Mosquito (Two Tone) MOS-22-T-CA	.22 LR	Pistol	4"	01/01/2017
Sig Sauer	Mosquito (Reversed Two- Tone) MOS-22-RT-CA	.22 LR	Pistol	4"	01/01/2017
Sig Sauer	Mosquito (Blued) MOS- 22-B-CA	.22 LR	Pistol	4"	01/01/2017
Armatix	iP1 Limited Edition	.22 LR	Pistol	3.58"	01/01/2017
Armatix	iP1	.22 LR	Pistol	3.58"	01/01/2017
Taurus	44 TKR NRA	.44 Magnum	Revolver	4"	01/01/2017
			Plaintiffs'	Exhibit 4	4-010

Case 8:22- Manufacturer	-cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Cafiber	2 , Gun Page Type	1 Bərgel P Length	Page ID Expired
Taurus	2-850029 ULNRA	.38 Spl	Revolver	2"	01/01/2017
Taurus	605 (Stainless)	.357 Magnum	Revolver	2"	01/01/2017
Taurus	605 (Blue)	.357 Magnum	Revolver	2"	01/01/2017
Taurus	941 (Black) 2-941021	.22 Mag	Revolver	2.03"	01/01/2017
Taurus	2-850029ULFS	.38 Spl	Revolver	2"	01/01/2017
Taurus	85T Non-Ported	.38 Spl	Revolver	2"	01/01/2017
Taurus	941 (Stainless) 2-941029	.22 Mag	Revolver	2.09"	01/01/2017
Taurus	PT38S (Blue)	.38 Super	Pistol	4.25"	01/01/2017
Taurus	605NRA (Blue)	.357 Magnum	Revolver	2"	01/01/2017
Taurus	94 (Black) 2-940051	.22 LR	Revolver	5.09"	01/01/2017
Colt	O4691 Commander Ser 80	.45 ACP	Pistol	4.25"	01/01/2017
Colt	I3060CS Python (silver)	.357 Magnum	Revolver	6"	01/01/2017
Beretta	85 FS Cheetah Nickel	.380 ACP	Pistol	3.8"	01/01/2017
Beretta	8045 F	.45 ACP	Pistol	3.7"	01/01/2017
Beretta	9000S Type F 9mm	9mm	Pistol	3.375"	01/01/2017
Beretta	9000S Type F	.40 S&W	Pistol	3.4"	01/01/2017
Beretta	8357 Cougar F	.357 SIG	Pistol	3.6"	01/01/2017
Beretta	87 Cheetah	.22 LR	Pistol	3.8"	01/01/2017
Beretta	8000 Cougar F	9mm	Pistol	3.6"	01/01/2017
Beretta	8040 Cougar F	.40 S&W	Pistol	3.6"	01/01/2017
Beretta	85 FS Cheetah	.380 ACP	Pistol Plaintiffs'	3.8" Exhibit 4	01/01/2017 4-011

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	1 Bərgel P Length	age ID Expired
Beretta	84 FS Cheetah	.380 ACP	Pistol	3.8"	01/01/2017
Beretta	87 Target	.22 LR	Pistol	5.9"	01/01/2017
Beretta	84 FS Cheetah Nickel	.380 ACP	Pistol	3.8"	01/01/2017
Cobra Enterprises	S38BB Shadow (Black)	.38 Spl	Revolver	1.85"	01/01/2017
Cobra Enterprises	S38RBB Shadow (Royal Blue)	.38 Spl	Revolver	1.85"	01/01/2017
Cobra Enterprises	CB38 (Ruby Red)	.38 Spl	Derringer	2.75"	01/01/2017
Cobra Enterprises	S38RDB Shadow (Red)	.38 Spl	Revolver	1.85"	01/01/2017
Cobra Enterprises	S38CGB Shadow (Gold)	.38 Spl	Revolver	1.85"	01/01/2017
Cobra Enterprises	S38SB Shadow (Titanium Anodized)	.38 Spl	Revolver	1.85"	01/01/2017
Cobra Enterprises	CB38 (Royal Blue)	.38 Spl	Derringer	2.75"	01/01/2017
Armscor Precision	M1911-A1 Tactical	.45 ACP	Pistol	5"	07/26/2016
Barsto Pistol Division	Bar Sto Precision	.40	Pistol	5"	01/01/2016
Sig Sauer	P220R Carry (Two-Tone)	.45 ACP	Pistol	3.9"	01/01/2016
Sig Sauer	P220R Carry SAO (Blued)	.45 ACP	Pistol	3.9"	01/01/2016
Sig Sauer	P239 DAK	.357 SIG	Pistol	3.6"	01/01/2016
Sig Sauer	P226 X5 Comp. (Stainless)	.40 S&W	Pistol	5"	01/01/2016
Sig Sauer	P250 Compact (Two- Tone)	9mm	Pistol	3.9"	01/01/2016

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01 [#] Câliber	/2 ˈ͡͡͡͡ː P age Type	1 Bargel P Length	Page ID Expired
Sig Sauer	P220R (Blued)	.45 ACP	Pistol	4.4"	01/01/2016
Sig Sauer	P220R DAK (Blued)	.45 ACP	Pistol	4.4"	01/01/2016
Sig Sauer	P239 DAK	.40 S&W	Pistol	3.6"	01/01/2016
Sig Sauer	SP2022 (Blued)	.357 SIG	Pistol	3.8"	01/01/2016
Sig Sauer	P226 X5 Comp. (Stainless)	9mm	Pistol	5"	01/01/2016
Sig Sauer	P226 Dark Elite 226R-9- DSE-CA	9mm	Pistol	4.40"	01/01/2016
Springfield Armory	XD9311	9mm	Pistol	4.08"	01/01/2016
Springfield Armory	XD9122	.40 S&W	Pistol	4.08"	01/01/2016
Springfield Armory	XD9312	.40 S&W	Pistol	4.08"	01/01/2016
Springfield Armory	XD9782	.40 S&W	Pistol	4"	01/01/2016
Springfield Armory	XD9231	.40 S&W	Pistol	4.08"	01/01/2016
Springfield Armory	XD9121	9mm	Pistol	4.08"	01/01/2016
Springfield Armory	PX9106L	.45 ACP	Pistol	5"	01/01/2016
Springfield Armory	PX9171L	.45 ACP	Pistol	3.5"	01/01/2016
Springfield Armory	XD9132	.40 S&W	Pistol	5"	01/01/2016
Springfield Armory	PX9171L (ambi safety)	.45 ACP	Pistol	3.5"	01/01/2016

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	ent 48-4 Filed 01. # Caliber	/2 76299 Page Type	1 Bərge l _P Length	age ID Expired
Springfield Armory	XD9232	.40 S&W	Pistol	5"	01/01/2016
Springfield Armory	XD9412	.40 S&W	Pistol	5"	01/01/2016
Springfield Armory	XD9404	9mm	Pistol	5.01"	01/01/2016
Springfield Armory	XD9261	.45 ACP	Pistol	4"	01/01/2016
Springfield Armory	XD9781	9mm	Pistol	4"	01/01/2016
Springfield Armory	PX9103L	.45 ACP	Pistol	5"	01/01/2016
Springfield Armory	PX9804L	.45 ACP	Pistol	3"	01/01/2016
Springfield Armory	PB9609L	.45 ACP	Pistol	5"	01/01/2016
Springfield Armory	XD9842	.40 S&W	Pistol	3.01"	01/01/2016
Springfield Armory	PX9103L (ambi safety)	.45 ACP	Pistol	5"	01/01/2016
Springfield Armory	XD9131	9mm	Pistol	5.01"	01/01/2016
Springfield Armory	XD9221	9mm	Pistol	4.08	01/01/2016
Springfield Armory	XD9222	.40 S&W	Pistol	4.08"	01/01/2016
Springfield Armory	PB9114L	.38 Super	Pistol	5"	01/01/2016
Para USA	1911 Elite 96663	.45 ACP	Pistol	5"	01/01/2016

Case 8:22- Manufacturer	-cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	2 .Ģun _{Page} Type	1 Bargel P Length	age ID Expired
Para USA	1911 Elite Commander 96667	.45 ACP	Pistol	4.25"	01/01/2016
Para USA	1911 Ducks Unlimited 96673	.45 ACP	Pistol	4.25"	01/01/2016
ISSC	M22 (Blk/OD Green) - LSI	.22 LR	Pistol	4"	01/01/2016
ISSC	M22 (Blk) - LSI	.22 LR	Pistol	4"	01/01/2016
ISSC	M22 (Blk/Desert Sand) - LSI	.22 LR	Pistol	4"	01/01/2016
ISSC	M22 (Blk/Pink) - LSI	.22 LR	Pistol	4"	01/01/2016
Firestorm	Firestorm 380	.380 ACP	Pistol	3.5"	01/01/2016
Colt	O1991Z Custom M1991 A1 (America Remembers)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Saluting America's Armed Forces)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (VFWDefenders of Freedom)America Remembers	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Vietnam War Commemorative Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1091 M1991A1 Ser 80	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (2nd Amend Founding Fathers)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR Custom M1991A1 (America Remembers)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991 M1991A1 Ser 80 (Matte Blue)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Chuck Norris Tribute)	.45 ACP	Pistol	5"	01/01/2016
				-	4.045

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Manufacturer	Model	# Cali ber	Туре	Length	Expired
Colt	O7000D Defender Ltwgt Ser 90	.45 ACP	Pistol	3"	01/01/2016
Colt	O1980XSE Government Model	.45 ACP	Pistol	5"	01/01/2016
Colt	O4091U Commander Ser 80	.45 ACP	Pistol	4.25"	01/01/2016
Colt	O1070 NRA	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (We the People)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Brothers Forever Vietnam Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Fearless Defenders of Freedom)	.45 ACP	Pistol	5"	01/01/2016
Colt	07000D NRA	.45 ACP	Pistol	3"	01/01/2016
Colt	O4012XSE Combat Commander	.45 ACP	Pistol	4.25"	01/01/2016
Colt	O1991AR (Audie Murphy Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (George S. Patton Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Sailor Tattoo)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (D Day Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Texas Rangers Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Proud to be a Texan Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Samuel Colt 200th Anniversary)	.45 ACP	Pistol	5"	01/01/2016

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Manufacturer	Model	# Caff ber	Туре	Length	Expired
Colt	O1991AR (John Wayne Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Vietnam Tribute to Valor)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1070XSE Government Model	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Elvis Presley) America Remembers	.45 ACP	Pistol	5"	01/01/2016
Colt	O1991AR (Rampant Colt Tribute)	.45 ACP	Pistol	5"	01/01/2016
Colt	O1091 M1991A1 Ser 80 (Ame Eagle Old Glory Tribute)	.45 ACP	Pistol	5"	01/01/2016
Sturm, Ruger & Co.	P95PR	9mm	Pistol	3.9"	01/01/2016
Sturm, Ruger & Co.	KP95PR	9mm	Pistol	3.9"	01/01/2016
Cobra Enterprises	C32 (Majestic Pink)	.32	Derringer	2.4"	01/01/2016
Cobra Enterprises	C32B	.32 ACP	Derringer	2.4"	01/01/2016
Cobra Enterprises	C32S	.32 ACP	Derringer	2.4"	01/01/2016
Sturm, Ruger & Co.	LC380 (Black) 03219	.380 Auto	Pistol	3.12"	04/17/2015
Entreprise Arms	Elite P500	.45 Auto	Pistol	5"	01/23/2015
Entreprise Arms	Medalist P500	.45 Auto	Pistol	5"	01/23/2015
Entreprise Arms	Tactical P500	.45 Auto	Pistol	5"	01/23/2015
Para USA	PCX745E	.45 ACP	Pistol	4.25"	01/01/2015
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Para USA	CTX1245NN	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	RX1445ECBR	.45 ACP	Pistol	5"	01/01/2015
Para USA	CWX79RL	9mm	Pistol	3"	01/01/2015
Para USA	CWX745S	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PCX745EL	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	WHX1045R	.45 ACP	Pistol	3"	01/01/2015
Para USA	PCX745S	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	NHX1045N	.45 ACP	Pistol	3"	01/01/2015
Para USA	CX745S	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	CWX79RN	9mm	Pistol	3"	01/01/2015
Para USA	CWX745SL	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	WHX1045RL	.45 ACP	Pistol	3"	01/01/2015
Para USA	NHX1045NL	.45 ACP	Pistol	3"	01/01/2015
Para USA	CX745SL	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	CWX745SN	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	WHX1045RN	.45 ACP	Pistol	3"	01/01/2015
Para USA	CX745SN	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PX745E	.45 ACP	Pistol	5"	01/01/2015
Para USA	CCWX745S	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	RX1445ECBL	.45 ACP	Pistol	5"	01/01/2015
Para USA	CCWX745SL	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	RX1445ECBN	.45 ACP	Pistol	5"	01/01/2015
Para USA	CWX79R	9mm	Pistol	3"	01/01/2015
Para USA	CCWX745SN	.45 ACP	Pistol Plaintiffs'	4.25" Exhibit 4	01/01/2015 4-018

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Para USA	PX938P	.38 Super	Pistol	5"	01/01/2015
Para USA	PX938S	.38 Super	Pistol	5"	01/01/2015
Para USA	PCX745SL	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	PCWX745S	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PX938PL	.38 Super	Pistol	5"	01/01/2015
Para USA	PX938SL	.38 Super	Pistol	5"	01/01/2015
Para USA	PCX745SN	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	PX938PN	.38 Super	Pistol	5"	01/01/2015
Para USA	PX938SN	.38 Super	Pistol	5"	01/01/2015
Para USA	PCX745EN	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	PX745EL	.45 ACP	Pistol	5"	01/01/2015
Para USA	DX745S	.45 ACP	Pistol	5"	01/01/2015
Para USA	PX1445SGRR	.45 ACP	Pistol	5"	01/01/2015
Para USA	PX745EN	.45 ACP	Pistol	5"	01/01/2015
Para USA	DX745SL	.45 ACP	Pistol	5"	01/01/2015
Para USA	PX1445SGRL	.45 ACP	Pistol	5"	01/01/2015
Para USA	DX745SN	.45 ACP	Pistol	5"	01/01/2015
Para USA	PX1445SGRN	.45 ACP	Pistol	5"	01/01/2015
Para USA	PCX745R	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	PCWX745SL	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PCX745RL	.45 ACP	Pistol	4.25"	01/01/2015
Para USA	CTX1245NR	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PCWX745SN	.45 ACP	Pistol	3.5"	01/01/2015
Para USA	PCX745RN	.45 ACP	Pistol Plaintiffs'	4.25'' Exhibit 4	01/01/2015 4-019

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Callber	27 GLUN Page Type	2 Bərgel P Length	age ID Expired
Para USA	CTX1245NL	.45 ACP	Pistol	3.5"	01/01/2015
FMK Firearms	9C1 (Black)	9mm	Pistol	4"	01/01/2015
Charter 2000	53873 Panther (Blk/Bronze) Std	.38 Spl	Revolver	2"	01/01/2015
Charter 2000	74420 Bulldog Pug (Stnls Stl)	.44 Spl	Revolver	2.5"	01/01/2015
Charter 2000	53883 Undercover Lite (Bronze/Blk) Std	.38 Spl	Revolver	2"	01/01/2015
Charter 2000	53838 Undercover Lite (Blk/Silver) Std	.38 Spl	Revolver	2"	01/01/2015
Colt	O1991AR (2nd Amend Founding Fathers Museum)	.45 ACP	Pistol	5"	01/01/2015
Colt	O1991AR (Armed Forces Golden Tribute)	.45 ACP	Pistol	5"	01/01/2015
Colt	O1991AR (Centennial Anniversary) America Remembers	.45 ACP	Pistol	5"	01/01/2015
Heckler & Koch	USP V7	9mm	Pistol	4.25"	01/01/2015
Cobra Enterprises	C32 (Ruby Red)	.32	Derringer	2.4"	01/01/2015
Cobra Enterprises	C32 (Royal Blue)	.32	Derringer	2.4"	01/01/2015
Cobra Enterprises	C32 (Chrome)	.32	Derringer	2.4"	01/01/2015
Smith & Wesson	22A SKU 107410	.22 LR	Pistol	5.5"	12/31/2014
Smith & Wesson	22A SKU 107430	.22 LR	Pistol	7"	12/31/2014
Para USA	RX1445SL	.45 ACP	Pistol	5"	12/29/2014
Para USA	RX1445SN	.45 ACP	Pistol Plaintiffs'	5" Exhibit 4	12/29/2014 4-020

		Document 48-4 Filed 01	127 Fign Pag		-
Manufacturer	Model	# C allber	Туре	Length	Expired
Para USA	DX1445ER	.45 ACP	Pistol	5"	12/29/2014
Para USA	DX1445EL	.45 ACP	Pistol	5"	12/29/2014
Para USA	PSHX645SL	.45 ACP	Pistol	3"	12/29/2014
Para USA	PSHX645SN	.45 ACP	Pistol	3"	12/29/2014
Para USA	PX745EM	.45 ACP	Pistol	5"	12/29/2014
Para USA	DX1445EN	.45 ACP	Pistol	5"	12/29/2014
Para USA	PSHX645S	.45 ACP	Pistol	3"	12/29/2014
Para USA	PX745ELM	.45 ACP	Pistol	5"	12/29/2014
Para USA	RX1445SR	.45 ACP	Pistol	5"	12/29/2014
Para USA	PX745ENM	.45 ACP	Pistol	5"	12/23/2014
Para USA	CTX1345SL	.45 ACP	Pistol	4.25"	12/14/2014
Para USA	CTX1345SN	.45 ACP	Pistol	4.25"	12/14/2014
Para USA	CWX645B	.45 ACP	Pistol	3"	12/14/2014
Para USA	CWX645BL	.45 ACP	Pistol	3"	12/14/2014
Para USA	CWX645BN	.45 ACP	Pistol	3"	12/14/2014
Para USA	CTX1345SR	.45 ACP	Pistol	4.25"	12/14/2014
Para USA	WHX1045S	.45 ACP	Pistol	3"	11/30/2014
Para USA	WHX1045SL	.45 ACP	Pistol	3"	11/30/2014
Para USA	WHX1045SN	.45 ACP	Pistol	3"	11/30/2014
Para USA	CWX645S	.45 ACP	Pistol	3"	11/08/2014
Para USA	CWX645SL	.45 ACP	Pistol	3"	11/08/2014
Para USA	CWX645SN	.45 ACP	Pistol	3"	11/08/2014
Para USA	PX189SN	9mm	Pistol	5"	10/28/2014
Para USA	PX1445SR	.45 ACP	Pistol Plaintiffs	5" S' Exhibit 4	10/28/2014 4-021

Manufacturer		it 48-4 Filed 01/2 # Caffber	Type	Length	age ID Expired
Para USA	PX1445SL	.45 ACP	Pistol	5"	10/28/2014
Para USA	PX1445SN	.45 ACP	Pistol	5"	10/28/2014
Para USA	PX189SR	9mm	Pistol	5"	10/28/2014
Para USA	PX189SL	9mm	Pistol	5"	10/28/2014
Smith & Wesson	629-6 Stealth Hunter (Matte Black) SKU 170323	.44 Magnum	Revolver	7.5"	10/28/2014
Smith & Wesson	22A-1 Real Tree APG SKU 107442	.22 LR	Pistol	5.5"	10/28/2014
Smith & Wesson	386NG (Matte Black) SKU 163424	.357 Magnum	Revolver	2.5"	10/28/2014
Smith & Wesson	24-6 (Nickel) SKU 150259	.44 Spl	Revolver	6.5"	10/28/2014
Smith & Wesson	27-9 (Nickel) SKU 150340	.357 Magnum	Revolver	4"	10/28/2014
Smith & Wesson	27-9 (Nickel) SKU 150342	.357 Magnum	Revolver	6.5"	10/28/2014
Smith & Wesson	629-6 Birdsong Finish SKU 170230	.44 Magnum	Revolver	7.5"	10/24/2014
Smith & Wesson	67-5 F Comp (Matte Black) SKU 170324	.38 Spl	Revolver	3"	10/22/2014
Smith & Wesson	25-15 (Blue) SKU 150256	.45 Colt	Revolver	6.5"	10/22/2014
Smith & Wesson	637-2 Power Port (Matte Black) SKU 170327	.38 Spl	Revolver	2.125"	10/22/2014
Smith & Wesson	460 XVR SKU 163460	.460 S&W Magnum	Revolver	8.37"	10/21/2014
Browning	HP Standard Fixed Sights	.40 S&W	Pistol	4.66"	10/15/2014
Browning	HP Standard Adj. Sights	.40 S&W	Pistol	4.66"	10/15/2014

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/3 # Caliber	27 Gyyn Page Type	2 9ðrgel P Length	age ID Expired
Smith & Wesson	22-4 Classic (Nickel) SKU 150189	.45 ACP	Revolver	5.5"	10/15/2014
Smith & Wesson	22-4 Classic (Color Case) SKU 150188	.45 ACP	Revolver	5.5"	10/15/2014
Smith & Wesson	36-10 Classic (Nickel) SKU 150198	.38 Spl	Revolver	3"	10/15/2014
Smith & Wesson	36-10 Classic (Color Case) SKU 150193	.38 Spl	Revolver	3"	10/15/2014
Smith & Wesson	629-6 Magna Port SKU 163641	.44 Magnum	Revolver	6.5"	10/13/2014
Smith & Wesson	460 ES SKU 163463	.460 S&W Magnum	Revolver	2.75"	10/13/2014
Smith & Wesson	460 Whitetails Unlimited SKU 150053	.460 S&W Magnum	Revolver	8.37"	10/13/2014
Smith & Wesson	460 Hunter SKU 170280	.460 S&W Magnum	Revolver	12"	10/13/2014
Smith & Wesson	327-1 TRR8 SKU 170269	.357 Magnum	Revolver	5"	10/13/2014
Smith & Wesson	327 MPR8 SKU 170292	.357 Magnum	Revolver	5"	10/13/2014
Smith & Wesson	500 ES SKU 163503	.500 S&W Magnum	Revolver	2.75"	10/13/2014
Smith & Wesson	27-9 (75th Anniversary) SKU 150974	.357 Magnum	Revolver	6.5"	10/12/2014
Colt	O4012NRA	.45 ACP	Pistol	4.25"	10/05/2014
Smith & Wesson	15-10 (Blued) SKU 150716	.38 Spl	Revolver	4"	10/03/2014
Kimber	Team Match II	.45 ACP	Pistol	5"	10/03/2014
Kimber	Royal II	.45 ACP	Pistol	5"	10/03/2014
			Plaintiffs' l	Exhibit 4	4-023

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Cafiber	27 Gym Page Type	2 Þðrgel P Length	age ID Expired
Smith & Wesson	17-9 Masterpiece SKU 150477	.22 LR	Revolver	6"	10/01/2014
Smith & Wesson	629-6 Trail Boss Unfluted Cyl SKU 163409	.44 Magnum	Revolver	3"	10/01/2014
Smith & Wesson	629-6 Mountain Gun SKU 163653	.44 Magnum	Revolver	4"	10/01/2014
Smith & Wesson	327 SKU 170245	.357 Magnum	Revolver	2"	09/30/2014
Smith & Wesson	686-6 Engraved (RMEF) SKU 150871	.357 Magnum	Revolver	6"	09/26/2014
Kimber	Gold Combat II	.45 ACP	Pistol	5"	09/24/2014
Smith & Wesson	29-10 (Blue) SKU 150254	.44 Magnum	Revolver	4"	09/23/2014
Smith & Wesson	327NG SKU 163422	.357 Magnum	Revolver	2.5"	09/23/2014
Smith & Wesson	29-10 (Nickel) SKU 150255	.44 Magnum	Revolver	4"	09/23/2014
Smith & Wesson	629-6 V Comp SKU 170137	.44 Magnum	Revolver	4"	09/23/2014
Para USA	TX1445SR	.45 ACP	Pistol	5"	09/20/2014
Para USA	TX1445SL	.45 ACP	Pistol	5"	09/20/2014
Para USA	TX1445SN	.45 ACP	Pistol	5"	09/20/2014
Para USA	WHX129RR	9mm	Pistol	3"	09/20/2014
Para USA	WHX129RL	9mm	Pistol	3"	09/20/2014
Para USA	WHX129RN	9mm	Pistol	3"	09/20/2014
Smith & Wesson	SW1911 Adj. Sights (Blue/Blk) SKU 108299	.45 ACP	Pistol	5"	09/20/2014
Smith & Wesson	357 PD SKU 160230	.41 Magnum	Revolver	4"	09/20/2014

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	2 Barge l _P Length	age ID Expired
Sturm, Ruger & Co.	KP345	.45 Auto	Pistol	4.2"	09/15/2014
Smith & Wesson	PC1911 (Blued) SKU 170243	.45 ACP	Pistol	5"	09/15/2014
Smith & Wesson	67-6 SKU 162802	.38 Spl	Revolver	4"	09/15/2014
Smith & Wesson	586-7 SKU 163567	.357 Magnum	Revolver	6"	09/15/2014
Smith & Wesson	500 SKU 163504	.500 S&W Magnum	Revolver	4"	09/15/2014
Para USA	PX745EB (Black)	.45 ACP	Pistol	5"	09/12/2014
Smith & Wesson	SW99QA	.40 S&W	Pistol	4"	09/11/2014
Smith & Wesson	SW990 SKU 120213	.40 S&W	Pistol	4"	09/11/2014
Smith & Wesson	22A-1 Bull Barrel Hi-Viz (2-Tone) SKU 149643	.22 LR	Pistol	5.5"	09/08/2014
Smith & Wesson	629-6 Trail Boss Fluted Cyl. Mag-na-port SKU163411	.44 Magnum	Revolver	3"	09/04/2014
Smith & Wesson	60-15 Pro Series SKU 178013	.357 Magnum	Revolver	3"	09/03/2014
Smith & Wesson	24-6 SKU 150258	.44 Spl	Revolver	6.5"	09/03/2014
Smith & Wesson	627-5 Pro Series SKU 178014	.357 Magnum	Revolver	4 1/8"	09/03/2014
Smith & Wesson	327PD SKU 163419	.357 Magnum	Revolver	4"	09/03/2014
Smith & Wesson	27-9 (Blue) SKU 150339	.357 Magnum	Revolver	4"	09/03/2014
Smith & Wesson	27-9 (Blue) SKU 150341	.357 Magnum	Revolver	6.5"	09/03/2014
Smith & Wesson	396NG SKU 163423	.44 Spl	Revolver Plaintiffs'	2.5" Exhibit 4	09/03/2014 4-025

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/3 # Caliber	27 Gun Page Type	2 8argel P Length	age ID Expired
Smith & Wesson	610-3 SKU 150277	10mm	Revolver	3.87"	09/03/2014
Smith & Wesson	627-5 SKU 163357	.357 Magnum	Revolver	4 1/8"	09/03/2014
Smith & Wesson	29-10 Classic (Nickel, Engraved) SKU 150202	.44 Mag	Revolver	6.5"	08/29/2014
Smith & Wesson	29-10 Classic (Blue, Engraved) SKU 150201	.44 Mag	Revolver	6.5"	08/29/2014
Smith & Wesson	22-4 Classic (Color Case) SKU 150187	.45 ACP	Revolver	4	08/29/2014
Smith & Wesson	22-4 Classic (Nickel) SKU 150186	.45 ACP	Revolver	4"	08/29/2014
Smith & Wesson	22-4 Classic (Blue) SKU 150195	.45 ACP	Revolver	4"	08/29/2014
Smith & Wesson	36-10 Classic (Color Case) SKU 150185	.38 Spl	Revolver	1.87"	08/29/2014
Smith & Wesson	36-10 Classic (Nickel) SKU 150197	.38 Spl	Revolver	1.87"	08/29/2014
Smith & Wesson	36-10 Classic (Blue) SKU 150194	.38 Spl	Revolver	3"	08/29/2014
Smith & Wesson	22-4 Classic (Blue) SKU 150199	.45 ACP	Revolver	5.5"	08/29/2014
Smith & Wesson	21-4 Classic (Color Case) SKU 150182	.44 Spl	Revolver	4"	08/29/2014
Smith & Wesson	21-4 Classic (Nickel) SKU 150183	.44 Spl	Revolver	4"	08/29/2014
Smith & Wesson	22A-1 (Std Barrel) SKU 107430	.22 LR	Pistol	7"	08/28/2014
Smith & Wesson	22S-1 (Std Barrel) SKU 107300	.22 LR	Pistol	5.5"	08/28/2014

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/. # Catiber	27 Gun Page Type	2 Bargel P Length	age ID Expired
Smith & Wesson	22A-1 (Bull Barrel, Hi-Viz, Black) SKU 107426	.22 LR	Pistol	5.5"	08/27/2014
Smith & Wesson	22A-1 (Std Barrel Wood Grip) SKU 107432	.22 LR	Pistol	5.5"	08/27/2014
Colt	O1991AR (Devil Dog) America Remembers	.45 ACP	Pistol	5"	08/20/2014
Colt	O1991AR (American Eagle) America Remembers	.45 ACP	Pistol	5"	08/20/2014
Sturm, Ruger & Co.	KMKIII512	.22 LR	Pistol	5.5"	08/20/2014
Para USA	TX745S	.45 ACP	Pistol	5"	08/17/2014
Para USA	TX745SL	.45 ACP	Pistol	5"	08/17/2014
Para USA	TX745SN	.45 ACP	Pistol	5"	08/17/2014
Smith & Wesson	586-7 SKU 163568	.357 Magnum	Revolver	4"	08/17/2014
Smith & Wesson	351 PD SKU 160228	.22 Magnum	Revolver	1.87"	08/17/2014
Smith & Wesson	Bodyguard 38 (Matte Black) SKU103038	.38 Spl	Revolver	1.9"	08/17/2014
Smith & Wesson	64-8 SKU 162506	.38 Spl	Revolver	4"	08/17/2014
Smith & Wesson	627-5 (Matte Silver) SKU 170133	.357 Magnum	Revolver	2.625"	08/17/2014
Smith & Wesson	625-8 (Satin Stnls) SKU 170161	.45 ACP	Revolver	4"	08/17/2014
Smith & Wesson	PC1911 Stainless (Matte/Polished Stnls) SKU170261	.45 ACP	Pistol	5"	08/17/2014
Smith & Wesson	58-1 (Nickel) SKU 150501	.41 Magnum	Revolver	4"	08/17/2014

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ ^{#CáĤber}	27 Gyyn Page Type	2 8arge l _P Length	age ID Expired
Smith & Wesson	36-10 (Nickel) SKU 150012	.38 Spl	Revolver	1.87"	08/17/2014
Smith & Wesson	65-8 SKU 162604	.357 Magnum	Revolver	4"	08/17/2014
Smith & Wesson	M&P 9 (Mag Safety) SKU 109201	9mm	Pistol	4.25"	08/16/2014
Taurus	PT92 (w/Rubber Grips & Rail)	9mm	Pistol	5"	08/15/2014
Smith & Wesson	360SC SKU 163067	.357 Magnum	Revolver	3.12"	08/14/2014
Smith & Wesson	340PD SKU 163061	.357 Magnum	Revolver	1.87"	08/14/2014
Smith & Wesson	360SC SKU 163065	.357 Magnum	Revolver	1.87"	08/14/2014
Smith & Wesson	22A-1 SKU 107410	.22 LR	Pistol	5.5"	08/14/2014
Smith & Wesson	22S-1 SKU 107320	.22 LR	Pistol	7"	08/14/2014
Para USA	SX1445SR	.45 ACP	Pistol	5"	08/12/2014
Para USA	SX1445SL	.45 ACP	Pistol	5"	08/12/2014
Para USA	SX1445SN	.45 ACP	Pistol	5"	08/12/2014
Para USA	SX1640SL	.40 S&W	Pistol	5"	08/11/2014
Para USA	SX1640SN	.40 S&W	Pistol	5"	08/11/2014
Para USA	SX1640SR	.40 S&W	Pistol	5"	08/11/2014
Smith & Wesson	36-10 Texas Hold'em SKU 161492	.38 Spl	Revolver	1.87"	08/11/2014
Sturm, Ruger & Co.	KP345PR	.45 Auto	Pistol	4.2"	08/10/2014
Sturm, Ruger & Co.	MKIII512	.22 LR	Pistol	5.5" Exhibit 4	08/10/2014

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Calliber	27 Gun _{Page} Type	2 97891 P Length	age ID Expired
Smith & Wesson	325PD SKU 163415	.45 ACP	Revolver	2.75"	08/10/2014
Smith & Wesson	SW1911 SC SKU 108283	.45 ACP	Pistol	4.25"	08/10/2014
Smith & Wesson	625-8 SKU 160935	.45 ACP	Revolver	4"	08/08/2014
Smith & Wesson	357NG (Matte Black) SKU 163428	.41 Mag	Revolver	2.5"	08/05/2014
Smith & Wesson	SW40GVE (2-Tone/Olive Frame) SKU 120037	.40 S&W	Pistol	4"	08/03/2014
Smith & Wesson	SW9GVE SKU 120038	9mm	Pistol	4"	08/03/2014
Smith & Wesson	340SC SKU 163060	.357 Magnum	Revolver	1.87"	08/02/2014
Para USA	RX1445ER	.45 ACP	Pistol	5"	07/27/2014
Para USA	RX1445EL	.45 ACP	Pistol	5"	07/27/2014
Para USA	RX1445EN	.45 ACP	Pistol	5"	07/27/2014
Para USA	DX1445SR	.45 ACP	Pistol	5"	07/27/2014
Para USA	DX1445SL	.45 ACP	Pistol	5"	07/27/2014
Para USA	DCX745E	.45 ACP	Pistol	4.25"	07/27/2014
Para USA	DX1445SN	.45 ACP	Pistol	5"	07/27/2014
Para USA	DCX745EL	.45 ACP	Pistol	4.25"	07/27/2014
Para USA	DCX745EN	.45 ACP	Pistol	4.25"	07/27/2014
Para USA	DCX1445ER	.45 ACP	Pistol	4.25"	07/27/2014
Para USA	DCX1445EL	.45 ACP	Pistol	4.25"	07/27/2014
Para USA	DCX1445EN	.45 ACP	Pistol	4.25"	07/27/2014
Smith & Wesson	629-6 Classic DX SKU 163646	.44 Magnum	Revolver	8.37"	07/26/2014
Smith & Wesson	629-6 Classic DX SKU	.44 Magnum	Revolver	6.5"	07/26/2014
	163644		Plaintiffs'	Exhibit 4	4-029

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01/ ^{#Caffiber}	2 Gun Page Type	3 Bargel F Length	Page ID Expired
Smith & Wesson	637-2 SKU 163050	.38 Spl	Revolver	1.87"	07/23/2014
Taurus	PT92 Special	9mm	Pistol	5"	07/22/2014
Taurus	PT940 (Stainless)	.40 S&W	Pistol	3.625"	07/18/2014
Taurus	PT 940 (Blue)	.40 S&W	Pistol	3.625"	07/18/2014
Taurus	PT745 (Stainless)	.45 ACP	Pistol	3.25"	07/18/2014
Taurus	PT745 (Blue)	.45 ACP	Pistol	3.25"	07/18/2014
Smith & Wesson	60-15 SKU 162430	.357 Magnum	Revolver	3"	07/17/2014
Smith & Wesson	438 (Matte Black) SKU 163438	.38 Spl	Revolver	1.87"	07/17/2014
Taurus	PT92 (Blue)	9mm	Pistol	5"	07/11/2014
Smith & Wesson	57-5 SKU 161300	.41 Magnum	Revolver	4"	07/11/2014
Smith & Wesson	22A-1 Fluted Polished Barrel SKU 107438	.22 LR	Pistol	7"	07/11/2014
Smith & Wesson	SW1911 SC SKU 108288	.45 ACP	Pistol	4.25"	07/11/2014
Smith & Wesson	SW1911 SC SKU 108289	.45 ACP	Pistol	5"	07/11/2014
Smith & Wesson	686-7, 6 Shot SKU 170225	.38 Super	Revolver	4"	07/09/2014
Smith & Wesson	647 SKU 160585	.17 HMR	Revolver	8.37"	07/08/2014
Smith & Wesson	329PD SKU 163414	.44 Magnum	Revolver	4"	07/08/2014
Colt	O1091Z (West Point 2013)	.45 ACP	Pistol	5"	07/04/2014
Colt	O1991Z (West Point 2013)	.45 ACP	Pistol	5"	07/04/2014
Smith & Wesson	64-7 SKU 162506	.38 Spl	Revolver	4"	07/02/2014
Smith & Wesson	65-7 SKU 162604	.357	Revolver	4"	07/02/2014
		Magnum	Plaintiffs'	Exhibit 4	4-030

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	3 Bərgel P Length	age ID Expired
Smith & Wesson	4513TSW SKU 104551	.45 ACP	Pistol	3.75"	07/02/2014
Smith & Wesson	500 SKU 163500	.500 S&W Magnum	Revolver	8.37"	06/30/2014
Smith & Wesson	637-2 (Matte Silver) SKU 162522	.38 Spl	Revolver	2.5"	06/28/2014
Smith & Wesson	M&P 360 (Matte Black) SKU 163077	.357 Magnum	Revolver	3"	06/28/2014
Sturm, Ruger & Co.	Target MRKIII P512MKIIIRPBLK 10158	.22 LR	Pistol	5.5"	06/26/2014
Sturm, Ruger & Co.	KMKIII45H (Stainless)	.22 LR	Pistol	4.5"	06/25/2014
Smith & Wesson	386 Sc/S SKU 163169	.357 Magnum	Revolver	2.5"	06/21/2014
Smith & Wesson	629-6 ES SKU 163417	.44 Magnum	Revolver	3"	06/21/2014
Smith & Wesson	M&P 360 SKU 163074	.357 Magnum	Revolver	1.87"	06/21/2014
Smith & Wesson	629-6 SKU 150165	.44 Magnum	Revolver	2.5"	06/21/2014
Smith & Wesson	460V SKU 163465	.460 S&W Magnum	Revolver	5"	06/21/2014
Walther	P22CA (Nickel)	.22 LR	Pistol	3.42"	06/21/2014
Taurus	PT92 (Stainless w/Rail)	9mm	Pistol	5"	06/20/2014
Smith & Wesson	952-2 SKU 170244	9mm	Pistol	5"	06/18/2014
Smith & Wesson	431 PD SKU 163664	.32 H&R Magnum	Revolver	1.87"	06/18/2014
Smith & Wesson	22A-1 (Camo) SKU 107435	.22 LR	Pistol	5.5"	06/18/2014
Smith & Wesson	396-1 SKU 163688	.44 Spl	Revolver	3.2"	06/18/2014

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	3 Þðrge l _P Length	age ID Expired
Smith & Wesson	432 PD SKU 163666	.32 H&R Magnum	Revolver	1.87"	06/18/2014
Smith & Wesson	629-6 SKU 170219	.44 Magnum	Revolver	7.5"	06/18/2014
Walther	P99 QA (Desert Sand)	.40 S&W	Pistol	4"	06/17/2014
Walther	P99 Military (Green)	.40 S&W	Pistol	4.12"	06/14/2014
Walther	P99 Military (Green)	9mm	Pistol	4"	06/14/2014
Smith & Wesson	686-6 SKU 164231	.357 Magnum	Revolver	2.5"	06/13/2014
Smith & Wesson	686-6 SKU 164222	.357 Magnum	Revolver	4"	06/13/2014
Smith & Wesson	22S-1 (Bull Barrel) SKU 107311	.22 LR	Pistol	5.5"	06/13/2014
Smith & Wesson	22A-1 SKU 107400	.22 LR	Pistol	4"	06/13/2014
Smith & Wesson	629-6 SKU 163603	.44 Magnum	Revolver	4"	06/13/2014
Smith & Wesson	629-6 SKU 163609	.44 Magnum	Revolver	8.37"	06/13/2014
Smith & Wesson	629-6 Classic PowerPort SKU 163624	.44 Magnum	Revolver	6.5"	06/13/2014
Smith & Wesson	686-6 Plus, 7 Shot SKU 164192	.357 Magnum	Revolver	2.5"	06/13/2014
Smith & Wesson	686-6 Power Port SKU 164272	.357 Magnum	Revolver	6"	06/13/2014
Smith & Wesson	629-6 SKU 163606	.44 Magnum	Revolver	6"	06/13/2014
Smith & Wesson	686-6 SKU 164224	.357 Magnum	Revolver	6"	06/13/2014
Smith & Wesson	629-6 Classic SKU 163640	.44 Magnum	Revolver	8.37"	06/13/2014
Smith & Wesson	686-6 SKU 164226	.357 Magnum	Revolver	8.37"	06/13/2014
		<u> </u>	Plaintiffs'	Exhibit 4	4-032

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	3 9∂rgel Length	Page ID Expired
Smith & Wesson	632-1 (Matte Black) SKU 170329	.327 Magnum	Revolver	3"	06/06/2014
Smith & Wesson	60-14 SKU 162420	.357 Magnum	Revolver	2.12"	06/04/2014
Smith & Wesson	649-5 SKU 163210	.357 Magnum	Revolver	2.12"	06/04/2014
Smith & Wesson	310NG (Matte Black) SKU 163426	10mm	Revolver	2.75"	06/02/2014
Smith & Wesson	638-3 (Matte Silver) SKU 162523	.38 Spl	Revolver	2.5"	06/02/2014
Smith & Wesson	642-2 (Matte Silver) SKU 162521	.38 Spl	Revolver	2.5"	06/02/2014
Smith & Wesson	58-1 (Blue) SKU 150500	.41 Magnum	Revolver	4"	05/31/2014
Smith & Wesson	442-2 (Two Tone) SKU 150666	.38 Spl	Revolver	1.87"	05/31/2014
Sturm, Ruger & Co.	KMKIII45HCL (Stainless)	.22 LR	Pistol	4.5"	05/29/2014
Smith & Wesson	337-3 SKU 163054	.38 Spl	Revolver	3.2"	05/28/2014
Sturm, Ruger & Co.	P345PR	.45 Auto	Pistol	4.2"	05/27/2014
Smith & Wesson	500 Interchangeable Compensator SKU 163501	.500 S&W Magnum	Revolver	8.37"	05/27/2014
Smith & Wesson	29-8 SKU 170253	.44 Magnum	Revolver	6.5"	05/27/2014
Smith & Wesson	442-2 Women of NRA SKU 150164	.38 Spl	Revolver	1.87"	05/23/2014
Smith & Wesson	60-15 Hi-Viz SKU 162434	.357 Magnum	Revolver	3"	05/23/2014
Smith & Wesson	686-6-Plus SKU 164300	.357 Magnum	Revolver Plaintiffs'	3" Exhibit 4	05/23/2014 4-033

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	3 Bərgel _P Length	age ID Expired
Smith & Wesson	22A-1 Bull (2-Tone)	.22 LR	Pistol	4"	05/21/2014
Smith & Wesson	629-6 Hunter SKU 170234	.44 Magnum	Revolver	8.37"	05/20/2014
Smith & Wesson	25-13 SKU 160929	.45 Colt	Revolver	4"	05/20/2014
Smith & Wesson	952-1 SKU 170220	9mm	Pistol	5"	05/20/2014
Smith & Wesson	M&P 40 (Mag Safety) SKU 109200	.40 S&W	Pistol	4.25"	05/18/2014
Smith & Wesson	29-10 SKU 161240	.44 Magnum	Revolver	6.5"	05/18/2014
Smith & Wesson	386 XL Hunter (Matte Black) SKU 164298	.357 Magnum	Revolver	6"	05/18/2014
Smith & Wesson	945-40 SKU 170180	.40 S&W	Pistol	3.75"	05/17/2014
Smith & Wesson	629-6 Classic SKU 163636	.44 Magnum	Revolver	5"	05/17/2014
Smith & Wesson	629-6 Classic SKU 163638	.44 Magnum	Revolver	6.5"	05/17/2014
Smith & Wesson	686-6 Plus, 7 Shot SKU 164198	.357 Magnum	Revolver	6"	05/17/2014
Smith & Wesson	686-6 Plus, 7 Shot SKU 164194	.357 Magnum	Revolver	4"	05/17/2014
Smith & Wesson	57-6 (Blue) SKU 150481	.41 Magnum	Revolver	6"	05/14/2014
Smith & Wesson	42-2 (Matte Black) SKU 150502	.38 Spl	Revolver	1.87"	05/14/2014
Smith & Wesson	57-6 (Blue) SKU 150479	.41 Magnum	Revolver	4"	05/14/2014
Smith & Wesson	M&P22 CA (Blk) SKU 122002	.22 LR	Pistol	4.10"	05/10/2014
Smith & Wesson	657-5 SKU 163946	.41 Magnum	Revolver	7.5"	05/09/2014
Smith & Wesson	638-3 (Matte Silver) SKU 163070	.38 Spl	Revolver	1.87"	05/08/2014
			Plaintiffs'	Exhibit 4	4-034

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/. # Caliber	27 Grun Page Type	3 Bərgel P Length	age ID Expired
Smith & Wesson	625-8 SKU 160927	.45 ACP	Revolver	5"	05/08/2014
Smith & Wesson	610-3 SKU 163571	10mm	Revolver	3.87"	05/08/2014
Smith & Wesson	64-7 SKU 162502	.38 Spl	Revolver	2"	05/08/2014
Smith & Wesson	945-1 SKU 170177	.45 ACP	Pistol	3.25"	05/07/2014
Smith & Wesson	327 SKU 170254	.357 Magnum	Revolver	5"	05/05/2014
Walther	P99C DAO	9mm	Pistol	3.5"	05/05/2014
Smith & Wesson	629-6 Classic Laser Grips SKU 163637	.44 Magnum	Revolver	5"	05/02/2014
Smith & Wesson	460 Hunter SKU 170263	.460 S&W Magnum	Revolver	6.5"	05/02/2014
Smith & Wesson	460 Hunter SKU 170262	.460 S&W	Revolver	10.62"	05/02/2014
Walther	P22CA Military	.22 LR	Pistol	3.42"	05/02/2014
Walther	P22CA Military	.22 LR	Pistol	5"	05/02/2014
Walther	P22CA (Nickel)	.22 LR	Pistol	5"	05/02/2014
Smith & Wesson	SW99 SKU 120212	.40 S&W	Pistol	3.5"	04/28/2014
Smith & Wesson	SW99 SKU 120206	.45 ACP	Pistol	4.25"	04/28/2014
Smith & Wesson	SW99 SKU 120210	9mm	Pistol	3.5"	04/28/2014
Sturm, Ruger & Co.	P45GCMKIII	.22 LR	Pistol	4.5"	04/25/2014
Smith & Wesson	14-8 (Nickel) SKU 150253	.38 Spl	Revolver	6"	04/24/2014
Smith & Wesson	642-2 Laser Grips SKU 163811	.38 Spl	Revolver	1.87"	04/21/2014
Smith & Wesson	22A-1 Breakup (Camo) SKU 107434	.22 LR	Pistol	5.5"	04/21/2014
Smith & Wesson	657-5 Hunter SKU	.41 Magnum	Revolver	8.37"	04/21/2014
	170235		Plaintiffs'	Exhibit 4	4-035

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	3 8argel P Length	age ID Expired
Smith & Wesson	22A-1 Std BBL, Hi-Viz (2- Tone) SKU 149725	.22 LR	Pistol	5.5"	04/21/2014
Smith & Wesson	SW1911 Adj. Sights (Matte Stainless) SKU 108284	.45 ACP	Pistol	5"	04/21/2014
Sturm, Ruger & Co.	BSR40C-9L (Black) 03479	.40 S&W	Pistol	3.5"	04/17/2014
Sturm, Ruger & Co.	KSR40C-9L (Two-Tone) 03478	.40 S&W	Pistol	3.5"	04/17/2014
Smith & Wesson	610-3 SKU 150278	10mm	Revolver	6.5"	04/17/2014
Smith & Wesson	500 Performance Center SKU 170304	.500 S&W Magnum	Revolver	5"	04/17/2014
Smith & Wesson	500 (Ross Two-Tone) SKU 170303	.500 S&W Magnum	Revolver	5"	04/17/2014
Smith & Wesson	60-18 SKU 162440	.357 Magnum	Revolver	5"	04/15/2014
Smith & Wesson	642-2 SKU 163810	.38 Spl	Revolver	1.87"	04/11/2014
Smith & Wesson	360PD SKU 163064	.357 Magnum	Revolver	1.87"	04/11/2014
Smith & Wesson	442-2 (internal lock) SKU162810	.38 Spl	Revolver	1.87"	04/11/2014
Smith & Wesson	627-5 SKU 170210	.357 Magnum	Revolver	5"	04/11/2014
Smith & Wesson	627-4 38 Super SKU 170205	.38 Super	Revolver	5.5"	04/11/2014
Smith & Wesson	36-10 Lady Smith SKU 161490	.38 Spl	Revolver	1.87"	04/11/2014
Smith & Wesson	10-14 SKU 160125	.38 Spl	Revolver	4"	04/11/2014
Smith & Wesson	619 SKU 164301	.357 Magnum	Revolver Plaintiffs'	4'' Exhibit 4	04/05/2014 4-036

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	3 Bərge l Length	· · · · · · · · · · · · · · · · · · ·
Smith & Wesson	SW1911DK SKU 108287	.45 ACP	Pistol	5"	04/05/2014
Smith & Wesson	SW990L SKU 120232	.40 S&W	Pistol	4.12"	04/05/2014
Smith & Wesson	625-8 JM SKU 160936	.45 ACP	Revolver	4.12"	04/05/2014
Smith & Wesson	SW990L SKU 120233	.40 S&W	Pistol	3.5"	04/05/2014
Smith & Wesson	48-7 (Black) SKU 150717	.22 WMR	Revolver	4"	04/05/2014
Smith & Wesson	SW1911 Fixed Sights SKU 108285	.45 ACP	Pistol	5"	04/05/2014
Smith & Wesson	48-7 (Black) SKU 150718	.22 WMR	Revolver	6"	04/05/2014
Smith & Wesson	620 SKU 164401	.357 Magnum	Revolver	4"	04/05/2014
Smith & Wesson	22A (Two-Color) SKU 149144	.22 LR	Pistol	5.5"	04/04/2014
Smith & Wesson	SW40P SKU 120029	.40 S&W	Pistol	4"	04/04/2014
Taurus	PT92 (Blue & Gold w/Rosewood)	9mm	Pistol	5"	03/28/2014
Taurus	PT92 (Stainless & Gold w/Pearl)	9mm	Pistol	5"	03/28/2014
Taurus	PT99 (Stainless w/adj sight)	9mm	Pistol	5"	03/28/2014
Taurus	PT99 (Blue w/adj sight)	9mm	Pistol	5"	03/28/2014
Taurus	PT92 (Blue w/Rosewood)	9mm	Pistol	5"	03/28/2014
Taurus	PT92 (Blue & Gold w/Pearl)	9mm	Pistol	5"	03/28/2014
Taurus	PT92 (Stainless w/Rosewood)	9mm	Pistol	5"	03/28/2014
Taurus	PT92 (Stainless & Gold w/Rosewood)	9mm	Pistol	5"	03/28/2014
Smith & Wesson	SW9P SKU 120027	9mm	Pip Pip htiffs'	Exhibit 4	4- 03 727/2014

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Cafiber	27 Gun Page Type	3 &ðrgel _P Length	age ID Expired
Smith & Wesson	325PD SKU 163416	.45 ACP	Revolver	4"	03/21/2014
Smith & Wesson	625-9 SKU 160932	.45 Colt	Revolver	4"	03/21/2014
Smith & Wesson	460 Black Hunter SKU 170267	.460 S&W Magnum	Revolver	7.5"	03/21/2014
Smith & Wesson	29-8 Mountain Gun SKU 161236	.44 Magnum	Revolver	4"	03/19/2014
Sturm, Ruger & Co.	BSR9C-10L (Black)	9mm	Pistol	3.5"	03/17/2014
Sturm, Ruger & Co.	KSR45 03801	.45 ACP	Pistol	4.5"	03/14/2014
Sturm, Ruger & Co.	KSR9C-10-CF 03333	9mm	Pistol	3.5"	03/14/2014
Sturm, Ruger & Co.	LC9-R 03220	9mm	Pistol	3.12"	03/14/2014
Smith & Wesson	617-6 SKU 160578	.22 LR	Revolver	6"	03/14/2014
Smith & Wesson	642-2LS SKU 163808	.38 Spl	Revolver	1.87"	03/13/2014
Sturm, Ruger & Co.	LC9 (Blued) 03200	9mm	Pistol	3.12"	03/07/2014
Smith & Wesson	331-2 SKU 163667	.32 H&R Magnum	Revolver	1.87"	03/05/2014
Smith & Wesson	617-6 SKU 160583	.22 LR	Revolver	8.37"	03/05/2014
Smith & Wesson	617-6 SKU 160584	.22 LR	Revolver	4"	03/05/2014
Colt	O1991AR (Vietnam Tribute)	.45 ACP	Pistol	5"	03/04/2014
Smith & Wesson	43C (Matte Blk) SKU 103043	.22 LR	Revolver	1.875"	02/28/2014
Smith & Wesson	M&P 340 SKU 163072	.357 Magnum	Revolver	1.87"	02/27/2014

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Manufacturer	Model	# Call ber	Туре	Length	Expired
Smith & Wesson	SW 1911 PD Gunsite SKU 108304	.45 ACP	Pistol	4.25"	02/27/2014
Smith & Wesson	629-6 Black Comp. Hunter SKU 170241	.44 Magnum	Revolver	7.5"	02/26/2014
Sturm, Ruger & Co.	P4MKIII	.22 LR	Pistol	4"	02/24/2014
Sturm, Ruger & Co.	MKIII678	.22 LR	Pistol	6.875"	02/24/2014
Sturm, Ruger & Co.	MKIII6	.22 LR	Pistol	6"	02/24/2014
Sturm, Ruger & Co.	MKIII4	.22 LR	Pistol	4.75"	02/24/2014
Sturm, Ruger & Co.	KP512MKIII	.22 LR	Pistol	5.5"	02/24/2014
Smith & Wesson	60-15 Hi-Viz (S&W Logo Grip) SKU 162434	.357 Magnum	Revolver	3"	02/24/2014
Smith & Wesson	SW 1911 PD SKU 108286	.45 ACP	Pistol	5"	02/24/2014
Smith & Wesson	M&P 360 (S&W Logo Grip) SKU 163074	.357 Magnum	Revolver	1.87"	02/24/2014
Smith & Wesson	63-4 (S&W Logo Grip) SKU 162450	.22 LR	Revolver	5"	02/24/2014
Smith & Wesson	340PD (S&W Logo Grip) SKU 163061	.357 Magnum	Revolver	1.87"	02/24/2014
Smith & Wesson	317-3 (S&W Logo Grip) SKU 160221	.22 LR	Revolver	3"	02/24/2014
Smith & Wesson	317-2 (S&W Logo Grip) SKU 160222	.22 LR	Revolver	1.87"	02/24/2014
Smith & Wesson	640-3 (S&W Logo Grip) SKU 163690	.357 Magnum	Revolver	2.12"	02/24/2014

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Cafiber	27 Gun Page Type	4 00 of the set of the	age ID Expired
Smith & Wesson	325NG (Matte Black) SKU 163421	.45 ACP	Revolver	2.5"	02/18/2014
Smith & Wesson	637-2 Laser Grip SKU 163052	.38 Spl	Revolver	1.87"	02/17/2014
Smith & Wesson	432 PD Laser Grip SKU 163669	.32 H&R Magnum	Revolver	1.87"	02/17/2014
Smith & Wesson	410S Laser Grip SKU 104747	.40 S&W	Pistol	4"	02/17/2014
Smith & Wesson	22A-1 Polished Sides SKU 107437	.22 LR	Pistol	5.5"	02/17/2014
Smith & Wesson	SW 1911 PD SKU 108283	.45 ACP	Pistol	4.25"	02/17/2014
Smith & Wesson	SW 1911 PD (Desert Tan) Laser Grip SKU 108296	.45 ACP	Pistol	4.25"	02/17/2014
Smith & Wesson	329 NG (Matte Black) SKU 163420	.44 Magnum	Revolver	2.75"	02/14/2014
Smith & Wesson	337-2PD SKU 163056	.38 Spl	Revolver	1.87"	02/14/2014
Smith & Wesson	M&P 45 (Mag/Thmb Sfty) Dk Earth Bro SKU 109056	.45 ACP	Pistol	4.5"	02/12/2014
Sturm, Ruger & Co.	SR9B-10-L (Black)	9mm	Pistol	4.14"	02/09/2014
Sturm, Ruger & Co.	KSP-321X-CT (Stainless)	.357 Magnum	Revolver	2.28"	02/09/2014
Smith & Wesson	640-1 SKU 103690	.357 Magnum	Revolver	2.12"	02/08/2014
Smith & Wesson	4006 SKU 104400	.40 S&W	Pistol	4"	02/08/2014
Smith & Wesson	4506 SKU 108163	.45 ACP	Pistol	5"	02/08/2014
Smith & Wesson	4566 SKU 108272	.45 ACP	Pistol	4.25"	02/08/2014
Smith & Wesson	40-1 (Color Case) SKU 150205	.38 Spl	Revolver Plaintiffs'	1.87" Exhibit 4	02/07/2014 4-040

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Sturm, Ruger & Co.	KMKIII678GC	.22 LR	Pistol	6.875"	02/03/2014
Sturm, Ruger & Co.	KSR9C-10L (Brushed Stainless)	9mm	Pistol	3.5"	02/03/2014
Sturm, Ruger & Co.	КМКШ678Н	.22 LR	Pistol	6.87"	02/03/2014
Sturm, Ruger & Co.	P512MKIII 10107	.22 LR	Pistol	5.5"	02/03/2014
Smith & Wesson	648-2 SKU 163668	.22 MRF	Revolver	6"	02/03/2014
Smith & Wesson	617-5 SKU 160568	.22 LR	Revolver	6"	02/03/2014
Smith & Wesson	SW990L SKU 120230	9mm	Pistol	4"	02/03/2014
Smith & Wesson	629-6 Compensated Hunter SKU 170181	.44 Magnum	Revolver	7.5"	02/03/2014
Smith & Wesson	66-6 Carry Comp. SKU 170024	.357 Magnum	Revolver	3"	02/03/2014
Smith & Wesson	67-5 SKU 162802	.38 Spl	Revolver	4"	02/01/2014
Smith & Wesson	317-3 (Hi-Viz) SKU 160221	.22 LR	Revolver	3"	02/01/2014
Smith & Wesson	337-2 SKU 163053	.38 Spl	Revolver	1.87"	02/01/2014
Smith & Wesson	332-1 SKU 163679	.32 H&R Magnum	Revolver	1.87"	02/01/2014
Smith & Wesson	317-2 SKU 160222	.22 LR	Revolver	1.87"	02/01/2014
Sturm, Ruger & Co.	KP45HMKIII	.22 LR	Pistol	4.5"	01/31/2014
Smith & Wesson	M&P 45 (Mag. Safety) SKU 109206	.45 ACP	Pistol	4.5"	01/31/2014
Smith & Wesson	M&P 45 (Black/Mag.& Thumb Safety) SKU	.45 ACP	Pistol	4.5"	01/31/2014
	109006		Plaintiffs'	Exhibit 4	4-041

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Smith & Wesson	M&P 40c (Mag. Safety) SKU 109203	.40 S&W	Pistol	3.5"	01/31/2014
Smith & Wesson	SW40VE (Black Slide) SKU 120046	.40 S&W	Pistol	4"	01/31/2014
Walther	P22CA (Brushed Chrome) CAP 22012	.22 LR	Pistol	3.42"	01/31/2014
Smith & Wesson	SW9E SKU 120018	9mm	Pistol	4"	01/30/2014
Smith & Wesson	SW9G SKU 120032	9mm	Pistol	4"	01/30/2014
Smith & Wesson	SW40VE SKU 120023	.40 S&W	Pistol	4"	01/30/2014
Smith & Wesson	SW40G SKU 120035	.40 S&W	Pistol	4"	01/30/2014
Smith & Wesson	342PD SKU 103816	.38 Spl	Revolver	1.87"	01/30/2014
Smith & Wesson	642LS SKU 103808	.38 Spl	Revolver	1.87"	01/30/2014
Smith & Wesson	500 Hunter SKU 170231	.500 S&W Magnum	Revolver	10.62"	01/29/2014
Smith & Wesson	SW9VE (Black Slide) SKU 149116	9mm	Pistol	4"	01/27/2014
Browning	Buck Mark MS Camper CF RMEF Adj Sight	.22 LR	Pistol	5.5"	01/26/2014
Browning	Hi-Power MKIII RMEF CF 10 Cap. Fxd Sgts.	9mm	Pistol	4.66"	01/25/2014
Smith & Wesson	4046 TSW SKU 102957	.40 S&W	Pistol	4"	01/19/2014
Smith & Wesson	SW990L SKU 120231	9mm	Pistol	3.5"	01/18/2014
Walther	P99C QA WAP 90000	.40 S&W	Pistol	3.5"	01/18/2014
Sturm, Ruger & Co.	LC9-NRA 03209	9mm	Pistol	3.12"	01/16/2014
Sturm, Ruger & Co.	BSR9C-10-CT 03329	9mm	Pistol	3.5"	01/16/2014

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/. # Cali ber	27 Gign Page Type	4 97891 P Length	age ID Expired
Sturm, Ruger & Co.	KSR9C-10-CT 03328	9mm	Pistol	3.5"	01/16/2014
Sturm, Ruger & Co.	KSR9C-NRA 03325	9mm	Pistol	3.5"	01/16/2014
Sturm, Ruger & Co.	LC9-P 03205	9mm	Pistol	3.12"	01/16/2014
Sturm, Ruger & Co.	LC9-LM 03206	9mm	Pistol	3.12"	01/16/2014
Sturm, Ruger & Co.	LC9-CF 03211	9mm	Pistol	3.12"	01/16/2014
Smith & Wesson	4006 TSW Integral Rail SKU 150149	.40 S&W	Pistol	4"	01/16/2014
Smith & Wesson	945-1 (2-Tone) SKU 170300	.45 ACP	Pistol	5"	01/16/2014
Smith & Wesson	M&P 9C (Mag. Safety) SKU 109204	9mm	Pistol	3.50"	01/16/2014
Smith & Wesson	686-6 SSR SKU 178012	.357 Magnum	Revolver	4.12"	01/14/2014
Smith & Wesson	63-4 SKU 162450	.22 LR	Revolver	5"	01/14/2014
Smith & Wesson	40-1 (Blued) SKU 150222	.38 Spl	Revolver	1.87"	01/14/2014
Smith & Wesson	410S SKU 104744	.40 S&W	Pistol	4"	01/14/2014
Smith & Wesson	40-1 (Nickel) SKU 150223	.38 Spl	Revolver	1.87"	01/14/2014
Smith & Wesson	457S SKU 104808	.45 ACP	Pistol	3.75"	01/14/2014
Smith & Wesson	908S SKU 103890	9mm	Pistol	3.5"	01/14/2014
Smith & Wesson	910S SKU 104783	9mm	Pistol	4"	01/13/2014
Smith & Wesson	60-14 Lady Smith SKU 162414	.357 Magnum	Revolver	2.12"	01/10/2014

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01/ ^{#Cafiber}	27 Gun Page Type	4 .Bərge l _F Length	Page ID Expired
Smith & Wesson	360 (Matte Black) SKU 160360	.38 Spl	Revolver	1.87"	01/08/2014
Smith & Wesson	460 Carry Comp. SKU 170268	.460 S&W Magnum	Revolver	3.5"	01/05/2014
Smith & Wesson	22-4 SKU 161239	.45 ACP	Revolver	4"	01/05/2014
Smith & Wesson	66-6 SKU 162706	.357 Magnum	Revolver	4"	01/02/2014
Walther	P990 WAP66008	.40 S&W	Pistol	4.12"	01/02/2014
Sturm, Ruger & Co.	P89	9mm	Pistol	4.5"	12/31/2013
Sturm, Ruger & Co.	KP95	9mm	Pistol	3.9"	12/31/2013
Sturm, Ruger & Co.	KP89	9mm	Pistol	4.5"	12/31/2013
Sturm, Ruger & Co.	KP90	.45 ACP	Pistol	4.5"	12/31/2013
Smith & Wesson	4013TSW SKU 104444	.40 S&W	Pistol	3.5"	12/31/2013
Smith & Wesson	SW40E SKU 120020	.40 S&W	Pistol	4"	12/31/2013
Smith & Wesson	22S SKU 107300	.22 LR	Pistol	5.5"	12/31/2013
Smith & Wesson	CS9 SKU 103887	9mm	Pistol	3"	12/31/2013
Smith & Wesson	908 SKU 103882	9mm	Pistol	3.5"	12/31/2013
Smith & Wesson	CS40 SKU 108544	.40 S&W	Pistol	3.25"	12/31/2013
Smith & Wesson	22S SKU 107320	.22 LR	Pistol	7"	12/31/2013
Smith & Wesson	5903TSW SKU 108258	9mm	Pistol	4"	12/31/2013
Smith & Wesson	5906TSW SKU 108266	9mm	Pistol	4"	12/31/2013
Smith & Wesson	945-1 SKU 170169	.45 ACP	Pistol	3.75"	12/31/2013
Smith & Wesson	41 SKU 130511	.22 LR	Pistol Plaintiffs'	5.5" Exhibit 4	12/31/2013 4-044

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ ^{#Caliber}	2 Fun Page Type	4 97891 P Length	age ID Expired
Smith & Wesson	4006TSW SKU 104411	.40 S&W	Pistol	4"	12/31/2013
Smith & Wesson	3913TSW SKU 104531	9mm	Pistol	3.5"	12/31/2013
Smith & Wesson	945-1 SKU 170173	.45 ACP	Pistol	5"	12/31/2013
Smith & Wesson	41 SKU 130512	.22 LR	Pistol	7"	12/31/2013
Smith & Wesson	4003TSW SKU 108509	.40 S&W	Pistol	4"	12/31/2013
Smith & Wesson	457 SKU 104804	.45 ACP	Pistol	3.75"	12/31/2013
Smith & Wesson	642-1 SKU 103810	.38 Spl	Revolver	1.87"	12/31/2013
Smith & Wesson	SW99 SKU 120201	9mm	Pistol	4"	12/31/2013
Smith & Wesson	3913LS SKU 108290	9mm	Pistol	3.5"	12/31/2013
Smith & Wesson	4566TSW SKU 108263	.45 ACP	Pistol	4.25"	12/31/2013
Smith & Wesson	CS45 SKU 103014	.45 ACP	Pistol	3.25"	12/31/2013
Smith & Wesson	4563TSW SKU 108275	.45 ACP	Pistol	4.25"	12/31/2013
Smith & Wesson	910 SKU 104780	9mm	Pistol	4"	12/31/2013
Smith & Wesson	SW9VE SKU 120025	9mm	Pistol	4"	12/31/2013
Smith & Wesson	410 SKU 104740	.40 S&W	Pistol	4"	12/31/2013
Smith & Wesson	22A SKU 107400	.22 LR	Pistol	4"	12/31/2013
Smith & Wesson	SW99 SKU 120200	.40 S&W	Pistol	4.12"	12/31/2013
Walther	P99 (Black) SKU WAP65000	9mm	Pistol	4"	12/31/2013
Walther	P990 SKU WAP65008	9mm	Pistol	4"	12/31/2013
Walther	P99 (Black) SKU WAP66000	.40 S&W	Pistol	4.12"	12/31/2013
Sturm, Ruger & Co.	KP678HMKIII	.22 LR	Pistol	6.875"	12/29/2013
Smith & Wesson	4040PD SKU 104414	.40 S&W	Pistol	3.5"	12/22/2013
			Plaintiffs'	⊏XNIDIT 4	4-045

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Cafiber	27 Gun Page Type	4 8argel P Length	age ID Expired
Sturm, Ruger & Co.	KSR40-10L (Two-Tone)	.40 S&W	Pistol	4.14"	12/15/2013
Smith & Wesson	SW990L SKU 120223	.45 ACP	Pistol	4.25"	12/04/2013
Walther	P99 QA Titanium Coated SKU WAP77032	9mm	Pistol	4"	12/02/2013
Walther	P99 QA Titanium Coated SKU WAP78032	.40 S&W	Pistol	4.12"	12/02/2013
Walther	P99 QA Military (Green) SKU WAP77003	9mm	Pistol	4"	12/02/2013
Walther	P99 QA Military (Green) SKU WAP78003	.40 S&W	Pistol	4.12"	12/02/2013
Sturm, Ruger & Co.	BSR40-10L (Black)	.40 S&W	Pistol	4.14"	12/01/2013
Smith & Wesson	M&P 9 (Mag. Safety, Internal Lock) SKU 109001	9mm	Pistol	4.25"	11/30/2013
Smith & Wesson	29-10 (Nickel) SKU 150144	.44 Magnum	Revolver	6.5"	11/30/2013
Smith & Wesson	29-10 (Blue) SKU 150145	.44 Magnum	Revolver	6.5"	11/30/2013
Smith & Wesson	SW1911 (Nickel) SKU 150102	.45 ACP	Pistol	5"	11/30/2013
Smith & Wesson	SW1911 Rolling Thunder SKU 108306	.45 ACP	Pistol	5"	11/30/2013
Smith & Wesson	M&P 40 (Mag. Safety, Internal Lock) SKU 109000	.40 S&W	Pistol	4.25"	11/30/2013
Smith & Wesson	57-6 (Nickel) SKU 150482	.41 Magnum	Revolver	6"	11/29/2013
Sturm, Ruger & Co.	KSR9-10-L (Two-Tone)	9mm	Pistol	4.14"	11/24/2013

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/3 # Cafiber	27 Gzyn _{Page} Type	4 Bərgel P Length	age ID Expired
Smith & Wesson	315NG (Matte Black) SKU 163425	.38 Spl	Revolver	2.5"	11/24/2013
Smith & Wesson	642-2 PowerPort (Matte Black) SKU 170328	.38 Spl	Revolver	2.125"	11/24/2013
Smith & Wesson	325 Thunder Ranch (Matte Black) SKU 170316	.45 ACP	Revolver	4"	11/24/2013
Smith & Wesson	442-2 2nd Amend.Foundation Commem SKU 150505	.38 Spl	Revolver	1.87"	11/24/2013
Walther	P99C AS SKU WAP79000	9mm	Pistol	3.5"	11/22/2013
Sturm, Ruger & Co.	MKIII512GCL	.22 LR	Pistol	5.5"	11/16/2013
Smith & Wesson	520 SKU 164297	.357 Magnum	Revolver	4"	11/16/2013
Smith & Wesson	317LS SKU 100227	.22 LR	Revolver	1.87"	11/12/2013
Smith & Wesson	21-4 Classic (Blue) SKU 150196	.44 Spl	Revolver	4"	11/12/2013
Smith & Wesson	SW 1911 (Olive) Laser Grip SKU 108295	.45 ACP	Pistol	5"	11/12/2013
Smith & Wesson	342-1PD SKU 163816	.38 Spl	Revolver	1.87"	11/12/2013
Smith & Wesson	500 Hunter (Matte Silver) SKU 170299	.500 S&W Magnum	Revolver	7.5"	11/12/2013
Smith & Wesson	627-5 V Comp Two-Tone SKU 170296	.357 Magnum	Revolver	5"	11/12/2013
Walther	P99C QA SKU WAP80000	9mm	Pistol	3.5"	11/12/2013
Smith & Wesson	65-8 Lady Smith SKU 162608	.357 Magnum	Revolver	3"	11/08/2013
Smith & Wesson	617-4 SKU 100584	.22 LR	Revolver	4"	11/06/2013
			Plaintiffs'	Exhibit 4	4-047

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Callber	27 Gun Page Type	4 89rgel P Length	age ID Expired
Smith & Wesson	SW1911 SKU 108282	.45 ACP	Pistol	5"	11/06/2013
Smith & Wesson	686-6 Plus SKU 164284	.357 Magnum	Revolver	5"	11/06/2013
Smith & Wesson	647-1 SKU 170229	.17 HMR	Revolver	12"	11/06/2013
Smith & Wesson	64-8 SKU 162504	.38 Spl	Revolver	3"	11/06/2013
Smith & Wesson	66-6 SKU 162703	.357 Magnum	Revolver	2.5"	11/06/2013
Smith & Wesson	14-8 (Blue) SKU 150252	.38 Spl	Revolver	6"	11/06/2013
Smith & Wesson	386 PD SKU 163069	.357 Magnum	Revolver	2.5"	11/06/2013
Smith & Wesson	65-7 Lady Smith SKU 162608	.357 Magnum	Revolver	3"	11/06/2013
Smith & Wesson	386 SC SKU 163687	.357 Magnum	Revolver	3.12"	11/06/2013
Smith & Wesson	332 SKU 103679	.32 H&R Magnum	Revolver	1.87"	11/06/2013
Smith & Wesson	627-5 8 Shot V Comp SKU 170237	.357 Magnum	Revolver	5"	11/06/2013
Smith & Wesson	625-8 V Comp SKU 170238	.45 ACP	Revolver	4"	11/06/2013
Smith & Wesson	66-7 SKU 162706	.357 Magnum	Revolver	4"	11/06/2013
Smith & Wesson	629-6 Carry Comp (Matte Stainless) SKU 170279	.44 Magnum	Revolver	3"	11/06/2013
Smith & Wesson	442-1 SKU 102810	.38 Spl	Revolver	1.87"	11/06/2013
Smith & Wesson	21-4 SKU 161237	.44 Spl	Revolver	4"	11/06/2013
Smith & Wesson	629-6 (Matte) SKU 170135	.44 Magnum	Revolver	2.635"	11/06/2013

Case 8:22-0 Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	4 &ərgel P Length	age ID Expired
Smith & Wesson	296 SKU 103135	.44 Spl	Revolver	2.5"	11/06/2013
Smith & Wesson	66-6 SKU 162709	.357 Magnum	Revolver	6"	11/06/2013
Smith & Wesson	67-5 F-Comp (Matte Black) SKU 170324	.38 Spl	Revolver	3"	11/06/2013
Smith & Wesson	500 Hunter/Perf Ctr (Matte Blk) SKU 170255	.500 S&W Magnum	Revolver	7.5"	11/06/2013
Smith & Wesson	625-10 SKU 170226	.45 ACP	Revolver	2"	11/06/2013
Smith & Wesson	329-1 SKU 170232	.44 Magnum	Revolver	3"	11/06/2013
Smith & Wesson	PC1911-2 SKU 170257	.38 Super	Pistol	5"	11/06/2013
Smith & Wesson	500 Hunter SKU 170246	.500 S&W Magnum	Revolver	6.5"	11/06/2013
Smith & Wesson	66-7 SKU 162703	.357 Magnum	Revolver	2.5"	11/06/2013
Smith & Wesson	342 SKU 163814	.38 Spl	Revolver	1.87"	11/06/2013
Smith & Wesson	317 SKU 100222	.22 LR	Revolver	1.87"	11/06/2013
Taurus	PT38S (Stainless/Gold/Pearl)	.38 Super	Pistol	4.25"	11/02/2013
Walther	P99 (Titanium Coated) SKU WAP66032	9mm	Pistol	4"	10/01/2013
Walther	P99 (Titanium Coated) SKU WAP65032	.40 S&W	Pistol	4.12"	10/01/2013
Walther	P99 QA SKU WAP78022	.40 S&W	Pistol	4.12"	09/30/2013
Walther	P99 QA SKU WAP77022	9mm	Pistol	4"	09/30/2013
Walther	P99 AS SKU WAP77000	9mm	Pistol	4"	09/30/2013
Walther	P99 AS SKU WAP78000	.40 S&W	Pistol	4.12"	09/30/2013
Walther	P22CA	.22 LR	Pistol	5"	09/22/2013
			Plaintiffs'	Exhibit 4	4-049

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01/ # Callber	2 Fun Page Type	5 Bargel F Length	Page ID Expired
Walther	P22CA (Black) SKU CAP 22003	.22 LR	Pistol	3.42"	09/20/2013
Heckler & Koch	P7M8	9mm	Pistol	4.13"	09/10/2013
Mitchell Manufacturing Corp.	Mitchell Gold Series Stainless .45 ACP	.45 ACP	Pistol	5"	08/17/2013
Sturm, Ruger & Co.	SR22PB (Black) 03600	.22 LR	Pistol	3.50"	07/26/2013
Rossi	R971	.357 Magnum	Revolver	4"	07/23/2013
Taurus	85 CHULT	.38 Spl	Revolver	2"	07/18/2013
Taurus	44 TKR	.44 Magnum	Revolver	4"	07/18/2013
Walther	SP22 M1 CA SKU CAP22201	.22 LR	Pistol	4"	07/17/2013
Walther	SP22 M2 CA SKU CAP22202	.22 LR	Pistol	6"	07/17/2013
Charter 2000	53850 All American	.38 Spl	Revolver	2"	07/01/2013
Rossi	R461 Blue	.357 Magnum	Revolver	2"	07/01/2013
Sig Sauer	P229R (Blued)	.40 S&W	Pistol	3.9"	06/28/2013
Taurus	851 (Stainless)	.38 Spl	Revolver	2"	06/20/2013
Taurus	850	.38 Spl	Revolver	2"	06/16/2013
Walther	P1 (Legacy Sports International)	9mm	Pistol	4.94"	06/05/2013
Colt	O1991Z Custom M1991A1 (West Point)	.45 ACP	Pistol	5"	05/30/2013
Colt	O1091Z Custom M1991A1 (West Point)	.45 ACP	Pistol	5"	05/30/2013

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01 ^{#Caliber}	/27 Gyn Page Type	5 Bargel P Length	age ID Expired
Sig Sauer	P229R (Blued)	.357 SIG	Pistol	3.9"	05/24/2013
Browning	Buck Mark Camper MS Adj. Sight	.22 LR	Pistol	5.5"	05/10/2013
Browning	Buck Mark Camper MS F/O Adj. Sight	.22 LR	Pistol	5.5"	05/10/2013
Browning	Buck Mark Camper SS MS Adj. Sights	.22 LR	Pistol	5.5"	05/10/2013
Taurus	17	.17 HMR	Revolver	6.5"	04/16/2013
Sig Sauer	P229R (Blued)	9mm	Pistol	3.9"	04/12/2013
Sig Sauer	P226 Navy (Blued)	9mm	Pistol	4.4"	04/12/2013
Sig Sauer	SP2340 (Two-Tone)	.357 SIG	Pistol	3.8"	04/07/2013
Sig Sauer	SP2340 (Blued)	.357 SIG	Pistol	3.8"	04/07/2013
Sig Sauer	P245 (Two-Tone)	.45 ACP	Pistol	3.9"	04/07/2013
Sig Sauer	P220 (Two-Tone)	.45 ACP	Pistol	4.4"	04/07/2013
Sig Sauer	SP2009 (Two-Tone)	9mm	Pistol	3.8"	04/07/2013
Sig Sauer	P220 (Blued)	.45 ACP	Pistol	4.4"	04/07/2013
Sig Sauer	SP2340 (Blued)	.40 S&W	Pistol	3.8"	04/07/2013
Sig Sauer	SP2340 (Two-Tone)	.40 S&W	Pistol	3.8"	04/07/2013
Sig Sauer	P245 (Blued)	.45 ACP	Pistol	3.9"	04/07/2013
Sig Sauer	SP2009 (Blued)	9mm	Pistol	3.8"	04/07/2013
Sig Sauer	P228 (Blued)	9mm	Pistol	3.9"	03/27/2013
Sig Sauer	P229 DAK	9mm	Pistol	3.9"	03/23/2013
Sig Sauer	P226 DAK	9mm	Pistol	4.4"	03/23/2013
Sig Sauer	P239 DAK (Blued)	9mm	Pistol	3.6"	03/19/2013
Sig Sauer	P226 FBINA	.40 S&W	Pistol Plaintiffs'	4.4" Exhibit 4	03/19/2013 4-051

Case 8:22- Manufacturer	cv-01421-CJC-ADS Do Model	cument 48-4 Filed 01/. # Caliber	2 <mark>Gun _{Page} Type</mark>	5 Barge l Length	Page ID Expired
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Sig Sauer	P226R (Stainless)	.40 S&W	Pistol	4.4"	03/11/2013
Sig Sauer	P226R (Stainless)	.357 SIG	Pistol	4.4"	03/11/2013
Sig Sauer	P226R (Stainless)	9mm	Pistol	4.4"	03/11/2013
Sig Sauer	P226 (Two-Tone)	.357 SIG	Pistol	4.4"	03/06/2013
Sig Sauer	P229 (Two-Tone)	.40 S&W	Pistol	3.8"	03/06/2013
Sig Sauer	P239 (Two-Tone)	9mm	Pistol	3.6"	03/06/2013
Sig Sauer	P239 (Two-Tone)	.357 SIG	Pistol	3.6"	03/06/2013
Sig Sauer	P239 (Two-Tone)	.40 S&W	Pistol	3.6"	03/06/2013
Sig Sauer	P226 (Two-Tone)	.40 S&W	Pistol	4.4"	03/06/2013
Sig Sauer	P229 (Two-Tone)	9mm	Pistol	3.9"	03/06/2013
Sig Sauer	P229 (Two-Tone)	.357 SIG	Pistol	3.9"	03/06/2013
Sig Sauer	P226 (Two-Tone)	9mm	Pistol	4.4"	03/06/2013
Sig Sauer	P220R Carry SAO (Tv Tone)	vo45 ACP	Pistol	3.9"	02/27/2013
Sig Sauer	P229 (Blued)	.357 SIG	Pistol	3.9"	01/29/2013
Sig Sauer	P229 (Blued)	9mm	Pistol	3.9"	01/29/2013
Sig Sauer	P226 DAK	.357 SIG	Pistol	4.4"	01/26/2013
Sig Sauer	P229 DAK	.40 S&W	Pistol	3.9"	01/26/2013
Sig Sauer	P226 DAK	.40 S&W	Pistol	4.4"	01/26/2013
Sig Sauer	P229 DAK	.357 SIG	Pistol	3.9"	01/26/2013
Taurus	85 (Stainless Ultra-Li	te) .38 Spl	Revolver	2"	01/25/2013
Taurus	85 Titanium (Shadov Gray)	v .38 Spl	Revolver	2"	01/25/2013
Taurus	85 (Stainless)	.38 Spl	Revolver	2"	01/25/2013
Taurus	454 (Stainless 8 3/8")) .454 Casull	Revolver,	Exhibit 4	4-05225/2013

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 GLUN Page Type	5 8ərsel P Length	age ID Expired
Taurus	85 (Blue)	.38 Spl	Revolver	2"	01/25/2013
Taurus	44 (Stainless 6 1/2")	.44 Magnum	Revolver	6.5"	01/25/2013
Taurus	66 (Stainless 6")	.357 Magnum	Revolver	6"	01/25/2013
Taurus	617 Titanium (Shadow Gray)	.357 Magnum	Revolver	2"	01/25/2013
Taurus	85 (Blue Ultra-Lite)	.38 Spl	Revolver	2"	01/25/2013
Taurus	627 (Stainless 4")	.357 Magnum	Revolver	4"	01/25/2013
Rossi	R352 Stainless	.38 Spl	Revolver	2"	01/25/2013
Sig Sauer	P226 (Blued)	.357 SIG	Pistol	4.4"	12/31/2012
Sig Sauer	P229 (Blued)	.40 S&W	Pistol	3.9"	12/31/2012
Sig Sauer	P226 (Blued) 226-9-B	9mm	Pistol	4.4"	12/31/2012
Sig Sauer	P226 (Blued)	.40 S&W	Pistol	4.4"	12/31/2012
Sturm, Ruger & Co.	Р89Т	9mm	Pistol	4.5"	12/31/2012
Sturm, Ruger & Co.	Р90Т	.45 ACP	Pistol	4.5"	12/31/2012
Sturm, Ruger & Co.	P944T	.40 S&W	Pistol	4.2"	12/31/2012
Sig Sauer	P229R Equinox	.40 S&W	Pistol	3.9"	12/19/2012
Sig Sauer	P226R Blackwater 226R- 9-Blackwater	9mm	Pistol	4.4"	12/19/2012
Bulgarian	Makarov (Century Int'l)	9 mm Mak	Pistol	3.65"	12/06/2012
Bersa	Thunder 380 Gold	.380	Pistol	3.5"	11/15/2012
Bersa	Thunder 380 Nickel	.380	Pistol	3.5"	11/15/2012
Bersa	Thunder 380 Duotone	.380	Pistol Plaintiffs'	3.5" Exhibit 4	11/15/2012 4-053

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 (5230 Page Type	5 ₽ðrgel P Length	age ID Expired
Bersa	Thunder 380	.380	Pistol	3.5"	11/15/2012
Sturm, Ruger & Co.	MKIII512-60 (Black)	.22 LR	Pistol	5.5"	11/13/2012
Sturm, Ruger & Co.	KMKIII512-60 (Matte Stainless)	.22 LR	Pistol	5.5"	11/13/2012
Sig Sauer	P225 (Blued)	9mm	Pistol	3.9"	08/21/2012
Sig Sauer	P228R (Blue)	9mm	Pistol	3.9"	08/17/2012
Sig Sauer	P229R DAK	.357 SIG	Pistol	3.9"	08/10/2012
Sig Sauer	P229R DAK	.40 S&W	Pistol	3.9"	08/10/2012
Sig Sauer	P229 SAS	.40 S&W	Pistol	3.9"	07/27/2012
Sturm, Ruger & Co.	LCR-BGXS (Black)	.38 Spl	Revolver	1.87"	07/22/2012
Sig Sauer	P226R (Blued)	9mm	Pistol	4.4"	07/17/2012
Sig Sauer	P226R (Blued)	.357 SIG	Pistol	4.4"	07/17/2012
Sig Sauer	P226R (Blued)	.40 S&W	Pistol	4.4"	07/17/2012
Sig Sauer	P229R DAK	9mm	Pistol	3.9"	07/08/2012
Sig Sauer	P226R DAK	9mm	Pistol	4.4"	07/08/2012
Sig Sauer	P226R DAK	.357 SIG	Pistol	4.4"	07/08/2012
Sig Sauer	P226R DAK	.40 S&W	Pistol	4.4"	07/08/2012
Sturm, Ruger & Co.	P95	9mm	Pistol	3.9"	07/02/2012
Sturm, Ruger & Co.	KRH-45-4 (Satin Stainless)	.45 Colt	Revolver	4"	06/25/2012
Colt	O1991Z Custom M1991A1 (NRA 2011 Gun of the Year)	.45 ACP	Pistol	5"	06/16/2012

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	ent 48-4 Filed 01/ # Caliber	27 Gun Page Type	5 Barge l _P Length	age ID Expired
Sturm, Ruger & Co.	KRH-444	.44 Magnum	Revolver	4"	06/14/2012
Sturm, Ruger & Co.	P944T	.40 S&W	Pistol	4.20"	05/15/2012
Sturm, Ruger & Co.	P944TH	.40 S&W	Pistol	4.20"	05/15/2012
Sturm, Ruger & Co.	P944	.40 S&W	Pistol	4.20"	05/15/2012
Sturm, Ruger & Co.	KP944	.40 S&W	Pistol	4.20"	05/15/2012
ISSC	M22 (Black)	.22 LR	Pistol	4"	04/26/2012
Colt	O1991Z Custom M1991A1 (USMA 2011)	.45 ACP	Pistol	5"	04/17/2012
Sturm, Ruger & Co.	KSRH-7480	.480 Ruger	Revolver	7.5"	04/17/2012
Sturm, Ruger & Co.	KSRH-9480	.480 Ruger	Revolver	9.5"	04/17/2012
Sturm, Ruger & Co.	KP89TH	9mm	Pistol	4.5"	02/05/2012
Sturm, Ruger & Co.	KP944TH	.40 S&W	Pistol	4.2"	02/05/2012
Sturm, Ruger & Co.	КР90ТН	.45 ACP	Pistol	4.5"	02/05/2012
Sturm, Ruger & Co.	KP512 (22/45 Target)	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	KP94	9mm	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	KMK10 (Mark II Target)	.22 LR	Pistol	10"	12/31/2011

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docum Model	ient 48-4 Filed 0 #Caliber	1/2 ភ្អែរ មា _{Page} Type	5 Bargel _F Length	age ID Expired
Sturm, Ruger & Co.	KMK678GC	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	KMK6 (Mark II)	.22 LR	Pistol	6"	12/31/2011
Sturm, Ruger & Co.	KGP-160	.357 Magnum	Revolver	6"	12/31/2011
Sturm, Ruger & Co.	MK4	.22 LR	Pistol	4.75"	12/31/2011
Sturm, Ruger & Co.	P678GC (22/45 Comp. Target)	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	KMK4	.22 LR	Pistol	4.75"	12/31/2011
Sturm, Ruger & Co.	P944TH	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	KMK678G	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	P944	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	KP944	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	P944TH	.40 S&W	Pistol	4.2"	12/31/2011
Sturm, Ruger & Co.	GP-141	.357 Magnum	Revolver	4"	12/31/2011
Sturm, Ruger & Co.	MK512	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	KMK678	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	P89TH	9mm	Pistol	4.5" Exhibit 4	12/31/2011

	cv-01421-CJC-ADS Docume				
Manufacturer	Model	#Callber	Туре	Length	Expired
Sturm, Ruger & Co.	P4	.22 LR	Pistol	4"	12/31/2011
Sturm, Ruger & Co.	P512	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	MK678	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	P90	.45 ACP	Pistol	4.5"	12/31/2011
Sturm, Ruger & Co.	KMK512 (Mark II Target)	.22 LR	Pistol	5.5"	12/31/2011
Sturm, Ruger & Co.	P90TH	.45 ACP	Pistol	4.5"	12/31/2011
Sturm, Ruger & Co.	MK678G	.22 LR	Pistol	6.87"	12/31/2011
Sturm, Ruger & Co.	KBSR9-10-L (Black)	9mm	Pistol	4.14"	12/16/2011
Sturm, Ruger & Co.	KODBSR9-10-L (Blk/Green)	9mm	Pistol	4.14"	12/16/2011
Charter 2000	53884 Undercover Lite (Orange/SS) Std	.38 Spl	Revolver	2"	07/01/2011
Taurus	PT911 (Stainless)	9mm	Pistol	4"	06/20/2011
Taurus	PT24/7 (Stainless 9mm) 1-247099	9mm	Pistol	4"	06/20/2011
Taurus	PT24/7 (Blue 9mm)	9mm	Pistol	4"	06/20/2011
Taurus	PT911 (Blue)	9mm	Pistol	4"	06/16/2011
Taurus	PT24/7 (40 S&W)	.40 S&W	Pistol	4"	06/16/2011
Taurus	PT24/7 (Blue 40 S&W)	.40 S&W	Pistol	4"	06/16/2011
Browning	Buck Mark Challenge SE MS	.22 LR	Pistol	5.5"	04/25/2011
			Plaintiffs'	Exhibit 4	4-057

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	2 Gun Page Type	5 Bargel P Length	Page ID Expired
Browning	Buck Mark Camper SS MS	.22 LR	Pistol	5.5"	04/25/2011
Taurus	PT111 (Gray/Blue)	9mm	Pistol	3"	04/16/2011
Taurus	PT111 (Gray/Stainless)	9mm	Pistol	3"	04/16/2011
Sig Sauer	P6 (C.A.I.)	9mm	Pistol	3.9"	04/10/2011
Browning	Buck Mark Camper MS FO Sight	.22 LR	Pistol	5.5"	04/08/2011
Browning	Buck Mark SE MS FLD PLUS RSWD UDX ADJ S	.22 LR	Pistol	5.5"	04/07/2011
Browning	Buck Mark Micro Bull MS	.22 LR	Pistol	4"	04/07/2011
Taurus	PT140 (Stainless)	.40 S&W	Pistol	3"	03/25/2011
Taurus	PT111 (Stainless)	9mm	Pistol	3"	03/25/2011
Sturm, Ruger & Co.	KSP-831X	.38 Spl	Revolver	3.06"	03/12/2011
Browning	Buck Mark Plus Stainless UDX MS	.22 LR	Pistol	5.5"	03/08/2011
Browning	Buck Mark 5.5 Target Cocabolo SE MS	.22 LR	Pistol	5.5"	03/08/2011
Browning	Buck Mark Standard SS MS	.22 LR	Pistol	5.5"	03/08/2011
Sturm, Ruger & Co.	KSP-3231X	.32 H&R Magnum	Revolver	3.063"	03/06/2011
Browning	Buck Mark Contour 5.5 URX SE MS	.22 LR	Pistol	5.5"	03/05/2011
Browning	Buck Mark Contour 5.5 Lite URX SE MS	.22 LR	Pistol	5.5"	03/05/2011
Browning	Buck Mark Standard URX SE MS	.22 LR	Pistol	5.5"	03/05/2011

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	5 \$ðrgel F Length	Page ID Expired
Browning	Buck Mark Standard SS URX MS	.22 LR	Pistol	5.5"	03/05/2011
Browning	Buck Mark Micro Standard URX SE MS	.22 LR	Pistol	4"	03/05/2011
Browning	Buck Mark Micro Standard SS URX MS	.22 LR	Pistol	4"	03/05/2011
Browning	Buck Mark LT Splash 5.5 URX FO MS	.22 LR	Pistol	5.5"	03/05/2011
Browning	Buck Mark 5.5 Field Cocabolo SE MS	.22 LR	Pistol	5.5"	03/05/2011
Browning	Buck Mark LT Splash 7.25 URX FO SE MS	.22 LR	Pistol	7.25"	03/05/2011
Browning	Buck Mark Contour 7.25 Lite URX SE MS	.22 LR	Pistol	7.25"	03/05/2011
Browning	Buck Mark Plus UDX SE MS	.22 LR	Pistol	5.5"	03/05/2011
Beretta	92FS Vertec (Black)	9mm	Pistol	4.52"	03/05/2011
Beretta	U22 Neos Inox 6	.22 LR	Pistol	6"	03/04/2011
Beretta	U22 Neos 4.5	.22 LR	Pistol	4.5"	03/04/2011
Beretta	U22 Neos Inox 7.5 In. Dlx	.22 LR	Pistol	7.5"	03/04/2011
Beretta	U22 Neos Inox 6	.22 LR	Pistol	6"	03/04/2011
Beretta	U22 Neos Inox 4.5	.22 LR	Pistol	4.5"	03/04/2011
Beretta	U22 Neos 7.5 In. Dlx	.22 LR	Pistol	7.5"	03/04/2011
Beretta	U22 Neos 6	.22 LR	Pistol	6"	03/04/2011
Beretta	U22 Neos 6	.22 LR	Pistol	6"	03/04/2011
Browning	Buck Mark Camper MS (Tolerance Band)	.22 LR	Pistol	5.5"	02/28/2011
Beretta	96 Vertec (Black)	.40 S&W	Pistenhtiffs'	Exhibit 4	4-08ø25/2011

Case 8:22- Manufacturer	cv-01421-CJC-ADS Doc Model	ument 48-4 Filed 0: # Caliber	1/2 -Ģign Pag Type	e 6 Bargel P Length	age ID Expired
Beretta	950 Jetfire Inox	.25 ACP	Pistol	61 mm	02/13/2011
Beretta	950 Jetfire	.25 ACP	Pistol	61 mm	02/13/2011
Steyr Arms	S-A1	.40 S&W	Pistol	3.6"	02/08/2011
Sturm, Ruger & Co.	KP90D	.45 ACP	Pistol	4.5"	02/06/2011
Sturm, Ruger & Co.	KP97D	.45 ACP	Pistol	4.2"	02/06/2011
Sturm, Ruger & Co.	P89D	9mm	Pistol	4.5"	02/06/2011
Sturm, Ruger & Co.	KP89D	9mm	Pistol	4.5"	02/06/2011
Sturm, Ruger & Co.	KP95D	9mm	Pistol	3.9"	02/06/2011
Sturm, Ruger & Co.	P95D	9mm	Pistol	3.9"	02/06/2011
Beretta	U22 Neos Inox 4.5	.22 LR	Pistol	4.5"	01/29/2011
Steyr Arms	M40-A1	.40 S&W	Pistol	4"	01/24/2011
Steyr Arms	M9-A1	9mm	Pistol	4"	01/24/2011
Steyr Arms	M357-A1	.357 SIG	Pistol	4"	01/24/2011
Taurus	PT140 (Blue w/night sight)	.40 S&W	Pistol	3"	01/19/2011
Taurus	PT111 (Blue)	9mm	Pistol	3"	01/19/2011
Taurus	PT111 (Blue w/night sight)	9mm	Pistol	3"	01/19/2011
Taurus	PT140 (Blue)	.40 S&W	Pistol	3"	01/19/2011
Springfield Armory	PX9181L	.45 ACP	Pistol	5"	12/31/2010

Case 8:22- Manufacturer	-cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Galiber	27 Gun Page Type	6 <mark>Barge</mark> l Length	•
Springfield Armory	PX9181L (ambi safety)	.45 ACP	Pistol	5"	12/31/2010
Sturm, Ruger & Co.	RH-445	.44 Magnum	Revolver	5.5"	12/31/2010
Sturm, Ruger & Co.	RH-44	.44 Magnum	Revolver	7.5"	12/31/2010
Sturm, Ruger & Co.	RH-44R	.44 Magnum	Revolver	7.5"	12/31/2010
Wilson Combat	CQB, Ambi, AT Tac Lt Rl (Blk) (WCQB-AL-CA)	.45 ACP	Pistol	5"	12/29/2010
Taurus	PT145P (Blue)	.45 ACP	Pistol	3.3"	12/08/2010
Taurus	PT145P (Stainless)	.45 ACP	Pistol	3.3"	12/08/2010
Taurus	M22H SS (Raging Hornet)	.22 Hornet	Revolver	10"	11/02/2010
Taurus	PT24-7 (Two-Tone)	.45 ACP	Pistol	4"	10/26/2010
Springfield Armory	PB9162L	.45	Pistol	3.5"	10/04/2010
Taurus	PT145 (Stainless)	.45 ACP	Pistol	3.3"	10/03/2010
Taurus	PT145 (Blue)	.45 ACP	Pistol	3.3"	10/03/2010
Taurus	PT140P-CA (Blue)	.40 S&W	Pistol	3.25"	10/01/2010
Taurus	PT145P-CA (Blue)	.45 ACP	Pistol	3.3"	10/01/2010
Taurus	PT111P-CA (Blue)	9mm	Pistol	3.25"	10/01/2010
Springfield Armory	XD9524	.45 GAP	Pistol	4'	09/26/2010
Springfield Armory	XD9525	.45 GAP	Pistol	5"	09/26/2010
Springfield Armory	PX9806L	.45 ACP	Pistol	3"	09/22/2010
Sig Sauer	P226R HSP	.40 S&W	Pipilanhtiffs'	Exhibiit 4	4-08 ∕21/2010

		nt 48-4 Filed 01/	•		-
Manufacturer	Model	# Cali ber	Туре	Length	Expired
Sig Sauer	P229R HSP	.40 S&W	Pistol	3.9"	09/21/2010
Springfield Armory	PX9808L	.45 ACP	Pistol	3"	09/06/2010
Springfield Armory	PX9105L	.45 ACP	Pistol	5"	09/06/2010
Springfield Armory	PX9505L	9mm	Pistol	3.5"	09/06/2010
Browning	Hi-Power MKIII Fixed Sights	.40 S&W	Pistol	4.66"	09/04/2010
Beretta	M9 "America's Defender" 20th Anniversary	9mm	Pistol	4.9"	08/24/2010
Taurus	PT111P (Stainless)	9mm	Pistol	3.25"	08/23/2010
Kimber	NRA Eclipse II	.45 ACP	Pistol	5"	08/16/2010
Springfield Armory	PX9802L	.45 ACP	Pistol	3"	08/13/2010
Browning	Hi-Power Practical Fixed Sights	.40 S&W	Pistol	4.66"	08/12/2010
Springfield Armory	PX9609L	.45 ACP	Pistol	5"	07/31/2010
Browning	Hi-Power Practical Fixed Sights	9mm	Pistol	4.66"	07/26/2010
Browning	Hi-Power Practical Adj Sights	9mm	Pistol	4.66"	07/26/2010
Browning	Hi-Power Silver Chrome Fixed Sights	9mm	Pistol	4.66"	07/26/2010
Magnum Research	Desert Eagle Mark XIX DE44CA/blk oxide	.44 Magnum	Pistol	6"	07/19/2010
Taurus	PT140P (Blue)	.40 S&W	Pistol	3.25"	07/18/2010
Taurus	PT140P (Stainless)	.40 S&W	Pistol Plaintiffs'	3.25" Exhibit 4	07/18/2010 4-062

	cv-01421-CJC-ADS Docume	nt 48-4 Filed 0 #Caliber	•		•
Manufacturer	Model		Туре	Length	Expired
Taurus	PT111P (Blue)	9mm	Pistol	3.25"	07/18/2010
Sturm, Ruger & Co.	MK4NRA	.22 LR	Pistol	4.75"	07/10/2010
Walther	PPK/S-1 (Crimson Trace)	.380 ACP	Pistol	3.35"	06/16/2010
Walther	PPK/S-1 (Two-Tone)	.380 ACP	Pistol	3.35"	05/27/2010
Walther	PPK/S-1	.380 ACP	Pistol	3.35"	05/08/2010
Browning	Buck Mark Camper MS	.22 LR	Pistol	5.5"	04/25/2010
Springfield Armory	XD9504	.45	Pistol	4.05"	03/23/2010
Springfield Armory	XD9505	.45	Pistol	5.01"	03/23/2010
Browning	Buck Mark JMB NRA MS	.22 LR	Pistol	5.5"	02/27/2010
Browning	Buck Mark JMB NRA HG	.22 LR	Pistol	5.5"	02/27/2010
Walther	PPK 75th Anniversary	.380 ACP	Pistol	3.35"	02/27/2010
Wilson Combat	KZ-45 (Black) (WKZ-T-PA- CA)	.45 ACP	Pistol	5"	02/26/2010
Mitchell Manufacturing Corp.	Mitchell White Lightning .17HMR	.17 HMR	Pistol	8.5"	02/14/2010
Mitchell Manufacturing Corp.	Mitchell White Lightning .22 WMR	.22 WMR	Pistol	8.5"	02/14/2010
Wilson Combat	ADP (Black) (WC-ADP)	9mm	Pistol	3.75"	02/14/2010
Walther	PPK (Blued)	.380 ACP	Pistol	3.35"	02/14/2010
Magnum Research	Baby Dsrt Eagle MR4500RS	.45 ACP	Pistol	3.9"	01/29/2010
Magnum Research	Baby Dsrt Eagle MR4500RS	.45 ACP	Pistol	3.9"	01/29/2010
		Plaintiffs' Exhibit 4 4-063			

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caffber	27 GLUN Page Type	6 Þðrge l _P Length	age ID Expired
Magnum Research	Baby Dsrt Eagle MR9400	.40 S&W	Pistol	4.52"	01/29/2010
Sturm, Ruger & Co.	MK10	.22 LR	Pistol	10"	12/31/2009
Sturm, Ruger & Co.	KGPF-341	.357 Magnum	Revolver	4"	12/31/2009
Sturm, Ruger & Co.	MK8	.22 LR	Pistol	8"	12/31/2009
Sturm, Ruger & Co.	GPF-341	.357 Magnum	Revolver	4"	12/31/2009
Sturm, Ruger & Co.	P8GC	.22 LR	Pistol	8"	12/31/2009
Sturm, Ruger & Co.	GPF-331	.357 Magnum	Revolver	3"	12/31/2009
Sturm, Ruger & Co.	GP160	.357 Magnum	Revolver	6"	12/31/2009
Magnum Research	Baby Dsrt Eagle MR9900RB	9mm	Pistol	3.64	12/31/2009
Magnum Research	Baby Dsrt Eagle MR9900	9mm	Pistol	4.52"	12/31/2009
Kimber	Custom II/External Extractor	.45 ACP	Pistol	5"	11/14/2009
Kimber	Ultra Carry Stainless II/External Extractor	.45 ACP	Pistol	3"	11/14/2009
Bersa	Bersa Thunder 9 Ultra Compact	9mm	Pistol	3.25"	11/08/2009
Walther	PPK (Stainless)	.380 ACP	Pistol	3.35"	11/08/2009
Kimber	Raptor II/External Extractor	.45 ACP	Pistol	5"	11/08/2009

Case 8:22-	cv-01421-CJC-ADS Docume	nt 48-4 Filed 01/	27 Fren Page	699rgel P	age ID
Manufacturer	Model	#Caliber	Туре	Length	Expired
Kimber	Stainless II/External Extractor	.45 ACP	Pistol	5"	11/05/2009
Kimber	Eclipse Pro II w/External Extractor	.45 ACP	Pistol	4"	11/05/2009
Kimber	Custom TLE/RL II	.45 ACP	Pistol	5"	10/21/2009
Kimber	Pro Carry Ten II	.45 ACP	Pistol	4"	10/10/2009
Kimber	LTP II	.45 ACP	Pistol	5"	09/17/2009
Bersa	Thunder 45 Ultra Compact (Matte)	.45 ACP	Pistol	3.6"	09/08/2009
Walther	P1 (Century Int'l)	9mm	Pistol	4.94"	08/21/2009
Kimber	Ultra Ten II	.45 ACP	Pistol	3"	08/19/2009
Ed Brown Products	SF-BB-CAL (Special Forces)	.45 ACP	Pistol	5"	08/16/2009
Firestorm	Mini Fire Storm 9mm	9mm	Pistol	3.375"	07/29/2009
Ed Brown Products	Executive Target "ET-BB- CAL"	.45 ACP	Pistol	5"	07/18/2009
Kimber	Team Match II	.45 ACP	Pistol	5"	07/17/2009
Sturm, Ruger & Co.	P95L	9mm	Pistol	3.90"	06/25/2009
Ed Brown Products	KC-SS-CAL	.45 ACP	Pistol	4.25"	06/24/2009
Browning	Buck Mark SE MS Lt Splash 7.25 URX FO, Adj S	.22 LR	Pistol	7.25"	06/18/2009
Browning	Buck Mark Micro Standard URX SE MS	.22 LR	Pistol	4"	06/18/2009
Sturm, Ruger & Co.	KMK512GCUS	.22 LR	Pistol	5.5"	06/18/2009

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01/ ^{#Cafiber}	727 GLUN Page Type	6 8argel P Length	age ID Expired
Sturm, Ruger & Co.	P97D	.45 ACP	Pistol	4.25"	06/13/2009
Magnum Research	BE9900RB	9mm	Pistol	3.5"	06/11/2009
Sturm, Ruger & Co.	KGP-141TG	.357 Magnum	Revolver	4"	06/03/2009
Sturm, Ruger & Co.	KSP-321XTG	.357 Magnum	Revolver	2.25"	06/03/2009
Sturm, Ruger & Co.	P95DPR	9mm	Pistol	3.9"	05/27/2009
Sturm, Ruger & Co.	KP944D	.40 S&W	Pistol	4.20"	05/15/2009
Kimber	Stainless TLE/RL II	.45 ACP	Pistol	5"	05/10/2009
Sturm, Ruger & Co.	KP345DPR	.45 ACP	Pistol	4.2"	04/25/2009
Sturm, Ruger & Co.	KSRH-9454	.454 Casull	Revolver	9.5"	04/17/2009
Charles Daly	CDGR6002 1911 A-1	.45 ACP	Pistol	5"	04/04/2009
Springfield Armory	PX9503L	.45 ACP	Pistol	4"	03/27/2009
Springfield Armory	PX9503L (ambi safety)	.45 ACP	Pistol	4"	03/27/2009
Kimber	Tactical Pro II	.45 ACP	Pistol	4"	03/27/2009
Firestorm	Mini Firestorm	.40 S&W	Pistol	3.25"	03/26/2009
Kimber	Tactical Custom II	.45 ACP	Pistol	5"	03/20/2009
Firestorm	Mini Firestorm 45	.45 ACP	Pistol	3.6"	03/19/2009
Sturm, Ruger & Co.	MK512GCL	.22 LR	Pistol	5.5"	03/19/2009

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01/ #Callber	/2 ५२५९० Page Type	6 Bərgel P Length	age ID Expired
Kimber	Tactical Ultra II	.45 ACP	Pistol	3"	03/19/2009
Kimber	Royal II/External Extractor	.45 ACP	Pistol	5"	03/16/2009
Browning	Buck Mark Micro Standard SS MS	.22 LR	Pistol	4"	03/08/2009
Sturm, Ruger & Co.	KSP-241X	.22 LR	Revolver	4"	03/06/2009
Sturm, Ruger & Co.	KSP-3241X	.32 H&R Magnum	Revolver	4"	03/06/2009
Kimber	BP Ten II	.45 ACP	Pistol	5"	03/04/2009
Kimber	Pro BP Ten II	.45 ACP	Pistol	4"	03/04/2009
Kimber	Custom CDP II	.45 ACP	Pistol	5"	03/04/2009
Kimber	Gold Match II/External Extractor	.45 ACP	Pistol	5"	02/25/2009
Kimber	Custom TLE II/External Extractor	.45 ACP	Pistol	5"	02/25/2009
Kimber	Custom Target/External Extractor	.45 ACP	Pistol	5"	02/25/2009
Kimber	Gold Stainless Combat II/External Extractor	.45 ACP	Pistol	5"	02/25/2009
Kimber	Stainless TLE/External Extractor	.45 ACP	Pistol	5"	02/25/2009
Kimber	Eclipse Pro Target II/External Extractor	.45 ACP	Pistol	4"	02/25/2009
Springfield Armory	PX9129L	.45 ACP	Pistol	6"	02/20/2009
Springfield Armory	PX9129L (ambi safety)	.45 ACP	Pistol	6"	02/20/2009

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01/. # Caîîber	27 Gun _{Page} Type	6 89r89 l _F Length	Page ID Expired
Springfield Armory	PX9510L	.45 ACP	Pistol	3.25"	02/20/2009
Springfield Armory	PX9510L (ambi safety)	.45 ACP	Pistol	3.25"	02/20/2009
Kimber	Gold Match Ten II	.45 ACP	Pistol	5"	02/09/2009
Kimber	Pro CDP II/External Extractor	.45 ACP	Pistol	4"	02/04/2009
Kimber	Pro HD II/External Extractor	.45 ACP	Pistol	4"	02/04/2009
Kimber	Gold Combat Il/External Extractor	.45 ACP	Pistol	5"	02/04/2009
Springfield Armory	PX9629L	.45	Pistol	6"	01/29/2009
Springfield Armory	PX9629L (ambi safety)	.45	Pistol	6"	01/29/2009
Kimber	Stainless Ten II	.45 ACP	Pistol	5"	01/27/2009
Springfield Armory	PX9805L	.45 ACP	Pistol	3"	01/17/2009
Kimber	Eclipse Ultra II/External Extractor	.45 ACP	Pistol	3"	01/09/2009
Kimber	Super Match II/External Extractor	.45 ACP	Pistol	5"	01/05/2009
Kimber	Stainless Pro Carry II/External Extractor	.45 ACP	Pistol	4"	01/05/2009
Sturm, Ruger & Co.	KRH-45	.45 Long Colt	Revolver	7.5"	12/31/2008
Sturm, Ruger & Co.	KRH-45R	.45 Long Colt	Revolver	7.5"	12/31/2008
Sturm, Ruger & Co.	KGPF-340	.357 Magnum	Revolver Plaintiffs'	4'' Exhibit 4	12/31/2008 4-068

Case 8:22- Manufacturer	cv-01421-CJC-ADS Model	Document 48-4 Filed 01. #Callber	/279299 Page Type	6 \$789 1 P Length	Page ID Expired
Sturm, Ruger & Co.	MK6 (Mark II)	.22 LR	Pistol	6"	12/31/2008
Sturm, Ruger & Co.	KP4	.22 LR	Pistol	4.75"	12/31/2008
Sturm, Ruger & Co.	KRH-445	.44 Magnum	Revolver	5.5"	12/31/2008
Sturm, Ruger & Co.	KGPF-330	.357 Magnum	Revolver	3"	12/31/2008
Sturm, Ruger & Co.	KGPF-840	.38 Spl	Revolver	4"	12/31/2008
Sturm, Ruger & Co.	GPF-340	.357 Magnum	Revolver	4"	12/31/2008
Sturm, Ruger & Co.	P94	9mm	Pistol	4.2"	12/31/2008
Detonics USA	Combat Master	.45 ACP	Pistol	3.5"	12/29/2008
Detonics USA	9-11-01	.45 ACP	Pistol	5"	12/29/2008
Para USA	PX745EMB	.45 ACP	Pistol	5"	12/29/2008
Para USA	PX745ELMB	.45 ACP	Pistol	5"	12/29/2008
Para USA	PX745ENMB	.45 ACP	Pistol	5"	12/29/2008
Springfield Armory	XD9102LE	.40 S&W	Pistol	4.08"	12/20/2008
Springfield Armory	XD9103LE	.357 SIG	Pistol	4.08"	12/20/2008
Kimber	Stainless Gold Ma Il/External Extrac		Pistol	5"	12/17/2008
Kimber	Stainless Target II/External Extrac	.45 ACP tor	Pistol	5"	12/16/2008
Kimber	Eclipse Custom	.45 ACP	Pistol	5"	12/16/2008
	II/External Extrac	tor	Plaintiffs'	Exhibit 4	4-069

Case 8:22- Manufacturer	-cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 GLUN Page Type	7 &ərgel P Length	age ID Expired
Kimber	Eclipse Target II/External Extractor	.45 ACP	Pistol	5"	12/16/2008
Kimber	Ultra CDP II/External Extractor	.45 ACP	Pistol	3"	12/16/2008
Nighthawk Custom	Talon IV (Black/Blue)	.45 ACP	Pistol	3.65"	12/14/2008
Nighthawk Custom	Talon IV (Black/Sniper Gray)	.45 ACP	Pistol	3.65"	12/14/2008
Nighthawk Custom	Talon IV	.45 ACP	Pistol	3.65"	12/14/2008
Kimber	Rimfire Target Black 17M2	.17 HM2	Pistol	5"	11/04/2008
Springfield Armory	XD9101LE	9mm	Pistol	4.08"	10/21/2008
Sig Sauer	1911-45-S	.45 ACP	Pistol	5"	08/10/2008
Charles Daly	CDGR8008 Field HP	9mm	Pistol	4.625"	08/02/2008
Charles Daly	CDGR6269 1911A-1	.45 ACP	Pistol	4"	08/02/2008
Browning	Buck Mark Plus SE MS NKL	.22 LR	Pistol	5.5"	07/29/2008
Browning	Pro-9	9mm	Pistol	4"	07/29/2008
Browning	Buck Mark Camper Splash MS	.22 LR	Pistol	5.5"	07/29/2008
Sig Sauer	226-9-Sport-STK	9mm	Pistol	4.4"	06/28/2008
Sig Sauer	P229R GCP	.40 S&W	Pistol	3.8"	06/13/2008
Feg. Hungary	PA 63 Two-Tone (Century Int'l)	9 mm Mak	Pistol	3.9"	05/21/2008
Charles Daly	CDGR6556 1911-A1	.45 ACP	Pistol	5"	04/26/2008
Charles Daly	CDGR6900 1911-A1	.45 ACP	Pistol Plaintiffs'	5'' Exhibit 4	04/26/2008 4-070

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 03 #Caliber	_{L/2} հար _{Page} Type	7 Bargel Length	
Charles Daly	CDGR6505 1911-A1	.45 ACP	Pistol	5"	04/26/2008
Browning	Buck Mark Standard SE MS	.22 LR	Pistol	5.5"	04/25/2008
Browning	Buck Mark Micro Standard SE MS	.22 LR	Pistol	4"	04/25/2008
Browning	Buck Mark Plus SE MS	.22 LR	Pistol	5.5"	04/25/2008
Sig Sauer	P228 (Two Tone)	9mm	Pistol	3.9"	04/07/2008
Charles Daly	CDGR6051 1911 A-1	.45 ACP	Pistol	5"	04/04/2008
Charles Daly	CDGR6228 1911 A-1	.45 ACP	Pistol	4"	04/04/2008
Charles Daly	CDGR6417 1911 A-1	.45 ACP	Pistol	3.5"	04/04/2008
Sig Sauer	P220 (Stainless) Sport	.45 ACP	Pistol	5.5"	12/31/2007
Sig Sauer	Mosquito (Green) MOS- 22-G	.22 LR	Pistol	4"	12/19/2007
Sturm, Ruger & Co.	P90THGA	.45 ACP	Pistol	4.5"	12/18/2007
Sturm, Ruger & Co.	P90THGADLX	.45 ACP	Pistol	4.5"	12/18/2007
Browning	Buck Mark SE MS FLD PLUS RSWD	.22 LR	Pistol	5.5"	10/04/2007
Jimenez Arms	J.A. NINE CA (Black/Nickel)	9mm	Pistol	3.7"	08/10/2007
Jimenez Arms	JA-25 (Nickel)	.25	Pistol	2.5"	08/10/2007
Browning	Buck Mark Camper SE MS NKL	.22 LR	Pistol	5.5"	08/10/2007
Jimenez Arms	J.A. NINE CA (Black)	9mm	Pistol	3.7"	08/04/2007
Jimenez Arms	J.A. NINE CA (Nickel/Black)	9mm	Pistol	3.7"	08/04/2007
Browning	Buck Mark SE MS NKL	.22 LR	Piplantiffs'	Exົກເອົ້າt 4	4- 07 /29/2007

Case 8:22- Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/ # Caliber	27 Gun Page Type	7 Bərgel P Length	age ID Expired
Browning	Buck Mark Micro NKL SE MS	.22 LR	Pistol	4"	07/29/2007
Jimenez Arms	J.A. NINE CA (Nickel)	9mm	Pistol	3.7"	07/21/2007
Jimenez Arms	J.A. 380 (Black)	.380 ACP	Pistol	2.75"	05/05/2007
Jimenez Arms	J.A. 380 (Nickel)	.380 ACP	Pistol	2.75"	03/23/2007
Browning	Buck Mark Plus SE	.22 LR	Pistol	5.5"	03/19/2007
Browning	Buck Mark Nickel SE	.22 LR	Pistol	5.5"	03/19/2007
Browning	Buck Mark Plus Nickel SE	.22 LR	Pistol	5.5"	03/19/2007
Browning	Buck Mark Micro Plus Std SE	.22 LR	Pistol	4"	03/19/2007
Jimenez Arms	JA-22 (Black/Nickel)	.22	Pistol	2.5"	03/14/2007
Jimenez Arms	JA-22 (Black)	.22	Pistol	2.5"	03/14/2007
Browning	Buck Mark Camper Nickel	.22 LR	Pistol	5.5"	03/08/2007
Browning	Buck Mark Micro Nickel SE	.22 LR	Pistol	4"	03/08/2007
Browning	Buck Mark 5.5 Field SE	.22 LR	Pistol	5.5"	03/08/2007
Browning	Buck Mark Camper	.22 LR	Pistol	5.5"	03/04/2007
Browning	Buck Mark Micro Standard SE	.22 LR	Pistol	4"	03/04/2007
Browning	Buck Mark Standard SE	.22 LR	Pistol	5.5"	03/04/2007
Browning	Buck Mark Challenge SE	.22 LR	Pistol	5.5"	03/04/2007
Browning	Buck Mark 5.5 Target SE	.22 LR	Pistol	5.5"	03/04/2007
Jimenez Arms	JA-22 (Nickel)	.22	Pistol	2.5"	02/06/2007
Jimenez Arms	JA-25 (Black)	.25	Pistol	2.5"	01/17/2007
Jimenez Arms	JA-25 (Black/Nickel)	.25	Pistol Plaintiffs'	2.5" Exhibit 4	01/17/2007 4-072

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01 #Caliber	/2 ˈ͡͡͡͡͡ː P age Type	7 Bargel Length	Page ID Expired
Charles Daly	CDGR6473 1911A-1	.45 ACP	Pistol	3.5"	11/27/2006
Browning	Buck Mark SE FLD PLUS RSWD	.22 LR	Pistol	5.5"	10/04/2006
Shooters Arms Mfg.	M-1911	.45 ACP	Pistol	5"	09/10/2006
Browning	Buck Mark Camo Camper (MOBU)	.22 LR	Pistol	5.5"	07/26/2006
European American Armory	Witness EA45B	.45 ACP	Pistol	4.5"	07/10/2006
European American Armory	Witness EA40B	.40 S&W	Pistol	4.5"	07/10/2006
Heckler & Koch	USP .357 Sig Compact	.357 SIG	Pistol	3.58"	05/23/2006
Mauser	M2	.40 S&W	Pistol	3.5"	03/16/2006
Feg. Hungary	РЈК9НР	9mm	Pistol	4.625"	01/17/2006
North American Arms	.380 Guardian S	.380 ACP	Pistol	2.25"	01/14/2006
Firestorm	Gov't	.45 ACP	Pistol	5"	01/08/2006
Llama	MAX-I	.45 ACP	Pistol	5"	01/08/2006
Para USA	P1345SR	.45 ACP	Pistol	4.25"	12/31/2005
Para USA	P1345SL	.45 ACP	Pistol	4.25"	12/31/2005
Para USA	P1345SN	.45 ACP	Pistol	4.25"	12/31/2005
North American Arms	.32 Guardian S	.32 ACP	Pistol	2"	12/04/2005
Heckler & Koch	P7M8 Anniversary	9mm	Pistol	4.13"	11/22/2005
Jimenez Arms	J.A. NINE (Black)	9mm	Pistol	3.7"	11/04/2005
Para USA	CTX1345GR	.45 ACP	Piskantiffs'	Exhibit"4	4-07g04/2005

Case 8:22- Manufacturer	-cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01/ ^{#Caliber}	2 <mark>/ Fun Page</mark> Type	7 Bərgel P Length	age ID Expired
Para USA	CTX1345GL	.45 ACP	Pistol	4.25"	11/04/2005
Para USA	CTX1345GN	.45 ACP	Pistol	4.25"	11/04/2005
Jimenez Arms	J.A. NINE (Nickel)	9mm	Pistol	3.7"	11/01/2005
Browning	HP Standard	.40 S&W	Pistol	4.66"	10/23/2005
Para USA	D745SN	.45 ACP	Pistol	5"	10/16/2005
Para USA	D745S	.45 ACP	Pistol	5"	10/16/2005
Para USA	D745SL	.45 ACP	Pistol	5"	10/16/2005
Mauser	M2	.45 ACP	Pistol	3.5"	10/16/2005
Firestorm	Firestorm Government Model .38 Super	.38 Super	Pistol	5"	08/24/2005
Llama	Llama MiniMax Subcompact .45	.45 ACP	Pistol	3.63"	08/14/2005
Browning	Buck Mark Camper Blue	.22 LR	Pistol	5.5"	07/26/2005
Browning	Buck Mark Camper Green	.22 LR	Pistol	5.5"	07/26/2005
Browning	Buck Mark Camper Red	.22 LR	Pistol	5.5"	07/26/2005
Browning	Hi-Power Silver Chrome Adj Sights	9mm	Pistol	4.66"	07/26/2005
Para USA	C745SL	.45 ACP	Pistol	3.5"	07/24/2005
Para USA	C745SN	.45 ACP	Pistol	3.5"	07/24/2005
Para USA	C745S	.45 ACP	Pistol	3.5"	07/24/2005
Llama	Micro Max .380 Matte	.380 ACP	Pistol	3.75"	07/16/2005
Para USA	T1445ER	.45 ACP	Pistol	5"	06/04/2005
Para USA	T1445EL	.45 ACP	Pistol	5"	06/04/2005
Para USA	T1445EN	.45 ACP	Pistol	5"	06/04/2005

Case 8:22 Manufacturer	-cv-01421-CJC-ADS Model	Document 48-4 Filed 01/ #Caliber	27929 Page Type	7 Bargel P Length	age ID Expired
Para USA	D1640SR	.40 S&W	Pistol	5"	06/04/2005
Para USA	D1640SL	.40 S&W	Pistol	5"	06/04/2005
Para USA	D1640SN	.40 S&W	Pistol	5"	06/04/2005
Fabrique Nationale	FN HP-SFS	9mm	Pistol	4.6"	05/24/2005
Para USA	CT1345SN	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	CCW745S	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	CCW745SL	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	CCW745SN	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	CT1345S	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	CT1345SL	.45 ACP	Pistol	4.25"	05/19/2005
Para USA	L1245SR	.45 ACP	Pistol	3.5"	05/17/2005
Para USA	L1245SL	.45 ACP	Pistol	3.5"	05/17/2005
Para USA	L1245SN	.45 ACP	Pistol	3.5"	05/17/2005
Para USA	C6.45SN	.45 ACP	Pistol	3"	05/08/2005
Para USA	C6.45S	.45 ACP	Pistol	3"	05/08/2005
Para USA	C6.45SL	.45 ACP	Pistol	3"	05/08/2005
Para USA	T1445SN	.45 ACP	Pistol	5"	05/07/2005
Para USA	D1445SR	.45 ACP	Pistol	5"	05/07/2005
Para USA	D1445SL	.45 ACP	Pistol	5"	05/07/2005
Para USA	D189EL	9mm	Pistol	5"	05/07/2005
Para USA	D189EN	9mm	Pistol	5"	05/07/2005
Para USA	D1445SN	.45 ACP	Pistol	5"	05/07/2005
Para USA	T1445SR	.45 ACP	Pistol	5"	05/07/2005

Case 8:22 Manufacturer	-cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01. # Caliber	/2 7,Gun Page Type	7 8 argel F Length	Page ID Expired
Para USA	T1640SR	.40 S&W	Pistol	5"	05/07/2005
Para USA	T1640SL	.40 S&W	Pistol	5"	05/07/2005
Para USA	T1640SN	.40 S&W	Pistol	5"	05/07/2005
Para USA	D189ER	9mm	Pistol	5"	05/07/2005
Para USA	T1445SL	.45 ACP	Pistol	5"	05/07/2005
Colt	O2070E Govt Model MK IV	.38 Super	Pistol	5"	04/30/2005
STI International	CA Trojan	.45 ACP	Pistol	5"	04/30/2005
Fabrique Nationale	BDA9	9mm	Pistol	4.8"	04/30/2005
Fabrique Nationale	BDA0	9mm	Pistol	4.8"	04/30/2005
Firestorm	45 Compact	.45 ACP	Pistol	4.25"	04/17/2005
Llama	Mini Max 45	.45 ACP	Pistol	3.5"	04/17/2005
Firestorm	Firestorm Gov't Duotone	.45 ACP	Pistol	5"	04/09/2005
Firestorm	Firestorm 380 Duotone	.380 ACP	Pistol	3.5"	04/09/2005
Browning	Buck Mark Camper Sanodal Black	.22 LR	Pistol	5.5"	04/08/2005
Browning	Buck Mark Camper Gold	.22 LR	Pistol	5.5"	04/08/2005
Browning	Buck Mark Camper Camo	.22 LR	Pistol	5.5"	04/08/2005
Browning	Buck Mark Camper Gray, Lam. Grips	.22 LR	Pistol	5.5"	04/08/2005
Browning	Buck Mark Camper Gray, FO Sights	.22 LR	Pistol	5.5"	04/08/2005
Para USA	L1445SN	.45 ACP	Pistol	5"	03/12/2005
			Plaintiffs' Exhibit 4 4-076		4-076

Case 8:22- Manufacturer	cv-01421-CJC-ADS Model	Document 48-4 Filed 01/ #Cafiber	279299 Page Type	7 Bargel P Length	age ID Expired
Para USA	S1445ER	.45 ACP	Pistol	5"	03/12/2005
Para USA	S1445EL	.45 ACP	Pistol	5"	03/12/2005
Para USA	S1445EN	.45 ACP	Pistol	5"	03/12/2005
Para USA	L1445SR	.45 ACP	Pistol	5"	03/12/2005
Para USA	L1445SL	.45 ACP	Pistol	5"	03/12/2005
Colt	MM3060 DT	.44 Magnum	Revolver	6"	03/12/2005
Colt	O2570E Govt Mo Mark IV Ser 80	del .38 Super	Pistol	5"	03/12/2005
Para USA	S1640EN	.40 S&W	Pistol	5"	02/28/2005
Para USA	L1445ER	.45 ACP	Pistol	5"	02/28/2005
Para USA	L1445EN	.45 ACP	Pistol	5"	02/28/2005
Para USA	S1640SR	.40 S&W	Pistol	5"	02/28/2005
Para USA	L1445EL	.45 ACP	Pistol	5"	02/28/2005
Para USA	S1640SL	.40 S&W	Pistol	5"	02/28/2005
Para USA	L1640ER	.40 S&W	Pistol	5"	02/28/2005
Para USA	S1245SL	.45 ACP	Pistol	3.5"	02/28/2005
Para USA	L1640EN	.40 S&W	Pistol	5"	02/28/2005
Para USA	L1640EL	.40 S&W	Pistol	5"	02/28/2005
Para USA	S1445SR	.45 ACP	Pistol	5"	02/28/2005
Para USA	S1640SN	.40 S&W	Pistol	5"	02/28/2005
Para USA	S1445SL	.45 ACP	Pistol	5"	02/28/2005
Para USA	S1445SN	.45 ACP	Pistol	5"	02/28/2005
Para USA	S1245SN	.45 ACP	Pistol	3.5"	02/28/2005
Para USA	S1640ER	.40 S&W	Pistol	5"	02/28/2005

Case 8:22-c Manufacturer	cv-01421-CJC-ADS Documer Model	nt 48-4 Filed 01/3 # Cafiber	27 Gun Page Type	7 8∂r®el P Length	age ID Expired
Para USA	S1245SR	.45 ACP	Pistol	3.5"	02/28/2005
Para USA	S1640EL	.40 S&W	Pistol	5"	02/28/2005
Colt	O7860D	.45 ACP	Pistol	3"	02/10/2005
Smith & Wesson	SW 1911	.45 ACP	Pistol	5"	02/03/2005
Para USA	P1245RR	.45 ACP	Pistol	3.5"	01/25/2005
Para USA	P1245RL	.45 ACP	Pistol	3.5"	01/25/2005
Para USA	P1245RN	.45 ACP	Pistol	3.5"	01/25/2005
Taurus	PT92 (Blue w/night sight)	9mm	Pistol	5"	01/19/2005
Taurus	PT92 (Stainless)	9mm	Pistol	5"	01/19/2005
Taurus	PT92 (Stainless w/night sight)	9mm	Pistol	5"	01/19/2005
Taurus	85 Titanium (Spectrum Blue)	.38 Spl	Revolver	2"	01/13/2005
Bryco Arms	Jennings Nine CA	9mm	Pistol	3.75"	01/04/2005
Bryco Arms	Jennings T380-CA	.380	Pistol	4"	01/04/2005
Bryco Arms	M38-CA	.380	Pistol	2.75"	01/03/2005
Walther	P99 QA	9mm	Pistol	4"	01/02/2005
Springfield Armory	PI9601L	.45 ACP	Pistol	5"	12/31/2004
Springfield Armory	PI9601L (ambi safety)	.45 ACP	Pistol	5"	12/31/2004
Para USA	D745EN	.45 ACP	Pistol	5"	12/31/2004
Para USA	P1445ER	.45 ACP	Pistol	5"	12/31/2004
Para USA	D1445ER	.45 ACP	Pistol	5"	12/31/2004
Para USA	P1345ER	.45 ACP	Pistol	4.25"	12/31/2004

Case 8:22 Manufacturer	-cv-01421-CJC-ADS Model	Document 48-4 Filed 01/ #Callber	275299 Page Type	7 9 argel Length	•
Para USA	P1445EL	.45 ACP	Pistol	5"	12/31/2004
Para USA	P1345EL	.45 ACP	Pistol	4.25"	12/31/2004
Para USA	P1345EN	.45 ACP	Pistol	4.25"	12/31/2004
Para USA	P1245SN	.45 ACP	Pistol	3.5"	12/31/2004
Para USA	D1445EL	.45 ACP	Pistol	5"	12/31/2004
Para USA	D1445EN	.45 ACP	Pistol	5"	12/31/2004
Para USA	L1245EN	.45 ACP	Pistol	3.5"	12/31/2004
Para USA	D1640ER	.40 S&W	Pistol	5"	12/31/2004
Para USA	P1445EN	.45 ACP	Pistol	5"	12/31/2004
Para USA	D1640EL	.40 S&W	Pistol	5"	12/31/2004
Para USA	D1640EN	.40 S&W	Pistol	5"	12/31/2004
Para USA	D745E	.45 ACP	Pistol	5"	12/31/2004
Para USA	D745EL	.45 ACP	Pistol	5"	12/31/2004
Para USA	L1245ER	.45 ACP	Pistol	3.5"	12/31/2004
Para USA	P1445SR	.45 ACP	Pistol	5"	12/31/2004
Para USA	L1245EL	.45 ACP	Pistol	3.5"	12/31/2004
Para USA	P1445SL	.45 ACP	Pistol	5"	12/31/2004
Para USA	P1445SN	.45 ACP	Pistol	5"	12/31/2004
Para USA	P1245SR	.45 ACP	Pistol	3.5"	12/31/2004
Para USA	P1245SL	.45 ACP	Pistol	3.5"	12/31/2004
Walther	P99 QA	.40 S&W	Pistol	4.12"	12/31/2004
STI International	2011 CA Edge	.40 S&W	Pistol	5"	12/21/2004
Springfield	PX9155L	.40 S&W	Pistol	5"	11/06/2004
Armory			Plaintiffs'	Exhibit 4	4-079

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01/ # Cafiber	/2 ፟ኡም Page Type	8 &ərgel P Length	age ID Expired
Springfield Armory	PX9155L (ambi safety)	.40 S&W	Pistol	5"	11/06/2004
Springfield Armory	X-Treme Duty w/A.O. Tritium	.40 S&W	Pistol	4.08"	09/24/2004
Springfield Armory	X-Treme Duty w/A.O. Tritium	9mm	Pistol	4.08"	09/24/2004
Springfield Armory	PB9105L	.45 ACP	Pistol	5"	09/20/2004
Springfield Armory	PB9160L	.45 Ultra	Pistol	3.5"	09/20/2004
Para USA	LC745S	.45 ACP	Pistol	3.5"	07/30/2004
Para USA	LC745SL	.45 ACP	Pistol	3.5"	07/30/2004
Para USA	LC745SN	.45 ACP	Pistol	3.5"	07/30/2004
Bryco Arms	J-22-CA	.22 LR	Pistol	2.5"	06/04/2004
Sturm, Ruger & Co.	KP95DPR	9mm	Pistol	3.9"	05/27/2004
Walther	P22	.22 LR	Pistol	5"	05/08/2004
Walther	P22	.22 LR	Pistol	3.4"	05/08/2004
Bryco Arms	M25-CA	.25	Pistol	2.5"	04/02/2004
Taurus	617 Titanium (Spectrum Blue)	.357 Magnum	Revolver	2"	01/19/2004
Taurus	85 Titanium (Matte Spectrum Gold)	.38 Spl	Revolver	2"	01/13/2004
Taurus	85 Titanium (Matte Spectrum Blue)	.38 Spl	Revolver	2"	01/13/2004
Republic Arms	Patriot	.45 ACP	Pistol	3"	01/04/2004
Springfield Armory	PX9242L	.45 ACP	Pistol	4'' Exhibit 4	12/31/2003

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docume Model	nt 48-4 Filed 01 #Caliber	/2 % Page Type	8 Bargel _P Length	age ID Expired
Springfield Armory	PX9242L (ambi safety)	.45 ACP	Pistol	4"	12/31/2003
Phoenix Arms	HP22 (Nickel)	.22 LR	Pistol	5"	12/31/2003
Sturm, Ruger & Co.	KP4B (22/45 Target)	.22 LR	Pistol	4"	12/31/2003
Smith & Wesson	342	.38 Spl +P	Revolver	1.87"	12/31/2003
Beretta	8040 Mini Cougar F	.40 S&W	Pistol	3.6"	12/31/2003
Beretta	92FS Compact	9mm	Pistol	4.3"	12/31/2003
Beretta	92G Elite	9mm	Pistol	4.7"	12/31/2003
Beretta	8000 Mini Cougar F	9mm	Pistol	3.7"	12/31/2003
Beretta	96G Elite	.40 S&W	Pistol	4.7"	12/31/2003
Beretta	92FS Compact Type M Inox	9mm	Pistol	4.3"	12/31/2003
Beretta	8045 Mini Cougar F	.45 ACP	Pistol	3.7"	12/31/2003
Beretta	92FS Compact Inox	9mm	Pistol	4.3"	12/31/2003
Beretta	U22 Neos 4.5	.22 LR	Pistol	4.5"	12/03/2003
Beretta	M9 Ltd. Edition	9mm	Pistol	4.92"	11/14/2003
Springfield Armory	Pl9603L (ambi safety)	.40 S&W	Pistol	5"	11/06/2003
Springfield Armory	PI9603L	.40 S&W	Pistol	5"	11/06/2003
Charles Daly	CDGR6036 1911A-1	.45 ACP	Pistol	5"	08/02/2003
Kimber	Ultra CDP Elite II	.45 ACP	Pistol	3"	07/17/2003
Kimber	Ultra CDP Elite STS II	.45 ACP	Pistol	3"	07/17/2003
Kimber	Pro Eclipse II	.45 ACP	Pistol	4"	06/27/2003
Bryco Arms	Valor 380	.380	Pistol Plaintiffs'	3.75" Exhibit 4	06/04/2003 4-081

Case 8:22- Manufacturer	cv-01421-CJC-ADS Docur Model	nent 48-4 Filed 01/ # Caliber	27 Gun Page Type	8 Bərgel P Length	age ID Expired
Para USA	T1640ER	.40 S&W	Pistol	5"	05/07/2003
Para USA	T1640EL	.40 S&W	Pistol	5"	05/07/2003
Para USA	T1640EN	.40 S&W	Pistol	5"	05/07/2003
Davis	D-22 Satin	.22 LR	Derringer	2.4"	04/26/2003
Colt	Police Positive	.38 Spl	Revolver	4"	04/26/2003
Charles Daly	CDGR2141 DDA 10-45	.45 ACP	Pistol	4.37"	04/26/2003
Charles Daly	CDGR2077 DDA 10-45	.45 ACP	Pistol	3.62"	04/26/2003
Charles Daly	CDGR2099 DDA 10-45	.45 ACP	Pistol	3.62"	04/26/2003
Charles Daly	CDGR2084 DDA 10-45	.45 ACP	Pistol	3.62"	04/26/2003
Kimber	Custom Eclipse II	.45 ACP	Pistol	5"	04/26/2003
Kimber	STS Gold Match SE II	.45 ACP	Pistol	5"	04/26/2003
Davis	D-38 Blue	.38 Spl	Derringer	2.75"	04/05/2003
Davis	D-38 Satin	.38 Spl	Derringer	2.75"	04/05/2003
Davis	D-38 Chrome	.38 Spl	Derringer	2.75"	04/05/2003
Charles Daly	CDGR2020 DDA 10-45	.45 ACP	Pistol	3.62"	04/04/2003
Charles Daly	CDGR2196 DDA 10-45	.45 ACP	Pistol	4.37"	04/04/2003
Kimber	Custom Defender II	.45 ACP	Pistol	5"	03/29/2003
Kimber	Target Elite II	.45 ACP	Pistol	5"	03/29/2003
Colt	O4012XS Combat Commander	.45 ACP	Pistol	4.25"	03/12/2003
Davis	DM-22 Chrome	.22 Magnum	Derringer	2.4"	03/05/2003
Davis	DM-22 Satin	.22 Magnum	Derringer	2.4"	03/05/2003
Davis	D-22 Chrome	.22 LR	Derringer	2.4"	03/05/2003
Davis	D-32 Blue	.32	Derringer	2.4"	03/05/2003
			Plaintiffs' l	Exhihit 4	4-082

Case 8:22- Manufacturer	-cv-01421-CJC-ADS Do Model	ocument 48-4 Filed 01/2 # Caliber	Type	B Barge l _P Length	age ID Expired
Davis	D-32 Satin	.32	Derringer	2.4"	03/05/2003
Para USA	P1045SL	.45 ACP	Pistol	3"	02/28/2003
Para USA	L1440ER	.40 S&W	Pistol	3.5"	02/28/2003
Para USA	P1045SN	.45 ACP	Pistol	3"	02/28/2003
Para USA	L1440EL	.40 S&W	Pistol	3.5"	02/28/2003
Para USA	L1440EN	.40 S&W	Pistol	3.5"	02/28/2003
Para USA	P1445RR	.45 ACP	Pistol	5"	02/28/2003
Para USA	P1445RL	.45 ACP	Pistol	5"	02/28/2003
Para USA	S1245ER	.45 ACP	Pistol	3.5"	02/28/2003
Para USA	P1445RN	.45 ACP	Pistol	5"	02/28/2003
Para USA	S1245EL	.45 ACP	Pistol	3.5"	02/28/2003
Para USA	S1245EN	.45 ACP	Pistol	3.5"	02/28/2003
Para USA	P1045SR	.45 ACP	Pistol	3"	02/28/2003
Springfield Armory	PX9162L	.45 ACP	Pistol	3.75"	02/08/2003
Springfield Armory	PX9162L (ambi safe	ty) .45 ACP	Pistol	3.75"	02/08/2003
Springfield Armory	PX9507L	.45 ACP	Pistol	3.25"	02/08/2003
Springfield Armory	PX9507L (ambi safe	ty) .45 ACP	Pistol	3.25"	02/08/2003
Davis	D32 Chrome	.32	Derringer	2.4"	02/06/2003
Llama	MAX-I Deluxe Blue	.45 ACP	Pistol	5"	01/03/2003
Para USA	P1640EN	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1045RN	.45 ACP	Pistol	3"	12/31/2002

	cv-01421-CJC-ADS Docum		-		-
Manufacturer	Model	# Cali ber	Туре	Length	Expired
Para USA	P1245ER	.45 ACP	Pistol	3.5"	12/31/2002
Para USA	P1245EL	.45 ACP	Pistol	3.5"	12/31/2002
Para USA	P1640ER	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1640SR	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1640SL	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1640SN	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1245EN	.45 ACP	Pistol	3.5"	12/31/2002
Para USA	P1045RR	.45 ACP	Pistol	3"	12/31/2002
Para USA	P1640EL	.40 S&W	Pistol	5"	12/31/2002
Para USA	P1045RL	.45 ACP	Pistol	3"	12/31/2002
Davis	DM-22 Blue	.22 Magnum	Derringer	2.4"	12/31/2002
Kimber	Comp. Alum. STS II	.45 ACP	Pistol	4"	12/31/2002
Kimber	Compact II	.45 ACP	Pistol	4"	12/31/2002
Kimber	Ultra Shadow LE II	.45 ACP	Pistol	3"	11/06/2002
Kimber	Pro Shadow	.45 ACP	Pistol	4"	11/06/2002
Kimber	Ultra Eclipse II	.45 ACP	Pistol	3"	09/10/2002
Firestorm	Firestorm Mini Compact .45	.45 ACP	Pistol	3.63"	08/14/2002
Walther	P99 QPQ	.40 S&W	Pistol	4.12"	06/14/2002
Walther	P99 QPQ	9mm	Pistol	4"	06/14/2002
IM Metal	HS 2000	9mm	Pistol	4.08"	03/19/2002
Kimber	Poly Gold Match STS II	.45 ACP	Pistol	5"	01/18/2002
Kimber	Poly Stainles II	.45 ACP	Pistol	5"	12/31/2001

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9MM Caliber	7,8 capacity	STAINLESS STEEL BARREL MATERIAL	THUMB SAFETY SAFETY
Product Features		Specs	
into a slim, lightweight pistol the size of yo	now when you'll need it. We took the power and features of o ur hand. The M&P Shield is an easy to conceal pistol that offer e day or night. One million Shield owners can't be wrong.		FIRED
CA Compliant Tactile Loaded Chamber In Extremely thin and lightweight - can be c Polymer frame with embedded stailless Striker-fired for short consistent trigger p MAP's patented take-down lever and sea Single Sided Thumb Safety Includes 2 magazines, one with extended	omfortably carried all day steel rigid chassis system uil, every time r deactivation systems allow for disassembly without pulling th	GRIP POLYMER SIGHTS WHITE DI OPTIC READY NO SAFETY THUMB S COLOR/FINISH BU STATE COMPLIANCE THREADED BARREL BARREL MATERIAL FRAME POLYMER LASER NO PERFORMANCE (CEN NUMBER OF MAGAZ 10LB TRIGGER NU REBATE \$75 PREF	LAFETY LACK CA,CO,CT,DE,HI,MD,NJ,NY,OR,RI,VT,WA NO STAINLESS STEEL R TER NO TER NO J
		Spec Sheet	

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9MM caliber	7,8 capacity	STAINLESS STEEL BARREL MATERIAL	POLYMER GRIP
Product Features		Specs	
into a slim, lightweight pistol the size of your ha	when you'll need it. We took the power and features o nd. The M&P Shield is an easy to conceal pistol that off or night. One million Shield owners can't be wrong.		
Incorporates the design features of the M&P M Aggressive grip texture for enhanced control. New M&P M2.0 crisp trigger with lighter trigger Tactile and audible trigger reset. Extremely thin and lightweight - can be comfor M&P's patented take-down lever and sear dear Includes 2 magazines: One 7-round magazine. One 8-round extended grip magazine. Optimal 18-degree grip angle for natural point Armornite® durable corrosion resistant finish. Backed by Smith & Wesson's Lifetime Service P	r pull. tably carried all day. trivation systems allow for disassembly without pulling of aim.	GRIP POLYMER SIGHTS WHITE DOT OPTIC READY NO SAFETY NONE COLOR/FINISH BLACK	vy,or,ri,vt,wa

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Plaintiffs' Exhibit 6

FIREARM AND AMMUNITION INDUSTRY ECONOMIC IMPACT REPORT | 2022



Who is the National Shooting Sports Foundation?

The NSSF is the trade association for firearm, ammunition, hunting and recreational shooting sports industry. Formed in 1961, its mission is to promote, protect and preserve hunting and the shooting sports. NSSF's membership comprises approximately 10,000 manufacturers, distributors, firearm retailers, shooting ranges, sportsmen's organizations and publishers.

America's firearm and ammunition industry is a critical component of our nation's security, public safety, and economic wellbeing. For more than 200 years, the industry has made products that have been part of our country's tradition of freedom, self-reliance and enjoyment of the outdoors. The firearm and ammunition industry is proud to provide the U.S. military and federal, state and local law enforcement agencies with the



tools they need to carry out their vital national security and public safety missions, and is essential for law-abiding Americans to exercise their Second Amendment right to acquire a firearm and ammunition for lawful purposes like personal protection and home defense. Without our industry, the right to keep and bear arms would be a mere illusion.

The firearm industry is committed to the safe, legal, and responsible ownership and use of firearms, and works on a daily basis to stop their criminal misuse. Through Real Solutions. Safer Communities[®], NSSF leads the way in promoting responsible ownership, storage, and helping to keep guns out of the wrong hands.

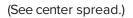
The Firearm and Ammunition Industry Economic Impact Report

This report details the significant economic impact the firearm and ammunition industry has on our economy, both nationally and at the state level. The economic growth America's firearm and ammunition industry has experienced in recent years has been nothing short of remarkable and has been driven by an unprecedented number of Americans choosing to exercise their fundamental right to keep and bear arms. This includes an estimated 5.4 million new gun owners in 2021.

The report also notes the significant impact the firearm and ammunition industry has on wildlife conservation funding in America through its growing Pittman-Robertson excise tax contributions to the Wildlife Restoration Trust Fund which exceeded \$1.1 billion in 2021.

Regardless of economic conditions across the country, our industry has grown and created over 375,000 new, well-paying jobs since the middle of the Great Recession in 2008. Our industry is proud to be one of the bright spots in our economy.

Take a look for yourself and see the impact we have nationally and on your home state.







THE NATIONAL SHOOTING SPORTS FOUNDATION ECONOMIC IMPACT OF THE FIREARM INDUSTRY 2021 DATA

The Firearm Industry Creates Jobs in America

United States companies that manufacture, distribute, and sell sporting firearms, ammunition, and supplies are an important part of the country's economy. Manufacturers of firearms, ammunition, and supplies, along with the companies that sell and distribute these products, provide well-paying jobs in America and pay significant amounts in tax to the state and Federal governments.

The Economic Impact of the Sporting Arms and Ammunition Industry in the United States

			-	
	Direct	Supplier	Induced	Total
Jobs (FTE)	169,523	85,188	121,108	375,819
Wages	\$7,909,712,200	\$6,529,122,900	\$6,948,198,900	\$21,387,034,000
Economic Impact	\$28,427,430,200	\$20,024,587,500	\$22,067,341,200	\$70,519,358,900

The Firearm & Ammunition Industry is an Important Part of America's Economy

Companies in the United States that manufacture, distribute, and sell firearms, ammunition, and hunting equipment employ as many as 169,523 people in the country and generate an additional 206,296 jobs in supplier and ancillary industries. These include jobs in supplying goods and services to manufacturers, distributors, and retailers, and those that depend on sales to workers in the firearm and ammunition industry.¹

These are good jobs paying an average of 556,900 in wages and benefits. And today, every job is important. The United States currently has an unemployment rate of 3.8 percent. This means that there are already 6,300,000 people trying to find jobs in the nation and collecting unemployment benefits.²

The Economic Benefit of the Industry Spreads Throughout the Country

Not only does the manufacture and sale of firearms and hunting supplies create good jobs in the United States, but the industry also contributes to the economy as a whole. In fact, in 2021 the firearm and ammunition industry was responsible for as much as \$70.52 billion in total economic activity in the country.

The broader economic impact flows throughout the economy, generating business for firms seemingly unrelated to firearms. Real people, with real jobs, working in industries as varied as banking, retail, accounting, metal working, even in printing, all depend on the firearm and ammunition industry for their livelihood.

The Country Also Benefits From the Taxes Paid By The Industry

Not only does the industry create jobs, it also generates sizeable tax revenues. In the United States, the industry and its employees pay over \$7.86 billion in taxes including property, income, and sales based levies.³

Taxes Generated in The United States				
Tax Impact	Business Taxes	Excise Taxes		
Federal Taxes	\$4,593,595,500	\$1,102,734,200		
State Taxes	\$3,265,333,100			
Total Taxes	\$7,858,928,600	\$1,102,734,200		

¹ John Dunham & Associates, Florida, December 2021. Direct impacts include those jobs in firearms and ammunition manufacturers, as well as companies that manufacture products such as ammunition holders and magazines, cases, decoys, game calls, holsters, hunting equipment, scopes, clay pigeons and targets. Direct impacts also include those resulting from the wholesale distribution and retailing of these products.



returning on unsee products. The Bureau of Labor Statistics. Available online at: <u>www.bls.gov/lau/home.htm</u>. Data for March 2022 . This is in addition to over \$1.10 billion in federal excise taxes.

ECONOMIC CONTRIBUTION OF ARMS AND AMMUNITION INDUSTRIES, 2021 STATE BY STATE ECONOMIC IMPACT REPORT

		Direct			Suppliers			Induced			Total		Average	Federal
	Jobs	Wages	Output	Jobs	Wages	Output	Jobs	Wages	Output	Jobs	Wages	Output	Wage	Business Tax
Alabama	2,602	\$ 81,738,200	\$ 253,953,600	1,174	\$ 70,096,500	\$ 270,709,600	1,471	\$ 64,159,600	\$ 216,108,200	5,247	\$ 215,994,300	\$ 740,771,400	\$ 43,616	\$ 41,561,600
Alaska	609	\$ 19,476,100	\$ 54,669,500	148	\$ 9,086,000	\$ 28,645,000	272	\$ 12,825,100	\$ 37,640,200	1,029	\$ 41,387,200	\$ 120,954,700	\$ 47,151	\$ 6,084,300
Arizona	5,111	\$ 319,586,100	\$ 1,036,790,200	2,594	\$ 200,112,700	\$ 557,248,600	4,228	\$ 258,936,600	\$ 737,647,200	11,933	\$ 778,635,400	\$ 2,331,686,000	\$ 61,243	\$180,242,900
Arkansas	4,945	\$ 217,951,500	\$ 1,342,486,000	2,424	\$ 155,890,200	\$ 583,777,700	3,057	\$ 150,597,200	\$ 600,445,600	10,426	\$ 524,438,900	\$ 2,526,709,300	\$ 49,263	\$127,076,600
California	13,071	\$ 651,244,100	\$ 1,771,452,100	6,358	\$ 567,559,300	\$ 1,544,431,400	9,653	\$ 638,011,800	\$ 1,902,114,200	29,082	\$ 1,856,815,200	\$ 5,217,997,700	\$ 66,095	\$ 380,709,600
Colorado	3,108	\$ 128,350,500	\$ 380,289,300	1,441	\$ 104,576,500	\$ 288,293,200	2,163	\$ 115,582,500	\$ 348,573,000	6,712	\$ 348,509,500	\$ 1,017,155,500	\$ 53,436	\$77,456,900
Connecticut	2,153	\$ 176,243,500	\$ 671,198,200	1264	\$ 133,670,200	\$ 353,155,800	1847	\$ 150,419,800	\$ 419,141,100	5 264	\$ 460,333,500	\$ 1,443,495,100	\$ 81,440	\$108,018,500
Delaware	248	\$ 6,346,000	\$ 12,659,000	95	\$ 6,227,200	\$ 24,392,200	160	\$ 8,574,800	\$ 35,712,300	503	\$ 21,148,000	\$ 72,763,500	\$ 53,593	\$ 2,868,400
District of Columbia	127	\$ 7,429,800	\$ 11,911,500	35	\$ 4,182,000	\$ 8,385,900	74	\$ 6,512,600	\$ 15,062,100	236	\$ 18,124,400	\$ 35,359,500	\$ 88,008	\$ 2,237,800
Florida	10.056	\$ 401,478,800		4.913		\$ 942,991,800	7,363	\$ 367,025,600	\$ 1,154,348,000	22,332	\$ 1.089.362.700	\$ 3,464,466,500	\$ 49,847	\$ 2,237,800
	,		\$ 1,367,126,700	.,	\$ 320,858,300						. ,,,	, . ,,		
Georgia	3,869	\$ 167,060,200	\$ 679,853,600	2,222	\$ 159,553,200	\$ 550,836,500	2,954	\$ 156,161,800	\$ 552,636,800	9,045	\$ 482,775,200	\$ 1,783,326,900	\$ 52,865	\$ 99,402,600
Hawaii	297	\$ 11,146,100	\$ 24,130,100	89	\$ 5,655,200	\$ 16,359,300	192	\$ 9,496,600	\$ 33,476,400	578	\$ 26,297,900	\$ 73,965,800	\$ 49,461	\$ 5,028,000
Idaho	2,991	\$ 183,773,900	\$ 860,376,200	1,761	\$ 122,876,400	\$ 394,541,200	2,247	\$ 129,036,100	\$ 430,361,500	6,999	\$ 435,686,400	\$ 1,685,278,900	\$ 57,426	\$100,420,500
Illinois	5,323	\$ 280,194,900	\$ 1,070,785,000	3,286	\$ 278,490,800	\$ 866,983,500	4,442	\$ 283,901,400	\$ 926,998,300	13,051	\$ 842,587,100	\$ 2,864,766,800	\$ 63,913	\$183,877,600
Indiana	2,198	\$ 73,605,900	\$ 232,530,200	1,314	\$ 96,561,800	\$ 407,063,000	1,509	\$ 79,030,600	\$ 298,098,200	5,021	\$ 249,198,300	\$ 937,691,400	\$ 52,373	\$ 37,773,200
lowa	1,276	\$ 47,891,700	\$ 153,701,800	609	\$ 40,955,100	\$ 144,659,200	894	\$ 44,613,500	\$ 183,120,900	2,779	\$ 133,460,300	\$ 481,481,900	\$ 49,903	\$ 22,298,700
Kansas	1,070	\$ 80,106,000	\$ 285,639,700	430	\$ 36,577,900	\$ 128,268,600	633	\$ 45,541,200	\$ 165,750,500	2,133	\$ 162,225,100	\$ 579,658,800	\$ 71,945	\$12,765,600
Kentucky	2,452	\$ 97,397,500	\$ 330,534,700	1,096	\$ 71,622,400	\$ 266,028,300	1,553	\$ 76,542,700	\$ 255,909,800	5,101	\$ 245,562,600	\$ 852,472,800	\$ 49,287	\$47,278,200
Louisiana	1,739	\$ 55,400,000	\$ 176,232,100	815	\$ 50,255,500	\$ 234,952,200	1,061	\$ 47,560,300	\$ 206,184,400	3,615	\$ 153,215,800	\$ 617,368,700	\$ 44,826	\$ 28,672,000
Maine	1,840	\$ 55,749,000	\$ 185,259,400	652	\$ 35,718,100	\$ 104,583,400	1,031	\$ 43,982,900	\$ 128,233,500	3,523	\$ 135,450,000	\$ 418,076,300	\$ 42,660	\$ 29,541,400
Maryland	1,979	\$ 113,397,600	\$ 399,417,800	857	\$ 77,081,100	\$ 196,051,100	1.450	\$ 96,640,800	\$ 295,235,700	4.286	\$ 287,119,500	\$ 890,704,600	\$ 66,649	\$ 62,428,500
Massachusetts	4.228	\$ 280,962,700	\$ 1,370,559,500	2.334	\$ 246,664,600	\$ 654,790,900	3,589	\$ 268,811,800	\$ 820,449,300	10,151	\$ 796,439,100	\$ 2,845,799,700	\$ 74,899	\$ 192,635,000
Michigan	5,155	\$ 210.684.600	\$ 643,807,600	2,909	\$ 210,060,100	\$ 636,213,300	3,695	\$ 192,903,000	\$ 599,520,500	11.759	\$ 613,647,700	\$ 1,879,541,400	\$ 52,206	\$ 123,561,000
Minnesota	4,489	\$ 349,819,700	\$ 1,205,550,500	2,505	\$ 253,992,900	\$ 696,519,900	4,476	\$ 310,636,500	\$ 881,176,300	11,680	\$ 914,449,100	\$ 2,783,246,700	\$ 69,400	\$ 210,979,100
	2.223	\$ 105.941.800	\$ 425,566,100	1102	\$ 66,597,900		1412	\$ 70.650.000	\$ 244,392,300	4 737	\$ 243,189,700	\$ 929,617,700		\$ 50 798 400
Mississippi				4.02		\$ 259,659,300	., · ·	,,		.,			\$ 50,035	+,,
Missouri	3,630	\$ 143,968,800	\$ 481,060,000	1,730	\$ 117,068,700	\$ 366,182,800	2,539	\$ 127,840,600	\$ 406,646,000	7,899	\$ 388,878,100	\$ 1,253,888,800	\$ 50,351	\$79,985,100
Montana	1,247	\$ 44,266,600	\$ 175,048,200	484	\$ 27,083,500	\$ 88,344,200	723	\$ 31,757,000	\$ 103,345,100	2,454	\$ 103,107,100	\$ 366,737,500	\$ 43,924	\$ 20,865,600
Nebraska	1,558	\$ 69,182,700	\$ 291,503,000	705	\$ 49,036,500	\$ 166,765,900	1,062	\$ 57,364,700	\$ 204,785,900	3,325	\$ 175,583,900	\$ 663,054,800	\$ 54,016	\$ 38,224,200
Nevada	1,565	\$ 63,904,800	\$ 227,224,300	689	\$ 45,200,500	\$ 135,586,800	947	\$ 46,954,500	\$ 154,719,200	3,201	\$ 156,059,800	\$ 517,530,300	\$ 49,582	\$ 37,251,200
New Hampshire	4,108	\$ 326,602,400	\$ 1,423,244,300	2,256	\$ 219,629,900	\$ 553,419,100	3,586	\$ 253,524,800	\$ 746,319,200	9,950	\$ 799,757,100	\$ 2,722,982,600	\$ 70,698	\$ 203,308,300
New Jersey	2,179	\$ 140,527,200	\$ 364,177,800	1,137	\$ 109,258,600	\$ 289,824,800	1,858	\$ 137,520,800	\$ 399,777,200	5,174	\$ 387,306,600	\$ 1,053,779,800	\$ 74,016	\$77,079,000
New Mexico	788	\$ 20,335,100	\$ 59,973,300	242	\$ 11,892,000	\$ 46,535,400	412	\$ 15,593,100	\$ 56,374,600	1,442	\$ 47,820,200	\$ 162,883,300	\$ 37,847	\$ 8,689,400
New York	4,212	\$ 265,253,200	\$ 949,291,100	2,329	\$ 253,297,500	\$ 691,865,600	3,609	\$ 308,323,500	\$ 899,187,400	10,150	\$ 826,874,200	\$ 2,540,344,100	\$ 85,432	\$ 155,791,500
North Carolina	5,573	\$ 259,567,900	\$ 1,032,836,800	3,316	\$ 228,827,700	\$ 720,264,200	4,128	\$ 225,267,700	\$ 760,546,000	13,017	\$ 713,663,300	\$ 2,513,647,000	\$ 54,571	\$160,325,900
North Dakota	339	\$ 11,675,600	\$ 24,739,500	110	\$ 6,690,800	\$ 21,634,500	203	\$ 9,267,500	\$ 33,660,800	652	\$ 27,633,900	\$ 80,034,800	\$ 45,653	\$ 4,464,100
Ohio	6,993	\$ 277,197,000	\$ 783,990,100	3,478	\$ 245,885,200	\$ 815,548,000	4,785	\$ 242,371,200	\$ 767,534,600	15,256	\$ 765,453,400	\$ 2,367,072,700	\$ 50,652	\$147,139,000
Oklahoma	1,281	\$ 43,312,000	\$ 142,571,300	599	\$ 35,454,400	\$ 133,727,000	822	\$ 36,530,400	\$ 138,306,200	2,702	\$ 115,296,800	\$ 414,604,500	\$ 44,441	\$ 20,474,100
Oregon	3.668	\$ 220.949.100	\$ 752.277.700	2.316	\$ 194,362,200	\$ 519.472.900	2.968	\$ 176.718.700	\$ 512.686.800	8,952	\$ 592.030.000	\$ 1,784,437,400	\$ 59.541	\$ 134.525.400
Pennsylvania	9,166	\$ 339.067.200	\$ 936,046,500	3,835	\$ 294,338,700	\$ 852,490,500	5,890	\$ 307,250,300	\$ 878,255,000	18,891	\$ 940,656,200	\$ 2,666,792,000	\$ 52,165	\$ 193,599,000
Rhode Island	368	\$ 21,645,500	\$ 77,648,100	197	\$ 15,372,300	\$ 51,783,200	261	\$ 16,285,500	\$ 52,266,100	826	\$ 53,303,300	\$ 181,697,400	\$ 62,397	\$ 9,004,700
South Carolina	3.149	\$ 127,353,700	\$ 77,648,100	1626	\$ 104 563 400	\$ 367340.500	201	\$ 96,585,700	\$ 335,328,100	6.789	\$ 328 502 800	\$ 1,236,185,800	\$ 62,397	\$ 9,004,700
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South Dakota	872	\$ 38,472,400	\$ 179,107,900	395	\$ 26,358,900	\$ 86,580,000	575	\$ 30,028,900	\$ 106,662,700	1,842	\$ 94,860,200	\$ 372,350,600	\$ 52,224	\$ 20,789,600
Tennessee	3,285	\$ 136,697,200	\$ 394,077,500	1,621	\$ 118,034,300	\$ 368,148,300	2,191	\$ 122,553,000	\$ 363,004,500	7,097	\$ 377,284,500	\$ 1,125,230,300	\$ 55,935	\$73,736,400
Texas	14,470	\$ 542,779,400	\$ 2,028,674,500	7,152	\$ 520,346,900	\$ 1,786,030,100	10,010	\$ 517,037,100	\$ 1,778,607,500	31,632	\$ 1,580,163,400	\$ 5,593,312,100	\$ 51,652	\$ 330,654,200
Utah	4,257	\$ 154,978,900	\$ 559,417,200	1,979	\$ 123,431,300	\$ 374,914,400	2,657	\$ 123,858,800	\$ 395,500,200	8,893	\$ 402,269,000	\$ 1,329,831,800	\$ 46,616	\$ 92,354,300
Vermont	386	\$ 19,202,500	\$ 63,294,700	168	\$ 12,051,100	\$ 35,863,000	274	\$ 14,854,900	\$ 45,519,400	828	\$ 46,108,500	\$ 144,677,100	\$ 54,215	\$ 9,698,200
Virginia	3,515	\$ 131,484,900	\$ 520,801,200	1,680	\$ 121,388,500	\$ 376,327,700	2,229	\$ 111,202,800	\$ 396,112,300	7,424	\$ 364,076,200	\$ 1,293,241,200	\$ 49,889	\$ 81,861,800
Washington	3,977	\$ 171,375,600	\$ 565,036,600	1,740	\$ 140,271,900	\$ 394,199,400	2,449	\$ 141,485,200	\$ 433,694,500	8,166	\$ 453,132,700	\$ 1,392,930,500	\$ 57,773	\$ 111,723,500
West Virginia	919	\$ 22,862,200	\$ 79,226,400	319	\$ 18,245,100	\$ 74,880,800	464	\$ 17,801,500	\$ 64,358,000	1,702	\$ 58,908,800	\$ 218,465,200	\$ 38,365	\$ 11,014,300
Wisconsin	2,757	\$ 113,275,400	\$ 435,408,800	1,808	\$ 128,074,700	\$ 415,826,700	2,096	\$ 109,518,900	\$ 389,383,500	6,661	\$ 350,869,000	\$ 1,240,619,000	\$ 52,251	\$ 67,869,400
Wyoming	2,102	\$ 80,798,700	\$ 400,755,800	640	\$ 38,036,400	\$ 131,490,800	930	\$ 42,547,000	\$ 156,424,100	3,672	\$ 161,382,100	\$ 688,670,700	\$ 45,749	\$ 38,988,800
Total	169,523	\$ 7,909,712,200	\$ 28,427,430,200	85,188	\$ 6,529,122,900	\$ 20,024,587,500	121,108	\$ 6,948,198,900	\$ 22,067,341,200	375,819	\$ 21,387,034,000	\$ 70,519,358,900	\$ 2,829,454	\$ 4.593.595.500

STATE RANKINGS - 2021

Economic Output: Top Ten States

Total Economic Output, dollars
Texas
California
Florida
Illinois
Massachusetts
Minnesota
New Hampshire
Pennsylvania
New York
Arkansas

Total Economic Output, per capita
New Hampshire
Wyoming
Idaho
Arkansas
Minnesota
Oregon
South Dakota
Massachusetts
Connecticut
Utah

Growth in Economic Output
Wyoming
Arkansas
New Hampshire
Kentucky
Ohio
New Jersey
Idaho
Virginia
Maine
Michigan



Jobs: Top Ten States

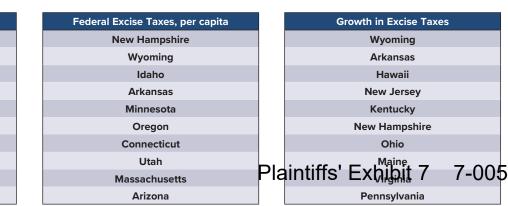
Total Jobs, number
Texas
California
Florida
Pennsylvania
Ohio
Illinois
North Carolina
Arizona
Michigan
Minnesota

Total Jobs, per capita
New Hampshire
Wyoming
Idaho
Arkansas
Utah
Maine
Montana
Oregon
South Dakota
Minnesota

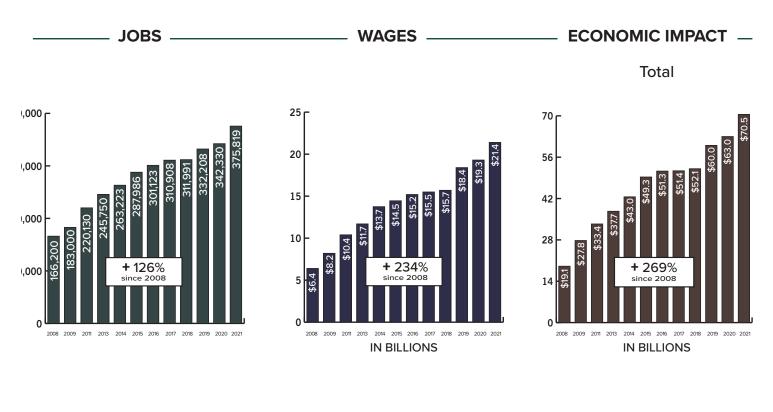
Growth in Jobs
Wyoming
New Jersey
New Hampshire
Maine
Arkansas
Pennsylvania
Hawaii
Virginia
Massachusetts
Ohio

Excise Tax: Top Ten States

Federal Excise Taxes, number	F
California	
Texas	
Florida	
Minnesota	
New Hampshire	
Pennsylvania	
Massachusetts	
Illinois	
Arizona	
North Carolina	

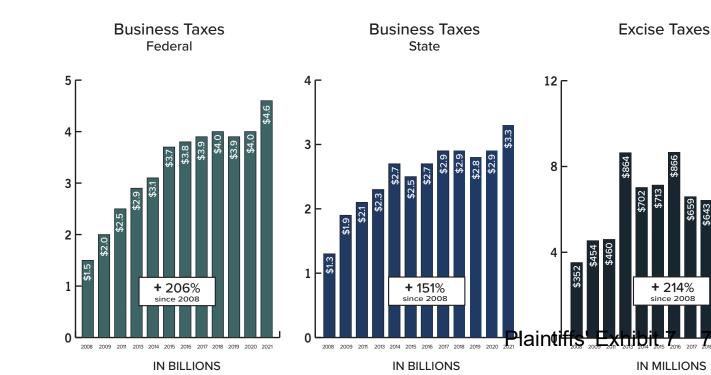


WHAT A GROWING INDUSTRY LOOKS LIKE...

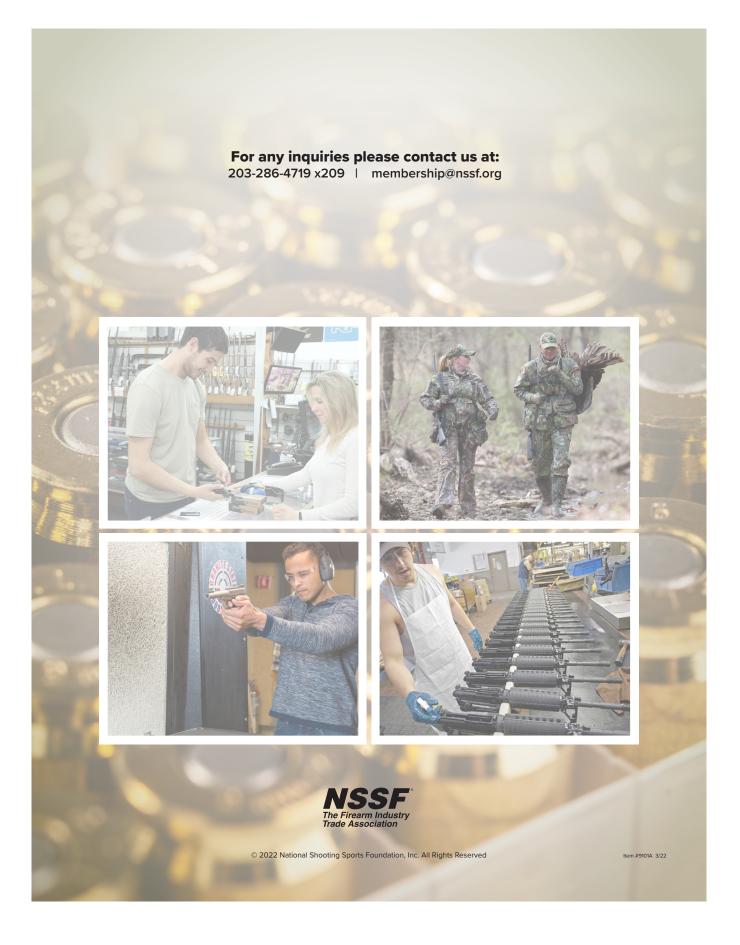


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Clayton E. Cramer

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EDUCATION:

	Sonoma State University, Rohnert Park, California
June, 1998	M.A. in History
	Master's Thesis: "Concealed Weapon Laws of the Early Republic"
June, 1994	B.A. in History
	Honors: cum laude and With Distinction

AWARDS:

1993	Association for Education in Journalism and Mass Communication
	Ethics Prize
	First Place, Undergraduate Division

TEACHING EXPERIENCE:

Fall, 2017 – present	<i>Adjunct Faculty</i> : College of Western Idaho, Nampa, teaching Western Civilization I, U.S. History I.
Fall, 2014 – Spring, 2017	Recovering from stroke
Spring, 2010 – Spring, 2014	<i>Adjunct Faculty</i> : College of Western Idaho, Nampa, teaching Western Civilization I, U.S. History I.
Fall, 2009 – Summer 2010	<i>Adjunct Faculty:</i> ITT Technical Institute, Boise, teaching State and Local Government and Introduction to Computers .
Fall, 2003	<i>Adjunct Faculty:</i> Boise State University, teaching U.S. Constitutional History and at George Fox University (Boise Center), teaching America and the World.

1996	<i>Teaching Assistant</i> : Assisted Professor Peter Mellini in his course "Twentieth Century World." I graded quizzes, exams, and answered weekly written questions from students. I also prepared and lectured about the rise of totalitarianism in the period between the world wars.
BOOKS	 Lock, Stock, and Barrel: The Origins of America Gun Culture Praeger Press, 2018 Social Conservatism in An Age of Revolution: Legislating Christian Morality in Revolutionary America CreateSpace, 2016 Historical Evidence Concerning Climate Change: Archaeological and Historical Evidence That Man Is Not the Cause CreateSpace, 2016 My Brother Ron: A Personal and Social History of the Deinstitutionalization of the Mentally Ill CreateSpace, 2012 Armed America: The Remarkable Story of How and Why Guns Became as American as Apple Pie Nelson Current, 2006 Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform Praeger Press, 1999 Black Demographic Data, 1790-1860: A Sourcebook Greenwood Press, 1997 Firing Back: Defending Your Right to Keep and Bear Arms Krause Publishing, 1995 For The Defense of Themselves and the State: The Original Intent and Judicial Interpretation of the Right to Keep and Bear Arms Praeger Press, 1994 By The Dim and Flaring Lamps: The Civil War Diary of Samuel McIlvaine, editor Library Research Associates, Inc., 1990

SELECTED PUBLICATIONS:

"Bellesiles' Arming America Redux: Does the Gunning of America Rewrite American History to Suit Modern Sensibilities?" Southern Illinois University Law Journal Spring 2017 Forthcoming

"Assault Weapon Bans: Can They Survive Rational Basis Scrutiny?" *University of Akron ConLawNow* 8:1, article 1.

Co-authored with David B. Kopel and Joseph Olson, "Knives and the Second Amendment," *University of Michigan Journal of Legal Reform*, 47:1 167-215 (2013).

"Mental Illness and the Second Amendment," 46 Conn. Law Review 4:1301 (2014).

Co-authored with David B. Kopel, "State Court Standards of Review for the Right to Keep and Bear Arms," 50 *Santa Clara Law Review* 101-208 (2010).

Co-authored with David B. Kopel, "The Keystone of the Second Amendment: Quakers, the Pennsylvania Constitution, and the Questionable Scholarship of Nathan Kozuskanich," 19 *Widener Law Journal* 277-320 (2010).

Co-authored with Nicholas J. Johnson and George A. Mocsary, "This Right is Not Allowed by Governments that are Afraid of the People': The Public Meaning of the Second Amendment When the Fourteenth Amendment was Ratified," 17 *George Mason Law Review* 3:823-862 (2010).

Co-authored with Don B. Kates, "Second Amendment Limitations and Criminological Considerations," 61 *Hastings Law Journal* 1339-1370 (2009).

Co-authored with Joseph Edward Olson, "Gun Control: Political Fears Trump Crime Control," *Maine Law Review*, 61:1 [2009] 57-81

Co-authored with Joseph Edward Olson, "What Did "Bear Arms" Mean in the Second Amendment?" *Georgetown Journal of Law & Public Policy*, 6:2 [2008]

Co-authored with Joseph Edward Olson, "Pistols, Crime, and Public Safety in Early America." *Willamette Law Review*, 44, [2008]

"Why Footnotes Matter: Checking *Arming America*'s Claims." *Plagiary* 2006 1 (11): 1-31 [29 September 2006]

"Michael Bellesiles and Guns in the Early Republic." *Ideas on Liberty* 52:9 [September, 2002] 17-22.

"The Peaceable Kingdom?" *Books & Culture: A Christian Review*, July/August 2002, 29.

"Confiscating Guns From America's Past." *Ideas on Liberty* 51:1 [January, 2001] 23-27.

"Disarming Errors." National Review, October 9, 2000, 54-55.

"An American Coup d'Etat?" History Today [November, 1995].

"A Tale of Three Cities: The Right to Bear Arms in State Supreme Courts." *Temple Law Review* 68:3 [Fall, 1995] 1178-1241. Co-authored with David Kopel and Scott Hattrup.

"Shall Issue': The New Wave of Concealed Handgun Permit Laws." *Tennessee Law Review* 62:3 [Spring, 1995] 679-757.

"The Racist Roots of Gun Control." Kansas Journal of Law & Public Policy 4:2 [Winter, 1995] 17-25.

"Ethical Problems of Mass Murder Coverage in the Mass Media." *Journal of Mass Media Ethics* 9:1 [Winter, 1993-94] 26-42.

A comprehensive list of popular magazine articles would run to many pages; for a complete list see http://www.claytoncramer.com/popularmagazines.htm .

CONFERENCES & EXPERT TESTIMONY:

Ohio State Senate Judiciary Committee, March 22, 1995.

Michigan House of Representatives Judiciary Committee, December 5, 1995

American Society of Criminology, San Diego, Cal., November, 1997. "Fear And Loathing In Whitehall: Bolshevism And The Firearms Act Of 1920."

American Society of Criminology, Chicago, Ill., November, 2002. "The Duty to be Armed in Colonial America." Assisted in research and writing of Respondent's Brief and Academics for the Second Amendment and Claremont Institute amicus briefs for *D.C.* v. *Heller* (2008).

Panelist on "Up in Arms: The Second Amendment in the Modern Republic" University of Connecticut School of Law, November 15, 2013.

WORKS CITED IN COURT DECISIONS:

"Shall Issue': The New Wave of Concealed Handgun Permit Laws," cited in *Pagel v. Franscell*, 57 P.3d 1226, 1234 (Wyo. 2002); Moody v. ARC of Howard County, Inc., Civil No. JKB-09-3228 (D.Md. 2011).

"'This Right is Not Allowed by Governments that are Afraid of the People':" cited in *McDonald* v. *Chicago* (2010); *Ezell* v. *City of Chicago* (7th Cir. 2011).

"Second Amendment Limitations and Criminological Considerations" cited in U.S. v. Yancey, 09-1138 (7th Cir. 2010); U.S. v. Chester, 628 F.3d 673 (4th Cir. 2010); U.S. v. Skoien, 587 F.3d 803 (7th Cir. 2009).

"What Did 'Bear Arms' Mean in the Second Amendment?", cited in D.C. v. Heller (2008). In addition, significant parts of Justice Scalia's opinion are derived from amicus briefs that I helped to research and write.

For the Defense of Themselves and the State, cited in Mosby v. Devine, 851 A.2d 1031, 1052 (RI 2004) (Flanders, J., dissenting); U.S. v. Emerson, 46 F.Supp.2d 598 (N.D.Texas 1999); State v. Sieyes 225 P. 3d 995 (Wash. 2010).

"A Tale of Three Cities," cited in *State* v. *Mendoza*, 920 P.2d 357, 360 n. 4 (Hawaii 1996).

Concealed Weapon Laws of the Early Republic, cited in Senna v. Florimont, 958 A.2d 427, 433 (N.J. 2008).

"Mental Illness and the Second Amendment," cited in *In Rec EC* (N.J.App. 2015).

A comprehensive and up to date list can be found at <u>http://claytoncramer.com/scholarly/journals.htm#citations</u>.

LANGUAGES:

Very basic reading competence in German.

OTHER SKILLS:

I have 35 years of experience as a computer software engineer, including embedded telecommunications equipment development, web page creation and maintenance. I also have an unusually detailed knowledge of the physical sciences (for an historian), a deep interest in the history of science and technology, and how both influence society.

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"Don't Know Much About History" The Current Crisis in Second Amendment Scholarship

by Saul Cornell*

I. INTRODUCTION

Second Amendment scholarship is in the midst of a crisis. The two dominant interpretations of the Second Amendment, the individual rights and collective rights models, no longer seem capable of accounting for the complexity of the historical evidence about the meaning of the right to bear arms.¹ To explain the historical meaning of the Second Amendment a new more sophisticated paradigm is required.² Before sketching what a new paradigm for the Second Amendment might resemble, it is worth taking some time to explore how we arrived at the current crisis.³

Sanford Levinson's provocative think piece *The Embarrassing Second Amendment*, inaugurated a new era in Second Amendment scholarship.⁴ Prior to Levinson's entry into the debate, Second Amendment scholarship was a marginal topic among serious legal academics.⁵ Writing about the Second Amendment before Levinson was dominated by activists, not scholars.⁶ In the two decades since Levinson's article first appeared, the subject of the Second Amendment has attracted considerable attention within the legal academy, with law reviews from Akron to Yale rushing to publish scholarship on this once neglected topic.⁷ Much, but certainly not all, of this literature supported the individual rights point

[•] Associate Professor of History, Ohio State University and Fellow Center for Law, Social Science, and Public Policy, Moritz College of Law, Ohio State University. The author would like to thank Robert Churchill, Martin Flaherty and David Williams for reading an earlier version of this essay and the other participants in this symposium for fostering a lively debate on this important issue.

¹ See generally SAUL CORNELL ED., WHOSE RIGHT TO BEAR ARMS DID THE SECOND AMENDMENT PROTECT? (2000) (introducing historical studies related to the Second Amendment's origin and meaning).

² Id.

³ Second Amendment scholarship is a classic example of Thomas Kuhn's theory of paradigm change. See generally THOMAS S. KUHN, THE STRUCTURE OF SCIENTIFIC REVOLUTIONS (1962) (explaining the historical evolution of science in terms of shifting models or paradigms).

⁴ See Sanford Levinson, The Embarrassing Second Amendment, 99 YALE L.J. 637 (1989). For an excellent overview of the twists and turns in recent Second Amendment scholarship, see Carl T. Bogus, The History and Politics of Second Amendment Scholarship, 76 CHI.-KENT L. REV. 3 (2000).

⁵ See Andrew McClurg, The Rhetoric of Gun Control, 42 AM. U.L. REV. 53, 61 (1992).

⁶ The two most influential activist authors were STEPHEN P. HALBROOK, THAT EVERY MAN BE ARMED (1984) and Don B. Kates, *Handgun Prohibition and the Original Meaning of the Second Amendment*, 82 MICH. L. REV. 204 (1983).

⁷ See Anthony J. Dennis, Clearing Smoke from the Right to Bear Arms and the Second Amendment, 29 AKRON L. REV. 57 (1995); Robert J. Cottrol & Raymond T. Diamond, The Fifth Auxiliary Right, 104 YALE L.J. 995 (1995).

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of view.⁸ Most of this scholarship, however, was cast in the model of law office history with a strongly originalist bent.⁹ Proponents of the new individual rights view of the Second Amendment managed to create an illusion of consensus within the academy and proclaimed their view the new "Standard Model of the Second Amendment." ¹⁰ Having anointed themselves victors, the supporters of this approach went even further, declaring that no serious scholar could continue to accept the collective rights point of view.¹¹ Thus, Nelson Lund claimed, "At least as an intellectual matter, the debate about the states' rights versus individual right interpretations seems now over."¹² In reality there is considerable division within the legal academy about how to understand the Second Amendment.¹³

⁸ According to Robert Spitzer, between 1912 and 1959 there were 11 articles published in law journals all supporting the militia interpretation. Between 1959 and 1989 there were 36 articles favoring the militia interpretation and 30 articles supporting the individual rights view. Individual rights scholarship overtook collective rights scholarship in the decade after Levinson's pivotal article. If one applies a one scholar one vote rule, the difference between the two camps evaporates. Together Halbrook and Kates account for at least dozen articles in this period. See Robert J. Spitzer, Lost and Found: Researching the Second Amendment, 76 CHI.-KENT L. REV. 349 (2000).

The literature challenging originalism is enormous. For a particularly forceful statement, see Mark Tushnet, Interdisciplinary Legal Scholarship: The Case of History in Law, 71 CHI.-KENT L. REV. 914 (1996). As Tushnet notes, "there are of course standard objections to originalism, the most potent of which is that it is, quite literally, irrational." Id. at 914. For discussions of the problems with Second Amendment originalism, see Michael C. Dorf, What Does the Second Amendment Mean Today, 76 CHI.-KENT L. REV. 291 (2000) and Daniel Farber, Disarmed by Time: The Second Amendment and the Failure of Originalism, 76 CHI.-KENT L. REV. 167 (2000). A detailed philosophical discussion of originalism may be found in KEITH E. WHITTINGTON, CONSTITUTIONAL INTERPRETATION: TEXTUAL MEANING, ORIGINAL INTENT, AND JUDICIAL REVIEW (1999), which provides little historical guidance on this issue of how one should weight different intents. For a useful sampling of other writings on this topic, see JACK N. RAKOVE, INTERPRETING THE CONSTITUTION: THE DEBATE OVER ORIGINAL INTENT (1990). For a critique of law office history, see Alfred H. Kelly, Clio and the Court: An Illicit Love Affair, SUP. CT. REV. 119 (1965). On originalism as a form of "forensic history," see John P. Reid, Law and History, 27 LOY. L.A. L. REV. 193 (1993). On the need for legal scholarship to remain current with historical scholarship, see Martin S. Flaherty, History Lite in Modern American Constitutionalism, 95 COLUM. L. REV. 523 (1995). On the notion of standards for Orginalists, see H. Jefferson Powell, Rules for Originalists, 73 VA. L. REV. 659 (1987).

¹⁰ On the term Standard Model, see Glenn Harlan Reynolds, A Critical Guide to the Second Amendment, 62 TENN. L. REV. 461, 463 (1995).

¹¹ For other exaggerated claims about consensus, see Randy E. Barnett & Don B. Kates, Under Fire: The New Consensus on the Second Amendment, 45 EMORY L.J. 1139, 1141 (1996); see also Joyce Lee Malcolm, The Second Amendment: Symposium, 10 SETON HALL CONST. L.J. 829, 876 (2000). ¹² Nelson Lund, Outsider Voices on Guns and the Constitution, 17 CONST. COMT. 701, 708 (2000).

¹³ In addition to the essays of Dorf and Farber cited above, one would include the following other examples of writing opposing the Standard Model: Carl T. Bogus, The Hidden History of the Second Amendment, 31 U.C. DAVIS L. REV. 309 (1998); Stephen J. Heyman, Natural Rights and the Second Amendment, 76 CHI.-KENT L. REV. 237 (2000); H. Richard Uviller & William G. Merkel, The Second Amendment in Context: The Case of the Vanishing Predicate, 76 CHI.-KENT L. REV. 403 (2000). If one also includes the 52 signatories to the Historians and Lawyers amicus brief in U.S. v. Emerson, the notion of a consensus seems even more problematic. Among the prominent legal scholars who signed the brief were: Bruce Ackerman, Jack Balkin, Erwin Chemerinsky, Norman Dorsen, and Frank Michaelman. Among the historians signing the brief were: Joyce

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Much of the recent scholarship on the Second Amendment has attacked the Standard Model and defended the collective rights interpretation.¹⁴ Even within the ranks of supporters of the individual rights view there now appears to be a serious division between ideologues who have refused to engage recent scholarship challenging their views and those scholars who have responded to recent writing in a thoughtful manner, recasting the individual rights interpretation in ways more compatible with recent historical scholarship.¹⁵

Although there are historians and lawyers on both sides of this issue, there is a clear disciplinary division in the debate. Although a number of legal scholars have been won over to the individual rights view, most early American historians reject this interpretation.¹⁶ Perhaps the most vociferous critic of the new scholarship is Robert Shalhope, a scholar whose work is often cited by proponents of the Standard Model.¹⁷ In Shalhope's view the writers associated with the Standard Model have distorted the past to suit their policy goals.¹⁸ Standard Modelers, Shalhope observed, "displayed little if any interest in the political culture that spawned the Second Amendment; those that did displayed an appalling ignorance of this intellectual climate. The result was, of course, an incredibly anachronistic presentation of the Second Amendment."¹⁹ While Shalhope's most recent writing on the Second Amendment continues to argue that the Amendment was an individual right, he argues that such a right was far more limited in nature than the expansive right championed by Standard Modelers.²⁰

The stakes in the current debate over the meaning of the Second Amendment extend far beyond the halls of the academy.²¹ Although the collective rights view enshrined in United States. v. Miller continues to be the controlling precedent, the recent decision in United States. v. Emerson demonstrates the importance of academic scholarship on the Second Amendment.²² Although judges are usually shy about using law review literature

Appleby, Edward Countryman, Hendrik Hartog, Stanley Katz, and Michael Zuckerman. ¹⁴ See id.

¹⁵ The dogmatic responses of Malcolm and Lund share little with the measured and thoughtful revisions of the individual rights theory in other recent work. Compare Robert E. Shalhope, To Keep and Bear Arms in the Early Republic, 16 CONST. COMT. 269 (1999) and Sanford Levinson, Historians and the Second Amendment, (Paper presented at the University of Arizona Law School Conference, "Guns, Crime, and Punishment in America" on Jan. 26 and 27, 2001). For a summary of Levinson's argument, see Bernard E. Harcourt, Guns, Crime, and Punishment in America, ARIZ. L. REV. 43 (2001); Calvin R. Massey, Guns, Extremists, and the Constitution, 57 WASH. & LEE L. REV. 1095 (2000).

¹⁶ See Bogus, *supra* note 4.

¹⁷ See Shalhope, supra note 15.

¹⁸ Id. at 281. ¹⁹ *Id.*

²⁰ *Id*.

²¹ See United States v. Emerson, 270 F.3d 203 (5th Cir. 2001).

²² The controlling case for interpreting the Second Amendment remains United States v. Miller, 307 U.S. 174 (1939), which has generally been interpreted to endorse the view that the Amendment only protects the right of the militia to bear arms. For efforts to reinterpret Miller by individual rights theorists, see Eugene Volokh, et al., The Second Amendment as a Teaching Tool in

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as the primary basis for rendering their decisions, Emerson is a sobering reminder of the potential for legal scholarship to influence the course of public policy and jurisprudence.²³ In the view of Judge Alex Kosinski, that decision was based "almost exclusively" on law review articles.²⁴ While Judge Cummings' reliance on problematic law office history was bad enough, the Appeals Court decision in Emerson represented an even more disturbing lack of historical sophistication.²⁵ Two of the judges held that the Second Amendment protected an individual right, but concluded that the federal gun law prohibiting individuals under a domestic violence restraining order from being in possession of a firearm was not a violation of Emerson's Second Amendment rights.²⁶ Had the judges made such an argument in philosophical terms, their decision would have been novel, but entirely logical. Rather than follow this more honest path, the judges cloaked their decision in a set of historical arguments that more closely resembled an alternative history science fiction fantasy than an accurate rendering of the past.²⁷ The majority decision of the Appeals Court made little use of the academic law review literature and instead quoted extensively from a remarkable text supplied to the court by the Second Amendment Foundation, The Origin of the Second Amendment, a self-published collection of primary sources from the Founding era culled together by a park ranger and gun enthusiast from Michigan.²⁸

Before offering some insight into what a new paradigm for the Second Amendment might resemble, it is important to expose some of the historical errors that have by dint of frequent repetition come to be regarded as historical truth in this contentious debate.²⁹

Constitutional Law Classes, 48 J. LEGAL EDUC. 591 (1998). For a critique of Volokh, see Dorf, supra note 10, at 297-99. ²³ See United States v. Emerson, 270 F.3d 203 (5th Cir. 2001).

²⁴ United States v. Emerson, 46 F. Supp.2d 598 (N.D. Tex. 1999). The relationship between recent scholarship and the Emerson decision is discussed in Judge Alex Kosinski's, Who Gives a Hoot About Legal Scholarship, 37 HOUS. L. REV. 295 (2000).

²⁵ See United States v. Emerson, 270 F.3d 203 (5th Cir. 2001).

²⁶ Id.

²⁷ For a useful introduction to the genre of alternative history science fiction, see Karen Hellekson, Toward a Taxonomy of the Alternate History Genre, 41 EXTRAPOLATION 248 (2000).

²⁸ See DAVID E. YOUNG, THE ORIGIN HISTORY OF THE SECOND AMENDMENT (1991). For a

remarkable Interview with the author, see Michael V. Palletier, Origins of the Second Amendment, at http://www.keepandbeararms.com/information/XCIBViewItem.asp?ID'2722.com (last visited June 5, 2002). While checking the references in footnote 2 on page 226 of Young I found multiple errors which suggests that the court erred in treating this work as an authoritative scholarly edition. The standard reference work for scholarly editing is MARY-JO KLINE, A GUIDE TO DOCUMENTARY EDITING (1998).

²⁹ See Saul Cornell, Commonplace or Anachronism: The Standard Model, the Second Amendment, and the Problem of History in Contemporary Constitutional Theory, 16 CONST. COMT. 221 (1999); see also Jack N. Rakove, Highest State of Originalism, 76 CHI.-KENT L. REV. 103 (2000).

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II. STANDARD MODEL, STANDARD ERRORS "A RIGHT OF THE PEOPLE"

The first problematic assertion of the Standard Model is that the phrase "right of the people" was synonymous with individual rights in the Founding era.³⁰ This view is concisely stated by Glenn Harlan Reynolds, who argues that "The text's support is seen as straightforward: the language used, after all, is 'right of the people,' a term that appears in other parts of the Bill of Rights that are universally interpreted as protecting individual rights. Thus, any argument that the right protected is not one enforceable by individuals is undermined by the text."³¹ Had Reynolds taken the time to immerse himself in the constitutional texts and language of the period, he would have encountered many examples in which the phrase "right of the people" did not mean an individual right. Consider the language of the Pennsylvania Constitution which asserts "the people of this state have the sole, exclusive, and inherent right of governing and regulating the internal police of the same."³² Here is one obvious example of how the phrase "right of the people" was used to protect a collective, not individual, right. Additional evidence for such a reading of the phrase "right of the people" may be found in the work of Richard Primus and Jack Rakove.³³ Primus correctly observes that the Founding generation held that "some rights were held to belong to 'the people as a collective body rather than to people as individuals.""34

Reynolds is not the only gun rights advocate to approach the phrase "right of the people" in an anachronistic fashion.³⁵ The prolific gun rights advocate Don Kates adopts a similar ahistorical reading of the Bill of Rights.³⁶ According to Kates, the claim that the phrase "right of the people" does not mean an individual right requires that the "following set of propositions must be accepted: (1) when the first Congress drafted the Bill of Rights it used 'right of the people' in the first amendment to denote a right of individuals (assembly); (2) then, some sixteen words later, it used the same phrase in the second amendment to denote a right belonging exclusively to the states."³⁷ Upon closer historical examination even this apparent truism appears to be false. "Assembly," Primus

³⁰ See, e.g., Roger I. Roots, The Approaching Death of the Collective Rights Theory of the Second Amendment, 39 DUQ. L. REV. 71, 73 (2000).

³¹ Reynolds, *supra* note 10.

³² PA. CONST. of 1776, Declaration of the Rights of the Inhabitants of the Commonwealth or State of Pennsylvania, § III.

³³ See Richard A. Primus, The American Language of Rights 86-87 (1999); see also Rakove, supra note 29. ³⁴ See PRIMUS, supra note 33, at 86-87.

³⁵ See Sanford Levinson, Is the Second Amendment Finally Becoming Recognized as Part of the Constitution? Voices from the Courts, 1998 BYU L. REV. 127 (1998) and Don B. Kates, Jr., Handgun Prohibitions and the Original Meaning of the Second Amendment, 82 MICH. L. REV. 204, 218 (1983).

³⁶ Kates, supra note 35, at 218.

³⁷ Id.

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reminds us, is an "activity of the people plural."³⁸ Similarly, the right to keep and bear arms was a right of the people in their collective capacity.³⁹

Individual rights theorists are probably correct to stress that the traditional formulation of the collective rights argument as a right of the states is misleading.⁴⁰ A right of the people is not identical to a right of the states.⁴¹ A more accurate way to paraphrase the right protected by the original Second Amendment might be to describe it as a right of the people acting through their state governments to form well-regulated militias.

III. "A WELL REGULATED MILITIA"

Glenn Reynolds asserts that a well-regulated militia was "one that was well-trained and equipped; not one that was 'well-regulated' in the modern sense of being subjected to numerous government prohibitions and restrictions."42 Reynolds' claim about the meaning of this disputed term also rests on a false universalism and mythical consensus that never existed in the Founding era. To find evidence contradicting his assertion, one need only examine the relevant clause of the Articles of Confederation: "Every State shall always keep up a well -regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage."⁴³ Contrary to Reynolds' claim, well-regulated and disciplined were not always synonymous.⁴⁴ Nelson Lund shares Reynolds' mistaken view about the meaning of the term "well-regulated."⁴⁵ Thus, Lund writes that this term "does not imply heavy regulation, or more regulation. When one thinks about it, one should easily recognize what would have been much more immediately apparent to any eighteenth-century reader: that something can only be wellregulated when it is not overly regulated or inappropriately regulated."46 Here again, Lund has smuggled in a false notion of consensus that few serious historians of the Founding era would accept.⁴⁷ It is interesting that Lund would

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³⁸ PRIMUS, *supra* note 33.

³⁹ See PRIMUS, supra note 33. Akhil Amar compares the militia right in the Founding era to the jury, another collective incarnation of the people, in THE BILL OF RIGHTS: CREATION AND RECONSTRUCTION, 48 (1998).

⁴⁰ See Levinson, supra note 35 and Kates, supra note 35.

⁴¹ On this point, the explicit argument of the text and the implicit understandings of Federalists and Anti-federalists may have diverged. ⁴² Reynolds, *supra* note 10, at 474.

⁴³ ARTICLES OF CONFEDERATION, at http://www.yale.edu/lawweb/avalon/artconf.htm (last visited June 5, 2002).

⁴⁴ Cf. Reynolds, supra note 10.

⁴⁵ See Nelson Lund, The Ends of Second Amendment Jurisprudence: Firearms Disabilities and Domestic Violence Restraining Orders, 4 TEX. REV. OF L. & POL. 157 (1999). 46 Id.

⁴⁷ For a useful overview of recent historical scholarship on the Revolutionary era that stresses ideological diversity, see LINDA K. KERBER, The Revolutionary Generation: Ideology, Politics, and

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invoke the notion of how a typical 18th century reader would have understood this phrase. The subject of reconstructing the distinctive patterns of eighteenth century readers has attracted considerable scholarly attention from serious historians and literary scholars.⁴⁸ Unfortunately, Lund has not immersed himself in recent scholarship in either history or literary studies. His facile and anachronistic reading ignores the important insights to be gained from the innovative body of scholarship on early American reading practices.⁴⁹ Instead, Lund simply reads his own ideological preferences into the Second Amendment, conflating the ideas of today's Federalist Society, with the ideology of the Federalists who crafted the Second Amendment in the first Congress.⁵⁰

Another problem with the simplistic formulation of the concept of regulation favored by Reynolds and Lund is that it does not explain how discipline could be achieved without extensive regulation.⁵¹ Had either scholar taken the time to explore the laws governing the militia, they would have realized that government enjoyed a wide latitude to legislate on matters relating to arms.⁵² Government had a right to inspect weapons in one's home or alternatively to require individuals to turn in their government issued weapons for inspection at government arsenals.⁵³ Indeed, Lund has articulated an amusing Goldilocks's principle regarding the meaning of the term "well-regulated."54 According to Lund, the Founders intended this phrase to mean not over-regulated, not underregulated, but just the right amount of regulation.⁵⁵ Such a claim is hard to reconcile with Hamilton's discussion of the militia in Federalist #29: "To acquire the degree of perfection which would entitle them to the character of a well-regulated militia, would be a real grievance to the people."56 Hamilton went on to note that given popular aversion to the rigors of military discipline, the Federal government would be well advised to abandon the general militia and instead form a select militia.⁵⁷ Essentially, Hamilton did not think it possible to have too much regulation.⁵⁸ The danger posed by overly severe military

⁴⁹ Id.

Culture in the Early Republic, in THE NEW AMERICAN HISTORY (Eric Foner ed., 1997). ⁴⁸ For an overview of recent historical work on reader response and its relevance to constitutional history, see Saul Cornell, The Other Founders: Anti-Federalism and the Dissenting TRADITION IN AMERICA 1788-1828 (1999).

⁵⁰ See Lund, supra note 45; see also http://www.fed-

soc.org/Publications/journalistsguide/mediaguide.htm# (last visited June 5, 2002). For a discussion of the Federalist Society, see Chris Mooney, Losers: Bush's Ally, the Federalist Society, Resurrects the Views of the Vanquished in the Constitutional Debate -- the Anti-Federalists (April 25, 2001) at http://www.prospect.org/webfeatures/2001/04/mooney-c-04-25.html (last visited June 25, 2001).

⁵¹ See Reynolds, supra note 10, and Lund, supra note 45.

⁵² See The Perpetual Laws of the Commonwealth of Massachusetts 240 (1789), and The DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION VOL II (1976) microform Supp. pp. 1361-1373

⁵³ Id.

⁵⁴ See Lund, supra note 45.

⁵⁵ Id.

⁵⁶ THE FEDERALIST 184 (Jacob E. Cook ed., 1961).

⁵⁷ Id.

⁵⁸ Id.

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discipline was not something most Federalists feared, but rather was a concern of the Anti-Federalists.⁵⁹ This fear was captured by an Old Whig who warned that, "They can subject all the militia to strict military laws, and punish the disobedient with death, or otherwise, as they shall think right: by which they can march the militia back and forward from one end of the continent to the other, at their discretion; these powers, if they should ever fall into bad hands, may be abused to the worst purposes."⁶⁰

Another meaning of "well-regulated" that neither Reynolds nor Lund pays much attention to is suggested by the actions of the insurgents in Shays's rebellion who called themselves Regulators.⁶¹ Although the rogue militia units that supported Shays believed themselves to be regulated, they shared little with the well-regulated militia that the Founders idealized.⁶² A careful exegesis of the historical meanings attached to the term "well-regulated" suggests that the Standard Model's efforts to define it exclusively in terms of a mild form of military discipline rests on a highly selective reading of the evidence.⁶³

IV. CONGRESSIONAL DEBATES AND COUNTER-FACTUAL SPECULATIONS

Substantial attention has been devoted to the changes that Madison's original language regarding the right to bear arms underwent in Congress.⁶⁴ The Standard Model's treatment of this evidence is also marred by a selective use of evidence and questionable anachronistic readings of texts. Madison's original suggestion that the right to bear arms be placed in the body of the Constitution in Article I, Section 9 has been invoked by several supporters of the Standard Model as definitive proof of the individual rights character of this right.⁶⁵ In the view of Glenn Reynolds, "If he had thought the Second Amendment would alter the military and/or militia provisions of the Constitution he would have interlineated it in Article I, Section 8, near or after clauses 15 and 16. Instead, he planned to insert the right to arms with freedom of religion, the press and other personal rights in Section 9 following the rights against bills of attainder and ex post facto laws."⁶⁶ This view is endorsed by L.A. Powe, who asserts that this decision is clear proof that Madison understood this provision to be an individual right.⁶⁷ "If the collective rights theory were correct," Powe asserts, "then

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⁵⁹ See 2 Herbert J. Storing, The Complete Anti-Federalist 36 (1981).

⁶⁰ Id.

⁶¹ See Reynolds, supra note 10, and Lund, supra note 45.

 ⁶² See Robert Gross, In Debt to Shays: The Bicentennial of an Agrarian Rebellion (1993).
 ⁶³ Id.

⁶⁴ See Reynolds, supra note 10, at 467-71.

⁶⁵ Id. at 473.

⁶⁶ Id.

⁶⁷ See L.A. Powe, Guns, Words and Constitutional Interpretation, 38 WM. & MARY L. REV. 1311, 1338-39 (1997). The notion that Madison's original intent might trump that of the final form of the amendment that emerged out of the give and take of the debate in the First Congress is one of the strangest elements of the Standard Model's variant on originalism.

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Madison should have placed his 'Second Amendment' either in Article I Section 8, with the militia clauses, or in Article IV, Section 4, the Guarantee Clause.³⁶⁸ Once again supporters of the Standard Model fail to adequately contextualize the text they quote. Madison's decision to place the right to bear arms in Article I. Section 9, followed the common practice in virtually all of the individual state constitutions of separating the statement of the right to bear arms from the organization of the militia.⁶⁹ The original placement of the right to bear arms does little to clarify whether he thought this was an individual or a collective right. Supporters of the Standard Model have ignored a much more important piece of evidence about how Madison understood the connection between the right to bear arms and other fundamental rights. Madison originally proposed an amendment that read: "No State shall infringe the right of trial by Jury in criminal cases, nor the rights of conscience, nor the freedom of speech, or of the press."70 It is important to recall that in 1788-89 Madison viewed the individual states, not the federal government, as the greatest threat to liberty.⁷¹ In a letter to Jefferson describing his views about the efficacy of a written bill of rights, Madison reminded Jefferson that "repeated violations of these parchment barriers have been committed by overbearing majorities in every State."⁷² "There is," Madison warned, "more danger for those powers being abused by the State Governments than by the Government of the United States."⁷³ If Madison's primary concern was protecting an individual right to bear arms, then the right should have been listed as one of those fundamental rights that the states could not violate. Given the penchant of Standard Modelers to pose counter-factual questions, one wonders why they have not asked this one. Such a fear, it is worth noting, was not an abstract concern.⁷⁴ States such as Pennsylvania had disarmed their citizens during the Confederation period.⁷⁵ If Madison were concerned about an individual right to bear arms similar in nature to freedom of the press, then one must ponder why he omitted such a right from his proposal. Once again, the use of counter-factual speculation by Standard Modelers only cuts in one direction-in support of an individual right.

It is important for scholars to acknowledge the limits of the documentary record available to us. This fact casts doubt on Nelson Lund's claims about congressional intent in revising Madison's original language.

⁶⁸ Id.

⁶⁹ Virginia Declaration of Rights, Massachusetts, and Pennsylvania Constitutions are all available at the Yale Law School's Avalon project, http://www.yale.com (last visited June 5, 2002).

⁷⁰ Charles F. Hobson, The Negative on State Laws: James Madison, the Constitution, and the Crisis of Republican Government, 36 WM. & MARY Q. 215, 234 (1979).

For Madison's thinking about the Bill of Rights, see Paul Finkelman, James Madison and the Bill of Rights, SUP. CT. REV. 301 (1990); Jack N. Rakove, The Madisonian Moment, 55 U. CHI. L. REV. 473 (1988); Jack N. Rakove, The Madisonian Theory of Rights, WM. & MARY L. REV. 245 (1990).

⁷² THE MIND OF THE FOUNDERS: SOURCES OF THE POLITICAL THOUGHT OF JAMES MADISON, 157 (Marvin Meyers ed., 1981). ⁷³ Id. at 173.

⁷⁴ See Cornell, supra note 29.

⁷⁵ Id.

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All the major changes made during the congressional process increased the clarity with which the Second Amendment protects an individual right, not a right of the states to maintain military organizations. The conscientious objector clause was dropped. The reference to a "well armed militia" was eliminated. The description of the militia as an entity "composed of the body of the people" was omitted. Each of these phrases could have suggested that the right to keep and bear arms was somehow restricted to the context of military service. Although Madison meant to imply no such thing, the fact that each of these potentially misleading phrases was deliberately removed from the text confirms that Congress knew exactly what it was doing when it proposed for ratification the unambiguous text that is now part of the Constitution.⁷⁶

While Congress may have known exactly what it was doing, it is impossible for Lund or any other modern scholar to make a similar claim. Records for the Senate's deliberations do not exist. Unless Lund has conducted a seance or studied past life regression with actress Shirley McLaine, his claims are speculative at best. Upon closer examination his interpretation is worse than speculative; it is profoundly ahistorical. Lund assumes that the First Congress shared with modern scholarship a dichotomous view of the meaning of the right to bear arms, as either an individual right or a collective right.⁷⁷ Rather than prove this claim. Lund simply assumes it to be true. Such an argument is entirely circular. Consider the deletion of the phrase describing the militia as "composed of the body of the people." Individual rights theorists argue that the deletion of this phrase was merely stylistic.⁷⁸ Everyone assumed that such a militia would be drawn from the entire population.⁷⁹ An alternative and more plausible reading has been suggested by Jack Rakove, who has argued that this change actually strengthened the power of Congress to define who the militia would be in the future.⁸⁰ A similar counter-factual sleight of hand is evident in the following comments by Joyce Lee Malcolm: "Had the right to be armed an exclusively, or even primarily, collective aspect Senators would have approved the amendment to add 'for the common defense.' Congress had the opportunity to incorporate into the language of the amendment the meanings the collectivist school has tried so hard to read into it."81 It is not collective rights theorists, but Malcolm, who has read back contemporary concerns into the eighteenth century texts. Nor is it surprising that Malcolm, a specialist on 17th century English history, would fail to adequately situate this debate within its late 18th century

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⁷⁶ Lund, *supra* note 45, at 181-82.

⁷⁷ Id.

⁷⁸ See Malcolm, supra note 11.

⁷⁹ Id.

⁸⁰ See Rakove, supra note 29.

⁸¹ Malcolm, supra note 11.

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American context.⁸² A much more plausible reading of this change is suggested by the work of Don Higginbotham, the leading military historian of the Revolutionary era.⁸³ Higginbotham demonstrates convincingly that the main issue for both Federalists and Anti-Federalists in the Second Amendment debate was not individual rights, but federalism.⁸⁴ It was the allocation of military power in the new republic that was at the core of the debate over the militia.⁸⁵ To declare that the militia was to be used for the common defense would have troubled Virginia Anti-Federalists who would have wanted to preserve the ability of their state to use the militia to put down rebellion, a particularly troubling prospect to southerners fearful of the danger posed by the threat of slave insurrections.86

Lund's claims about the significance of the Congressional debate over the conscientious objector provision also distorts the historical record by wrenching the debate out of context.⁸⁷ Rather than support the Standard Model's contention that Congress sought to clarify the individual rights nature of the text, the deletion of the conscientious objector clause suggests just the opposite.88 Gerry objected to the way in which the clause about conscientious objection status might allow the new government to disarm the militia of the states: "I am apprehensive, sir, that this clause would give an opportunity to the people in power to destroy the constitution itself. They can declare who are those religiously scrupulous, and prevent them from bearing arms."⁸⁹ Although Gerry might have used this occasion to express concern that an individual right to own guns was in danger, he showed no interest in this issue.⁹⁰ His concern was focused squarely on the threat to the militia.⁹¹ "Whenever government means to invade the rights and liberties of the people, they always attempt to destroy the militia."⁹² Rather than support the Standard Model's claim, Gerry's exclusive focus on the potential of the conscientious objector clause to be used to destroy the militia provides strong evidence that the primary issue under consideration was the militia.⁹³ Given the Standard Modelers' fondness for counter factual

⁸² See JOYCE LEE MALCOLM, THE ENGLISH PEOPLE AND THE CROWN'S CAUSE, 1642-1646, (1977) (unpublished Ph. D. dissertation, Brandeis University). While Malcolm often derides supporters of the collective rights view for their ties to gun control, she has been less than forthcoming about her own connections to the NRA. See, e.g., JOYCE LEE MALCOLM, DISARMED: THE LOSS OF THE RIGHT TO BEAR ARMS IN RESTORATION ENGLAND (1981). Malcolm's work was republished by the NRA Institute for Legislative Action.

⁸³ See Don Higginbotham, The Federalized Militia Debate: A Neglected Aspect of Second Amendment Scholarship, 55 WM. & MARY Q. 39 (1998). ⁸⁴ Id.

⁸⁵ See Bogus, supra note 13, at 407.

⁸⁶ Id. at 357.

⁸⁷ See Lund, supra note 45.

⁸⁸ Heyman, supra note 13, at 275.

⁸⁹ CREATING THE BILL OF RIGHTS 182 (Charlene Bickford et al., eds., 1991).

⁹⁰ See H. Richard Uviller & William G. Merkel, The Second Amendment in Context: The Case of the Vanishing Predicate, 76 CHI.-KENT L. REV. 403, 501 (2000).

⁹¹ Id.

⁹² Id.

⁹³ Id.

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questions, one wonders why they did not pose the following one: why didn't Gerry make at least passing mention of the potential for the conscientious objector exclusion to provide a pretext to deprive individuals of a right to own weapons for personal defense?⁹⁴ Appealing as counter-factual speculations may be, they are notoriously difficult to evaluate and provide an exceedingly weak foundation for constitutional arguments.⁹⁵ Jefferson Powell's wise caution that "Arguments from silence are unreliable and often completely ahistorical," has been violated repeatedly by supporters of the Standard Model.⁹⁶ In most cases we simply do not know why an author opted to make one claim and not another.⁹⁷ At the very minimum, one would expect those choosing to dabble in counter-factual speculation to do so in an even-handed and balanced fashion.⁹⁸ Had supporters of the Standard Model approached their subject with greater scholarly rigor, they might have posed at least some of the sorts of counterfactual questions that point toward the collective rights understanding of the Amendment.⁹⁹ In every instance Standard Modelers have used counter-factual speculation to cloak the obvious fact that there are relatively few examples of anyone discussing the right to bear arms as an individual right in the 18th century.¹⁰⁰

V. "PRIVATE ARMS"

Another favorite text of Standard Modelers is a hastily assembled newspaper essay defending the Bill of Rights prepared by Federalist Tench Coxe.¹⁰¹ The gun rights advocate Stephen Halbrook claims that Coxe's essay was widely reprinted and, moreover, he argues that a search of the literature of the time reveals that no writer disputed or contradicted Coxe's analysis.¹⁰² Actually, if one scans Halbrook's notes, it appears that Coxe's essay appeared a total of three times.¹⁰³ In 1790 there were 84 newspapers in America, which means that Coxe's essay was ignored by more than 95% of the press.¹⁰⁴ It is hard to see how this sort of evidence could prove that Coxe's essay was representative of widely held views or that it reached a particularly wide audience. Nor can one infer much from the fact that no one bothered to refute Coxe. The absence of a

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⁹⁴ See CREATING THE BILL OF RIGHTS, supra note 89, at 182.

⁹⁵ See Powell, supra note 9, at 671.

⁹⁶ Id.

⁹⁷ Id. at 672.

⁹⁸ Id.

⁹⁹ See CREATING THE BILL OF RIGHTS, supra note 89, at 182.

¹⁰⁰ See Dorf, supra note 9.

¹⁰¹ See Stephen P. Halbrook & David B. Kopel, Tench Coxe and the Right to Keep and Bear Arms 1787-1823, 7 WM. & MARY BILL RTS. J. 347 (1999).

¹⁰² Id. ¹⁰³ Id.

¹⁰⁴ Information on early American newspapers can be found in THE ATLAS OF EARLY AMERICAN HISTORY (Lester Cappon ed., 1978).

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rebuttal might just as easily signify indifference as acceptance. The most reasonable conclusion to draw is that Coxe's essay was simply not very influential.¹⁰⁵ Additional support for the idea that this essay was not intended to be a definitive commentary on the meaning of the Bill of Rights is provided by a letter Coxe wrote to Madison describing his effort.¹⁰⁶ In a letter to Madison, Coxe described his effort in the following way: "I have therefore taken an hour from my present engagement" and "thrown together a few remarks upon the first part of the Resolutions."¹⁰⁷ Given Coxe's own description of his remarks as "thrown together," it is difficult to understand the importance that has been assigned to them by Standard Modelers.¹⁰⁸ In his essay Coxe does affirm "the right of the people to keep and bear their private arms."¹⁰⁹ While it is possible to read this statement as an expression of an individual rights point of view, Coxe's invocation of the right of the people within the context of resisting tyranny is more plausibly read as a reiteration of the necessity of a citizen militia composed of the sturdy yeomanry than it is of some sort of expansive individual right comparable to freedom of speech.¹¹⁰ Eighteenth century members of the militia were expected, and in many instances, required, to provide their own weapons.¹¹¹ Individual ownership of weapons within the context of militia service is not the same thing as an individual right to own weapons for personal defense.¹¹² Still, individual rights theorists and some revisionist statements of the collective rights thesis have correctly drawn attention to the fact that the Founders expected that a large segment of the population would bear arms as part of the militia.¹¹³ Of course, as Carl Bogus and others have argued, the text of the Constitution gives Congress the power to decide who is part of the well-regulated militia protected by the Second Amendment.¹¹⁴ Ultimately it is up to Congress to decide who may bear arms as part of the well-regulated militia.

When Coxe's remarks are set within the context of his general discussion

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¹⁰⁵ Joyce Lee Malcolm also mistakenly interprets the absence of a rebuttal as a sign of broad acceptance. See Malcolm, supra note 11. ¹⁰⁶ See CREATING THE BILL OF RIGHTS, supra note 89.

¹⁰⁷ Id. at 252-53.

¹⁰⁸ Coxe's essay is central to the arguments of Halbrook and Kopel, supra note 101, and Kates, supra note 6, at 224. I^{109} Id.

¹¹⁰ See Williams, *infra* note 114.

¹¹¹ See Chuck Dougherty, The Minutemen, the National Guard and the Private Militia Movement: Will the Real Militia Please Stand Up?, 28 J. MARSHALL L. REV. 959, 963 (1995). ¹¹² For a critique of the Standard Model's reading of Coxe's statement, see GARRY WILLS, A

NECESSARY EVIL: A HISTORY OF AMERICAN DISTRUST OF GOVERNMENT 214-15, 257 (1999). ¹¹³ See, e.g., David Yassky, Symposium: The Second Amendment, Panelist, 10 SETON HALL CONST.

L. J. 821, 822 (2000).

¹¹⁴ See Bogus, supra note 4. The revisionist view of the collective rights view, described by individual rights theorists as the sophisticated version (which presumably exists in contrast to an unsophisticated version-although I am unaware of anyone claiming to be a supporter of the unsophisticated collective rights view), is best represented by David C. Williams, Civic Republicanism and the Citizen Militia, 101 YALE L.J. 551 (1991), and David C. Williams, The Unitary Second Amendment, 73 N.Y.U. L. REV. 822 (1998). The power of Congress to decide the composition of the militia is discussed in Bogus, supra note 13.

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of the Bill of Rights, the individual rights gloss of his text seems even more problematic. A careful reading of Coxe's essay reveals an understanding of the Bill of Rights that is far more republican than liberal in spirit. Coxe explicitly described "the republican spirit" of Madison's draft of the Bill of Rights.¹¹⁵ While defending "the creed of liberty," Coxe underscored that government existed to pursue the public good.¹¹⁶ Interestingly, in discussing the core freedoms that would eventually constitute the First Amendment. Coxe chose to describe them as "political rights," not individual or personal rights.¹¹⁷ Although Coxe's republican language is not incompatible with liberal ideas about individual rights, it certainly does not bear the weight placed upon it by supporters of the Standard Model.¹¹⁸

IV. A RIGHT TO BEAR QUILLS, OR KILL BEARS: THE CURIOUS CASE OF PENNSYLVANIA

One of the most remarkable features of recent writing about the Second Amendment is the degree to which supporters of the individual rights view have drawn on evidence from Pennsylvania to support their claims.¹¹⁹ When properly contextualized, the texts most often cited to prove the existence of an expansive individual right actually demonstrate quite the opposite: the example of Pennsylvania provides proof of an expansive conception of the right of the state to regulate and limit access to firearms.¹²⁰ Shortly after adopting their state constitution, which affirmed that "the people have a right to bear arms for the defense of themselves and the state," Pennsylvanians passed a series of Test Acts which imposed severe penalties on citizens who refused to take an oath of allegiance to the state.¹²¹ Individuals who refused to take the oath were disarmed.¹²²

The Pennsylvania Constitution did affirm, "That every member of society hath a right to be protected in the enjoyment of liberty and property, and therefore is bound to contribute his proportion toward the expense of protection,

¹¹⁵ Tench Coxe, A PENNSYLVANIAN, New York Packet, June 23, 1789.

¹¹⁶ Id.

¹¹⁷ Id.

¹¹⁸ [Tench Coxe] A Pennsylvanian, "Remarks on the First Part of the Amendments . . ." New York Packet, June 23, 1789. Robert Shalhope, supra note 15, wisely cautions against the dangers of over-stating the corporate nature of republicanism. By contrast, the Standard Model's reading of Coxe over-emphasizes the liberal individualist character of this text.

¹¹⁹ Among the essays that draw heavily on Pennsylvania to support the individual rights view are: David T. Hardy, The Second Amendment and the Historiography of the Bill of Rights, 4 J.L. & POL'Y 1 (1987); Reynolds, supra note 10, at 63; Thomas Macafee & Michael J. Quinlan, Bringing Forward the Right to Keep and Bear Arms, 75 N.C. L. REV. 781 (1997), and Nelson Lund, The Past and Future of the Individuals Right to Bear Arms, 31 GA. L. REV. 1 (1997). ¹²⁰ See Cornell, supra note 29, at 246.

¹²¹ Id. at 228.

¹²² For information on the Test Act, see Cornell, supra note 29, at 246.

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and yield his personal service when necessary, or an equivalent thereto."¹²³ The text then goes on to declare that "nor can any man who is consciously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent, nor are the people bound by any laws, but such as they have in like manner assented to, for their common good."¹²⁴ While such a view might seem illogical to modern gun rights advocates, it makes perfect sense given the limited view of self defense under 18th century law.¹²⁵ It is important to recall that in the eighteenth-century the notion of self defense did not entitle citizens to use deadly force against attackers in most cases.¹²⁶ One was required to retreat to the wall before one might kill an attacker. Standard Model scholarship has smuggled a modern conception of the right of self defense, further obscuring the original meaning of the right to bear arms.¹²⁷

The Pennsylvanians who drafted the Test Act did not accept similar limits on freedom of press or freedom of religion.¹²⁸ While there was a broad consensus that prior restraint of the press was unacceptable, prior restraints on gun ownership, including large scale disarmament of parts of the civilian population, presented no constitutional problem to Pennsylvanians.¹²⁹ The Constitutionalist party that framed the Pennsylvania constitution and passed the Test Act accepted that the state could disarm peaceful citizens when the good of the community required such action.¹³⁰ Such actions were compatible with the notion of self defense expressed in the state constitution.¹³¹ Contrary to the claims of Standard Modelers, Pennsylvania's Constitutionalists recognized a fundamental difference between guns and words.¹³² Prior restraints on gun ownership were not unconstitutional.¹³³

It is interesting to note that the Test Acts stripped citizens of the right to sit on juries.¹³⁴ As historian Douglas Arnold noted, the act was also more than a war time emergency measure, but rather an effort by Pennsylvania's Constitutionalist party to restrictively define citizenship to those capable of displaying the requisite virtue.¹³⁵ In the case of Pennsylvania, the right to bear arms was neither an individual right nor a collective right in the sense with which

135 Id.

¹²³ PA. CONSTITUTION of 1776, Declaration of the Rights of the Inhabitants of the Commonwealth or State of Pennsylvania § III. ¹²⁴ Id.

¹²⁵ See Richard Maxwell Brown, No Duty to Retreat: Violence and Values in American HISTORY AND SOCIETY (1991).

¹²⁶ Id. at 3-5.

¹²⁷ For a discussion of this, see Heyman, supra note 13.

¹²⁸ See Cornell, supra note 29, at 230.

¹²⁹ Id. It is important to distinguish between political speech and other forms of speech. Pennsylvanians accorded political speech enormous latitude while restricting other forms of speech such as artistic speech in ways that might include forms of prior restraint.

¹³⁰ For more on the political struggle over the Test Acts, see DOUGLAS M. ARNOLD, A REPUBLICAN **REVOLUTION: IDEOLOGY AND POLITICS IN PENNSYLVANIA 1776-1790 (1989).**

¹³¹ Compare BROWN, supra note 125, with ARNOLD, supra note 130.

¹³² See Cornell, supra note 29, at 229.

¹³³ Id.

¹³⁴ See ARNOLD, supra note 130, at 108.

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these terms are most often used in modern constitutional debate over the meaning of the Second Amendment.¹³⁶ It would be more accurate to describe it as a civic right, one that was limited to those members of the polity who were deemed capable of exercising it in a virtuous manner. Freedom of religion or freedom of the press were genuinely rights of individuals and were treated differently than were civic rights such as militia service, or the right to sit on juries.¹³⁷ The Test Acts stripped citizens of certain civic rights, but did not deprive them of fundamental individual rights.¹³⁸ Pennsylvania Anti-Federalists, the group who supported the Test Acts, accepted a level of gun regulation that far exceeds anything modern gun control groups have advocated.¹³⁹ The actions of Pennsylvania Anti-Federalists serve as an important reminder about the dangers of treating the Founding generation as though they were modern civil libertarians or the forebearers of today's gun rights activists.¹⁴⁰ It also provides an additional cautionary reminder for those who would endorse a narrow originalist approach to constitutional interpretation.¹⁴¹ Although the irony would not be appreciated by many modern gun rights advocates, the proposals of modern gun control advocates, registration, mandatory safety training, and bans on specific classes of weapons pale in comparison to the large scale efforts to disarm the civilian population endorsed by Pennsylvanians.¹⁴² Indeed, the comprehensive hand gun bans advocated by the most ardent gun control activists seem tame by comparison, since they would not prohibit most long guns.¹⁴³ Nor would such proposals require a political litmus to own weapons, something which Pennsylvanians accepted as a legitimate exercise of the state's police powers.¹⁴⁴ The history of gun laws enacted by the Founding generation offers important insights into how the right to bear arms was understood at the time the Second Amendment was ratified.¹⁴⁵ The notion that guns could not be extensively regulated turns out to be a modern myth, one that has been aggressively spread by supporters of the Standard Model.¹⁴⁶ Thus, Robert Cottrol confidently declares that "for much of American History there were few regulations concerning firearms ownership."¹⁴⁷ Such a view is contradicted by the work of William Novak who has convincingly demonstrated that state and local governments used their police powers extensively to regulate the storage of arms

¹³⁶ For a modern discussion claiming that both the individual right and collective right approaches are inadequate, see David Yassky, The Second Amendment: Structure, History, and Constitutional Change, 99 MICH. L. REV. 588 (2000).

¹³⁷ See Arnold, supra note 130.

¹³⁸ Id.

¹³⁹ Id.

¹⁴⁰ *Id*.

¹⁴¹ Id.

¹⁴² Id.

¹⁴³ See Josh Sugarman, Every Handgun is Aimed at You: The Case for Banning Handguns (2001). ¹⁴⁴ Id.

¹⁴⁵ See Cornell, supra note 29, at 229.

¹⁴⁶ Robert Cottrol, Second Amendment, in THE OXFORD COMPANION TO THE SUPREME COURT 763 (Kermit Hall ed., 1992). 147 Id.

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and gunpowder.¹⁴⁸ The laws enacted by individual state governments regulating gun ownership and storage, including compulsory militia musters, and periodic gun censuses, make the comparison with other individual rights such as freedom of conscience or freedom of the press seem far fetched.¹⁴⁹ Government not only regulated guns and ammunition; it kept close tabs on who had guns and the condition of those weapons.¹⁵⁰ The state also retained the right to compel citizens to submit to formal arms training and exclude individuals and groups from service in the militia when individuals or groups were viewed as a threat to society.151

Standard Modelers have often invoked Pennsylvania's Anti-Federalist Minority to prove that the right to bear arms was intended to be an individual right.¹⁵² In a foundational text for the Standard Model, gun rights proponent Don Kates declares that "the individual right nature of the Pennsylvania right to arms proposal is unmistakable.¹⁵³ The relevant amendment proposed by Pennsylvanians reads as follows:

> That the people have a right to bear arms for the defense of themselves and their own state, or the United States, or for the purposes of killing game; and no law should be passed for disarming the people or any of them, unless for crimes committed, or real danger of public injury from individuals; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; and that the military shall be kept under strict subordination to and be governed by the civil powers.¹⁵⁴

This provision has also been used to prove that the phrase "bear arms" did not have an exclusively military connotation.¹⁵⁵ In the view of Nelson Lund, "Contrary to a popular misconception, the military connotations frequently associated with the term 'bear arms' do not mean that the term invariably implies a military context. This was made perfectly clear in one of the earliest proposals for a bill of rights, which was drafted by the Anti-Federalist minority at the Pennsylvania ratifying convention."¹⁵⁶ The "popular misconception" Professor Lund alludes to is Garry Wills's discussion of the military connotation of the term "bear arms."¹⁵⁷ Rather than survey 18th century legal usage in a systematic

¹⁴⁸ See William J. Novak, The People's Welfare 57 (1996).

¹⁴⁹ Id. On the regulation of the militia, see MARK PITCAVAGE, AN EQUITABLE BURDEN: THE DECLINE OF THE STATE MILITIAS, 1783-1858 (Ph.D. dissertation, Ohio State University, 1995). ¹⁵⁰ Id.

¹⁵¹ See Cornell, supra note 29, at 230.

¹⁵² See, e.g., Kates, supra note 6, at 222.

¹⁵³ Id.

¹⁵⁴ SAMUEL BRYAN, The Address and Reasons of Dissent of the Minority, in THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION 623-24 (Merrill Jensen ed., 1976). ¹⁵⁵ See Lund, supra note 45, at 168-69.

¹⁵⁶ Id.

¹⁵⁷ See Garry Wills, To Keep and Bear Arms, N.Y. Rev. of Books (Sept. 21, 1995) (book review).

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fashion, Lund's argument relies on the isolated example of the Dissent of the Minority.¹⁵⁸ The use of phrase in this document, which as Wills notes was hastily assembled, hardly challenges the notion that standard usage carried with it a clear military meaning.¹⁵⁹

The Dissent of the Minority does present a different challenge to the collective rights thesis.¹⁶⁰ At least in Pennsylvania, there appears to have been a recognition of a right to hunt.¹⁶¹ Recognizing this type of individual right does not mean that the right was understood to be somehow comparable to the right of free speech.¹⁶² The provision affirming a right to hunt proposed in the Dissent acknowledged that this right might be limited as to time and place.¹⁶³ Hunting was obviously subject to extensive regulation, including some types of prior restraints, restrictions that would never have been permissible for speech.¹⁶⁴

Another problem with the Standard Model is the claim that the term defense of "themselves" was synonymous with an individual right.¹⁶⁵ It is important to recall that there were no organized police forces in eighteenthcentury America and that the militia was often called on to serve as an agent of law enforcement.¹⁶⁶ The Test Act empowered the militia to disarm citizens who refused to take the loyalty oath.¹⁶⁷ Thus, in addition to serving as a military force, the militia in Pennsylvania also functioned as a police force.¹⁶⁸ Given this fact, it is far from obvious that the meaning of the phrase "defense of themselves" should be interpreted as a statement of individual rights.¹⁶⁹

The affirmation of the right to hunt, a provision not emulated by any other state ratification convention, does suggest a nonmilitary context for the right to keep arms.¹⁷⁰ The Dissent of the Minority fused two separate rights protected by their state constitution—a right to bear arms and a right to hunt bears.¹⁷¹ Neither right was an expansive individual right comparable to freedom of conscience or freedom of the press.¹⁷² Wills may be correct that the conjunction of these two different rights was accidental, a product of haste and

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See also Lund, supra note 45. Lund also confuses the phrase bear a gun with bearing arms. ¹⁵⁸ See Lund, supra note 45.

¹⁵⁹ According to legal scholar David Yassky, congressional documents from the Founding era use this term in a military context on thirty other occasions. Supporters of the opposing view that bearing arms did not have a military meaning have only adduced the one example of the Dissent of the Minority to prove their case that the term did not have an exclusively military connotation. See Yassky, supra note 136. For a similar conclusion, see Dorf, supra note 9, at 315.

¹⁶⁰ See Yassky, supra note 136.

¹⁶¹ See Cornell, supra note 29.

¹⁶² See Cornell, supra note 29, at 229.

¹⁶³ Id.

¹⁶⁴ See Cornell, supra note 29, at 230.

¹⁶⁵ See Wills, supra note 157, at 66.

¹⁶⁶ See Lawrence M. Friedman, Crime and Punishment in American History 67-68 (1993).

¹⁶⁷ Id. at 253.

¹⁶⁸ Id.

¹⁶⁹ See Cornell, supra note 29.

¹⁷⁰ See ARNOLD, supra note 130, at 109.

¹⁷¹ See Cornell, supra note 29, at 230.

¹⁷² Id.

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poor drafting.¹⁷³ Still, once published, this mistake established the possibility of re-conceptualizing the meaning of bearing arms, a process that did occur slowly over the subsequent decades.¹⁷⁴

V. FROM BEARING ARMS TO HUNTING BEARS: THE CHANGING MEANING OF THE RIGHT TO BEAR ARMS

"For the historian," the eminent scholar Herbert Butterfield noted, "the only absolute is change." ¹⁷⁵ Writing about the Second Amendment has presented a static image of the Amendment.¹⁷⁶ The notion that the Second Amendment, in contrast to virtually every other feature of American constitutional life, remained fixed and unchanging over the course of American history seems patently absurd.¹⁷⁷ Yet, this is precisely how legal scholarship on the Second Amendment has portrayed the meaning of the right to bear arms.¹⁷⁸ There is considerable evidence that this was not the case.¹⁷⁹ Within two decades of the adoption of the Second Amendment, the meaning of the right to bear arms underwent some remarkable changes in state constitutional law.¹⁸⁰

Contrary to the myth of an unchanging constitutional right, a profound transformation in the history of the right to bear arms occurred in the early Jacksonian era when several state constitutions abandoned the distinctive eighteenth-century language protecting "the right of the people to keep and bear arms in defense of themselves," and adopted the more unambiguously individual right, that "every citizen has a right to bear arms, in defense of himself and the

¹⁷³ See Wills, supra note 157.

¹⁷⁴ See Cornell, infra note 175, at 675-78.

¹⁷⁵ Herbert Butterfied, The Whig Interpretation of History 58 (1951).

¹⁷⁶ Two exceptions to this pattern are worth noting. Akhil Amar argues that the 14th Amendment transformed the meaning of the Second Amendment. See Amar, supra note 39. Amar's approach to Reconstruction, "refined incorporation," has been challenged by a number of scholars. See Daniel J. Hulsebosch, Civics 2000, 97 MICH. L. REV. 1520, 1546 (1999); Bret Boyce, Originalism and the Fourteenth Amendment, 33 WAKE FOREST L. REV. 909 (1998) and Jack N. Rakove, Two Foxes in the Forest of History, 11 YALE J.L. & HUMAN. 191 (1999). For a different, less monolithic reading of the meaning of the 14th Amendment, see WILLIAM E. NELSON, THE FOURTEENTH AMENDMENT (1998). Another model of the evolution of the Second Amendment is explored by David Yassky, The Second Amendment, 99 MICH. L. REV. 588 (2000). Yassky follows Amar's Yale colleague Bruce Ackerman. See BRUCE ACKERMAN, WE THE PEOPLE: TRANSFORMATIONS (1998). He highlights the transformation wrought by the New Deal on the Second Amendment. Yassky's analysis is open to many of the criticisms made of Ackerman's work. See Richard A. Posner, Past Dependency and Pragmatism, 67 U. CHI. L. REV. 573, 596 (2000), and Larry Kramer, What's a Constitution for Anyway?, 46 CASE W. RES. L. REV. 885 (1996). Neither Amar nor Yassky devotes much attention to the important changes in the interpretation of the right to bear arms in the early Republic.

¹⁷⁷ Id.

¹⁷⁸ See Kates, supra note 6, at 222.

¹⁷⁹ See Yassky, supra note 176.

¹⁸⁰ See discussion below at pages 676-677.

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State.¹¹⁸¹ The shift in constitutional discourse evidenced in state constitutions written after the War of 1812 is profound.¹⁸² Consider the following state constitutional provisions pertaining to the right to keep and bear arms enacted between 1776 and 1820:

1776 Virginia: That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; that Standing Armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

1780 Massachusetts: The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

1792 Kentucky: That the right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

1817 Mississippi: Every citizen has a right to bear arms, in defence of himself and the State.

1819 Maine: Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned.

1820 Missouri: That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance; and that their right to bear arms in defence of themselves and of the State cannot be questioned.¹⁸³

There was no uniform pattern of constitutional change across America in the period between 1776 and 1820.¹⁸⁴ While the 1817 Mississippi state constitutional convention adopted a more liberal individualistic language, the Maine and Missouri Constitutions chose the older, more republican, formulation which clearly persisted well into the nineteenth century.¹⁸⁵ The Missouri

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¹⁸¹ Eugene Volokh, The Commonplace Second Amendment, 73 N.Y.U. L. REV. 793, 794 (1998).

¹⁸² For an argument that the War of 1812 marked a watershed in the evolution of the transition from republicanism to liberalism, *see* STEVEN WATTS, THE REPUBLIC REBORN: WAR AND THE MAKING OF LIBERAL AMERICA 1790-1820 (1987). The literature on the debates over the relative importance of republican and liberal ideas in American life is enormous.

¹⁸³ For a complete list of state provisions on the right to bear arms, see Eugene Volokh, State Constitutional Right to Keep and Bear Arms Provisions, at

http://www.law.ucla.edu/faculty/volokh/2amteach/sources.htm (last visited June 5, 2002). ¹⁸⁴ See id.

¹⁸⁵ Id.

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Constitution is fascinating because it asserted that the right to assemble was designed to promote the common good, an explicitly republican formulation, and it directly juxtaposed the right of assembly with the right to keep and bear arms.¹⁸⁶

The clear change in the language of state constitution provisions regarding the right to bear arms eluded the Fifth Circuit Court's majority opinion in *Emerson*.¹⁸⁷ The court's confusion over the facts and basic chronology of the history of the right to bear arms is embarrassing:

However, there are numerous instances of the phrase "bear arms" being used to describe a civilian's carrying of arms. Early constitutional provisions or declarations of rights in at least some ten different states speak of the right of the "people" [or "citizen" or "citizens"] "to bear arms in defense of themselves [or "himself"] and the state," or equivalent words, thus indisputably reflecting that under common usage "bear arms" was in no sense restricted to bearing arms in military service.¹⁸⁸

Actually, there is almost no evidence from the 18th century to prove that the phrase "bear arms" was used in a non-military context. The only example to actually support the Court's claim, the Dissent of the Minority, hardly supports the individual rights interpretation advanced by the Court.¹⁸⁹ The majority opinion of the Fifth Circuit conflated the language used by the 18th century with the new language adopted in the 19th century.¹⁹⁰ It is difficult to know if the Fifth Circuit's decision is based on profound ignorance of history, or on deliberate misrepresentation motivated by the judges' ideological preferences. In either case, the decision in *Emerson* represents a new nadir in the use and abuse of history by federal courts.

The meaning of the right to bear arms under state constitution law clearly changed during the first few decades of the nineteenth century, and this change itself provides one of the most serious challenges to both the individual and collective rights paradigms.¹⁹¹ Individual rights supporters conveniently elide this change, while supporters of the collective rights view simply ignore the change all together.¹⁹² Appreciating the changing meaning of the right to bear arms is an important first step toward fashioning a new paradigm for understanding the Second Amendment.¹⁹³

¹⁸⁶ Id.

¹⁸⁷ See United States v. Emerson, 270 F.3d 203 (5th Cir. 2001).

¹⁸⁸ Id.

¹⁸⁹ Id.

¹⁹⁰ Id.

¹⁹¹ See Massey, supra note 15.

¹⁹² For a static and somewhat anachronistic discussion of state constitutional provisions on the right to bear arms, see Eugene Volokh, *supra* note 183. The important shift between the Eighteenth and Nineteenth century in the language of state constitutional provisions regarding the right to bear arms is elided in Massey, *supra* note 15. This error was reproduced in the decision of the U.S. Court of Appeals for the Fifth Circuit in *Emerson*, 270 F.3d 203 (5th Cir. 2001). ¹⁹³ Id.

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VI. NEITHER INDIVIDUAL NOR COLLECTIVE: A NEW PARADIGM FOR THE SECOND AMENDMENT

In another foundational text for the Standard Model, activist Stephen Halbrook sets up a sharp dichotomy between a collective/states rights interpretation and the individual rights view:

> In recent years it has been suggested that the Second Amendment protects the 'collective' right of states to maintain militias, while it does not protect the right of 'the people' to keep and bear arms. If anyone entertained this notion in the period during which the Constitution and Bill of Rights were debated and ratified, it remains one of the most closely guarded secrets of the eighteenth century, for no known writing surviving from the period between 1787 and 1791 states such a thesis.¹⁹⁴

It is difficult to reconcile this claim with the early American historian Don Higginbotham's assertion that "if people believed passionately in gun ownership as an individual right, they rarely said so."195 Higginbotham concludes that such claims amount to little more than a handful of references.¹⁹⁶ How can these two contradictory claims be reconciled? It is important to look closely at Halbrook's language, which sets modern legal terminology, collective rights, against the eighteenth-century terminology, "rights of the people."¹⁹⁷ Halbrook's argument rests on a serious anachronism. The right to bear arms was usually defined as a right of the people during the Founding era.¹⁹⁸ The key question for historians is how that term should be translated into modern parlance. Was such a right an individual right, a collective right, or something in between? The time has probably come to abandon both the collective and individual rights models and create a new translation for this phrase that more accurately captures the dominant understanding (or understandings) of this term during the Founding generation.¹⁹⁹

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¹⁹⁴ Halbrook, *supra* note 6, at 83. A similar claim has been repeated by Halbrook in an essay he coauthored, *see* Halbrook and Kopel, *supra* note 101.

¹⁹⁵ Don Higginbotham, *The Second Amendment in Historical Context*, 16 CONST. COMMENTARY 263, 265 (1999). The few examples from the 18th century that suggest a more individualistic reading are largely drawn from texts such as failed amendments or pamphlets and newspaper essays by dissenting groups such as Pennsylvania's Anti-Federalist Minority. On this point, see Rakove, *supra* note 29. While completely dismissing such voices seems problematic, it seems even more questionable to take them as dispositive.

¹⁹⁶ See id.

¹⁹⁷ Compare Halbrook, supra note 6, at 83, with Higginbotham, supra note 195, at 265.

¹⁹⁸ See Halbrook, supra note 6, at 83.

¹⁹⁹ The notion of translation has become a hot topic in constitutional interpretation. See Lawrence Lessig, Fidelity and Constraint, 65 FORDHAM L. REV. 1365 (1997); see also Steven G. Calabresi, The Tradition of the Written Constitution: A Comment on Professor Lessig's Theory of Translation, 65 FORDHAM L. REV. 1435 (1997), and Sanford Levinson, Translation: Who Needs it?, 65 FORDHAM L. REV. 1457 (1997). My use of the term here is slightly different. Translation here is not normative, but hermeneutic. Before we decide if it is the job of judges to translate the text of

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Perhaps the most accurate way to describe the dominant understanding of the right to bear arms in the Founding era is as a civic right.²⁰⁰ Such a right was not something that all persons could claim, but was limited to those members of the polity who were deemed capable of exercising it in a virtuous manner.²⁰¹ Freedom of religion, freedom of the press, trial by jury were genuinely rights belonging to individuals and were treated differently than were civic rights such as militia service, or the right to sit on juries.²⁰² The distinction between an individual right and a civic right is important and has been obscured by recent scholarship.²⁰³ The important differences between these two types of rights is evident in the Pennsylvania Test Acts which stripped citizens of certain civic rights, such as the right to bear arms or sit on juries, but did not deprive them of fundamental individual rights such as the right of freedom of conscience or the right to publish their sentiments on public matters.²⁰⁴

A useful model for approaching the constitutional thought of the Founding Era has been elaborated by the political scientist Rogers M. Smith, who has identified three different conceptions of citizenship and rights in the Founding era.²⁰⁵ According to Smith, three discursive traditions dominated early American constitutional thought.²⁰⁶ A liberal individualist idea that each person enjoyed basic rights existed along side a republican conception of citizenship that held that only those capable of displaying the requisite civic virtue were entitled to the full panoply of rights.²⁰⁷ Finally, Smith argues that the Founding generation also held an ascriptive theory of citizenship that restricted the full enjoyment of rights to persons based on race, gender, and in some cases, ethnic identity.²⁰⁸ The Second Amendment owed far more to the republican and ascriptive understanding of rights than it did to a liberal individualistic conception of rights which was relatively weak at the Founding.²⁰⁹ Of course. gun rights advocates might reasonably claim that, given that the dominant trend in modern American constitutional law is toward a more liberal and less republican and ascriptive conception of rights, we should rethink the issue of gun rights in terms of the modern rights revolution wrought in the last few decades.²¹⁰ Arguing that we ought to reinterpret the Second Amendment in more

²⁰⁰ See discussion infra p. 680.

²⁰² See ARNOLD, supra note 130.

²⁰³ For a discussion of the Test Acts, see Cornell, supra note 29, at 229.

²⁰⁴ Id.

205 See ROGERS M. SMITH, CIVIC IDEALS: CONFLICTING VISIONS OF CITIZENSHIP IN U.S. HISTORY (1997). ²⁰⁶ *Id.* at 2-3.

²⁰⁷ *Id.* at 36.

²¹⁰ Id.

the Constitution, we have to have a reasonable translation. To understand the meaning of 18th century terms we must find a language to describe them that does not distort their meaning. The phrase "right of the people" fits neither our notion of an individual right nor our idea of a collective right. In this sense the term civic right is preferable as an approximation of what the 18th century meant by a right of the people.

²⁰¹ Id.

²⁰⁸ Id. at 153.

²⁰⁹ Id. at 147-49.

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libertarian terms is quite different than insisting that such a meaning was always part of the Second Amendment. Rather than argue in the historically naive originalist terms that have dominated writing about the Second Amendment, it would be more intellectually and politically honest to argue that it is time to include gun owners among the groups whose rights have been expanded in the wake of the rights revolution.²¹¹

Although gun rights advocates have sought to wrap themselves in the Second Amendment, the original understanding of the Second Amendment is actually inimical to much that they hold dear.²¹² Ironically, a restoration of the original meaning of the Second Amendment might be their worst nightmare.²¹³ Consider the evidence from Pennsylvania whose state constitution and Anti-Federalists writings are among the most frequently cited texts by Standard Modelers.²¹⁴ The Anti-Federalists who authored the Dissent of the Minority and supported the Test Acts accepted a level of gun regulation that far exceeds anything modern gun control groups have advocated.²¹⁵

VII. CONCLUSION

The notion that the right to bear arms is a civic, not an individual right, suggests that courts need to find a new set of analytical tools to evaluate gun laws. The notion of strict scrutiny makes little sense for a civic right. Exactly what sort of laws and what standards of constitutional scrutiny would be appropriate for a civic right ought to serve as a spur to some creative constitutional theorizing. Viewing the Second Amendment as a civic right would not give the state a completely unfettered hand in enacting any gun law it wants. One might argue that under such a conception the nightmare scenario so often conjured up by gun rights advocates would be averted; complete unilateral domestic disarmament would be beyond the power of government. Perhaps if robbed of the potent rhetoric that casts every effort at gun control as the first step in a nefarious gun grabbing prohibitionist agenda, more effective legislation could be enacted. Treating guns like words, as some Standard Modelers suggest, makes little constitutional sense. While some modern law professors have trouble telling the difference between guns and words, the same was not the case for the Founders. Appreciating the wisdom of the Founders in this regard need not mean we ought to slavishly follow their example as part of some ahistorical and static orginalist vision of the Constitution. To find a constitutional solution to the problem posed by guns in our society, we will need to move beyond the legacy bequeathed to us by the Founders who inhabited a world far different from our own.

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²¹¹ Of course, the rights revolution is not without critics. See MARY ANN GLENDON, RIGHTS TALK (1991).

²¹² See Cornell supra note 29.

²¹³ Id.

²¹⁴ See Cornell, supra note 29, at 229.

²¹⁵ See ARNOLD, supra note 130.

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Converts to the gun rights cause have invoked the authority of the sixties band The Monkees, proclaiming "I'm A Believer" and accepting the truth of the Standard Model's individual rights view of the Second Amendment.²¹⁶ A better musical choice and a more accurate description of recent scholarship is provided by Sam Cooke's old standard, "Wonderful World." Unfortunately, Second Amendment scholars "Don't Know Much About History."

In his influential and provocative article, The Embarrassing Second Amendment, Sanford Levinson took legal scholars to task for ignoring the topic of the Second Amendment.²¹⁷ Since the publication of Levinson's essay, there has been an explosion of interest in this once neglected part of the Bill of Rights.²¹⁸ If there is a cause for embarrassment now it is not from neglect, but rather from the opposite-- too much scholarship with too little historical grounding.²¹⁹ The historical foundation for much of this new scholarship rests not on solid and well researched history, but rather on little more than the intellectual equivalent of smoke and mirrors.²²⁰ The creation of a Standard Model was an artifact of the idiosyncratic structure of legal publication, not a reflection of genuine consensus among scholars knowledgeable about the history of the Second Amendment.²²¹ No similar consensus existed among historians working in the period and it is noteworthy that all of the experts in early American history who have entered this debate, even the one historian most closely associated with an individual rights view of the amendment, have attacked the Standard Model.²²² One can hope that a new, more sophisticated and historically grounded interpretation of the Second Amendment may emerge as this debate moves forward.

²¹⁶ See Powe, supra note 67, at 1401.

²¹⁷ See Levinson, supra note 4, at 639.

²¹⁸ See Spitzer supra note 8.

²¹⁹ See Cornell, supra note 29.

²²⁰ Id. This charge would also include the work of Michael A. Bellesiles whose book ARMING AMERICA: THE ORIGINS OF NATIONAL GUN CULTURE (2000) has been effectively discredited. For a discussion of the flaws in ARMING AMERICA see *Historians and Guns*, 59 WM & MARY Q. 203, 203-240 (2002).

²²¹ On this point, see Spitzer, supra note 8.

²²² See Shalhope, supra note 15. For additional evidence of historical opposition to the Standard Model, see the discussion in supra note 13.

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Cherry-picked history and ideologydriven outcomes: Bruen's originalist distortions

saul-cornell

10-12 minutes

SYMPOSIUM

on Jun 27, 2022 at 5:05 pm



This article is part of a <u>symposium</u> on the court's <u>decision</u> in <u>New</u> <u>York State Rifle & Pistol Association v. Bruen</u>.

Saul Cornell is the Paul and Diane Guenther chair in American history at Fordham University and adjunct professor of law at Fordham Law School.

The majority opinion in *New York State Rifle & Pistol Association v. Bruen* invokes the authority of history but presents a version of the past that is little more than an ideological fantasy, much of <u>it</u> <u>invented by gun-rights advocates</u> and their libertarian allies in the legal academy with the express purpose of bolstering litigation such as *Bruen*. Rather than applying a history, text, and tradition approach, it would be more accurate to characterize Justice Clarence Thomas' decision as an illustration of the current Supreme Court's new interpretive model: <u>"Fiction, Fantasy, and</u> <u>Mythology."</u> Indeed, the distortion of the historical record, misreading of evidence, and dismissal of facts that don't fit the gunrights narrative favored by Thomas are genuinely breathtaking in scope. Thomas has taken <u>law-office history</u> to a new low, even for the Supreme Court, a body whose special brand of <u>"law chambers</u> <u>history"</u> has prompted multiple critiques and been a source of

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amusement for generations of scholars and court watchers.

It is particularly noteworthy that Justice Stephen Breyer called out his colleagues for engaging in the most rank form of law-office history in his dissent. Although it has become common, almost routine, for scholars to catalog the embarrassing quality of the current Supreme Court's uses of history, it is unusual to see a sitting justice level this charge against others on the court in a published opinion. It is hard to dispute Breyer's negative characterization of his colleagues' tendentious, error-filled, and highly selective culling of evidence to vindicate their gun-rights agenda. Bruen does mark a new low for the court. Indeed, it seems appropriate that Thomas saw fit to quote Dred Scott, the court's worst decision in history, approvingly. Thomas not only treats the case as good legal authority but suggests the author of the most reviled opinion in American law captured the meaning of the Second Amendment better than any other judicial pronouncement in American history.

To describe the Thomas version of the past as a caricature understates the case. In the Bizzaro constitutional universe inhabited by Thomas, Shakespeare's England was filled with pistolpackin' peasants, a notion that most English historians would find bonkers. The characterization of early American firearms regulation is equally flawed, and Thomas rests his dismissal of antebellum enforcement of gun laws on an as yet unpublished and <u>error-filled</u> <u>account by one of his former clerks</u> — even as he dismisses the many counter-examples provided by New York as a slender reed upon which to rest their case.

Perhaps the most egregious distortion of the historical record occurs in the majority's false claims about regulation during Reconstruction. Evidence of robust regulation of guns in public featured prominently in the briefs filed in the case, but the majority either dismisses contrary evidence as unrepresentative or simply ignores evidence it finds inconvenient. Here is what Thomas says about Texas, a state whose robust gun laws, he reluctantly concedes, undeniably support New York's approach to public safety. "We acknowledge," Thomas wrote, "that the Texas cases support New York's proper-cause requirement, which one can analogize to Texas' treasonable grounds' standard. But the Texas statute, and the rationales set forth in *English* and *Duke*, are outliers."

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The originalist methodology applied by Thomas has one set of rules that apply to interpreting legal texts that support gun rights, and another more demanding set of standards that apply to those that undermine them. <u>The Thomas version of originalism</u> might be summarized as follows: No amount of evidence is enough to support gun control, but no iota of evidence is too little to legitimate gun-rights claims. If one of the goals of originalism was to limit judicial discretion (a value few originalists continue to espouse now that they have a supermajority on the court), then the Thomas rule does the opposite. It provides a license to cherry-pick evidence with reckless abandon if the materials support the ideological agenda of the Federalist Society.

Texas, it is worth stressing, was hardly alone in embracing a robust view of state police-power authority over regulation of arms in public. Georgia's 1868 arms-bearing provision declared that: "The right of the people to bear arms in defense of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne." The reconstructed southern states and newly admitted western states all drafted new arms-bearing provisions in their state constitutions, casting aside the Founding-era focus on militias, substituting new language more individualistic in focus. Justice Samuel Alito recognized this fact in *McDonald v. City of Chicago* but stopped reading the text of these provisions in mid-sentence because all these provisions went on to affirm the sweeping policepower authority of the states to regulate arms in public. In District of Columbia v. Heller, Justice Antonin Scalia read the Second Amendment backward, and in McDonald, Alito stopped reading the text mid-sentence. If anyone had any doubts that the new originalism was the Federalist Society's latest intellectual scam, then these two approaches to reading constitutional texts ought to dispel any lingering doubts. In the hands of this court, originalism is a constitutional "Etch A Sketch," in which judges can erase texts at will and read them backward if necessary.

Twelve million Americans during the Reconstruction period were living under state constitutional arms-bearing provisions that reflected this new regulatory paradigm, a model that forged an indissoluble link between the right to regulate and the right to bear arms. For Thomas, twelve million is too little to be consequential. The court's right-wing originalist supermajority, including Thomas,

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Alito, and their ideological co-conspirators, are making up the rules of evidence and historical interpretation on the fly, constantly shifting the burden of proof, to suit their agenda.

Even more galling, assuming that historical accuracy is still a value for the court's originalist ideologues, is the absence of any attention to local gun regulation, which increased dramatically during Reconstruction. Contrary to the patently false claims made by Thomas, states and localities acted on the language in the new state arms-bearing provisions, including enacting permit schemes based on a specified need for self-defense, precisely the type of regulatory regime at issue in *Bruen*. Thomas treats New York's law as if it emerged out of nowhere in the early 20th century, but the truth is that a host of localities had enacted similar laws starting in the 1870s, which means that New York's law was firmly rooted in Reconstruction-era conceptions of the scope of permissible regulation under the Second Amendment.

Many of these laws, excavated from obscure sources, were presented to the court in a remarkable <u>appendix</u> to a brief submitted by Air Force historian Patrick Charles. This evidence contradicts Thomas' facile claims that Texas-style gun control was an anomaly. Nor does Thomas acknowledge the evidence presented in the <u>historians and law professors' brief submitted</u> in *Bruen*. It discussed the spread of permit schemes in California and other parts of the nation after the Civil War. By the last decade of the 19th century, <u>more than half the population of the state living in</u> its cities and towns were living under these types of restrictions. Again, in the surreal originalist universe inhabited by Thomas and his colleagues, if 50% of a state lived under New York-style restrictions, this also fails to reach a sufficient threshold to provide historical evidence supporting gun regulation.

Nor were these restrictive public-carry regimes an exclusively western development. In <u>1873</u>, Jersey City prohibited carrying dangerous weapons without a permit, which the city's municipal court could grant to people "from the nature of their profession, business or occupation, or from peculiar circumstances." Jersey City was hardly one of the "cattle towns" of the Old West, another body of evidence that Thomas simply discounts because it is inconsistent with his ideological agenda. The map below graphically underscores how wrong Thomas got the history in *Bruen*. It shows that millions of Americans were living under restrictive public-carry

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laws similar in scope to the New York law at issue in *Bruen* for decades before the Sullivan Act.

Distorting the past to further his ideological agenda has become a trademark feature of Thomas. What is more disheartening is that the court's newest originalists, Justices Neil Gorsuch and Amy Coney Barrett, signed on to this historical charade. Despite protestations that they are not ideological warriors and political hacks, Gorsuch and Barrett missed an opportunity to prove that originalism can be applied in a rigorous and neutral manner. Apparently, that claim continues to a be a promise as yet unfilled.



Graphic courtesy of Hastings Constitutional Law Quarterly, Saul Cornell, "History and Tradition or Fantasy and Fiction: Which Version of the Past Will the Supreme Court Choose in NYSRPA v. Bruen?" (June, 2022).

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SYMPOSIUM ESSAY

The Right to Regulate Arms in the Era of the Fourteenth Amendment: The Emergence of Good Cause Permit Schemes in Post-Civil War America

Saul Cornell*

Under the framework developed in *District of Columbia v. Heller* and refined in *McDonald v. City of Chicago* the outcome of firearms litigation often hinges on demonstrating that there is a clear historical genealogy or analogue to modern gun laws. If a regulation is grounded in history it provides a strong foundation for upholding the challenged statutes and ordinances.¹ The Ninth Circuit took note of this fact when it highlighted the need for a detailed examination of the history of state statutes and local ordinances in *Young v. Hawaii*, describing this material as "the best evidence we have of the American understanding

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¹ District of Columbia v. Heller, 554 U.S. 570, 591, 595 (2008); McDonald v. City of Chicago, 561 U.S. 742, 767-68 (2010).

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of the interface between the right to keep and bear arms and the police power."²

Discussions of Founding era history and the English roots of Anglo-American gun regulation have dominated much of the existing scholarship and jurisprudence.³ The role of Reconstruction-era law has figured less prominently in these debates, but this period is vital to understanding the history, text, and tradition model that *Heller* demands.⁴ Indeed, in *McDonald v. City of Chicago*, Justice Alito refined and elaborated *Heller*'s history, text, and tradition model for evaluating the constitutionality of gun regulation.⁵ Extending the focus of analysis

² Young v. Hawaii, 992 F.3d 765, 824 (9th Cir. 2021).

³ Although there is widespread agreement that history, text, and tradition are important to *Heller*'s framework, there is less agreement about whether this approach precludes other standard modes of constitutional analysis entirely. *See* JOSEPH BLOCHER & DARRELL A. H. MILLER, THE POSITIVE SECOND AMENDMENT: RIGHTS, REGULATION, AND THE FUTURE OF *HELLER* 100-17 (2018).

⁴ On the expansion of regulation during Reconstruction, see PATRICK J. CHARLES, ARMED IN AMERICA: A HISTORY OF GUN RIGHTS FROM COLONIAL MILITIAS TO CONCEALED CARRY (2018); Saul Cornell & Justin Florence, *The Right to Bear Arms in the Era of the Fourteenth Amendment: Gun Rights or Gun Regulation*, 50 SANTA CLARA L. REV. 1043, 1068-69 (2010).

⁵ See McDonald, 561 U.S. at 767-68. For Justice Kavanaugh's view on the model, see Heller v. District of Columbia (Heller II), 670 F.3d 1244, 1271 (D.C. Cir. 2011) (Kavanaugh, J., dissenting) ("In my view, Heller and McDonald leave little doubt that courts are to assess gun bans and regulations based on text, history, and tradition, not by a balancing test such as strict or intermediate scrutiny."). For Justice Gorsuch's view, see Peruta v. California, 137 S. Ct. 1995, 1998 (2017) (Mem.) (Thomas, J., joined by Gorsuch, J., dissenting from denial of certiorari) (noting positively that a Ninth Circuit panel decision "pointed to a wealth of cases and secondary sources from England, the founding era, the antebellum period, and Reconstruction"). On the likely increasing relevance of history given the recent Court appointees, see N.Y. State Rifle & Pistol Ass'n, Inc. v. City of New York, 140 S. Ct. 1525, 1540-41 (2020) (Alito, J., dissenting) (per curiam) (arguing that the fact that the City "point[ed] to no evidence of laws in force around the time of adoption of the Second Amendment that prevented gun owners from practicing outside city limits" was "sufficient to show that the New York City ordinance [was] unconstitutional") and Joseph S. Hartunian, Gun Safety in the Age of Kavanaugh, 117 MICH. L. REV. ONLINE 104, 115-16 (2019). Chief Justice Roberts also gestured toward a historical approach in the Heller oral argument: "[W]e are talking about lineal descendants of the arms but presumably there are lineal descendants of the restrictions as well." Transcript of Oral Argument at 77, District of Columbia v. Heller, 554 U.S. 570 (2008) (No. 07-290). For Justice Barrett's view, see Kanter v. Barr, 919 F.3d 437, 451-52 (7th Cir. 2019) (Barrett, J., dissenting) ("There are competing ways of approaching the constitutionality of gun dispossession laws. Some maintain that there are certain groups of people - for example, violent felons - who fall entirely outside the Second Amendment's scope. . . Others maintain that all people have the right to keep and bear arms but that history and tradition support Congress's power to strip certain groups of that right.... These approaches will typically yield the same result; one uses history and tradition to identify the scope of the right, and the other uses that

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beyond the Founding era, Alito took note of developments in American law up to and including Reconstruction. Building on *McDonald*'s analysis, the Seventh Circuit decision in *Ezell v. City of Chicago* explained the relevance of Reconstruction-era practices to *Heller*'s historical framework: "*McDonald* confirms that when state- or localgovernment action is challenged, the focus of the original-meaning inquiry is carried forward in time; the Second Amendment's scope as a limitation on the States depends on how the right was understood when the Fourteenth Amendment was ratified."⁶

Despite these judicial pointers, scholarship on the history of firearms regulation during Reconstruction has lagged far behind studies of early American gun regulation.7 This essay collects and analyzes evidence about Reconstruction-era firearms regulation and summarizes these findings.8 Reconstruction ushered in one of the most intense periods of gun regulation in American history. The Republicans who framed and enacted the Fourteenth Amendment were eager to protect the Second Amendment rights of recently freed persons, including an individual right of self-defense. But Republicans were equally committed to enacting strong racially neutral gun regulations, aimed at reducing interpersonal violence and preserving the peace, a task vital to the success of Reconstruction.9 Scores of new regulations were enacted and one of the main goals of these laws was to limit the public carry of weapons. These laws were not driven by racial animus, as some gun rights advocates have erroneously claimed, but sought to protect vulnerable populations in the South, including former slaves and Republicans eager to further the aims of Reconstruction.¹⁰

One area of regulation that has not received sufficient attention is municipal ordinances. During the Reconstruction Era, localities enacted some of the most sweeping laws in American history and pioneered new

same body of evidence to identify the scope of the legislature's power to take it away. In my view, the latter is the better way to approach the problem.").

⁶ Ezell v. City of Chicago, 651 F.3d 684, 702 (7th Cir. 2011).

⁷ See supra note 4.

⁸ See infra Tables 1, 2.

⁹ It is vital to distinguish between the racially motivated Black codes enacted by Confederate sympathizers and the racially neutral laws enacted by Republicans to protect free persons and Republicans from terrorist violence. See Carole Emberton, *The Limits of Incorporation: Violence, Gun Rights, and Gun Regulation in the Reconstruction South*, 17 STAN. L. & POL'Y REV. 611, 621-22 (2006).

¹⁰ For the most recent example of the gun control is racist canard, see Justin Aimonetti & Christian Talley, Essay, *Race, Ramos, and the Second Amendment Standard of Review*, 107 VA. L. REV. ONLINE 193, 194 (2021).

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approaches to gun regulation.¹¹ The most important and influential type of these new ordinances were good cause permit schemes. Indeed, by the end of Reconstruction, these discretionary good cause permitting schemes had not only proliferated in number but were in the process of becoming the dominant model of gun regulation in America. In states such as California, more than half the population lived under such schemes by the end of the nineteenth century.¹² Similarly, four of the nation's largest cities at the dawn of the new century, including New York, St. Louis, Buffalo and San Francisco, also embraced this form of gun regulation.¹³

Justice Alito's important insights in *McDonald* have not received enough attention in recent Second Amendment scholarship and jurisprudence. The changes in the language of state constitutional texts between the Founding era and the era of Reconstruction merits closer scrutiny.¹⁴ Understanding this transformation requires analyzing the changing fears driving American constitutional thinking about the right to bear arms. For Reconstruction-era lawyers and judges schooled in common law modes of legal analysis, one of the most important interpretive tools was the mischief rule — the legal principle that the meaning of a legal text was shaped by an understanding of the state of the common law prior to its enactment and the mischief that the common law had failed to address and remediate.¹⁵ By the era of

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¹⁴ See McDonald v. City of Chicago, 561 U.S. 742, 767-68 (2010).

¹¹ For an important exception to this lack of attention to local laws, see generally Joseph Blocher, *Firearm Localism*, 123 YALE L.J. 82 (2013) (comparing urban and rural firearm municipal ordinances).

¹² See infra Table 3 and related text.

¹³ An Act to Revise the Charter of the City of Buffalo, ch. 105, tit. 7, § 209, 1891 N.Y. Laws 129, 176-77 (Mar. 27, 1891); *Prohibiting the Carrying of Concealed Deadly Weapons, Sept.* 17, 1880, in GENERAL ORDERS OF THE BOARD OF SUPERVISORS PROVIDING REGULATIONS FOR THE GOVERNMENT OF THE CITY AND COUNTY OF SAN FRANCISCO 7-8 (1884); EVERETT W. PATTISON, THE REVISED ORDINANCE OF THE CITY OF ST. LOUIS, TOGETHER WITH THE CONSTITUTION OF THE UNITED STATES, AND OF THE STATE OF MISSOURI, THE CHARTER OF THE CITY; AND A DIGEST OF THE ACTS OF THE GENERAL ASSEMBLY, RELATING TO THE CITY 491-92 (1871); ELLIOTT F. SHEPARD & EBENEZER B. SHAFER, ORDINANCES OF THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK, IN FORCE JANUARY 1, 1881, at 214-15 (1881). For population data, see *Table 13. Population of the 100 Largest Urban Places:* 1900, U.S. BUREAU OF THE CENSUS (June 15, 1998), https://www2.census.gov/library/working-papers/1998/demo/pop-twps0027/tab13.txt [https://perma.cc/TQ2K-3PMP].

¹⁵ The interpretation and application of the mischief rule raises a host of jurisprudential issues. *See* Samuel L. Bray, *The Mischief Rule*, 109 GEO. L.J. 967, 967 (2021). To reconstruct the original meaning of the law at the time of the Fourteenth Amendment, one must reconstruct how the rule was understood in the eighteenth century and in the era of Reconstruction. The mischief rule was articulated in Heydon's

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Reconstruction, gun violence had emerged as a serious problem in American life and legislators responded to this development by enacting scores of new laws.

Founding era fears about the federal government's threat to state militias, Alito noted, had largely abated by the time of the Civil War. One of the most important consequences of this shift was the adoption of state arms bearing provisions that were more self-consciously individualistic.¹⁶ What has not drawn much scholarly or judicial notice, though, is the profound change in the structure and language that accompanied the rise of a more individualistic formulation of the right to bear arms after the Civil War.

The inclusion of more individualistic language was only part of the change in the language of these texts. States also included provisions expressly affirming the right to regulate arms. In fact, state after state cast aside the eighteenth century's dominant formulation of armsbearing, dropping references to the dangers of standing armies and the necessity of civilian control of the military. In place of these ancient fears of tyrannical Stuart monarchs and standing armies, a new fear permeated these texts: gun violence. To borrow a key concept from the common law: a new mischief had emerged, one that required a different remedy. The constitutional danger nineteenth century America faced, one that intensified after the Civil War, was not "lobster-back" redcoats facing off against minutemen, but interpersonal gun violence and the collective terrorist violence perpetuated by groups such as the Ku Klux Klan.¹⁷ In response to these new threats to the peace and safety of the republic, a novel formulation of the right to bear arms emerged in state constitutional law — a new model that forged an indissoluble bond between the right to regulate arms and the right to bear arms.¹⁸

Powered by this new constitutional framework, uniting arms bearing and regulation into a single principle, states and localities took up the challenge of framing policies that both protected the right to bear arms

Case [1584] 76 Eng. Rep. 637, and elaborated on in 1 WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND 61 (1765). For the rule in post-Civil War constitutional thought, see JOEL PRENTISS BISHOP, COMMENTARIES ON THE WRITTEN LAWS AND THEIR INTERPRETATION 206 (1882).

¹⁶ Actually, a more self-consciously individualistic language to describe the right to bear arms, one expressly tied to self-defense, emerged during the Jacksonian era — much earlier than Alito credits. *See* SAUL CORNELL, A WELL-REGULATED MILITIA: THE FOUNDING FATHERS AND THE ORIGINS OF GUN CONTROL IN AMERICA 142-4 (2006).

¹⁷ See Randolph Roth, American Homicide 350-54 (2009); Eric Foner, The Second Founding: How the Civil War and Reconstruction Remade the Constitution 116-17 (2019).

¹⁸ See infra notes 37–40.

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and the public's right to enjoy the peace by enacting dozens of new laws regulating nearly every aspect of the right to keep and bear arms.¹⁹ Laws regulating the sale of arms; prohibitions on possessing arms in churches, schools, and polling places; bans on concealed carry; general bans on public carry; and new discretionary permit schemes that limited the right of armed travel to situations in which citizens had a good cause to fear attack were among the most important laws adopted during this period.²⁰

I. RECONSTRUCTION AND THE RIGHT TO BEAR ARMS

Although scholars have long recognized that Reconstruction, the period after the Civil War, ushered in profound changes in American law, the impacts of those changes on gun regulation and conceptions of the right to bear arms have not been subjected to rigorous historical analysis.²¹ The Civil War had a profound impact on gun violence in America. The trauma of the war and the enormous increase in the production of guns necessary to supply two opposing armies intensified the problem posed by firearms violence and gave a new impetus to regulation.²² A false historical narrative has warped much of the modern debate over the meaning of the right to keep and bear arms in the era of Fourteenth Amendment. According to this erroneous account, Reconstruction-era Republicans opposed gun regulation because it was inherently racist and aimed at disarming Blacks.²³ Confederate

¹⁹ See Cornell & Florence, supra note 4, at 1069.

²⁰ See infra note 36.

²¹ For discussions of the continuing problems with legal scholarship on the right to bear arms and its penchant for anachronistic claims, see generally Saul Cornell, "Half Cocked": The Persistence of Anachronism and Presentism in the Academic Debate Over the Second Amendment, 106 J. CRIM. L. & CRIMINOLOGY 203 (2016) and Martin S. Flaherty, *Can The Quill Be Mightier Than the Uzi?: History "Lite," "Law Office," and Worse Meets the Second Amendment*, 37 CARDOZO L. REV. 663 (2015).

²² See ROTH, supra note 17.

²³ Several authors, including prominent gun rights activists, have argued that gun control was part of a racist agenda to strip freed persons of color of their rights, an erroneous conclusion that conflates the Black Codes with the Republican-enacted racially neutral gun regulations aimed at demilitarizing the South and pacifying the public sphere so African Americans could vote and organize to protect their rights. For a discussion of the vital importance of this distinction to evaluating Reconstruction-era laws, see discussion *infra* note 50. For a sampling of ideologically slanted scholarship on this topic, see generally STEPHEN P. HALBROOK, FREEDMEN, THE FOURTEENTH AMENDMENT, AND THE RIGHT TO BEAR ARMS, 1866-1876 (1998); Robert J. Cottrol & Raymond T. Diamond, "Never Intended to Be Applied to the White Population": Firearms Regulation and Racial Disparity — The Redeemed South's Legacy to a National Jurisprudence?, 70 CHL-KENT L. REV. 1307, 1310, 1318 (1995) (The authors ignore laws)

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sympathizers in the Reconstruction South did attempt to use gun regulations in a racially targeted fashion, as part of the infamous Black Codes, hoping to facilitate the return of white rule. Although eager to dismantle these racist laws disarming Blacks, Republicans also used government power proactively to rebuild the militia system and pass a range of racially neutral gun control measures aimed at promoting public safety.²⁴ Rather than oppose an expansion of gun regulation, Reconstruction-era Republicans (including those responsible for framing and ratifying the Fourteenth Amendment) aimed to use racially neutral gun laws, including those designed to demilitarize the public sphere, to restore order and empower freed people to participate in civic life, most importantly elections.²⁵ Republicans were committed to a vision of government that would protect the rights of recently freed slaves and promote the ideal of a well-regulated society.²⁶

Nothing better illustrates the linkage between gun regulation, the right to bear arms and the protection of free persons than General Daniel Sickles' General Orders.²⁷ In General Order No. 1 Sickles declared that "[t]he constitutional rights of all loyal and well-disposed inhabitants to bear arms will not be infringed; nevertheless this shall not be construed to sanction the unlawful practice of carrying concealed weapons, nor to authorize any person to enter with arms on the premises of another against his consent."²⁸ It is worth noting that

 25 See William J. Novak, The People's Welfare: Law And Regulation In Nineteenth-Century America 51-53 (1996).

²⁶ See generally RONALD M. LABBÉ & JONATHAN LURIE, THE SLAUGHTERHOUSE CASES: REGULATION, RECONSTRUCTION, AND THE FOURTEENTH AMENDMENT (2003) (discussing the origins of the Fourteenth Amendment).

²⁷ For a gun rights reading of Order No. 1 that ignores its strong support for racially neutral limits on public carry, see Clayton E. Cramer, Nicholas J. Johnson & George A. Mocsary, This Right Is Not Allowed by Governments that are Afraid of the People: The Public Meaning of the Second Amendment when the Fourteenth Amendment Was Ratified, 17 GEO. MASON L. REV. 823, 854, 857 (2010). General Order No. 7 is not mentioned at all. For a similar one-sided reading of the evidence, see Cottrol & Diamond, *supra* note 23.

²⁸ 1 WALTER L. FLEMING, DOCUMENTARY HISTORY OF RECONSTRUCTION: POLITICAL, MILITARY, SOCIAL, RELIGIOUS, EDUCATIONAL & INDUSTRIAL 1865 TO THE PRESENT TIME 207-208, 211 (1906) (reprinting General Order No. 1 and General Order No. 7).

enacted by legislatures dominated by Republicans aimed at protecting Blacks in the Reconstruction South.); Clayton E. Cramer, *The Racist Roots of Gun Control*, 4 KAN. J.L. & PUB. POL'Y 17, 18 (1995).

²⁴ See Darrell A. H. Miller, Peruta, The Home-Bound Second Amendment, and Fractal Originalism, 127 HARV. L. REV. F. 238, 241 (2014); see also Robert J. Kaczorowski, Congress's Power to Enforce Fourteenth Amendment Rights: Lessons from Federal Remedies the Framers Enacted, 42 HARV. J. ON LEGIS. 187, 205 (2005) (discussing Republican use of federal power to further their aims, including to enforce the Fourteenth Amendment).

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General No. 1 not only affirmed a right to bear arms, but reasserted the right to regulate arms, including bans on concealed carry and limits on the ability to travel armed on private property. Moreover, gun rights advocates ignore General Order No. 7 issued by Sickles several months later. Addressing the problem of promiscuous public carry, a practice that led to the disruption of civil society, Sickles issued another order prohibiting "[o]rganizations of white or colored persons bearing arms, or in-tend[ing] to be armed."²⁹ Order No. 7 prohibited drilling, parading, and patrolling with arms, limiting public carry to those enrolled in the military forces of the United States.³⁰ Sickles followed up with General Order No.10, a measure that banned all public carry and made concealed carry "an aggravation of the offense."³¹

Other laws aimed at limiting arms in polling places, schools, and other important public venues where people gathered were also enacted by Reconstruction era governments.³² During the colonial period, some legislatures passed laws requiring settlers to bring arms to church, but during Reconstruction laws were passed banning firearms in churches, schools, and other public places in which people gathered in significant numbers.³³ The aim of these laws was to preserve the peace and enable civil society to function in the South. These were not restrictions on guns in sensitive places but were an effort to eliminate guns from public places essential for civic life to flourish. For example, one law from Texas prohibited guns in multiple public venues:

If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for

²⁹ See Miller, supra note 24, at 241.

³⁰ Edward McPherson, The Political History of the United States of America During the Period of Reconstruction, (from April 15, 1865, to July 15, 1870) 204 (1875) https://quod.lib.umich.edu/m/moa/abz4761.0001.001/216?xc=1&g=moagrp&q1=General+Sickles&view=image&size=100 [https://perma.cc/M53U-STLW].

³¹ Id.

³² See, e.g., 1890 Okla. Laws 495, art. 47, sec. 7 ("It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.").

³³ For a good illustration of the colonial policy, see AN ACT FOR THE BETTER SECURITY OF THE INHABITANTS BY OBLIGING THE MALE WHITE PERSONS TO CARRY FIRE ARMS TO PLACES OF PUBLIC WORSHIP (1770), *reprinted in* GEORGIA COLONIAL LAWS 471 (1932). For a good example of the restrictive approach taken during Reconstruction, see REVISED STATUTES OF THE STATE OF MISSOURI 224 (John A. Hockaday ed., 1879).

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educational, literary, or scientific purposes, or into a ball room, social party, or other social gathering, composed of ladies and gentleman, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or fire-arms, whether known as a six shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: Provided, That nothing contained in this section shall apply to locations subject to Indian depredations: And provided further, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.³⁴

Many of the new constitutions adopted after the Civil War in Southern states, and the newly admitted Western states, reflected this approach to firearms regulation, entrenching it in the same provisions affirming the right to bear arms.³⁵ In keeping with the vision of law embodied in these new constitutional provisions, Republicans enacted dozens of new laws to reduce gun violence and promote public safety.³⁶

The first state constitutions enacted after the American Revolution typically separated the right of the people to regulate their internal police from specific statements about the right to bear arms. Comparing the language of the Revolutionary era Pennsylvania Constitution 1776 and 1868 Texas Constitution side by side is instructive.³⁷ The Founding era formulation of the right to bear arms was distinct from the right of the people to regulate their internal police. The Reconstruction era formulation not only omits references to the dangers of standing armies and the need for civilian control of the military but merges the right to

³⁴ AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS (1871), *reprinted in* 2 A DIGEST OF THE LAWS OF TEXAS: CONTAINING LAWS IN FORCE, AND THE REPEALED LAWS ON WHICH RIGHTS REST FROM 1862 TO 1872, at 1322 (George Washington Paschal ed., Washington D.C., 1873).

³⁵ See infra Table 1.

³⁶ See Mark Anthony Frassetto, *The Law and Politics of Firearms Regulation in Reconstruction Texas*, 4 TEX. A&M L. REV. 95, 113-17 (2016); Brennan Gardner Rivas, *An Unequal Right to Bear Arms: State Weapons Laws and White Supremacy in Texas*, 1836-1900, 121 Sw. HIST. Q. 284, 294 (2020).

³⁷ PA. CONST. of 1776 amends. III, XIII; TEX. CONST. of 1868, art. I, § 13.

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regulate arms and the right to bear them into a single constitutional principle.³⁸ The Reconstruction-era constitutional solution cast aside the eighteenth-century language that was steeped in fears of standing armies and substituted in its place new language affirming the state's police power authority to regulate arms, particularly in public.

Pennsylvania Constitution (1776)	Texas Constitution (1868)
"That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same." "That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power." ³⁹	"Every person shall have the right to keep and bear arms, in the lawful defence of himself or the State, under such regulations as the Legislature may prescribe. ⁴⁰

The constitutional danger Americans faced during and after Reconstruction was unregulated firearms, particularly the danger posed by public carry. The debates in the Texas constitutional convention illustrate the centrality of this concern. The proliferation of weapons and the absence of regulation was a palpable fear in the convention that drafted the Texas Constitution — so much so that the convention passed a resolution prohibiting weapons in the convention hall.⁴¹ One delegate reminded the convention's members that the constitutional

³⁸ *See*, *e.g.*, UTAH CONST. of 1896, art. I, § 6.

³⁹ PA. CONST. of 1776 amends. III, XIII.

⁴⁰ TEX. CONST. of 1868, art. I, § 13. For similarly expansive constitutional provisions enacted after the Civil War, see *infra* Table 1.

⁴¹ 1 CONSTITUTIONAL CONVENTION, JOURNAL OF THE RECONSTRUCTION CONVENTION, WHICH MET AT AUSTIN, TEXAS, JUNE 1, 1868 (Austin, TX, Tracy, Siemering & Co. 1870) at 248 [hereinafter RECONSTRUCTION CONVENTION] ("The convention do order that no person shall hereafter be allowed in this hall, who carries belted on his person, revolvers or other offensive weapons.").

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right to bear arms ought not be confused with the pernicious practice of habitually arming.⁴² The right, he cautioned, ought not "be construed as giving any countenance to the evil practice of carrying private or concealed weapons about the person."⁴³

Table One. Post-Civil War State Constitutional Arms Bearing Provisions about Regulation

Date	State	Provision
1868	Georgia	GA. CONST. of 1868, art. I, § 14: [T]he right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe by law the manner in which arms may be borne.
1868	W. Texas	W. TEX. CONST. of 1868, Art. I, § 13: Every person shall have the right to keep and bear arms, in the lawful defence of himself or the government, under such regulations as the Legislature may prescribe.
1869	Texas	TEX. CONST. of 1869, art. I § 13: Every person shall have the right to keep and bear arms, in the lawful defense of himself or the State, under such regulations as the Legislature may prescribe.
1870	Tennessee	TENN. CONST. of 1870, art. I, § 26: That the citizens of this State have a right to keep and to bear arms for their common defense. But the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime.

⁴² Modern gun rights advocates have erroneously argued that antebellum law established a constitutional right of permissive open carry. In fact, the cases cited for this proposition, including those cited by *Heller*, do not support such an expansive and unregulated right; rather, they support a notion of purposive carry, not permissive carry. On this confusion, see Saul A. Cornell, *The Police Power and the Authority to Regulate Firearms in Early America*, BRENNAN CTR. FOR JUST., June 2021, at 1, 8, https://www.brennancenter.org/sites/default/files/2021-06/Cornell_final.pdf [https://perma.cc/VG35-5FBX].

⁴³ RECONSTRUCTION CONVENTION, *supra* note 41, at 152.

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1875	Missouri	MO. CONST. of 1875, art. II, § 17: That the right of no citizen to keep and bear arms in defense of his home, person and property, or in aid of the civil power, when thereto legally summoned, shall be called in question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.
1875	North Carolina	N.C. CONST. of 1875, art. I, § 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and as standing armies in time of peace, are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapon, or prevent the legislature from enacting penal statutes against said practice.
1876	Colorado	COLO. CONST. of 1876, art. II, § 13: That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.
1876	Texas	TEX. CONST. of 1876, art. I, § 23: Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power by law to regulate the wearing of arms with a view to prevent crime.
1877	Georgia	GA. CONST. of 1877, art. I, § 22: The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.

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1879	Louisiana	LA. CONST. of 1879, art. III: A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed.
1885	Florida	FLA. CONST. of 1885, art. I, § 20: The right of the people to bear arms in defense of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.
1889	Idaho	IDAHO CONST. of 1889, art. I, § 11: The people have the right to bear arms for their security and defense: but the legislature shall regulate the exercise of this right by law.
1889	Montana	MONT. CONST. of 1889, art. III, § 13: The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.
1890	Mississippi	MISS. CONST. of 1890, art. III, § 12: The right of every citizen to keep and bear arms in defense of his home, person or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons.
1891	Kentucky	Ky. CONST. of 1891, § 1(7): The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.
1896	Utah	UTAH CONST. of 1896, art. I, § 6: The people have the right to bear arms for their security and defense, but the legislature may regulate the exercise of this right by law.

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The new focus on regulation was entirely consistent with the Fourteenth Amendment's emphasis on the protection of rights.⁴⁴ The author of Section One of the Fourteenth Amendment, John Bingham, reassured voters in Ohio that after the adoption of this Amendment, states would continue to bear the primary responsibility for "local administration and personal security."⁴⁵ As long as state and local laws were racially neutral and favored no person over any other, the people themselves, acting through their representatives, were free to enact whatever reasonable measures were necessary to promote public safety and secure the common good.⁴⁶

The formulation of the right to bear arms adopted in post-Civil War state constitutions drew on antebellum jurisprudence and constitutional theory's robust view of state police power, including the right to regulate firearms. These post-war constitutional texts explicitly recognized broad legislative authority to regulate the right to bear arms. It would be difficult to understate the significance of this change: across the nation, state legislatures took advantage of the new formulation of the right to bear arms included in state constitutions and enacted a staggering range of new laws to regulate arms, especially public carry. Indeed, the number of laws enacted skyrocketed, as did the number of states passing such laws. ⁴⁷ States fulfilled their role as laboratories of democracy by implementing a range of regulations aimed at curbing the problem of gun violence: limiting the sale of firearms, taxing particular types of weapons perceived to pose threats to public safety, imposing limits on the access of minors to weapons, and restricting the public places one might carry arms.48 Texas banned "[a]ny person carrying on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purpose of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing."49 The law aimed to preserve the peace and prevent the

⁴⁴ See Cornell & Florence, supra note 4, at 1056-58.

⁴⁵ *Id.* at 1058 (quoting John Bingham's Sept. 2, 1867, speech to the voters of Ohio).

⁴⁶ For a discussion of how the courts wrestled with the meaning of the Fourteenth Amendment, see William E. Nelson, The Fourteenth Amendment: From Political Principle to Judicial Doctrine 148-51 (1998).

⁴⁷ See infra Tables 2 & 3 for examples. On the expansion of regulation after the Civil War, see Robert J. Spitzer, *Gun Law History in the United States and Second Amendment Rights*, 80 L. & CONTEMP. PROBS. 55, 59-61 (2017).

⁴⁸ Id.

⁴⁹ An Act to Regulate the Keeping and Bearing of Deadly Weapons, Apr. 12, 1871, *reprinted in* 2 A DIGEST OF THE LAWS OF TEXAS: CONTAINING THE LAWS IN FORCE, AND

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intimidation of free persons, the exact opposite of the claims of gun rights advocates who have insisted that gun control during Reconstruction was tainted by an insidious racist agenda.⁵⁰

In the post-war period the number of laws limiting public carry increased dramatically, a trend that continued into the first decades of the twentieth century. There was broad agreement among courts and constitutional commentators that laws banning concealed weapons posed no constitutional issues. Some states went further and enacted more sweeping limits on open carry.⁵¹ Rather than oppose limits on public carry, the dominant paradigm for firearms regulation in the era of the Fourteenth Amendment supported robust regulation of public carry, provided the laws were racially neutral and contained appropriate exceptions for specified good cause needs for self-defense.⁵²

II. STATE REGULATION OF PUBLIC CARRY IN THE ERA OF THE FOURTEENTH AMENDMENT: A BRIEF OVERVIEW

Table 2. Examples of State Firearms Laws Passed Between 1865 and 1900 Impacting Public Carry

State	Year	Category	Source	Statutory Text	
Texas	1866	Carry on the	Act of Nov.	That it shall not be lawful for	
		lands of	6, 1866, ch.	any person or persons to carry	
		others	92, § 1,	fire-arms on the enclosed	
			1866 Tex.	premises or plantation of any	
			Gen. Laws	citizen, without the consent of	
			90.	the owner or proprietor, other	
				than in the lawful discharge of	
				a civil or military duty, and	
				any person or persons so	
				offending shall be fined or	
				imprison[ed] or both	

THE REPEALED LAWS ON WHICH RIGHTS REST FROM 1864 TO 1872, at 1322 (George Washington Paschal, ed., Washington, D.C., 1873).

⁵⁰ Gun rights advocates have simply ignored the most recent scholarship on gun control and race relations during Reconstruction, including the rich new literature on gun regulation, enforcement, and Reconstruction in Texas. For more, see the discussion in Frassetto, *supra* note 36, at 102-04, and Rivas, *supra* note 36, at 287.

⁵¹ For a good illustrations of state concealed carry statutes, see Act of Mar. 22, 1871, ch. 1888, § 1-2, 5, 1871 Ky. Acts 89, 89-90; Act of May 3, 1893, ch. 1180, § 1, 1893 R.I. Pub. Laws 231, 231-32.

⁵² For an illustrative set of examples, see Table 2.

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Indiana	1875	Brandishing	Act of Mar. 13, 1875, ch. 17, § 1, 1875 Ind. Acts 62.	[I]f any person shall draw or threaten to use any pistol, dirk, knife, slung-shot, or any other deadly or dangerous weapon upon any other person, he shall be deemed guilty of a misdemeanor Provided, That the provisions of this act shall not apply to persons drawing or threatening to use such dangerous or deadly weapons in defense of his person or property, or in defense of those entitled to his protection by law.
Mississippi	1878	Prohibitions on Persons Deemed Irresponsible	Act of Feb. 28, 1878, ch. 46, § 4, 1878 Miss. Laws 175, 176.	[A]ny student of any university, college or school, who shall carry concealed, in whole or in part, any [pistol or other concealable deadly weapon], or any teacher, instructor, or professor who shall, knowingly, suffer or permit any such weapon to be carried by any student or pupil, shall be deemed guilty of a misdemeanor
Missouri	1879	Sensitive Places (courts, church, schools, colleges)	Act of Apr. 30, 1879, § 1, 1879 Mo. Laws 90, 90.	Hereafter it shall be unlawful for any person in this State, except he be a sheriff or other officer, in the discharge of official duty, to discharge or fire off any gun, pistol or fire- arms of any description in the immediate vicinity of any court house, church or building used for school or college purposes.

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Arkansas	1881	Prohibitions on Pistols, (exception for military weapons)	Act of Apr. 1, 1881, no. 96, § 3, 1881 Ark. Acts 191, 192.	Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person any person [sic] any pistol, of any kind whatever, except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge, for any pistol, or any person who shall keep any such arms or cartridges for sale, shall be guilty of a misdemeanor.
Nevada	1881	Penalty for carry while intoxicated	Act of Jan. 28, 1881, ch. 7, § 1, 1881 Nev. Stat. 19, 19- 20.	Any person in this State, whether under the influence of liquor or otherwise, who shall, except in necessary self- defense, maliciously, wantonly or negligently discharge or cause to be discharged any pistol, gun or any other kind of firearm, in or upon any public street or thoroughfare, or in any theater, hall, store, hotel, saloon or any other place of public resort, shall be deemed guilty of a misdemeanor
Vermont	1884	Prohibitions on Certain Types of Weapons (spring loaded traps)	Act of Nov. 25, 1884, no. 76, § 1, 1884 Vt. Pub. Acts 74, 74-75.	A person who sets a spring gun trap, or a trap whose operation is to discharge a gun or firearm at an animal or person stepping into such trap, shall be fined and shall be further liable to a person suffering damage to his own person or to his domestic animals by such traps, in a civil action, for twice the amount of such damage.
Maryland	1890	Sensitive Times (Sabbath)	Act of Apr. 3, 1890, ch. 273, § 1, 1890 Md. Laws 297, 297.	No person whatsoever shall hunt with dog or gun on the Lord's day, commonly called "Sunday," nor shall profane the Lord's day by gunning, hunting, fowling, or by shooting or exploding any gun, pistol or firearm of any kind, or by any other unlawful recreation or pastime

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Florida	1899	Sensitive Places (Trains)	Act of May 29, 1899, ch. 4701, § 1, 1899 Fla. Laws 93, 93.	That it shall be unlawful for any person to discharge any gun, pistol, or other fire-arm, except in self defense, while on any passenger train in this State; or to recklessly handle any fire-arm or other weapon in the presence of any other person or persons on any train carrying passengers in this State.
Indiana	1875	Sell, barter, or give a pistol to a minor	Act of Feb. 27, 1875, ch. 40, § 1, 1875 Ind. Acts 59, 59	That it shall be unlawful for any person to sell, barter, or give to any other person, under the age of twenty-one years, any pistol, dirk, or bowie-knife, slung-shot, knucks, or other deadly weapon that can be worn, or carried, concealed upon or about the person, or to sell, barter, or give to any person, under the age of twenty-one years, any cartridges manufactured and designed for use in a pistol.

⁵³ Territories had considerable latitude to enact laws consistent with their police power authority, but unlike states or localities, they were obligated to abide by the Second Amendment, even prior to the adoption of the Fourteenth Amendment. On the limits imposed by the Constitution on governments created in the territories, see JOSEPH STORY, 3 COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES § 1319 (1833) ("What shall be the form of government established in the territories depends exclusively upon the discretion of congress. Having a right to erect a territorial government, they may confer on it such powers, legislative, judicial, and executive, as they may deem best. They may confer upon it general legislative powers, subject only to the laws and constitution of the United States.") Thus, territorial laws would have had to be consistent with Second Amendment irrespective of any interpretation of the Fourteenth Amendment and the issue of incorporation.

⁵⁴ Act of Jan. 29, 1869, ch. 32, § 1-2, 1869 N.M. Laws 72, 72-73.

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deadly weapons, within the limits or confines of any city, town or village or in any public assembly of Idaho Territory."⁵⁵

The broad latitude legislatures and municipalities exercised over firearms regulation was widely acknowledged by the major constitutional commentators of the period as well. John Norton Pomeroy, one of the era's most distinguished constitutional authorities, observed that the right to keep and bear arms posed no barrier to government authority to regulate or limit persons from "carry[ing] dangerous or concealed weapons."⁵⁶ Pomeroy's observation is borne out by the legislation on public carry presented below in Table 3.⁵⁷

III. LOCAL REGULATION AND THE RISE OF PERMIT SCHEMES IN THE ERA OF THE FOURTEENTH AMENDMENT

Gun regulation in the era of the Fourteenth Amendment was not limited to state-level interventions; there was also an enormous growth in the number of local ordinances. Developments at the local level have drawn relatively little scholarly or judicial notice but this was one of the areas in which government was most active.⁵⁸ A local ordinance adopted by Huntsville, Missouri offers a glimpse of the sweeping scope of such regulations.⁵⁹ It contained multiple provisions, including:

- A ban on concealed carry in public;
- A ban on public carry in public places where people assembled for religious, "educational, literary, or social purposes";
- A ban on carry in courthouses;
- A ban on carry into a "public assemblage of persons met for any lawful purpose" except militia-related activities;

⁵⁵ Act of Feb. 4, 1889, § 1, 1888 Idaho Laws 23, 23; *see also* Act of Jan. 11, 1865, § 1, 1864 Mont. Laws 355 (preventing the carrying of concealed deadly weapons in the cities and towns of the territory); Act of Dec. 2, 1875, ch. 52, § 1, 1876 Wyo. Sess. Laws 352. ("That hereafter it shall be unlawful for any resident of any city, town or village, or for any one not a resident of any city, town or village, in said Territory, but a sojourner therein, to bear upon his person, concealed or openly, any firearm or other deadly weapon, within the limits of any city, town or village.").

⁵⁶ JOHN NORTON POMEROY, AN INTRODUCTION TO THE CONSTITUTIONAL LAW OF THE UNITED STATES: ESPECIALLY DESIGNED FOR STUDENTS, GENERAL AND PROFESSIONAL 152-53 (1868).

⁵⁷ See infra Table 3.

⁵⁸ The most notable exception to this lack of attention to the importance of local regulation in American firearms law is Joseph Blocher, *Firearm Localism*, 123 YALE L.J. 82 (2013).

⁵⁹ Huntsville, Mo., Rev. Ordinance in Relation to Carrying Deadly Weapons (July 17, 1894).

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- A ban on open public carry and public display of a weapon in a rude or threatening manner;
- A ban on carry while intoxicated;

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• An exception for travelers passing through town.

Finally, the ordinance also included an affirmative defense exception for good cause, i.e., a specific threat to "home, person or property."⁶⁰

The most common types of local regulations were bans on concealed carry. Evanston, Illinois's ordinance was typical: "It shall be unlawful for any person within the limits of the city of Evanston to carry or wear under his clothes or concealed about his person, any pistol, colt or slung shot."⁶¹ Residents in the ten most populous cities in America at the end of the nineteenth century all lived under some form of restrictive public carry regime: permit schemes, complete bans on concealed carry, or some type of total ban with a specified threat and self-defense exception.⁶² In some parts of the country a majority of the population were living under a model of gun regulation that limited public carry. The case of California is instructive in this regard since most of its inhabitants were subject to one of these types of limits on public carry.⁶³ Table 3 lists the municipalities in the state that enacted permit laws after the Civil War.

Table 3. Municipalities with Permit Schemes in Post-Civil War California⁶⁴

Location	Year	Population	
	Permit	in 1900	
	ordinance		
	enacted		
Sacramento	1876	17,897	
Napa	1880	16,451	
San Francisco	1880	342,782	
Santa Barbara	1881	18,934	

⁶⁰ Id.

⁶¹ Evanston, Ill., Rev. Ordinances, ch. 29, § 531 (1893).

⁶² Copies of these ordinances may be found in the appendix to Brief for Patrick J. Charles as Amicus Curiae Supporting Neither Party app. at 2-11, N.Y. State Rifle & Pistol Ass'n v. Bruen, No. 20-843 (U.S. docketed Dec. 23, 2020) 2021 WL 3145961. Population statistics may be found in Campbell Gibson, *Population of the 100 Largest Cities and Other Urban Places in the United States: 1790 to 1990*, (U.S. Census Bureau, Working Paper No. POP-WP027.

⁶³ See sources cited supra note 62.

⁶⁴ Id.

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Alameda	1882	180,197
St. Helena	1884	1,582
Fresno	1885	37,862
Lompoc	1888	972
Marysville	1889	3,497
Oakland	1890	66,960
Monterey	1892	19,380

Within a decade of the end of Reconstruction about half the population of the state of California was living under good cause discretionary permit schemes such as those listed in Table Three. The list of municipalities adopting such regulations included tiny towns such as Lompoc, and the state's largest city, San Francisco.⁶⁵ Gun violence in California in this period was a complex problem, but the range of municipalities adopting good cause permit schemes, large heterogenous urban areas and smaller towns, suggest that these policies enjoyed broad popular support and were understood at the time to be consistent with California's constitution.⁶⁶

Good cause permitting schemes were not the only type of restrictions adopted to deal with the problem of gun violence in post-Civil War California. Other localities, most notably Los Angeles and San Jose, adopted more restrictive laws limiting the ability to carry arms in public. The law enacted by Los Angeles was sweeping in scope, prohibiting public carry "concealed or otherwise."

[N]o persons, except peace officers, and persons actually traveling, and immediately passing through Los Angeles city, shall wear or carry any dirk, pistol, sword in a cane, slung-shot, or other dangerous or deadly weapon, concealed or otherwise, within the corporate limits of said city, under a penalty of not more than one hundred dollars fine, and imprisonment at the discretion of the Mayor, not to exceed ten days. It is hereby

⁶⁵ Brief for Patrick J. Charles as Amicus Curiae Supporting Neither Party app., *supra* note 62, at 2-11.

⁶⁶ On the problem of gun violence in California during this period, see CLARE V. MCKENNA, RACE AND HOMICIDE IN NINETEENTH-CENTURY CALIFORNIA 11-12, 103 (2007). Race was certainly an important factor in many places in California, but the range of communities enacting limits on public carry of some kind, permit laws, bans on concealed weapons, or broader bans, militates against imputing nefarious racial motives to all the legislation enacted to reduce gun violence. Moreover, racial minorities were often the victims of homicides and assaults in these communities and had a vested interest in reducing the levels of gun violence.

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made the duty of each police officer of this city, when any stranger shall come within said corporate limits wearing or carrying weapons, to, as soon as possible, give them information and warning of this ordinance; and in case they refuse or decline to obey such warning by depositing their weapons in a place of safety, to complain of them immediately.⁶⁷

If one adds together the population figures for the jurisdictions in California with either a good cause permit scheme in place or a more restrictive ban on public carry, such as the one in place in Los Angeles, the numbers demonstrate that the majority of Californians were living under a legal regime that curtailed the right to travel armed in public within populace areas. In short, the example of California offers strong evidence that some type of limit on armed travel in populated areas had become an accepted feature of American law by the end of the nineteenth century. Indeed, limits on the public carry of dangerous weapons are one of the most enduring features of American law, operating continuously in some form from the colonial era through Reconstruction and up until the rise of modern gun control laws in the twentieth century.⁶⁸

The early history of good cause permit schemes has not figured prominently in post-*Heller* scholarship and jurisprudence because local ordinances have been difficult to identify and collect. But, starting with Reconstruction good cause permit ordinances emerged as the ascendent model in firearms regulation. By the end of the nineteenth century this approach to firearms regulation had become the dominant paradigm in America and had largely supplanted the common law inspired surety-based models of enforcing the peace that predominated before the Civil War.⁶⁹ The older surety model reflected the realities of life in early

⁶⁷ William M. Caswell, Ordinances of the City of Los Angeles, § 36, in REVISED CHARTER AND COMPILED ORDINANCES AND RESOLUTIONS OF THE CITY OF LOS ANGELES 85 (1878).

⁶⁸ An Act for the Punishing of Criminal Offenders, 1694 Mass. Laws 12, no. 6 ("Further it is Enacted by the authority aforesaid, That every Justice of the Peace in the County where the Offence is committed , may cause to be staid and arrested all Affrayers, Rioters, Disturbers, or Breakers of the Peace, and such as shall ride or go armed Offensively before any of their Majesties Justices, or other Their Officers or Ministers doing their Office or elsewhere."). On New York's 1911 Sullivan law, see BLOCHER & MILLER, *supra* note 3, at 42.

⁶⁹ This community-based model of policing originated in England and continued in America until the rise of modern police forces in the nineteenth century. Any justice of the peace could detain, disarm, and if necessary, bind an individual to the peace by imposing a surety, a peace bond. Under the common law in America the conservation of the peace remained central to the legal system. As conservators of the peace, justices

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modern England and colonial America. This approach to preserving the peace was well-suited to a pre-industrial society in which members of the local gentry elite could count on the mechanisms of deference and a web of patron-client relationships to help them maintain social order.⁷⁰ As America modernized, urbanized, and became a more diverse and highly mobile society over the course of the nineteenth century, these traditional mechanisms of law enforcement, including sureties, were slowly replaced by a criminal justice system that did not rely on informal mechanisms to maintain order. In a society in which the bonds of community had weakened, binding an individual to the peace was no longer an effective means to preserve social order.⁷¹ Professional police forces, courts, and administrative agencies were better suited to maintaining order and peace in the new urban world of nineteenthcentury America where people living in close proximity were less likely to be knit together in the bonds of community.⁷² Thus, by end of the nineteenth century, permit schemes that took advantage of these new institutions and the tools provided by professional police forces had largely replaced the traditional common law mechanisms of sureties, or

⁷⁰ See McPherson, supra note 30.

 71 See Eric H. Monkkonen, America Becomes Urban: The Development of U.S. Cities & Towns, 1780-1980, at 98-108 (1988).

of the peace, sheriffs, and constables maintained their broad common law authority. Additionally, any member of the community who felt threatened could have a justice of the peace impose a surety, a peace or good behavior bond, as a measure to conserve the peace. On sureties in England, see STEVE HINDLE, THE STATE AND SOCIAL CHANGE IN EARLY MODERN ENGLAND, 1550-1640, at 100 (2000). For an informative study of the transfer of English criminal justice to the colonies, see generally, Alfred L. Brophy, "For the Preservation of the King's Peace and Justice": Community and English Law in Sussex County, Pennsylvania, 1682-1696, 40 AM. J. LEGAL HIST. 167 (1996). Gun rights advocates have erroneously argued that peace bonds required an individual to come forward to start this process, but this claim ignores the role of the justice of the peace as conservators of the peace. See David B. Kopel and George A. Mocsary, Errors of Omission: Words Missing from the Ninth Circuit's Young v. Hawaii, U. ILL. L. REV. ONLINE 172, 184 (2021). This error has been repeated by other gun rights advocates. See also Robert Leider, Constitutional Liquidation, Surety Laws, and the Right to Bear Arms 13 (March 2021) (unpublished manuscript), https://papers.ssrn.com/sol3/papers.cfm? abstract_id=3697761 [https://perma.cc/RV6P-RS88]. Leider's flawed analysis of gun regulation rests on anachronistic interpretations of the historical evidence and ignores the relevant scholarship in the history of criminal law, the result is a presentist and distorted account of the enforcement of prohibitions on armed travel in pre-Civil War Massachusetts. For a general account of the history of criminal law in this period, see ELIZABETH DALE, CRIMINAL JUSTICE IN THE UNITED STATES, 1789-1939 (2011). On the norms governing antebellum Massachusetts, see Mary E. Vogel, The Social Origins of Plea Bargaining: Conflict and the Law in the Process of State Formation, 1830-1860 33 L. & SOC'Y REV. 161, 163 (1999).

⁷² Id.

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peace bonds, as the dominant method for dealing with the dangers posed by gun violence.⁷³

IV. LIMITS ON ARMED TRAVEL IN PUBLIC DURING THE ERA OF THE FOURTEENTH AMENDMENT: HISTORY, TEXT, AND TRADITION AND THE GOOD CAUSE PERMIT MODEL

A comprehensive and scholarly review of the nation's laws on public carry published in the last decade of the nineteenth century noted that bans on concealed weapons and more general prohibitions on armed carry were permissible, provided they included a good cause exception for specified threats.74 John Forrest Dillon's overview of American firearms law and the constitutional right to keep and bear arms endorsed this view. Drawing on recent cases, including Andrews v. State, he concluded, "[E]very good citizen is bound to yield his preference as to the means [of self-defense] to be used, to the demands of the public good."75 Dillon acknowledged that the police power was not without limit in this area. Contrary to the claims of modern gun rights advocates, Dillon did not believe that there was a fundamental right to carry arms in public openly. Nor did he believe that the right to bear arms trumped state and municipal police power authority to regulate such behavior, taking it entirely out of the hand of the people's representatives. He did, however, recognize that American law acknowledged the continuing validity of affirmative defenses for necessity in cases of specified threats and reasonable self-defense.76 Dillon concluded that as far as the right to carry went, states might regulate this practice and prohibit it entirely as long as the common law self-defense exception was recognized. "Every state," Dillon wrote, "has power to regulate the bearing of arms in such manner as it may see fit, or to restrain it altogether."77 In those cases in which a state sought the more stringent form of regulation, Dillon argued that the common law would offer those who needed to travel armed an affirmative defense. Dillon's survey of American law was not the only commentary to come to this conclusion. Another comprehensive overview of American law published in the last decade of the nineteenth century reached the same judgment. The survey of American law and public carry was published

⁷³ See supra notes 17–19 and accompanying text.

⁷⁴ See John Forrest Dillon, *The Right to Keep and Bear Arms for Public and Private Defense*, 1 CENT. L.J. 295, 296 (1874).

⁷⁵ Andrews v. State, 50 Tenn. 165, 188 (1871).

⁷⁶ Dillon, *supra* note 74, at 296.

⁷⁷ Id.

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The Right to Regulate Arms

in *The American and English Encyclopedia of Law*, an influential and popular legal reference work that became a fixture on bookshelves in law offices across the nation. It noted that "[t]he statutes of some of the States have made it an offence to carry weapons concealed about the body, while others prohibit the simple carrying of weapons, whether they are concealed or not. Such statutes have been held not to conflict with the constitutional right of the people of the United States to keep and bear arms."⁷⁸

Although there has been considerable discussion of the implications of Heller's understanding of the right to keep and bear arms, McDonald's focus on constitutional change, especially the changes wrought by Reconstruction, have not received nearly as much attention. Yet, McDonald makes Reconstruction's history vital to understanding the scope of permissible regulation today.⁷⁹ Read together these two landmark decisions make clear that when state and local regulation are at issue it is the era of the Fourteenth Amendment that is the most important time-period for understanding what is presumptively lawful under Heller's framework. Until now, this crucial period of firearms regulation has been largely neglected by post-Heller scholarship. This history is critical to fashioning a post-Heller firearms jurisprudence consistent with McDonald. Then, as now, states and localities function as America's laboratories of democracy, experimenting with different forms of regulation. This function is hardwired into our federal system. Unfortunately, this rich and diverse part of our legal history has been largely invisible in post-*Heller* scholarship and jurisprudence. Scholars and courts need to reckon with this history more fully before evaluating the constitutionality of gun laws. Rather than acting as a high-water mark for gun rights, Reconstruction ushered in a period of expansive regulation. Courts, legislators, and commentators during this period recognized that the robust power to regulate firearms, particularly in public, was not only constitutional, but essential to preserve ordered liberty. The key innovation in this period, a development that became the dominant model of firearms regulation in America, good cause permit schemes continue to function as an important part of efforts to address the problem of gun violence. These ordinances were first enacted by municipalities but were soon emulated by states. In short, this model is deeply rooted in history, text, and tradition. As such, these

⁷⁸ 3 THE AMERICAN AND ENGLISH ENCYCLOPEDIA OF LAW 408 (John Houston Merrill ed., 1887). This influential reference work was considered to be an essential part of a basic reference library for lawyers. *See American and English Encyclopedia of Law, Vol.* 29, 42 CENT. L.J. 397, 400 (1896) (book review).

⁷⁹ See sources cited supra note 5.

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laws are indisputably presumptively lawful under *Heller's* framework. Modern judges attempting to construct a post-*Heller* firearms jurisprudence that is sensitive to history, text, and tradition need to recognize that discretionary good cause permit schemes are firmly rooted in America's long history of gun regulation. If originalist judges wish to remain true to *Heller's* model such laws are undeniably constitutional.

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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found at California Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 2 of 218 Page ID #:771 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 3 of 219 Page ID #:178 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:			
- Any - 🗸 🗸			for Manufacturer, Model, Gun Type, Barrel L			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Accu-Tek	AT-380 II / 17-4 Stainless Steel	Pistol	2.8"	.380 ACP	01/01/23	
Armscor Precision	AP9 FS / Steel	Pistol	4.5"	9mm	01/01/23	
Armscor Precision	AP9 MS / Steel	Pistol	3.8"	9mm	01/01/23	
Armscor Precision	Citadel M1911-A1 FS / Steel	Pistol	5"	.45 ACP	01/01/23	
Armscor Precision	ECS (Stainless 2) / Stainless Steel	Pistol	3.5"	.45 ACP	01/01/23	

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Case 8:22-cv-0142	21-CJC-ADS Doci		iled 11/15/22	Page 4 of 22	19 Page ID	
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Armscor Precision	ECS (Stainless) / Stainless Steel	Pistol	3.5"	.45 ACP	01/01/23	
Armscor Precision	EFS (Blue) / Steel	Pistol	5"	.45 ACP	01/01/23	
Armscor Precision	EFS (Cerakote Gun Metal Gray) / Steel	Pistol	5"	.45 ACP	01/01/23	
Armscor Precision	EFS (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23	
Armscor Precision	EFS M1911 AL-FS / Stainless Steel	Pistol	5"	.45 ACP	01/01/23	
Armscor Precision	EFS Tact 11 (Cerakote Cobalt Grey Frame/FDE Slide) / Steel	Pistol	5"	.45 ACP	01/01/23	
Armscor Precision	FSR 38 / Steel	Revolver	2"	.38 Spl	01/01/23	

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 5 of 219 Page ID #:180					
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Armscor Precision	High Standard 1911 A-1 / Steel	Pistol	5"	.45 ACP	01/01/23
Armscor Precision	M1911 AL- FS High Standard FS Matte Nickel / Steel	Pistol	5"	.45 ACP	01/01/23
Armscor Precision	M1911-A1 (Blue) / Steel	Pistol	5"	.45 ACP	01/01/23
Armscor Precision	M206 (Blue) / Steel	Revolver	2 1/8"	.38 Spl	01/01/23
Armscor Precision	M206 Revolver / Steel	Revolver	3"	.38 Spl	01/01/23
Armscor Precision	MAPP1 MS / Steel, Polymer	Pistol	3.8"	9mm	01/01/23
Armscor Precision	RIA 1911 (Nickel) / Steel	Pistol	5.16"	.38 Super	01/01/23
Armscor Precision	RIA 1911 (Parkerized) / Steel	Pistol	5.16"	.38 Super	01/01/23

8

Case 8:22-cv-01421-CJC-ADS	Document 48 #:7		01/27/23	Page 5 d	of 218 Page ID
Case 8:22-cv-01421-CJC-ADS	Document 24 #:18		.1/15/22	Page 6 of 2	219 Page ID
Showing 1 to 20 of 818 entries					
Previo	us 1 2	3	4 5		41 Next
4					•

View list of handgun models whose status has changed recently:

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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found atalifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 7 of 218 Page ID #:776 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 8 of 219 Page ID #:183 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:			
- Any - 🗸 🗸		~	for Manufacturer, Model, Gun Type, Barrel Ler			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Armscor Precision	RIA M1911- A1 FS Match (Blue) / Steel	Pistol	5"	.45 ACP	01/01/23	
Armscor Precision	RIA M1911- A1 Target (Blue) / Steel	Pistol	5"	.45 ACP	01/01/23	
Armscor Precision	Rock Island 1911 A-1 CS (Blue) / Steel	Pistol	3.5"	.45 ACP	01/01/23	
Armscor Precision	Rock Island 1911 A-1 G.l. (Parkerized) 51421 / Steel	Pistol	5"	.45 ACP	01/01/23	
Armscor Precision	Rock Island 1911 A-1 Gl MS (Blue) / Steel	Pistol	4"	.45 ACP	01/01/23	

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Case 8:22-cv-0142	21-CJC-ADS Docum		Filed 11/15/22	Page 9 of 2	19 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Armscor Precision	Rock Island 1911 A-2 Gl FS (Blue) / Steel	Pistol	5"	.45 ACP	01/01/23
Armscor Precision	Taylor Tactical (T) M1911 A1-FS Blk Arch Check Grip (51464) / Steel	Pistol	5"	.45 ACP	01/01/23
Armscor Precision	Taylor Tactical (T) M1911 A1-FS Blk Std. Grip (51461 NL) / Steel	Pistol	5"	.45 ACP	01/01/23
Armscor Precision	Taylor's Tactical M1911-A1 FS Blk Arch Check Grip / Steel	Pistol	5"	.45 ACP	01/01/23
Armscor Precision	Taylor's Tactical M1911-A1-FS (Black) Std. Grip / Steel	Pistol	5"	.45 ACP	01/01/23

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Case 8:22-cv-0142	1-CJC-ADS Docum	_	iled 11/15/22	Page 10 of 2	219 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Auto- Ordnance	Auto Ordnance 1911 A-1 PKZA / Parkerized Steel	Pistol	5"	.45 ACP	01/01/23
Beretta	3032 Alleycat / Blue Steel	Pistol	2.4"	.32 ACP	01/01/23
Beretta	3032 Tomcat / Blue Steel	Pistol	2.4"	.32 ACP	01/01/23
Beretta	3032 Tomcat Inox / Stainless Steel	Pistol	2.4"	.32 ACP	01/01/23
Beretta	92FS / Alloy; Steel	Pistol	4.9"	9mm	01/01/23
Beretta	92FS Black Inox / Stainless Steel	Pistol	4.92"	9mm	01/01/23
Beretta	92FS Brigadier / Blue Steel	Pistol	4.92"	9mm	01/01/23

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	Case 8:22-cv-01421	L-CJC-ADS Docum	ent 24-1 #:186	Filed 11/15/22	Page 11 of 2	219 Page ID
_	Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
	Beretta	92FS Brigadier Inox / Stainless Steel	Pistol	4.92"	9mm	01/01/23
	Beretta	92FS Compact Type M / Blue Steel	Pistol	4.3"	9mm	01/01/23
_	Beretta	92FS Inox / Stainless Steel	Pistol	4.92"	9mm	01/01/23
	Showing 21 to 40 of	f 818 entries				
		Previous 1	2	3 4	5	41 Next
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ROB BONTA

Attorney General

Handguns Certified for Sale

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IMPORTANT INFORMATION:

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818 handguns found

Manufacturer:			Search:			
- Any -		~	for Manufacturer, Model, Gun Type, Barrel Ler			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Beretta	92FS Inox Lasergrips / Stainless Steel	Pistol	4.92"	9mm	01/01/23	
Beretta	92FS OD Green / Alloy; Steel	Pistol	4.9"	9mm	01/01/23	
Beretta	92FS Type M9A1 / Alloy; Steel	Pistol	5"	9mm	01/01/23	
Beretta	92FS Vertec Inox / Stainless Steel, Alloy	Pistol	4.7"	9mm	01/01/23	

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Case 8:22-cv-0142	1-CJC-ADS Docum	-	Filed 11/15/22	Page 14 of 2	19 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Beretta	92FS Vertec Inox Lasergrips / Steel, Stainless Steel, Alloy	Pistol	4.52"	9mm	01/01/23
Beretta	92G Elite A1 / Steel	Pistol	4.5"	9mm	01/01/23
Beretta	92G Elite II J92GE20 / Blue Steel, Stainless Steel	Pistol	4.7"	9mm	01/01/23
Beretta	92G-SD (Matte Black) J92GSD1 / Stainless Steel, Steel, Alloy	Pistol	5"	9mm	01/01/23
Beretta	96 / Alloy; Steel	Pistol	4.9"	.40 S&W	01/01/23
Beretta	96 Black Inox / Stainless Steel	Pistol	4.92"	.40 S&W	01/01/23
Beretta	96 Brigadier / Blue Steel	Pistol	4.92"	.40 S&W	01/01/23

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Case 8:22-cv-0142	1-CJC-ADS Docum		Filed 11/15/22	Page 15 of 2	19 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Beretta	96 Brigadier Inox / Stainless Steel	Pistol	4.92"	.40 S&W	01/01/23
Beretta	96 lnox / Stainless Steel	Pistol	4.92"	.40 S&W	01/01/23
Beretta	96 Vertec Inox / Stainless Steel, Alloy	Pistol	4.7	.40 S&W	01/01/23
Beretta	96G Elite A1 / Steel	Pistol	4.5"	.40 S&W	01/01/23
Beretta	96G Elite II / Blue Steel, Stainless Steel	Pistol	4.7"	.40 S&W	01/01/23
Beretta	96G-SD / Stainless Steel, Steel, Alloy	Pistol	5"	.40 S&W	01/01/23
Beretta	M9 Commercial / Alloy; Steel	Pistol	4.9"	9mm	01/01/23

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Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Beretta	PX4 Storm Type F / Steel, Polymer	Pistol	4"	.40 S&W	01/01/23
Beretta	PX4 Storm Type F JXF9F20 / Steel, Polymer	Pistol	4"	9mm	01/01/23
Showing 41 to 60 d	of 818 entries	ſ			
4	Previous	1 2	3 4	5	41 Next

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Attorney General

Handguns Certified for Sale

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818 handguns found

Manufacturer:			Search:			
- Any -		~	for Manufacturer, Model, Gun Type, Barrel Ler			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Beretta	PX4 Storm Type G / Steel, Polymer	Pistol	4"	9mm	01/01/23	
Beretta	PX4 Storm Type G / Steel, Polymer	Pistol	4"	.40 S&W	01/01/23	
Bersa	Firestorm 380 / 4140 Steel; Alloy	Pistol	3.5"	.380 ACP	01/01/24	
Browning	1911-22 A1 Compact (Wood Grip) 051803490 / Alloy	Pistol	3.625"	.22 LR	01/01/23	

	CJC-ADS Documer	#:787		•	•
Case 8:22-cv-0142	1-CJC-ADS Docume	nt 24-1 Fi #:194	led 11/15/22	Page 19 of 2	219 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Browning	1911-22 A1 Full Size (Wood Grip) 051802490 / Alloy	Pistol	4.25"	.22 LR	01/01/23
Browning	1911-22 A1 Full Size(Blk) Plastic Grips / Alloy	Pistol	4.25"	.22 LR	01/01/23
Browning	1911-22 A1 GRAY COMPACT, S, 22 (051880490) / Alloy	Pistol	3.625"	.22 LR	01/01/23
Browning	1911-22 A1 Gray FS,S,22 (051879490) / Alloy	Pistol	4.25"	.22 LR	01/01/23
Browning	1911-22 Compact Plastic Grips / Alloy	Pistol	3.625"	.22 LR	01/01/23
Browning	BM CNTR GRAY 5.5 URX,S,22 (051564490) / Alloy; Steel	Pistol	5.5"	.22 LR	01/01/23

	CJC-ADS Documen	#:788		-	
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Browning	BUCK MARK BLK LBL CAMPER FO, 22 (ITEM 051578490) / Steel Slide; Alloy Frame	Pistol	5.5"	.22 LR	01/01/23
Browning	Buck Mark Camper SS URX F/O MS 051442490 / Stainless Steel Slide, Alloy Frame	Pistol	5.5"	.22 LR	01/01/23
Browning	Buck Mark Camper Stnls UFX, Adj. Sgt 051483490 / Stainless Steel; Alloy	Pistol	5.5"	.22 LR	01/01/23
Browning	Buck Mark Camper UFX, Adj. Sights 051482490 / Alloy; Steel	Pistol	5.5"	.22 LR	01/01/23

С	ase 8:22-cv-01421-0	CJC-ADS Documen	t 48-12 F #:789	Filed 01/27/23	B Page 20 o	f 218 Page ID
	Case 8:22-cv-0142:	1-CJC-ADS Docume		led 11/15/22	Page 21 of 2	19 Page ID
	Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
	Browning	Buck Mark Contour 5.5 URX SE MS 051421490 / Alloy; Steel	Pistol	5.5"	.22 LR	01/01/23
	Browning	Buck Mark Lite Grey 5.5 FLT URX 051461490F/O SE MS / Alloy; Steel	Pistol	5.5"	.22 LR	01/01/23
	Browning	Buck Mark Lt Grey 7.25 FLT URX F/O SE MS 051462490 / Steel Slide; Alloy Frame	Pistol	7.25"	.22 LR	01/01/23
	Browning	Buck Mark Lt Grn 5.5 FLT URX F/O SE MS 051459490 / Steel Slide; Alloy Frame	Pistol	5.5"	.22 LR	01/01/23

Case 8:22-cv-01421-	CJC-ADS Documer	nt 48-12 #:790	Filed 01/27/2	23 Page 21	of 218 Page ID
Case 8:22-cv-0142	1-CJC-ADS Docume	nt 24-1 F #:197	iled 11/15/22	Page 22 of	219 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Browning	Buck Mark Pistol 4" .22 L Micro Standard URX SE MS 051408490 / Alloy; Steel		.22 LR	01/01/23	
Browning	Buck Mark MS NS Practical URX F/O 051448490 / Steel Slide; Alloy Frame	Pistol	5.5"	.22 LR	01/01/23
Showing 61 to 80 c	f 818 entries				
4	Previous 1	2	3 4	5	41 Next

View list of handgun models whose status has changed recently:

- Recently Added Handgun Models
 Models added recently to the Roster of Handguns certified for sale.
- Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 22 of 218 Page ID #:791 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 23 of 219 Page ID #:198



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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

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IMPORTANT INFORMATION:

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 23 of 218 Page ID #:792 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 24 of 219 Page ID #:199 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:		
- Any -		~	for Manufactu	urer, Model, Gui	n Type, Barrel Ler
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Browning	Buck Mark Plus Brown LAM UDX SE MS 051428490 / Alloy; Steel	Pistol	5.5"	.22 LR	01/01/23
Browning	Buck Mark Plus Rswd UDX MS SE Adj. Sghts 051429490 / Alloy; Steel	Pistol	5.5"	.22 LR	01/01/23
Browning	Buck Mark Plus SS Black LAM UDX MS 051427490 / Stainless Steel; Alloy	Pistol	5.5"	.22 LR	01/01/23

Case 8:22-cv-01421-	CJC-ADS Docume	ent 48-12 #:793	Filed 01/27/2	23 Page 24 c	of 218 Page ID
Case 8:22-cv-0142	1-CJC-ADS Docum		-iled 11/15/22	Page 25 of 2	19 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Browning	Buck Mark Standard SS URX MS 051409490 / Stainless Steel; Alloy	Pistol	5.5"	.22 LR	01/01/23
Browning	Buck Mark Standard URX SE MS 051407490 / Alloy; Steel	Pistol	5.5"	.22 LR	01/01/23
Camdon Defense	CD-15 / Steel	Pistol	9.85"	Multi (5.56)	01/01/23
Ceska Zbrojovka (CZ)	40 B (Black) 01700 / Alloy; Steel	Pistol	4.37"	.40 S&W	01/01/23
Ceska Zbrojovka (CZ)	75 BD (Black) 01130 / Steel	Pistol	4.687"	9mm	01/01/23
Ceska Zbrojovka (CZ)	75 Compact 01197 / Steel	Pistol	3.9"	.40 S&W	01/01/23
Ceska Zbrojovka (CZ)	75 SA (Black) 01151 / Steel	Pistol	4.692"	.40 S&W	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 26 of 219 Page ID #

24-T	Fileu	TT/	T:D/	22
#:201				

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Ceska Zbrojovka (CZ)	83 (Glossy Blue) 01301 / Steel	Pistol	3.81"	.380	01/01/23
Ceska Zbrojovka (CZ)	CZ 2075 RAMI 01750 / Alloy; Steel	Pistol	3"	9mm	01/01/23
Ceska Zbrojovka (CZ)	CZ 2075 RAMI 01751 / Alloy; Steel	Pistol	3.0"	.40 S&W	01/01/23
Ceska Zbrojovka (CZ)	CZ 75 B (Black) 01102 / Steel	Pistol	4.593"	9mm	01/01/23
Ceska Zbrojovka (CZ)	CZ 75 B (Black) 01120 / Steel	Pistol	4.58"	.40 S&W	01/01/23
Ceska Zbrojovka (CZ)	CZ 75 B SA (Black) 01150 / Steel	Pistol	4.593"	9mm	01/01/23
Ceska Zbrojovka (CZ)	CZ 75 Compact (Black) 01190 / Steel	Pistol	3.765"	9mm	01/01/23
Ceska Zbrojovka (CZ)	CZ 75 D (Black) 01194 / Alloy	Pistol	3.763"	9mm	01/01/23

Case 8:22-cv-01421-CJC-ADS	Document 48-12 #:795	Filed 01/27/23	3 Page 26 of 21	18 Page ID
Case 8:22-cv-01421-CJC-ADS	5 Document 24-1 #:202	Filed 11/15/22	Page 27 of 219	Page ID

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Ceska Zbrojovka (CZ)	CZ 75 P-01 01199 / Alloy; Steel	Pistol	3.88"	9mm	01/01/23
Ceska Zbrojovka (CZ)	CZ 75 SP-01 01152 / Steel, Poly	Pistol	4.7"	9mm	01/01/23
Showing 81 to 100	of 818 entries				

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Next

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View list of handgun models whose status has changed recently:

Previous

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1

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Additional information on the Roster of Certified Handguns can be found atalifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 28 of 218 Page ID #:797 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 29 of 219 Page ID #:204 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:		
- Any -		~	for Manufacturer	, Model, Gun Typ	e, Barrel Ler
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Ceska Zbrojovka (CZ)	CZ 75 Tactical 01100 / Steel	Pistol	4.72"	9mm	01/01/2
Ceska Zbrojovka (CZ)	CZ 75 TS 01171 / Steel, Alloy, Poly Trigger	Pistol	5.4"	.40 S&W	01/01/2
Ceska Zbrojovka (CZ)	CZ 75 TS 01172 / Steel, Alloy, Poly Trigger	Pistol	5.4"	9mm	01/01/2
Ceska Zbrojovka (CZ)	CZ 97 B (Black) 01401 / Steel	Pistol	4.658"	.45 ACP	01/01/2
Charter 2000	13520 Mag Pug / Alloy	Revolv	er 2.2"	.357 Magnum	01/01/2

C	ase 8:22-cv-01421-0	CJC-ADS Documer	nt 48-12 File #:798	d 01/27/23	Page 29 of 23	L8 Page ID
	Case 8:22-cv-01421	L-CJC-ADS Docume		11/15/22 P	age 30 of 219	Page ID
	Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
-	Charter 2000	13820 Black (Undercover) / Stainless Steel, Alloy	Revolver	2"	.38 Spl	01/01/2
	Charter 2000	14420 Bulldog (Blue) / Stainless, Alloy	Revolver	2.5"	.44 Spl	01/01/2
	Charter 2000	53711 / Alloy	Revolver	2"	.38 Special	01/01/2
	Charter 2000	53811 Off Duty / Alloy	Revolver	2"	.38 Special	01/01/2
	Charter 2000	53820 Undercover Lite (Aluminum) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	01/01/2
	Charter 2000	53824 Undercover Lite (Red/Blk) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	01/01/2

Case 8:22-cv-01421-	CJC-ADS Docume	nt 48-12 File #:799	d 01/27/23	Page 30 of 2	18 Page ID
Case 8:22-cv-0142	1-CJC-ADS Docume		11/15/22 P	age 31 of 219	Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Charter 2000	53830 The Pink Lady / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	01/01/2
Charter 2000	53839 Chic Lady (Pink/Hi Polish SS) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	01/01/2
Charter 2000	53840 Lavender Lady (Laven/SS) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	01/01/2
Charter 2000	53844 Shamrock (Green/Blk) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	01/01/2

	CJC-ADS Docume	#:800		Page 31 of 2 age 32 of 219	
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Charter 2000	53849 Chic Lady (Lavender) / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	01/01/2
Charter 2000	53851 Pink Lady / Alloy	Revolver	2"	.38 Special	01/01/2
Charter 2000	53852 Chic Lady / Alloy	Revolver	2"	.38 Special	01/01/2
Charter 2000	53860 Santa Fe Sky (Turqu/StnStl) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	01/01/2
Charter 2000	53864 Santa Fe Sky (Turq/Blk) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	01/01/2
Showing 101 to 12	0 of 818 entries				
4	Previous 1	5	6 7	41	Next

View list of handgun models whose status has changed recently:

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 Models added recently to the Roster of Handguns certified for sale.
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Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

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IMPORTANT INFORMATION:

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 34 of 218 Page ID #:803
 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 35 of 219 Page ID #:210
 Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:				
- Any - 🖍		for Manufacturer, Model, Gun Type, Barrel Ler					
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date		
Charter 2000	53870 Undercover Lite (Blk/SS) Std. / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	01/01/23		
Charter 2000	53871 UC Lite / Aluminum; Stainless Steel	Revolver	2"	.38 Spl	01/01/23		
Charter 2000	53879 Blue Diamond / Aluminum; Stainless Steel	Revolver	2"	.38 Spl	01/01/23		

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		#:211			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Charter 2000	53911 Off Duty / Alloy	Revolver	2"	.38 Special	01/01/23
Charter 2000	53921 / Alloy	Revolver	2"	.38 Special	01/01/23
Charter 2000	73220 / Stainless Steel	Revolver	2"	.32 Mag	01/01/23
Charter 2000	73520 Mag Pug / Alloy	Revolver	2.2"	.357 Magnum	01/01/23
Charter 2000	73820 / Stainless Steel, Alloy	Revolver	2"	.38 Spl	01/01/23
Charter 2000	74420 Bulldog (Stnls Stl) / Stainless, Alloy	Revolver	2.5"	.44 Spl	01/01/23
Charter 2000	79920 / Stainless Steel; Alloy	Revolver	2.2"	9mm	01/01/23
Charter 2000	Target Pathfinder 72242 / Steel	Revolver	4.17"	.22 LR	01/01/23

Case 8:22-cv-01421-CJC-ADS	Document 48-12 #:805	Filed 01/27/23	Page 36 of 218	Page ID
	Decument 24.1	Filed 11/1E/22	Dogo 27 of 210 D	

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		#:212			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Colt	COBRA (COBRA- MB2BB-HB) / Stainless Steel; Alloy, Polymer	Revolver	2"	.38 Special	01/01/23
Colt	COBRA (COBRA- MB2NS) / Stainless Steel; Alloy; Polymer	Revolver	2"	.38 Special	01/01/23
Colt	COBRA (SM2FO) / Stainless Steel (matte); Alloy; Rubber	Revolver	2"	.38 Special	01/01/23
Colt	KING COBRA (KCOBRA- SB2BB) / Stainless Steel; Alloy	Revolver	2"	.357 Magnum	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 38 of 219 Page ID #:213								
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date			
Colt	KING COBRA (KCOBRA- SB2BB-S) / Stainless Steel; Alloy	Revolver	2"	.357 Magnum	01/01/23			
Colt	KING COBRA (KCOBRA- SB3BB) / Stainless Steel; Alloy; Rubber	Revolver	3"	.357 Magnum	01/01/23			
Colt	KING COBRA (KCOBRA- SB4TS) / Stainless Steel; Alloy	Revolver	4"	.357 Magnum	01/01/23			
Colt	PYTHON (PYTHON- SP3WTS) / Stainless Steel	Revolver	3"	.357 Magnum	01/01/23			

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Manufacturer	Model		un vpe		Barrel Length	C	aliber		Expired Date
Colt	PYTHON (PYTHON- SP4WTS) / Stainless Steel; Alloy	Re	volver	- 2	4.25"		57 agnur		01/01/23
Showing 121 to 140) of 818 entries								
	Previous	1		6	7	8		41	Next
•									•

View list of handgun models whose status has changed recently:

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Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 40 of 218 Page ID #:809 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 41 of 219 Page ID #:216 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found Manufacturer:

Manufacturer:		Search:							
- Any - 🗸 🗸		for Manufacturer, Model, Gun Type, Barrel Ler							
Manufacturer	Model	Gun Type	Barrel Length	Caliber					
Colt	PYTHON (PYTHON- SP6WTS) / Stainless Steel; Alloy	Revolver	6.00"	.357 Magnum					
Dan Wesson	Commander Classic Bobtail 01912 / Stainless Steel	Pistol	4.3"	.45 ACP					
Dan Wesson	PM7 (Stainless) 01900 / Stainless Steel	Pistol	5"	.45 ACP					
Ed Brown Products	ET-BB-CAL2 (Black) / Carbon Steel	Pistol	5"	.45 ACP					
Ed Brown Products	KC-SS-CAL2 (Gray) / Stainless Steel	Pistol	4.25"	.45 ACP					

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Gun

Barrel

Manufacturer	Model	Туре	Length	Caliber
Ed Brown Products	SF3-BB-CAL2 (Black) / Carbon Steel	Pistol	5"	.45 ACP
European American Armory	Windicator/EARB38 / Alloy; Steel	Revolver	2"	.38 Spl
Excel Arms	Excel Arms MP-22 / Stainless Steel, Polymer	Pistol	8.5"	.22 WMR
Fabrique Nationale	FN Five-seveN (Black) (FNH USA Fredericksburg, VA) / Steel; Polymer	Pistol	4.75"	5.7x28mm
Fabrique Nationale	FN Five-seveN (FDE) (FNH USA Fredericksburg, VA) / Steel; Polymer	Pistol	4.75"	5.7x28mm
FMK Firearms	9C1 Gen II (Black) (w/Bill of Rights) / Alloy; Polymer	Pistol	3.87"	9mm
FMK Firearms	9C1 Gen II (Front Sight) (Black) / Alloy; Polymer	Pistol	3.87"	9mm
FMK Firearms	9C1 Gen II (Pink) / Alloy; Polymer	Pistol	3.87"	9mm

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 43 of 219 Page ID #:218

	#:21			
Manufacturer	Model	Gun Type	Barrel Length	Caliber
FMK Firearms	9C1 Gen II (Tan) / Alloy; Polymer	Pistol	3.87"	9mm
FN Herstal, S.A.	FN Five-seveN (Black) (FN Columbia, SC) / Steel; Polymer	Pistol	4.75"	5.7x28mm
FN Herstal, S.A.	FN Five-seveN (FDE) (FN Columbia, SC) / Steel; Polymer	Pistol	4.75"	5.7x28mm
Franklin Armory	Pistol (CA12 SKU 00-30022-BLK) / Steel	Pistol	12"	.350 Legend
Franklin Armory	Pistol (CA7 SKU 00- 30018-BLK) / Steel	Pistol	7.5"	5.56 NATO (.223 Remington)
Franklin Armory	Salus (CA11 SKU 00-30021-BLK) / Steel	Pistol	11.5"	.300 Blackout
German Sport Guns	GSG-922CA / Zamak 5 zinc alloy; machined aluminum	Pistol	3.5"	.22 LR HV
Showing 141 to 160) of 818 entries		_	
	Previous 1	7 8	9	41 Next
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Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found atalifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 45 of 218 Page ID #:814 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 46 of 219 Page ID #:221 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:		Se	arch:		
- Any -		✓ for	Manufacturer,	Model, Gun Ty	pe, Barrel Ler
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
German Sport Guns	GSG1911 CA (Black) / Aluminum Slide & Frame; Steel	Pistol	5"	.22 LR	01/01/2:
German Sport Guns	Mauser 1911 / Aluminum Slide & Frame; Steel	Pistol	5"	.22 LR	01/01/2
Glock	17 (Black) / Steel, Polymer	Pistol	4.49"	9mm	01/01/2
Glock	17 OD / Steel, Polymer	Pistol	4.49"	9mm	01/01/2
Glock	17C / Steel, Polymer	Pistol	4.49"	9mm	01/01/2
Glock	17RTF2 (Black) / Steel, Polymer	Pistol	4.49"	9mm	01/01/2:

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 47 of 219 Page ID #:222

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Glock	19 / Steel, Polymer	Pistol	4.02"	9mm	01/01/2
Glock	19 OD / Steel, Polymer	Pistol	4.02"	9mm	01/01/2
Glock	19C / Steel, Polymer	Pistol	4.02"	9mm	01/01/2
Glock	20 / Steel, Polymer	Pistol	4.60"	10mm	01/01/2
Glock	20 OD / Steel, Polymer	Pistol	4.60"	10mm	01/01/2
Glock	20C / Steel, Polymer	Pistol	4.60"	10mm	01/01/2
Glock	20SF (Black) / Steel, Polymer	Pistol	4.60"	10mm	01/01/2
Glock	21 / Steel, Polymer	Pistol	4.60"	.45 ACP	01/01/2
Glock	21 OD / Steel, Polymer	Pistol	4.60"	.45 ACP	01/01/2
Glock	21C / Steel, Polymer	Pistol	4.60"	.45 ACP	01/01/2:
Glock	21SF-STD / Steel, Polymer	Pistol	4.61"	.45 ACP	01/01/2
Glock	22 / Steel, Polymer	Pistol	4.49"	.40 S&W	01/01/2

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 47 of 218 Page ID #:816 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 48 of 219 Page ID #:223

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Glock	22 - California Department of Corrections / Steel; Polymer	Pistol	4.49"	.40 S&W	01/01/2:
Glock	22 - FBI 100 Yr. Commemorative (Blk) / Steel, Polymer	Pistol	4.49"	.40 S&W	01/01/2:
Showing 161 to 180	0 of 818 entries				
٩	Previous 1 .	8	9 10	41	Next

View list of handgun models whose status has changed recently:

Recently Added Handgun Models

Models added recently to the Roster of Handguns certified for sale.

 Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.



Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 48 of 218 Page ID #:817 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 49 of 219 Page ID #:224



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ROB BONTA

Attorney General

Handguns Certified for Sale

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IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 49 of 218 Page ID #:818 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 50 of 219 Page ID #:225 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:		Search:				
- Any -		~	for Manufacturer, Model, Gun Type, Barrel Ler			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Glock	22 C / Steel, Polymer	Pistol	4.49"	.40 S&W	01/01/23	
Glock	22 OD / Steel, Polymer	Pistol	4.49"	.40 S&W	01/01/23	
Glock	22RTF2 (Black) / Steel, Polymer	Pistol	4.49"	.40 S&W	01/01/23	
Glock	23 / Steel, Polymer	Pistol	4.02"	.40 S&W	01/01/23	
Glock	23 OD / Steel, Polymer	Pistol	4.02"	.40 S&W	01/01/23	
Glock	23C / Steel, Polymer	Pistol	4.02"	.40 S&W	01/01/23	

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 51 of 219 Page ID #:226

		#:226			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Glock	26 / Steel, Polymer	Pistol	3.46"	9mm	01/01/23
Glock	26 OD / Steel, Polymer	Pistol	3.46"	9mm	01/01/23
Glock	27 / Steel, Polymer	Pistol	3.46"	.40 S&W	01/01/23
Glock	27 OD / Steel, Polymer	Pistol	3.46"	.40 S&W	01/01/23
Glock	29 / Steel, Polymer	Pistol	3.78"	10mm	01/01/23
Glock	29 OD / Steel, Polymer	Pistol	3.78"	10mm	01/01/23
Glock	29SF (Black) / Steel, Polymer	Pistol	3.78"	10mm	01/01/23
Glock	30 / Steel, Polymer	Pistol	3.78"	.45 ACP	01/01/23
Glock	30 OD / Steel, Polymer	Pistol	3.78"	.45 ACP	01/01/23
Glock	30SF / Steel, Polymer	Pistol	3.78"	.45 ACP	01/01/23

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Case 8:22-cv-01421-CJC-ADS	5 Document 24-1 #:227	Filed 11/15/22	Page 52 of 219	Page ID

		π.ΖΖΙ			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Glock	31 / Steel, Polymer	Pistol	4.49"	.357 SIG	01/01/23
Glock	31 OD / Steel, Polymer	Pistol	4.49"	.357 SIG	01/01/23
Glock	31C / Steel, Polymer	Pistol	4.49"	.357 SIG	01/01/23
Glock	32 / Steel, Polymer	Pistol	4.02"	.357 SIG	01/01/23
Showing 181 to 200) of 818 entries				
4	Previous 1	9	10	11	41 Next

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 52 of 218 Page ID #:821 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 53 of 219 Page ID #:228



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Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 53 of 218 Page ID #:822 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 54 of 219 Page ID #:229 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:			
- Any -		*	for Manufacturer, Model, Gun Type, Barrel Ler			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Glock	32 OD / Steel, Polymer	Pistol	4.02"	.357 SIG	01/01/23	
Glock	32C / Steel, Polymer	Pistol	4.02"	.357 SIG	01/01/23	
Glock	33 / Steel, Polymer	Pistol	3.46"	.357 SIG	01/01/23	
Glock	33 OD / Steel, Polymer	Pistol	3.46"	.357 SIG	01/01/23	
Glock	34 / Steel, Polymer	Pistol	5.32"	9mm	01/01/23	
Glock	34 OD / Steel, Polymer	Pistol	5.32"	9mm	01/01/23	

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Case 8:22-cv-01421-C1C-ADS	Document 24-1	Filed 11/15/22	Page 55 of 219 Page	ade ID

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 55 of 219 Page ID #:230

		#.230			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Glock	35 / Steel, Polymer	Pistol	5.32"	.40 S&W	01/01/23
Glock	35 OD / Steel, Polymer	Pistol	5.32"	.40 S&W	01/01/23
Glock	36 (No Rail) / Steel, Polymer	Pistol	3.78"	.45 ACP	01/01/23
Glock	36 OD / Steel, Polymer	Pistol	3.78"	.45 ACP	01/01/23
Glock	38 / Steel, Polymer	Pistol	4.02"	.45 GAP	01/01/23
Glock	38 OD / Steel, Polymer	Pistol	4.02"	.45 GAP	01/01/23
Glock	39 / Steel, Polymer	Pistol	3.46"	.45 GAP	01/01/23
Glock	39 OD / Steel, Polymer	Pistol	3.46"	.45 GAP	01/01/23
Glock	G-37 / Steel, Polymer	Pistol	4.49"	.45 GAP	01/01/23

ase 8:22-cv-01421-	CJC-ADS Docum	ent 48-12 #:824	Filed 01/27/	23 Page 55	of 218 Page II		
Case 8:22-cv-0142	1-CJC-ADS Docur	-	=iled 11/15/22	2 Page 56 of 2	219 Page ID		
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date		
Glock	G-37 OD / Steel, Polymer	Pistol	4.49"	.45 GAP	01/01/23		
Guncrafter Industries, LLC	No. 1 / Steel	Pistol	5"	.50 GI	01/01/23		
Guncrafter Industries, LLC	No. 2 / Steel	Pistol	5"	.50 GI	01/01/23		
Heckler & Koch	P2000 SK-V3 / Steel, Polymer	Pistol	3.3"	.40 S&W	01/01/23		
Heckler & Koch	P2000 SK-V3 / Steel, Polymer	Pistol	3.3"	9mm	01/01/23		
Showing 201 to 220 of 818 entries							
4	Previous 1	10	11	12	41 Next		

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ROB BONTA

Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 58 of 218 Page ID #:827 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 59 of 219 Page ID #:234 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:	Search:						
- Any - 🗸 🗸		for Manufacturer, Model, Gun Type, Barrel Ler					
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expi Date		
Heckler & Koch	P2000 SK-V3 .40S&W (Columbus GA import) / Steel, Polymer	Pistol	3.3"	.40 S&W	01/0		
Heckler & Koch	P2000 SK-V3 9mm (Columbus GA import) / Steel, Polymer	Pistol	3.3"	9MM	01/0		
Heckler & Koch	P2000 SK-V3 US / Steel; Polymer	Pistol	3.3"	9MM	01/0		
Heckler & Koch	P2000-V2 / Steel, Polymer	Pistol	3.66"	.40 S&W	01/0		
Heckler & Koch	P2000-V2 / Steel, Polymer	Pistol	3.66"	9mm	01/0		

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 60 of 219 Page ID #:235

Manufacturer	#.235 Model	Gun Type	Barrel Length	Caliber	Expi Date
Heckler & Koch	P2000-V2 .40S&W(Columbus GA import) / Steel, Polymer	Pistol	3.66"	.40 S&W	01/0
Heckler & Koch	P2000-V2 9mm (Columbus GA import) / Steel, Polymer	Pistol	3.66"	9MM	01/0
Heckler & Koch	P2000-V3 / Steel, Polymer	Pistol	3.66"	.40 S&W	01/0
Heckler & Koch	P2000-V3 / Steel, Polymer	Pistol	3.66"	9mm	01/0
Heckler & Koch	P2000-V3 (FDE Frame) / Steel; Polymer	Pistol	3.66"	9mm	01/0
Heckler & Koch	P2000-V3 (OD Green) / Steel; Polymer	Pistol	3.66"	9mm	01/0
Heckler & Koch	P2000-V3 .40S&W(Columbus GA import) / Steel, Polymer	Pistol	3.66"	.40 S&W	01/0
Heckler & Koch	P2000-V3 9mm (Columbus GA import) / Steel, Polymer	Pistol	3.66"	9MM	01/0

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 61 of 219 Page ID #:236

Manufacturer	#.230	Gun Type	Barrel Length	Caliber	Expi Date
Heckler & Koch	P2000-V3 Midnight Bronze slide / Steel; Polymer	Pistol	3.66"	9mm	01/0
Heckler & Koch	P2000-V3 US / Steel; Polymer	Pistol	3.66"	9mm	01/0
Heckler & Koch	P2000SK-V2 / Steel, Polymer	Pistol	3.27"	.40 S&W	01/0
Heckler & Koch	P2000SK-V2 / Steel, Polymer	Pistol	3.27"	9mm	01/0
Heckler & Koch	P2000SK-V2 .40S&W (Columbus GA Import) / Steel, Polymer	Pistol	3.27"	.40 S&W	01/0
Heckler & Koch	P2000SK-V2 9mm (Columbus GA import) / Steel, Polymer	Pistol	3.27"	9MM	01/0
Hi Point	C9 UPC#752334091604 / Polymer, Zinc Alloy, Chrome Moly	Pistol	3.5"	9mm	01/0
Showing 221 to 24	0 of 818 entries				
٩	Previous 1 1	1 12	13	. 41	Next

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Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 63 of 218 Page ID #:832 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 64 of 219 Page ID #:239 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:	Search:						
- Any - 🗸		for Manufacturer, Model, Gun Type, Barrel Ler					
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expi Date		
Hi Point	CF380 UPC#752334003805 / Polymer; Zinc Alloy; 4130 Barrel	Pistol	3.5"	.380 ACP	01/0		
Juggernaut Tactical	JT15-SSP / Steel	Pistol	8.5"	Multi (5.56)	01/0		
Kahr Arms	CW9093 (SN tag on frame under barrel) / Stainless Steel, Polymer	Pistol	3.5"	9mm	01/0		
Kahr Arms	CW9093 (SN tag on grip) / Stainless Steel; Polymer	Pistol	3.5"	9mm	01/0		
Kahr Arms	CW9093BB (SN tag on frame under barrel) / Stainless Steel; Polymer	Pistol	3.5"	9mm	01/0		

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 65 of 219 Page ID #:240

	11:2-0				
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expi Date
Kahr Arms	CW9093BB (SN tag on grip) / Stainless Steel; Polymer	Pistol	3.5"	9mm	01/0
Kahr Arms	CW9093BCF (SN tag on frame under barrel) / Stainless Steel; Polymer	Pistol	3.5"	9mm	01/0
Kahr Arms	CW9093BCF (SN tag on grip) / Stainless Steel; Polymer	Pistol	3.5"	9mm	01/0
Kahr Arms	CW9093KRT / Stainless Steel; Polymer	Pistol	3.5"	9mm	01/0
Kahr Arms	CW9093KRT (SN tag on grip) / Stainless Steel; Polymer	Pistol	3.5"	9mm	01/0
Kahr Arms	CW9093N / Stainless Steel; Polymer	Pistol	3.5"	9mm	01/0
Kahr Arms	K4043A / Stainless Steel	Pistol	3.5"	.40 S&W	01/0
Kahr Arms	K4043NA / Stainless Steel	Pistol	3.5"	.40 S&W	01/0
Kahr Arms	K4048A / Stainless Steel	Pistol	3.5"	.40 S&W	01/0

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 65 of 218 Page ID #:834 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 66 of 219 Page ID

#:241

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expi Dat€
Kahr Arms	K4048NA / Stainless Steel	Pistol	3.5"	.40 S&W	01/0
Kahr Arms	K9093A / Stainless Steel	Pistol	3.5"	9mm	01/0
Kahr Arms	K9093NA / Stainless Steel	Pistol	3.5"	9mm	01/0
Kahr Arms	K9098A / Stainless Steel	Pistol	3.5"	9mm	01/0
Kahr Arms	K9098NA / Stainless Steel	Pistol	3.5"	9mm	01/0
Kahr Arms	KP4043 / Stainless Steel, Polymer	Pistol	3.54"	.40 S&W	01/0
Showing 241 to 26	0 of 818 entries				
	Previous 1 1	2 13	14	. 41	Next
•					

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Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 67 of 218 Page ID #:836
 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 68 of 219 Page ID #:243
 Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:		Search:				
- Any -		~	for Manufacturer, Model, Gun Type, Bar			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Kahr Arms	KP4043N / Stainless Steel, Polymer	Pistol	3.54"	.40 S&W	01/01/23	
Kahr Arms	KP4044 / Stainless Steel, Polymer	Pistol	3.54"	.40 S&W	01/01/23	
Kahr Arms	KP4044N / Stainless Steel, Polymer	Pistol	3.54"	.40 S&W	01/01/23	
Kahr Arms	KP4543 / Stainless Steel, Polymer	Pistol	3.5"	.45 ACP	01/01/23	

Case 8:22-cv-01421-		#:837		-	of 218 Page ID
Case 8:22-cv-0142	1-CJC-ADS Docum	ent 24-1 #:244	Filed 11/15/22	Page 69 of 2	219 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Kahr Arms	KP4543N / Stainless Steel, Polymer	Pistol	3.5"	.45 ACP	01/01/23
Kahr Arms	KP4544 / Stainless Steel, Polymer	Pistol	3.5"	.45 ACP	01/01/23
Kahr Arms	KP9093A / Stainless Steel, Polymer	Pistol	3.5"	9mm	01/01/23
Kahr Arms	KP9093NA / Stainless Steel, Polymer	Pistol	3.5"	9mm	01/01/23
Kahr Arms	KP9094A / Stainless Steel, Polymer	Pistol	3.5"	9mm	01/01/23
Kahr Arms	KP9094A (SN tag on grip) / Stainless Steel, Polymer	Pistol	3.5"	9mm	01/01/23

Case 8:22-cv-01421-	CJC-ADS Docume	ent 48-12 #:838	Filed 01/27/2	23 Page 69 c	of 218 Page ID
Case 8:22-cv-0142	1-CJC-ADS Docum		-iled 11/15/22	Page 70 of 2	19 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Kahr Arms	KP9094NA / Stainless Steel, Polymer	Pistol	3.5"	9mm	01/01/23
Kahr Arms	M4043A / Stainless Steel	Pistol	3"	.40 S&W	01/01/23
Kahr Arms	M4043NA / Stainless Steel	Pistol	3"	.40 S&W	01/01/23
Kahr Arms	M4048A / Stainless Steel	Pistol	3"	.40 S&W	01/01/23
Kahr Arms	M4048NA / Stainless Steel	Pistol	3"	.40 S&W	01/01/23
Kahr Arms	M9093A / Stainless Steel	Pistol	3"	9mm	01/01/23
Kahr Arms	M9093NA / Stainless Steel	Pistol	3"	9mm	01/01/23
Kahr Arms	M9098A / Stainless Steel	Pistol	3"	9mm	01/01/23

С	ase 8:22-cv-01421-		#:839			
	Case 8:22-cv-0142	I-CJC-ADS DOCU	#:246	-lieu 11/15/22	Page /10	f 219 Page ID
	Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
	Kahr Arms	M9098A (Checkering Grip) / Stainless Steel	Pistol	3"	9mm	01/01/23
	Kahr Arms	M9098NA / Stainless Steel	Pistol	3"	9mm	01/01/23
	Showing 261 to 280) of 818 entries				
		Previous 1	13	14 1	5	41 Next
	•					•

View list of handgun models whose status has changed recently:

• Recently Added Handgun Models

Models added recently to the Roster of Handguns certified for sale.

Recently Removed Handgun Models

Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.



Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 71 of 218 Page ID #:840 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 72 of 219 Page ID #:247



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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found atalifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 72 of 218 Page ID #:841 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 73 of 219 Page ID #:248 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found Manufacturer:

Manufacturer:		Search:				
- Any - 🗸		for Manufacturer, Model, Gun Type, Barrel Ler				
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Exp Dat	
Kahr Arms	P380 (KP38233/KP38233N) / Polymer Frame; Stainless Steel Slide	Pistol	2.5"	.380 ACP	01/(
Kahr Arms	PM4043 / Stainless Steel, Polymer	Pistol	3"	.40 S&W	01/(
Kahr Arms	PM4043N / Stainless Steel, Polymer	Pistol	3"	.40 S&W	01/(
Kahr Arms	PM4044 / Stainless Steel, Polymer	Pistol	3"	.40 S&W	01/(
Kahr Arms	PM9093A / Stainless Steel, Polymer	Pistol	3"	9mm	01/(
Kahr Arms	PM9093A (SN tag on grip) / Stainless Steel, Polymer	Pistol	3"	9mm	01/(

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 73 of 218 Page ID #:842

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 74 of 219 Page ID #:249

	#.249				
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Exp Dat
Kahr Arms	PM9093NA / Stainless Steel, Polymer	Pistol	3"	9mm	01/(
Kahr Arms	PM9094A / Stainless Steel, Polymer	Pistol	3"	9mm	01/(
Kahr Arms	PM9094NA / Stainless Steel, Polymer	Pistol	3"	9mm	01/(
Kahr Arms	PM9094NA (SN tag on grip) / Stainless Steel; Polymer	Pistol	3"	9mm	01/(
Kimber	Comp. Stnls II / Stainless Steel	Pistol	4"	.45 ACP	01/(
Kimber	Compact CDP II / Stainless Steel, Alum. Alloy	Pistol	4"	.45 ACP	01/(
Kimber	Custom CDP II / Stainless Steel, Alloy	Pistol	5"	.45 ACP	01/(
Kimber	Custom II / Blue Steel	Pistol	5"	.45 ACP	01/(
Kimber	Custom II (NRA Freedom Warrior) / Steel	Pistol	5"	.45 ACP	01/(
Kimber	Custom Target II / Blue Steel	Pistol	5"	.45 ACP	01/(

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 74 of 218 Page ID #:843

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 75 of 219 Page ID #:250

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Exp Dat		
Kimber	Custom TLE II / Blue Steel	Pistol	5"	.45 ACP	01/(
Kimber	Custom TLE/RL II / Blue Steel	Pistol	5"	.45 ACP	01/(
Kimber	Eclipse Custom II / Stainless Steel	Pistol	5"	.45 ACP	01/(
Kimber	Eclipse Custom II / Stainless Steel	Pistol	5"	10mm	01/(
Showing 281 to 300 of 818 entries							
4	Previous 1 14	4 15	16	41 1	Next		

View list of handgun models whose status has changed recently:

• Recently Added Handgun Models

Models added recently to the Roster of Handguns certified for sale.

 Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 75 of 218 Page ID #:844 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 76 of 219 Page ID #:251



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Attorney General

Handguns Certified for Sale

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Additional information on the Roster of Certified Handguns can be found atalifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 76 of 218 Page ID #:845 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 77 of 219 Page ID #:252 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:				
- Any - 🗸 🗸			for Manufacturer, Model, Gun Type, Barrel Ler				
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date		
Kimber	Eclipse Pro II / Stainless Steel	Pistol	4"	.45 ACP	01/01/23		
Kimber	Eclipse Pro Target II / Stainless Steel	Pistol	4"	.45 ACP	01/01/23		
Kimber	Eclipse Target II / Stainless Steel	Pistol	5"	.45 ACP	01/01/23		
Kimber	Eclipse Ultra II / Stainless Steel	Pistol	3"	.45 ACP	01/01/23		

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ase 8:22-cv-01421-	CJC-ADS Docu	ument 48-12 #:846	Filed 01/27/2	23 Page 77 o	of 218 Page
Case 8:22-cv-0142	1-CJC-ADS Doc		Filed 11/15/22	2 Page 78 of 2	219 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Kimber	Gold Combat Stnls II / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Kimber	Gold Match II / Blue Steel	Pistol	5"	.45 ACP	01/01/23
Kimber	K6S (Brushed Steel) / Stainless Steel	Revolver	2"	.357 Magnum	01/01/23
Kimber	K6S (Deluxe Carry Revolver) / Stainless Steel	Revolver	2"	.357 Magnum	01/01/23
Kimber	K6S (Laser Grip) (Brushed Steel) / Stainless Steel	Revolver	2"	.357 Magnum	01/01/23
Kimber	K6S (Satin) / Stainless Steel	Revolver	2"	.357 Magnum	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 78 of 218 Page ID #:847

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 79 of 219 Page ID #:254

		#:254			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Kimber	K6S DASA 2 / Stainless Steel; Wood	Revolver	2"	.357 Magnum	01/01/23
Kimber	K6S DASA 3 / Stainless Steel; Wood	Revolver	3"	.357 Magnum	01/01/23
Kimber	K6S DASA 4 Target / Stainless Steel	Revolver	4"	.357 Magnum	01/01/23
Kimber	K6S DASA 4" COMBAT / Stainless Steel	Revolver	4"	.357 Magnum	01/01/23
Kimber	K6S DASA 4" TARGET GFO / Stainless Steel	Revolver	4"	.357 Magnum	01/01/23
Kimber	K6S DC (NS) / Stainless Steel	Revolver	2"	.357 Magnum	01/01/23

Case 8:22-cv-01421 Case 8:22-cv-014	-CJC-ADS Docu 21-CJC-ADS Doc	#:848		/23 Page 79 2 Page 80 of	-
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Kimber	K6S Stainless / Stainless Steel	Revolver	3"	.357 Magnum	01/01/23
Kimber	K6S Stainless 2 / Stainless Steel; Wood	Revolver	2"	.357 Magnum	01/01/23
Kimber	K6S Stainless 3 / Stainless Steel; Rubber	Revolver	3"	.357 Magnum	01/01/23
Kimber	Pro Carry HD II / Stainless Steel	Pistol	4"	.45 ACP	01/01/23
Showing 301 to 32	20 of 818 entries				
4	Previous 1	15	16	17	41 Next

View list of handgun models whose status has changed recently:

Recently Added Handgun Models
 Models added recently to the Roster of Handguns certified for sale.

 Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 81 of 218 Page ID #:850 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 82 of 219 Page ID #:257



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ROB BONTA

Attorney General

Handguns Certified for Sale

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818 handguns found

Manufacturer:			Search:			
- Any -		~	for Manufacturer, Model, Gun Type,		n Type, Barrel Ler	
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Kimber	Pro Carry HDII Super / Stainless Steel	Pistol	4"	.38 Super	01/01/23	
Kimber	Pro Carry II / Blue Steel, Aluminum	Pistol	4"	.45 ACP	01/01/23	
Kimber	Pro CDP II / Stainless Steel, Alum. Alloy	Pistol	4"	.45 ACP	01/01/23	
Kimber	Pro Tactical II / Blue Steel, Aluminum	Pistol	4"	.45 ACP	01/01/23	
Kimber	Raptor II / Blue Steel	Pistol	5"	.45 ACP	01/01/23	

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Case 8:22-cv-01421- Case 8:22-cv-0142	CJC-ADS Docume	#:852	Filed 01/27/2	-	-
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Kimber	Rimfire Super / Lightweight Alloy	Pistol	5"	.22 LR	01/01/23
Kimber	Rimfire Target II Black / Lightweight Alloy	Pistol	5"	.22 LR	01/01/23
Kimber	Rimfire Target Silver / Lightweight Alloy	Pistol	5"	.22 LR	01/01/23
Kimber	Stainless Gold Match II / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Kimber	Stainless II / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Kimber	Stainless Raptor II / Stainless Steel	Pistol	5"	.45 ACP	01/01/23

Case 8:22-cv-01421- Case 8:22-cv-0142	CJC-ADS Docume	#:853		23 Page 84 o Page 85 of 2	-
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Kimber	Stainless Target 10mm II / Stainless Steel	Pistol	5"	10mm	01/01/23
Kimber	Stainless Target 9mm II / Stainless Steel	Pistol	5"	9mm	01/01/23
Kimber	Stainless TLE II / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Kimber	Stainless TLE/RL II / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Kimber	Stnls Pro Carry II / Stainless Steel, Alum. Alloy	Pistol	4"	.45 ACP	01/01/23
Kimber	Stnls Target II / Stainless Steel	Pistol	5"	.45 ACP	01/01/23

ase 8:22-cv-01421-0	CJC-ADS Docum	ent 48-12 #:854	Filed 01/27/2	23 Page 85	of 218 Page II
Case 8:22-cv-0142	1-CJC-ADS Docum	nent 24-1 I #:261	-iled 11/15/22	Page 86 of	219 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Kimber	Stnls Ultra Carry II / Stainless Steel, Alum. Alloy	Pistol	3"	.45 ACP	01/01/23
Kimber	Stnls Ultra Carry II Freedom Defender / Stainless Steel, Alum. Alloy	Pistol	3"	.45 ACP	01/01/23
Kimber	Super Match II / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Showing 321 to 34() of 818 entries				
4	Previous 1	16	17 1	8	41 Next

View list of handgun models whose status has changed recently:

• Recently Added Handgun Models

Models added recently to the Roster of Handguns certified for sale.

Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the

Roster. These models may no longer be sold, offered for sale, or manufactured in California.

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ROB BONTA

Attorney General

Handguns Certified for Sale

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IMPORTANT INFORMATION:

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 88 of 218 Page ID #:857 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 89 of 219 Page ID #:264 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:		
- Any -		~	for Manufacturer, Model, Gun Type, E		Type, Barrel Ler
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Kimber	Tactical Custom II / Blue Steel	Pistol	5"	.45 ACP	01/01/23
Kimber	Ult Carry ll / Blue Steel, Alum. Alloy	Pistol	3"	.45 ACP	01/01/23
Kimber	Ultra CDP II / Stainless Steel, Alum. Alloy	Pistol	3"	.45 ACP	01/01/23
Kimber	Ultra Covert II / Steel, Aluminum Alloy	Pistol	3"	.45 ACP	01/01/23
Kimber	Ultra Raptor II / Blue Steel, Alum. Alloy	Pistol	3"	.45 ACP	01/01/23

Case 8:22-cv-01421- Case 8:22-cv-0142	CJC-ADS Documer	#:858	Filed 01/27/2 iled 11/15/22	•	
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Kimber	Warrior II / Blue Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	Concept l / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	Concept l (1.5" Group) / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	Concept II / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	Concept ll (1.5" Group) / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	Custom Carry (1.5" Group) / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	Custom Carry (Blue) / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	DCM National Match Hardball 5" / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	PPC Distinguished / Steel	Pistol	5"	.45 ACP	01/01/23

	CJC-ADS Documer	#:859		•	of 218 Page ID 219 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Les Baer	PPC Distinguished (1.5" Group) / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	Premier II / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	Premier II (1.5" Group) / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	S.R.P. / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	S.R.P. (1.5" Group) / Steel	Pistol	5"	.45 ACP	01/01/23
Les Baer	Super Tac / Steel	Pistol	5"	.45 ACP	01/01/23
Showing 341 to 36	0 of 818 entries				
4	Previous 1	17	18 1	9	41 Next

View list of handgun models whose status has changed recently:

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Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 93 of 218 Page ID #:862
 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 94 of 219 Page ID #:269
 Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:			
- Any -		*	for Manufacturer, Model, Gun Type, Barrel Ler			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Les Baer	Super Tac (1.5" Group) / Steel	Pistol	5"	.45 ACP	01/01/23	
Les Baer	Thunder Ranch / Steel	Pistol	5"	.45 ACP	01/01/23	
Les Baer	Thunder Ranch (1.5" Group) / Steel	Pistol	5"	.45 ACP	01/01/23	
Les Baer	Ultimate Master Combat / Steel	Pistol	5"	.45 ACP	01/01/23	

Case 8:22-cv-01421-CJC-	ADS Docu	iment 48-12 #:863	-iled 01/27/23	Page 94 of 218	Page ID
Case 8:22-cv-01421-CJ	C-ADS Doc	ument 24-1 Fi #:270	iled 11/15/22 F	Page 95 of 219 P	age ID
Manufacturer M	odel	Gun Type	Barrel Length	Exp Caliber Da	oired te

Manufacturer	Model	Туре	Length	Caliber	Date
Les Baer	Ultimate Master Combat (1.5" Group) / Steel	Pistol	5"	.45 ACP	01/01/23
Magnum Research	DE44CA (Black) (Made in USA) / Steel	Pistol	6"	.44 Magnum	01/01/23
Magnum Research	DE44CA BC / Steel	Pistol	6"	.44 Magnum	01/01/23
Magnum Research	DE44CABB (Burnt Bronze) / Steel	Pistol	6"	.44 Magnum	01/01/23
Magnum Research	DE44CABB (Burnt Bronze) (Made in USA) / Steel	Pistol	6"	.44 Magnum	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 95 of 218 Page ID #:864

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 96 of 219 Page ID #:271

Manufacturer	Model	#:271 Gun Type	Barrel Length	Caliber	Expired Date
Magnum Research	DE44CABC (Brushed Chrome) (Made in USA) / Steel	Pistol	6"	.44 Magnum	01/01/23
Magnum Research	DE44CAPC (Polished Chrome) / Steel	Pistol	6"	.44 Magnum	01/01/23
Magnum Research	DE44CATU (Tungsten Cerakote) / Steel	Pistol	6"	.44 Magnum	01/01/23
Magnum Research	DE44CATU (Tungsten Cerakote) (Made in USA) / Steel	Pistol	6"	.44 Magnum	01/01/23
Nighthawk Custom	GRP / Steel	Pistol	5"	.45 ACP	01/01/23
Nighthawk Custom	GRP RECON / Steel	Pistol	5"	.45 ACP	01/01/23
Nighthawk Custom	Mongoose / Steel	Revolver	4"	.357 Magnum	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 96 of 218 Page ID #:865

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 97 of 219 Page ID #:272

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Nighthawk Custom	NXS 8-shot 4" / Steel	Revolver	4"	.357 Magnum	01/01/23
Nighthawk Custom	NXS 8-shot 6" / Steel	Revolver	6"	.357 Magnum	01/01/23
Nighthawk Custom	Predator / Steel	Pistol	5"	.45 ACP	01/01/23
Nighthawk Custom	Predator (Blue) / Steel	Pistol	5"	.45 ACP	01/01/23
Showing 361 to 380	0 of 818 entries				
4	Previous 1	18	19	20	41 Next

View list of handgun models whose status has changed recently:

- Recently Added Handgun Models
 Models added recently to the Roster of Handguns certified for sale.
- Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 97 of 218 Page ID #:866 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 98 of 219 Page ID #:273



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ROB BONTA

Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 98 of 218 Page ID #:867 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 99 of 219 Page ID #:274 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:		Sea	Search:				
- Any -		✓ for	Manufacturer, N	lodel, Gun Type,	Barrel Ler		
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expire Date		
Nighthawk Custom	Predator (Sniper Gray) / Steel	Pistol	5"	.45 ACP	01/01		
Nighthawk Custom	Predator II (Black/Blue) / Steel	Pistol	4.33"	.45 ACP	01/01		
Nighthawk Custom	Predator ll (Black/Sniper Gray) / Steel	Pistol	4.33"	.45 ACP	01/01		
Nighthawk Custom	Predator II (Blued) / Steel	Pistol	4.33"	.45 ACP	01/01		
Nighthawk Custom	Predator III (Black/Sniper Gray) / Steel	Pistol	4.33"	.45 Auto	01/01		

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 99 of 218 Page ID #:868

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 100 of 219 Page ID #:275

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expire Date
Nighthawk Custom	Predator III (Black/Titanium Blue) / Steel	Pistol	4.33"	.45 Auto	01/01
Nighthawk Custom	Predator III-T / Steel	Pistol	4.33"	.45 Auto	01/01
Nighthawk Custom	T3 / Steel	Pistol	4.25"	.45 ACP	01/01
Nighthawk Custom	Talon (Black) / Steel	Pistol	5"	.45 ACP	01/01
Nighthawk Custom	Talon (Blue) / Steel	Pistol	5"	.45 ACP	01/01
Nighthawk Custom	Talon (Chrome Plating) / Steel	Pistol	5"	.45 ACP	01/01
Nighthawk Custom	Talon (Sniper Gray) / Steel	Pistol	5"	.45 ACP	01/01
Nighthawk Custom	Talon II (Black/Sniper Gray) / Steel	Pistol	4.25"	.45 ACP	01/01
Nighthawk Custom	Talon II (Black/Titanium Blue) / Steel	Pistol	4.25"	.45 ACP	01/01
Nighthawk Custom	Talon II (Blued) / Steel	Pistol	4.25"	.45 ACP	01/01

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 101 of 219 Page ID #:276

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expire Date
Nighthawk Custom	Talon III (Black/Blue) / Steel	Pistol	4.25"	.45 ACP	01/01
Nighthawk Custom	Talon III (Black/Sniper Gray) / Steel	Pistol	4.25"	.45 ACP	01/01
Nighthawk Custom	Talon III (Blued) / Steel	Pistol	4.25"	.45 ACP	01/01
North American Arms	NAA-22LR / Stainless Steel	Revolver	1.125"	.22 LR	01/01
North American Arms	NAA-22MS / Stainless Steel	Revolver	1.125"	.22 Magnum	01/01
Showing 381 to 40	0 of 818 entries				
4	Previous 1	19 2	.0 21	41	Next

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Recently Added Handgun Models

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Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 103 of 218 Page ID #:872 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 104 of 219 Page ID #:279 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

	Search:	
- Any - 🗸	for Manufacturer, Model, Gun Type, Bar	rel Ler
Gun	Barrel Expir	ed

Manufacturer	Model	Gun Туре	Length	Caliber	Date
Phoenix Arms	HP22A (Blue) / Alloy	Pistol	5"	.22 LR	01/01/23
Phoenix Arms	HP22A (Blue) / Alloy	Pistol	3"	.22 LR	01/01/23
Phoenix Arms	HP22A (Nickel) / Alloy	Pistol	5"	.22 LR	01/01/23
Phoenix Arms	HP22A (Nickel) / Alloy	Pistol	3"	.22 LR	01/01/23
Phoenix Arms	HP25A (Blue) / Steel, Zinc	Pistol	3"	.25 ACP	01/01/23
Phoenix Arms	HP25A (Nickel) / Steel, Zinc	Pistol	3"	.25 ACP	01/01/23

ase 8:22-cv-01421-C	CJC-ADS Docume	nt 48-12 F #:873	-iled 01/27/2	3 Page 104	of 218 Page
Case 8:22-cv-01421	-CJC-ADS Docume		iled 11/15/22	Page 105 of	219 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Seecamp	LWS 32 CA Edition (Blk) / Stainless Steel	Pistol	2.13"	.32 ACP	01/01/23
Seecamp	LWS 32 CA Edition (Milford, CT) / Stainless Steel	Pistol	2.13"	.32 ACP	01/01/23
Seecamp	LWS 32 CA Edition (Southwick, MA) (Stnls) / Stainless Steel	Pistol	2.13"	.32 ACP	01/01/23
Sig Sauer	1911 (Blued) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Sig Sauer	1911 (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Sig Sauer	1911 Railed (Blued) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23

ase 8:22-cv-01421-C		#:874			-
Case 8:22-cv-01421	L-CJC-ADS Docum	#:281		Page 106 of	-
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sig Sauer	1911 Railed (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Sig Sauer	1911 Target (Blued) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Sig Sauer	1911 Target (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Sig Sauer	1911 Target Railed (Blued) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Sig Sauer	1911 TTT (Two- tone/Wood Grip) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Sig Sauer	1911 XO (Blued) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23

Ca	se 8:22-cv-01421-0 Case 8:22-cv-0142:	CJC-ADS Docume	#:875		•	
	Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
	Sig Sauer	1911 XO (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
	Sig Sauer	238-380- TSS1-CA / Stainless Steel; Alloy	Pistol	2.835"	.380 ACP	01/01/23
	Showing 401 to 42	0 of 818 entries				
	<	Previous 1	20	21 2		41 Next

View list of handgun models whose status has changed recently:

Recently Added Handgun Models

Models added recently to the Roster of Handguns certified for sale.

 Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.



Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 107 of 218 Page ID #:876 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 108 of 219 Page ID #:283



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Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 108 of 218 Page ID #:877 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 109 of 219 Page ID #:284 Alterations of a single shot pistol (i.e. changing upper receivers, connecting • gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe

handguns.

818 handguns found Manufacturar

Manufacturer:			Search: for Manufacturer, Model, Gun Type, Barrel Ler			
- Any - 🗸 🗸						
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Sig Sauer	P220 (Stainless) 220-45-SSS- CA / Stainless Steel	Pistol	4.4"	.45 ACP	01/01/23	
Sig Sauer	P220R (Blued) / Stainless Steel, Alloy	Pistol	4.4"	.45 ACP	01/01/23	
Sig Sauer	P220R (Equinox) 220R-45-EQ- CA / Alloy; Steel	Pistol	4.4"	.45 ACP	01/01/23	

Case 8:22-cv-01421-CJC-ADS	Document 48-12 #:878		Page 109 of 21	L8 Page ID
Case 8:22-cv-01421-CJC-ADS	Document 24-1 #:285	Filed 11/15/22	Page 110 of 219	Page ID

		#:285			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sig Sauer	P220R Carry (Blued) 220R3-45-B / Stainless Steel, Alloy	Pistol	3.9"	.45 ACP	01/01/23
Sig Sauer	P220R Carry (Equinox) / Stainless Steel, Alloy	Pistol	3.9"	.45 ACP	01/01/23
Sig Sauer	P220R Combat (Dark Earth) / Stainless Steel, Alloy	Pistol	4.4"	.45 ACP	01/01/23
Sig Sauer	P226 Scorpion 226R-9- SCPN-CA / Steel	Pistol	4.40"	9mm	01/01/23
Sig Sauer	P226 Extreme 226R-9-XTM- BLKGRY-CA / Steel	Pistol	4.40"	9mm	01/01/23

Case 8:22-cv-01421-CJC-ADS	Document 48-12	Filed 01/27/23	Page 110 of 218	Page ID		
#:879						
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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 111 of 219 Page ID #:286

		#:286 Gun	Barrel		Expired
Manufacturer	Model	Туре	Length	Caliber	Date
Sig Sauer	P226 MK-25 Navy Version (Black) MK- 25-CA / Stainless Steel; Alloy	Pistol	4.40"	9mm	01/01/23
Sig Sauer	P226R 226R- 40-BSS-CA / Alloy; Steel	Pistol	4.41"	.40 S&W	01/01/23
Sig Sauer	P226R (Black) 226R- 9-BSS-CA / Stainless Steel; Alloy	Pistol	4.40"	9mm	01/01/23
Sig Sauer	P226R Equinox 226R-40-EQ / Stainless Steel, Alloy	Pistol	4.4"	.40 S&W	01/01/23
Sig Sauer	P229 (Black) 229R-9-BSS- CA / Alloy; Steel	Pistol	3.9"	9mm	01/01/23

	Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 111 of 218 Page ID #:880 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 112 of 219 Page ID						
	Manufacturer	Model	#:287 Gun Type	Barrel Length	Caliber	Expired Date	
_	Sig Sauer	P229R Enhanced	Pistol	3.9"	.40 S&W	01/01/23	

Pistol

3.9"

9mm

01/01/23

Elite (Black)

Steel; Alloy

P229R

Sig Sauer

229R-40-ESE-CA / Stainless

0	Enhanced Elite (Black) 229R-9-ESE- CA / Stainless Steel; Alloy				
Sig Sauer	P232 (Stainless) 232-380-SSS / Stainless Steel	Pistol	3.7"	.380 ACP	01/01/23
Sig Sauer	P232 (Stainless) Hogue Grips / Stainless Steel	Pistol	3.7"	.380 ACP	01/01/23
Sig Sauer	P238 238- 380-HD-CA / Stainless Steel	Pistol	2.82"	.380 Auto	01/01/23

Ca	Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 112 of 218 Page ID #:881						
	Case 8:22-cv-01422	L-CJC-ADS Docum	ent 24-1 F #:288	iled 11/15/22	Page 113 of	219 Page ID	
	Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
	Sig Sauer	P238 238- 380-HD2-CA / Stainless Steel	Pistol	2.82"	.380 Auto	01/01/23	
	Sig Sauer	P238 238- 380-TSS2-CA / Stainless Steel; Alloy	Pistol	2.835"	.380 ACP	01/01/23	
Showing 421 to 440 of 818 entries							
		Previous 1	21	22 2	.3 4	11 Next	
	4					•	

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Recently Added Handgun Models

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 113 of 218 Page ID #:882 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 114 of 219 Page ID #:289



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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 114 of 218 Page ID #:883 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 115 of 219 Page ID #:290 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:		Search:						
- Any -		← for Manufacturer, Model, Gun Type, Barrel L						
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expiı Date			
Sig Sauer	P238 (Two- Tone) 238-380- TSS-CA / Stainless Steel; Alloy	Pistol	2.835"	.380 ACP	01/0′			
Sig Sauer	P239 (Blued) / Stainless Steel, Alloy	Pistol	3.6"	9mm	01/01			
Sig Sauer	P239 (Blued) / Stainless Steel, Alloy	Pistol	3.6"	.357 SIG	01/01			
Sig Sauer	P239 (Blued) / Stainless Steel, Alloy	Pistol	3.6"	.40 S&W	01/01			

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 115 of 218 Page ID #:884

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 116 of 219 Page ID #:291

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expiı Date
Sig Sauer	P239 SAS (2 Tone) 239-40- SAS / Stainless Steel, Polymer	Pistol	3.6"	.40 S&W	01/0′
Sig Sauer	P6 (P.W. Arms) / Alloy; Steel	Pistol	3.9"	9mm	01/01
Sig Sauer	SP2022 (Blued) / Stainless Steel, Polymer	Pistol	3.8"	.40 S&W	01/0′
Sig Sauer	SP2022 (Blued) / Stainless Steel, Polymer	Pistol	3.8"	9mm	01/0′
Smith & Wesson	.500 Interchangeable Compensator SKU 163501A / Stainless Steel	Revolver	8.375"	.500 S&W	01/0 ⁻
Smith & Wesson	10-14 (Wood Grip) SKU 150786 / Steel	Revolver	4"	.38 Spl	01/0′
Smith & Wesson	17-9 Masterpiece SKU 150477A / Steel	Revolver	6"	.22 LR	01/01
Smith & Wesson	19-9 Classic SKU 12040 / Steel; Wood grip	Revolver	4.25"	.357 Magnum	01/01

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 116 of 218 Page ID #:885

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 117 of 219 Page ID #:292

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expiı Date
Smith & Wesson	19-9 PC K Comp SKU 12039 / Steel; Wood grip	Revolver	3"	.357 Magnum	01/0′
Smith & Wesson	19-9 SKU 13323 / Stainless Steel; Alloy	Revolver	2.5"	.357 Magnum	01/0′
Smith & Wesson	22A-1 (Bull Barrel) SKU 107431 / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	01/0′
Smith & Wesson	22A-1 Gray Frame SKU 107412 / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	01/0′
Smith & Wesson	22A-1 SKU 107410 / Alloy; Stainless Steel	Pistol	5.5"	.22 LR	01/0′
Smith & Wesson	25-15 (Blue) SKU 150256A / Steel	Revolver	6.5"	.45 Colt	01/0′
Smith & Wesson	27-9 (Blue) SKU 150341A / Steel	Revolver	6.5"	.357 Magnum	01/0′
Smith & Wesson	29-10 (Blue) SKU 150145A / Steel	Revolver	6.5"	.44 Magnum	01/0′

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 117 of 218 Page ID #:886 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 118 of 219 Page ID #:293

Showing 441 to 460 of 818 entries

	Previous	1	•••	22	23	24	•••	41	Next
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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 118 of 218 Page ID #:887 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 119 of 219 Page ID #:294



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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 119 of 218 Page ID #:888 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 120 of 219 Page ID #:295 Alterations of a single shot pistol (i.e. changing upper receivers, connecting • gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe

handguns.

818 handguns found Manufacturer:

Manufacturer:			Search:			
- Any - 🗸 🗸			for Manufacturer, Model, Gun Type, Ba			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Smith & Wesson	317 SKU 160221B / Alloy	Revolver	3"	.22 LR	01/01/23	
Smith & Wesson	317-3 (S&W Logo Grip) SKU 160221A / Aluminum Alloy	Revolver	3"	.22 LR	01/01/23	
Smith & Wesson	325 Thunder Ranch (Mte Blk) SKU 170316A / Alloy; Steel	Revolver	4"	.45 ACP	01/01/23	

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 120 of 218 Page ID #:889

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 121 of 219 Page ID #:296

		#:296			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	327 SKU 170245A / Alloy; Titanium; Stainless Steel	Revolver	2"	.357 Magnum	01/01/23
Smith & Wesson	327 MPR8 SKU 170292A / Alloy; Stainless Steel	Revolver	5"	.357 Magnum	01/01/23
Smith & Wesson	327-1 TRR8 SKU 170269A / Alloy; Stainless Steel	Revolver	5"	.357 Magnum	01/01/23
Smith & Wesson	329PD SKU 163414A / Steel	Revolver	4"	.44 Magnum	01/01/23
Smith & Wesson	329PD (S&W Logo Grip) SKU 163414A / Steel	Revolver	4"	.44 Magnum	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 121 of 218 Page ID #:890

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 122 of 219 Page ID #:297

		#:297			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	340PD SKU 163062 / Alloy	Revolver	2"	.357 Magnum	01/01/23
Smith & Wesson	351 SKU 160228B / Aluminum Alloy	Revolver	1.875"	.22 WM	01/01/23
Smith & Wesson	351 PD SKU 160228A / Alloy	Revolver	1.875"	.22 Magnum	01/01/23
Smith & Wesson	351C (Black) SKU103351 / Aluminum Alloy	Revolver	1.875"	.22 WMR	01/01/23
Smith & Wesson	36-10 Classic (Blue) SKU 150184 / Steel	Revolver	1.87"	.38 Spl	01/01/23
Smith & Wesson	360J SKU 11713 / Scandium alloy; Stainless Steel	Revolver	1.875"	.357 Magnum	01/01/23

125

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 123 of 219 Page ID #:298

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	360PD (S&W Logo Grip) SKU 163064 / Alloy; Titanium; Stainless Steel	Revolver	1.87"	.357 Magnum	01/01/23
Smith & Wesson	43C SKU 103043B / Aluminum Alloy	Revolver	1.875"	.22 LR	01/01/23
Smith & Wesson	43C (Matte Black) SKU 103043A / Steel	Revolver	1.875"	.22 LR	01/01/23
Smith & Wesson	442 CT Grip SKU 12643 / Alloy; Stainless Steel	Revolver	1.875"	.38 Special + P	01/01/23

Case 8:22-cv-01421-C		#:8 92		-	-
Manufacturer	Model	#:299 Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	442-1 (Matte Black) SKU 178041 / Alloy; Stainless Steel	Revolver	1.875"	.38 Spl	01/01/23
Smith & Wesson	442-2 SKU 162810B / Alloy; Steel	Revolver	1.875"	.38 S&W Special	01/01/23
Showing 461 to 480) of 818 entries				
4	Previous 1	23	24 2	.5 4	41 Next

View list of handgun models whose status has changed recently:

- Recently Added Handgun Models
 Models added recently to the Roster of Handguns certified for sale.
- Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 124 of 218 Page ID #:893 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 125 of 219 Page ID #:300



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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found at alifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 125 of 218 Page ID #:894 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 126 of 219 Page ID #:301 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:		
- Any -		~	for Manufact	urer, Model, Gun	Type, Barrel Ler
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	442-2 (Burnt Bronze Cerakote) SKU13629 / Alloy; Steel	Revolver	1.875"	.38 S&W Special	01/01/23
Smith & Wesson	442-2 (Internal Lock) SKU 162810A / Aluminum Alloy; Steel	Revolver	1.875"	.38 S&W Special	01/01/23
Smith & Wesson	460 Hunter SKU 170262A / Steel	Revolver	10.5"	.460 S&W Magnum	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 126 of 218 Page ID #:895

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 127 of 219 Page ID #:302

Manufacturer	Model	#:302 Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	460 Hunter SKU 170280A / Steel	Revolver	12"	.460 S&W	01/01/23
Smith & Wesson	460 XVR SKU 163460A / Stainless Steel	Revolver	8.375"	.460 Magnum	01/01/23
Smith & Wesson	460 XVR SKU 170350 / Stainless Steel	Revolver	3.5"	460 S&W Magnum	01/01/23
Smith & Wesson	460 XVR Hunter SKU 170339 / Stainless Steel	Revolver	14"	.460 S&W	01/01/23
Smith & Wesson	460V SKU 163465A / Steel	Revolver	5"	.460 S&W Magnum	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 127 of 218 Page ID #:896

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 128 of 219 Page ID #:303

		#:303			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	48-7 (Black) SKU 150717A / Steel	Revolver	4"	.22 Win. Magnum	01/01/23
Smith & Wesson	48-7 (Black) SKU 150718A / Steel	Revolver	6"	.22 Win. Magnum	01/01/23
Smith & Wesson	500 (Satin Stainless) SKU 163565 / Stainless Steel	Revolver	6.5"	.500 S&W Magnum	01/01/23
Smith & Wesson	500 Hunter SKU 170231A / Steel	Revolver	10.5"	.500 S&W Magnum	01/01/23
Smith & Wesson	500 Hunter (Matte Silver) SKU 170299A / Stainless Steel	Revolver	7.5"	.500 S&W Magnum	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 129 of 219 Page ID #:304

Manufacturer	Model	Gun	Barrel	Caliber	Expired Date
Smith & Wesson	500 SKU 163500A / Stainless Steel	Type Revolver	Length 8.375"	.500 S&W	01/01/23
Smith & Wesson	57-6 (Blue) SKU 150481A / Steel	Revolver	6"	.41 Magnum	01/01/23
Smith & Wesson	586-7 L- Comp SKU 170170 / Carbon Steel	Revolver	3"	.357 Magnum	01/01/23
Smith & Wesson	586-8 (Blue) SKU 150908 / Steel	Revolver	6"	.357 Magnum	01/01/23
Smith & Wesson	586-8 (Blue) SKU 150909 / Steel	Revolver	4"	.357 Magnum	01/01/23
Smith & Wesson	60-14 SKU 162430 / Stainless Steel	Revolver	3"	.357 Magnum	01/01/23

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Case 8:22-cv-01421-CJC-ADS	Document 24-1 #:305	Page 130 of 219	Page ID

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	60-14 (S&W Logo Grip) SKU 162420 / Stainless Steel	Revolver	2.12"	.357 Magnum	01/01/23
Showing 481 to 500	0 of 818 entries				
	Previous 1	24	25	26	41 Next
•					•

View list of handgun models whose status has changed recently:

- Recently Added Handgun Models
 Models added recently to the Roster of Handguns certified for sale.
- Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found at alifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 131 of 218 Page ID #:900 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 132 of 219 Page ID #:307 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:		Se	arch:		
- Any -		✓	Manufacturer	, Model, Gun Typ	e, Barrel Ler
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	60-14 Lady Smith SKU 162414A / Steel	Revolver	2.125"	.357 Magnum	01/01/2
Smith & Wesson	60-15 (S&W Logo Grip) SKU 162430 / Stainless Steel	Revolver	3"	.357 Magnum	01/01/2
Smith & Wesson	60-15 (S&W Logo Grip) (NRA Engraved) SKU 12489 / Stainless Steel	Revolver	3"	.357 Magnum	01/01/2

Ca	ase 8:22-cv-01421-C Case 8:22-cv-01421	JC-ADS Documen	#:901		-	-
	Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
	Smith & Wesson	60-15 Pro Series SKU 178013A / Steel	Revolver	3"	.357 Magnum	01/01/2
	Smith & Wesson	617-6 (S&W Logo Grip) SKU 160578 / Stainless Steel	Revolver	6"	.22 LR	01/01/2
	Smith & Wesson	617-6 SKU 160584A / Stainless Steel	Revolver	4"	.22 LR	01/01/2
	Smith & Wesson	625-8 (Satin Stnls) SKU 170161A / Steel	Revolver	4"	.45 ACP	01/01/2
	Smith & Wesson	625-8 JM SKU 160936A / Steel	Revolver	4"	.45 ACP	01/01/2
	Smith & Wesson	627-5 SKU 170210A / Steel	Revolver	5"	.357 Magnum	01/01/2

	CJC-ADS Documen	#:902		•	
Case 8:22-cv-01421	-CJC-ADS Docume	nt 24-1 Filed #:309	11/15/22 Pa Barrel	age 134 of 219	Page ID Expired
Manufacturer	Model	Туре	Length	Caliber	Date
Smith & Wesson	627-5 SKU 170296B / Stainless Steel; Wood Grip	Revolver	5"	.357 Magnum	01/01/2
Smith & Wesson	627-5 (Matte Silver) Perform Ctr SKU 170133A / Steel	Revolver	2.625"	.357 Magnum	01/01/2
Smith & Wesson	627-5 Pro Series SKU 178014A / Steel	Revolver	4"	.357 Magnum	01/01/2
Smith & Wesson	627-5 V Comp Two-Tone SKU 170296A / Steel	Revolver	5"	.357 Magnum	01/01/2
Smith & Wesson	629-6 SKU 170137B / Stainless Steel	Revolver	4"	.44 Magnum	01/01/2
Smith & Wesson	629-6 (Matte) SKU 170135A / Steel	Revolver	2.625"	.44 Magnum	01/01/2

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	629-6 Classic SKU 163638A / Steel	Revolver	6.5"	.44 Magnum	01/01/2
Smith & Wesson	629-6 Classic SKU 163636A / Steel	Revolver	5"	.44 Magnum	01/01/2
Smith & Wesson	629-6 Compensated Hunter SKU 170181A / Steel	Revolver	7.50"	.44 Magnum	01/01/2
Smith & Wesson	629-6 M629 Deluxe SKU 150714 / Stainless Steel	Revolver	6.5"	.44 Magnum	01/01/2
Smith & Wesson	629-6 M629 Deluxe 3" SKU 150715 / Stainless Steel	Revolver	3"	.44 Magnum	01/01/2

View list of handgun models whose status has changed recently:

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 Models added recently to the Roster of Handguns certified for sale.
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 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 136 of 218 Page ID #:905 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 137 of 219 Page ID #:312



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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found at alifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 137 of 218 Page ID #:906 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 138 of 219 Page ID #:313 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:		
- Any -		~	for Manufactu	ırer, Model, Gun	Type, Barrel Ler
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	629-6 SKU 163603A / Steel	Revolver	4"	.44 Magnum	01/01/23
Smith & Wesson	629-6 SKU 163606A / Stainless Steel	Revolver	6"	.44 Magnum	01/01/23
Smith & Wesson	629-6 Stealth Hunter (Matte Blk) SKU 170323A / Stainless Steel	Revolver	7.5"	.44 Magnum	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 138 of 218 Page ID #:907

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 139 of 219 Page ID #:314

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	629-6 V Comp SKU 170137A / Stainless Steel	Revolver	4"	.44 Magnum	01/01/23
Smith & Wesson	629-7 (Black) SKU 170318 / Stainless Steel	Revolver	7.5"	.44 Magnum	01/01/23
Smith & Wesson	629-8 Hunter SKU 170334 / Stainless Steel	Revolver	8.375"	.44 Magnum	01/01/23
Smith & Wesson	63-5 Hi-Viz (Satin Stnls) SKU 162634 / Stainless Steel	Revolver	3"	.22 LR	01/01/23
Smith & Wesson	637-2 SKU 150467 / Alloy	Revolver	1.875"	.38 Special	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 140 of 219 Page ID #:315

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	637-2 (S&W Logo Grip) SKU 163050 / Alloy; Stainless Steel	Revolver	1.87"	.38 Spl	01/01/23
Smith & Wesson	637-2 Laser Grip SKU 163052A / Alum Alloy; Steel	Revolver	1.875"	.38 S&W Special	01/01/23
Smith & Wesson	638-3 SKU150468 / Alloy; Steel	Revolver	1.875"	.38 S&W Special	01/01/23
Smith & Wesson	638-3 (Matte Silver) SKU 163070A / Steel; Aluminum Alloy	Revolver	1.875"	.38 S&W Special +P	01/01/23

ase 8:22-cv-01421-C Case 8:22-cv-01421		#:909		-	_
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	638-3 (S&W Logo Grip) SKU 163070 / Alloy; Stainless Steel	Revolver	1.87"	.38 Spl	01/01/23
Smith & Wesson	638-3 Laser Grip (Matte Silver) SKU 163071 / Alloy; Stainless Steel	Revolver	1.87"	.38 Spl	01/01/23
Smith & Wesson	64-8 SKU 162506A / Steel	Revolver	4"	.38 Spl	01/01/23
Smith & Wesson	640 Pro Series SKU 178044 / Steel	Revolver	2.125"	.357 Magnum	01/01/23
Smith & Wesson	640-1 SKU 103690A / Steel	Revolver	2.125"	.357 Magnum	01/01/23

Case 8:22-cv-01421-CJC-ADS	Document 48-12	Filed 01/27/23	Page 141 of 218	Page ID		
#:910						
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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 142 of 219 Page ID #:317

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	640-1 SKU150784 / Alloy; Steel	Revolver	2.125"	.357 Magnum	01/01/23
Smith & Wesson	640-3 SKU 163690 / Stainless Steel	Revolver	2.12"	.357 Magnum	01/01/23
Smith & Wesson	642 SKU 10186 / Stainless Steel	Revolver	1.875"	.38 Special + P	01/01/23
Showing 521 to 54	0 of 818 entries				
4	Previous 1	26	27 2	28 4	1 Next

View list of handgun models whose status has changed recently:

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 Models added recently to the Roster of Handguns certified for sale.
- Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 142 of 218 Page ID #:911 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 143 of 219 Page ID #:318



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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found atalifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 143 of 218 Page ID #:912 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 144 of 219 Page ID #:319 Alterations of a single shot pistol (i.e. changing upper receivers, connecting • gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe

handguns.

818 handguns found Manufacturer:

Manufacturer:			Search:				
- Any - 🗸			for Manufacturer, Model, Gun Type, Barrel Ler				
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date		
Smith & Wesson	642-1 (Matte Silver) SKU 178042 / Alloy, Stainless Steel	Revolver	1.87"	.38 Spl	01/01/2:		
Smith & Wesson	642-1 SKU 103810A / Steel; Aluminum alloy	Revolver	1.875"	.38 S&W Special +P	01/01/2:		
Smith & Wesson	642-2 (Rose Gold Cerakote) SKU 13632 / Alloy; Stainless Steel	Revolver	1.87"	.38 S&W Special	01/01/2:		

Case 8:22-cv-01422	L-CJC-ADS Docum	#:913 ent 24-1 Fileo #:320	11/15/22 F	Page 145 of 219	9 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	642-2 (S&W Logo Grip) SKU 163810 / Alloy; Stainless Steel	Revolver	1.87"	.38 Spl	01/01/2
Smith & Wesson	642-2 IL REB CT Laser Grip SKU 12555 / Alloy; Steel	Revolver	1.87"	.38 S&W Special	01/01/2
Smith & Wesson	642-2 Laser Grips SKU 163811A / Alloy; Steel	Revolver	1.875"	.38 S&W Special +P	01/01/2
Smith & Wesson	642-2 Range Kit Bundle SKU 13307 / Alloy; Stainless Steel	Revolver	1.87"	.38 Spl	01/01/2
Smith & Wesson	642-2LS SKU 163808A / Steel	Revolver	1.875"	.38 S&W Special	01/01/2
Smith & Wesson	647-1 SKU 170229A / Stainless Steel	Revolver	12"	.17 HMR	01/01/2

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 146 of 219 Page ID #:321

		#:321			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	648-2 SKU 12460 / Stainless Steel; Rubber	Revolver	6"	.22 Magnum	01/01/23
Smith & Wesson	649-5 (S&W Logo Grip) SKU 163210 / Stainless Steel	Revolver	2.12"	.357 Magnum	01/01/2:
Smith & Wesson	66-8 Combat Magnum SKU 10061 / Stainless Steel	Revolver	2.75"	.357 Magnum	01/01/2:
Smith & Wesson	66-8 SKU 162662 / Steel	Revolver	4.25"	.357 Magnum	01/01/23
Smith & Wesson	66-8 SKU 162662A / Stainless Steel Frame; Synthetic Rubber Grip; Brushed matte finish	Revolver	4.25"	.357 Magnum	01/01/23

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Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	67-5 SKU 162802A / Steel	Revolver	4"	.38 Spl	01/01/2
Smith & Wesson	686 Performance Center SKU 170346 / Steel	Revolver	2.5"	.357 Magnum	01/01/2
Smith & Wesson	686-6 Competitor SKU170319 / Alloy; Steel	Revolver	6"	.357 Magnum	01/01/2
Smith & Wesson	686-6 M686 SKU 150713 / Stainless Steel; Wood Grip	Revolver	3"	.357 Magnum	01/01/2
Smith & Wesson	686-6 M686 SKU 150853 / Stainless Steel; Wood Grip	Revolver	3"	.357 Magnum	01/01/2
Smith & Wesson	686-6 M686 SKU 150855 / Stainless Steel; Wood Grip	Revolver	7"	.357 Magnum	01/01/2

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 147 of 218 Page ID #:916 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 148 of 219 Page ID #:323

Showing 541 to 560 of 818 entries

	Previous	1	•••	27	28	29	 41	Next
•								•

View list of handgun models whose status has changed recently:

- Recently Added Handgun Models
 Models added recently to the Roster of Handguns certified for sale.
- Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found atalifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 149 of 218 Page ID #:918 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 150 of 219 Page ID #:325 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:	facturer:		Search:		
- Any -	- Any - 🗸 🗸		for Manufactu	Type, Barrel Ler	
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	686-6 7 Shot SKU 164194A / Steel	Revolver	4"	.357 Magnum	01/01/23
Smith & Wesson	686-6 M686 SKU 150712 / Stainless Steel	Revolver	6"	.357 Magnum	01/01/23
Smith & Wesson	686-6 Plus SKU 150854 / Stainless Steel	Revolver	5"	.357 Magnum	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 150 of 218 Page ID #:919

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 151 of 219 Page ID #:326

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	686-6 Plus 7 Shot SKU 164198A / Stainless Steel	Revolver	6"	.357 Magnum	01/01/23
Smith & Wesson	686-6 Plus Pro Series (Stn Stnls) SKU 178038 / Stainless Steel	Revolver	5"	.357 Magnum	01/01/23
Smith & Wesson	686-6 Plus, 7 Shot SKU 164192A / Steel	Revolver	2.5"	.357 Magnum	01/01/23
Smith & Wesson	686-6 SKU 164222A / Steel	Revolver	4"	.357 Magnum	01/01/23
Smith & Wesson	686-6 SKU 164224A / Steel	Revolver	6"	.357 Magnum	01/01/23
Smith & Wesson	686-6 SSR SKU 178012A / Steel	Revolver	4"	.357 Magnum	01/01/23

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		#:327			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	69 SKU162069 / Steel	Revolver	4"	.44 Magnum	01/01/23
Smith & Wesson	69 Combat Magnum SKU 10064 / Stainless Steel	Revolver	2.75"	.44 Magnum	01/01/23
Smith & Wesson	986 SKU 178055 / Stainless Steel	Revolver	5"	9mm	01/01/23
Smith & Wesson	BodyGuard 38 (Crimson Trace) SKU 10062 / Alloy; Stainless; Polymer	Revolver	2"	.38 Spl	01/01/23
Smith & Wesson	Bodyguard 38 (Matte Black) SKU 103038A / Steel; Aluminum Alloy; Polymer	Revolver	1.875"	.38 S&W Special +P	01/01/23

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		#.320			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	BodyGuard 38-1 SKU 103039 / Aluminum; Polymer	Revolver	1.875"	.38 Special + P	01/01/23
Smith & Wesson	BodyGuard 38-1 Crimson Trace Laser SKU 12056 / Aluminum; Polymer	Revolver	1.875"	.38 Special + P	01/01/23
Smith & Wesson	BodyGuard 38-1 Crimson Trace Laser SKU 12933 / Aluminum; Polymer	Revolver	1.875"	.38 Special	01/01/23
Smith & Wesson	M&P 340 (Crimson Trace Grips) SKU 163073 / Alloy, Stainless Steel	Revolver	1.87"	.357 Magnum	01/01/23

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Case 8:22-cv-01421-CJC-ADS	Document 24-1 #:329	Page 154 of 219	Page ID

		#.329			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	M&P 340 (Matte Black) SKU 103072 / Alloy; Stainless Steel	Revolver	1.87"	.357 Magnum	01/01/23
Smith & Wesson	M&P 340 (S&W Logo Grip) SKU 163072 / Alloy; Stainless Steel	Revolver	1.87"	.357 Magnum	01/01/23
Showing 561 to 58	30 of 818 entries				
	Previous 1	28	29	30 4	1 Next
4					•

View list of handgun models whose status has changed recently:

• Recently Added Handgun Models

Models added recently to the Roster of Handguns certified for sale.

 Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found at alifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 155 of 218 Page ID #:924 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 156 of 219 Page ID #:331 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe

handguns.

818 handguns found

Manufacturer:			Search:			
- Any -		~	for Manufacturer, Model, Gun Type, Barrel L			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Smith & Wesson	M&P 40 Shield (FDE) SKU 13005 / Stainless Steel; Polymer	Pistol	3.12"	.40 S&W	01/01/23	
Smith & Wesson	M&P 9 Shield (Blk) (Carry Kit) SKU 12550 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23	

Ca	ase 8:22-cv-01421-C Case 8:22-cv-01421	JC-ADS Documer	#:925		•	•
	Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
	Smith & Wesson	M&P 9 Shield (FDE) SKU 13004 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
	Smith & Wesson	M&P 9 Shield (FDE) SKU 13286 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
	Smith & Wesson	M&P 9 Shield (Gray) SKU 13285 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
	Smith & Wesson	M&P 9 Shield (OD Green) SKU 13287 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23

	421-CJC-ADS Docume	#:926		•	
Manufactu	rer Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	M&P 9 Shield (OD Green) SKU 13691 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
Smith & Wesson	M&P Bodyguard38 SKU103039A / Stainless Steel; Alloy	Revolver	1.875"	.38 Special	01/01/23
Smith & Wesson	M&P Bodyguard38 w/ct laser SKU12056A / Stainless Steel; Alloy	Revolver	1.875"	.38 Special	01/01/23
Smith & Wesson	M&P Bodyguard38 w/laser SKU12933A / Stainless Steel; Alloy	Revolver	1.875"	.38 Special	01/01/23

Ca	ase 8:22-cv-01421-C	JC-ADS Docume	nt 48-12 File #:927	d 01/27/23	Page 158 of	218 Page ID
	Case 8:22-cv-01421	-CJC-ADS Docume	ent 24-1 Filed #:334	11/15/22 P	age 159 of 21	.9 Page ID
	Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
	Smith & Wesson	M&P40 Shield SKU 187020 / Stainless Steel; Polymer	Pistol	3.12"	.40 S&W	01/01/23
	Smith & Wesson	M&P40 Shield Hi Viz SKU 11906 / Stainless Steel; Polymer	Pistol	3.12"	.40 S&W	01/01/23
	Smith & Wesson	M&P9 Shield (Blk) Hi Viz SKU 11905 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
	Smith & Wesson	M&P9 Shield (Blk) SKU 187021 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23

se 8:22-cv-01421-0	CJC-ADS Docume	nt 48-12 F #:928	Filed 01/27/23	Page 159 o	f 218 Page
Case 8:22-cv-01422	L-CJC-ADS Docum		led 11/15/22 F	Page 160 of 2	19 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	M&P9 Shield (Blue Frame) SKU 13676 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
Smith & Wesson	M&P9 Shield (Burnt Bronze Frame/Slide) SKU 13694 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
Smith & Wesson	M&P9 Shield (Dark Earth Frame) SKU 13689 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
Smith & Wesson	M&P9 Shield (Dark Earth Frame/Slide) SKU 13690 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	M&P9 Shield (FDE Frame) SKU 13688 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
Smith & Wesson	M&P9 SHIELD (Northern Lights) SKU 13582 / Stainless Steel; Polymer	Pistol	3.125"	9MM	01/01/23

View list of handgun models whose status has changed recently:

Recently Added Handgun Models

Models added recently to the Roster of Handguns certified for sale.

 Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

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IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 162 of 218 Page ID #:931 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 163 of 219 Page ID #:338 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:				
- Any -	- Any - 🗸			for Manufacturer, Model, Gun Type, Barrel Ler			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date		
Smith & Wesson	M&P9 Shield (Pink Slide) SKU 13674 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23		
Smith & Wesson	M&P9 Shield (Purple Frame) SKU 13675 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23		

Case 8:22-cv-01421-CJC-ADS	Document 48-12 #:932	Filed 01/27/23	Page 163 of 218	Page ID
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	#:339)	-	

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	M&P9 SHIELD (Robin's Egg Blue) SKU 13394 / Stainless Steel; Polymer	Pistol	3"	.9 mm	01/01/23
Smith & Wesson	M&P9 SHIELD (Robin's Egg Blue/Satin Aluminum) SKU 13583 / Stainless Steel; Polymer	Pistol	3.125"	9MM	01/01/23
Smith & Wesson	M&P9 Shield (Shark Grey Frame) SKU 13692 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23

Case 8:22-cv-01421-CJC-ADS	Document 48-12 #:933	Filed 01/27/23	Page 164 of 218	Page ID
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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 165 of 219 Page ID #:340

		#.340			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	M&P9 Shield (Teal Frame) SKU 13677 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
Smith & Wesson	M&P9 Shield (White Slide) SKU 13673 / Stainless Steel; Polymer	Pistol	3"	9mm	01/01/23
Smith & Wesson	M27-9 SKU 150339A / Steel	Revolver	4"	.357 Magnum	01/01/23
Smith & Wesson	M29-10 SKU 150783 / Carbon Steel; Wood Grip	Revolver	4"	.44 Magnum	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 166 of 219 Page ID #:341

Manufacturer	Model	#:341 Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	M360 SKU 11749 / Scandium alloy; PVD finish	Revolver	1 7/8"	.357 Magnum	01/01/23
Smith & Wesson	M360 SKU 12601 Survival Kit / Scandium Alloy; PVD Finish	Revolver	1 7/8"	.357 Magnum	01/01/23
Smith & Wesson	M422-2 SKU 150469 / Alloy; Steel	Revolver	1.875"	.38 Spl	01/01/23
Smith & Wesson	M437 FDE Grip SKU 11926 / Aluminum Alloy; Carbon Steel	Revolver	1.875"	.38 Special	01/01/23
Smith & Wesson	M442 SKU150544 / Alloy; Steel	Revolver	1.875"	.38 Spl	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 167 of 219 Page ID #:342

		#:342			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	M442-1 SKU 150785 / Alloy; Steel	Revolver	1.875"	.38 Spl	01/01/23
Smith & Wesson	M460 SKU 11626 / Stainless Steel	Revolver	7.5"	.460 S&W	01/01/23
Smith & Wesson	M500 SKU 163504A / Stainless Steel	Revolver	4"	.500 S&W Magnum	01/01/23
Smith & Wesson	M610-3 SKU 12462 / Stainless Steel; Rubber	Revolver	6.5"	10mm	01/01/23
Smith & Wesson	M610-3 SKU 12463 / Stainless Steel; Rubber	Revolver	3.875"	10mm	01/01/23
Smith & Wesson	M629-6 SKU 170320 / Alloy	Revolver	6"	.44 Magnum	01/01/23

Showing 601 to 620 of 818 entries

Case 8:22-cv-01421-	CJC-ADS	Documer	nt 48-12 #:936		7/23 P	age 167	' of 218	Page ID
Case 8:22-cv-0142	21-CJC-ADS	Docume		Filed 11/15/	/22 Pag	je 168 of	f 219 P	age ID
	Previous	1	3	0 31	32		41	Next
4					J			•

View list of handgun models whose status has changed recently:

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 Models added recently to the Roster of Handguns certified for sale.
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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

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IMPORTANT INFORMATION:

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 169 of 218 Page ID #:938 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 170 of 219 Page ID #:345 Alterations of a single shot pistol (i.e. changing upper receivers, connecting • gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe

handguns.

818 handguns found Manufacturer:

Manufacturer:			Search:			
- Any -		~	for Manufacturer, Model, Gun Type, Barrel Ler			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date	
Smith & Wesson	M637-2 SKU170347 / Alloy; Steel	Revolver	1.875"	.38 Spl	01/01/23	
Smith & Wesson	M642-1 SKU 150972 / Alloy; Steel	Revolver	1.875"	.38 Spl	01/01/23	
Smith & Wesson	M642-2 SKU150466 / Alloy; Steel	Revolver	1.875"	.38 Spl	01/01/23	

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 171 of 219 Page ID #:346

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	M69 SKU 162069A / Stainless Steel Frame; Rubber Synthetic Grip; Matte Brushed finished	Revolver	4.25"	.44 Magnum	01/01/23
Smith & Wesson	M929 170341 / Alloy; Steel	Revolver	6.5"	9mm	01/01/23
Smith & Wesson	M929 SKU 170341A / Stainless Steel; Titanium Alloy	Revolver	6.5"	9mm	01/01/23
Smith & Wesson	M929 SKU 170341B / Stainless Steel; Titanium Alloy	Revolver	6.5"	9mm	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 172 of 219 Page ID #:347

		#.347			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	PC 637-2 SKU 170349 / Aluminum Alloy; Wood Grip	Revolver	1.875"	.38 S&W Special +P	01/01/23
Smith & Wesson	PC 686-6 Plus SKU 11760 / Stainless Steel	Revolver	5"	.357 Magnum	01/01/23
Smith & Wesson	PC 686-6 Vented SKU 11759 / Stainless Steel; Synthetic Grips; Vented Barrel	Revolver	4"	.357 Magnum	01/01/23
Smith & Wesson	PC M500 S&W Hi Viz Fiber Optic SKU 11623 / Stainless Steel	Revolver	3.5"	.500 S&W Magnum	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 173 of 219 Page ID #:348

		Gun	Barrel		Expired
Manufacturer	Model	Туре	Length	Caliber	Date
Smith & Wesson	PC M642-2 SKU 170348 / Aluminum Alloy; Wood Grip	Revolver	1.875"	.38 Special + P	01/01/23
Smith & Wesson	PC M986 SKU 10227 / Stainless Steel; Titanium Alloy	Revolver	2.5"	9mm	01/01/23
Smith & Wesson	SD40 VE Hi Viz SKU 11908 / Stainless Steel; Polymer	Pistol	4"	.40 S&W	01/01/23
Smith & Wesson	SD40 VE SKU 123403 / Stainless Steel; Polymer	Pistol	4"	.40 S&W	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 173 of 218 Page ID #:942

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 174 of 219 Page ID #:349

		#:349			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Smith & Wesson	SD40 VE SKU 13049 / Stainless Steel; Polymer	Pistol	4"	.40 S&W	01/01/23
Springfield Armory	1911 EMP Compact PI9209L / Alloy; Steel	Pistol	3.1"	9mm	01/01/23
Springfield Armory	PB9108L / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PB9108L (Integrated Locking System) / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PB9113L (ambi safety) / Steel	Pistol	5"	.38 Super	01/01/23
Showing 621 to 64	40 of 818 entries				
<	Previous 1	3	31 32	33	41 Next

View list of handgun models whose status has changed recently:

- Recently Added Handgun Models
 Models added recently to the Roster of Handguns certified for sale.
- Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

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ROB BONTA

Attorney General

Handguns Certified for Sale

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Additional information on the Roster of Certified Handguns can be found at alifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 176 of 218 Page ID #:945 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 177 of 219 Page ID #:352 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe

handguns.

818 handguns found Manufacturer:

		Search:		
- Any -	~	for Manufacturer, Model, Gun Type, Barrel Ler		

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Springfield Armory	PB9151L / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9102 / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9105LCA / Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9105LCA (ambi safety) / Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9107L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9107LCA- G10 / Stainless Steel	Pistol	5"	.45 ACP	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 177 of 218 Page ID #:946

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 178 of 219 Page ID

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Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Springfield Armory	PC9108L (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9108L (wood grips) / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9108LCA- G10 / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9108LFDECA / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9108LYCA / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9111 / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9111 (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9111FDECA / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9111LR / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Springfield Armory	PC9111YCA / Carbon Steel	Pistol	5"	.45 ACP	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 179 of 219 Page ID #:354

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date		
Springfield Armory	PC9206 / Carbon Steel	Pistol	5"	.45 ACP	01/01/23		
Springfield Armory	Pl9132L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23		
Springfield Armory	PI9134L (ambi safety) / Stainless Steel	Pistol	5"	9mm	01/01/23		
Springfield Armory	PI9140L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	01/01/23		
Showing 641 to 660 of 818 entries							
4	Previous 1	. 32	33 34	1 4	1 Next		

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 Models added recently to the Roster of Handguns certified for sale.
- Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 179 of 218 Page ID #:948 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 180 of 219 Page ID #:355



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Attorney General

Handguns Certified for Sale

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IMPORTANT INFORMATION:

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 180 of 218 Page ID #:949 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 181 of 219 Page ID #:356 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found Manufacturer:

Manufacturer:		Search:					
- Any - 🗸 🗸		for Manufacturer, Model, Gun Type, Barrel Ler					
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expire Date		
Springfield Armory	PX9105MFDEFOCA / Carbon Steel	Pistol	5"	.45 ACP	01/01/		
Springfield Armory	PX9105ML / Carbon Steel	Pistol	5.0"	.45 ACP	01/01/		
Springfield Armory	PX9109L (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	01/01,		
Springfield Armory	PX9130L (ambi safety) / Stainless Steel	Pistol	5"	9mm	01/01,		
Springfield Armory	PX9142L (ambi safety) / Stainless Steel	Pistol	4"	.45 ACP	01/01,		
Springfield Armory	PX9149L / Alloy; Carbon Steel	Pistol	4.0"	.45	01/01/		

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 182 of 219 Page ID #:357

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expire Date
Springfield Armory	PX9151L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	01/01/
Springfield Armory	PX9161L (ambi safety) / Stainless Steel	Pistol	3.5"	.45 ACP	01/01,
Springfield Armory	PX9301L (ambi safety) / Carbon Steel	Pistol	3.5"	.45 ACP	01/01/
Springfield Armory	PX9511L (ambi safety) / Carbon Steel	Pistol	4"	.45 ACP	01/01/
Springfield Armory	PX9608L (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	01/01/
Springfield Armory	PX9628L (ambi safety) / Stainless Steel	Pistol	6"	.45 ACP	01/01/
Springfield Armory	PX9801L (ambi safety) / Alloy, Stainless Steel	Pistol	3"	.45 ACP	01/01,
Springfield Armory	XD9101 / Steel, Polymer	Pistol	4.08"	9mm	01/01/
Springfield Armory	XD9102 / Polymer, Steel	Pistol	4.08"	.40 S&W	01/01/

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 183 of 219 Page ID #:358

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expire Date	
Springfield Armory	XD9161 / Polymer, Steel	Pistol	4"	.45 ACP	01/01/	
Springfield Armory	XD9162 / Polymer, Steel	Pistol	5"	.45 ACP	01/01/	
Springfield Armory	XD9201 / Steel, Polymer	Pistol	4.08"	9mm	01/01/	
Springfield Armory	XD9301 / Steel, Polymer	Pistol	4.08"	9mm	01/01/	
Springfield Armory	XD9302 / Polymer, Steel	Pistol	4.08"	.40 S&W	01/01/	
Showing 661 to 680 of 818 entries						
	Previous 1	33 3	4 35	41	Next	
4					•	

View list of handgun models whose status has changed recently:

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 Models added recently to the Roster of Handguns certified for sale.
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 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 183 of 218 Page ID #:952 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 184 of 219 Page ID #:359



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Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 184 of 218 Page ID #:953 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 185 of 219 Page ID #:360 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:		Searc	Search:				
- Any -		← for Manufacturer, Model, Gun Type, Bar					
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Exp Dat		
Springfield Armory	XD9401 / Polymer, Steel	Pistol	5.01"	9mm	01/(
Springfield Armory	XD9402 Tactical / Polymer, Steel	Pistol	5"	.40 S&W	01/(
Springfield Armory	XD9611 / Polymer, Steel	Pistol	4"	.45 ACP	01/(
Springfield Armory	XD9621 / Polymer, Steel	Pistol	5"	.45 ACP	01/(
Springfield Armory	XD9645 / Polymer, Steel	Pistol	4"	.45 ACP	01/(
Springfield Armory	XD9801 / Composite, Steel	Pistol	3"	9mm	01/(
Springfield Armory	XD9802 / Polymer, Steel	Pistol	3.01"	.40 S&W	01/(

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 186 of 219 Page ID #:361

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Exp Dat
Springfield Armory	XD9802FDEFOCA / Polymer; Steel	Pistol	3.01"	.40 S&W	01/(
Springfield Armory	XD9802YFOCA / Polymer; Steel	Pistol	3.01"	.40 S&W	01/(
Springfield Armory	XD9811 / Composite, Steel	Pistol	3"	9mm	01/(
Springfield Armory	XD9812 / Polymer, Steel	Pistol	3.01"	.40 S&W	01/(
Springfield Armory	XD9821 / Polymer, Stainless Steel	Pistol	3.1"	9mm	01/(
Springfield Armory	XD9822 / Polymer, Stainless Steel	Pistol	3.1"	.40 S&W	01/(
Standard Manufacturing Co.	S333 / Steel	Revolver	1.25"	22MAG	01/(
Strayer Voigt	Infinity Comp. Target / Stainless Steel, Polymer	Pistol	5.190"	.45 ACP	01/(
Strayer Voigt	Infinity Trad. Target Pistol / Stainless Steel, Steel	Pistol	5"	.45 ACP	01/(

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 187 of 219 Page ID #:362

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Exp Da1
Sturm, Ruger & Co.	GP-141 (Blue) / Alloy; Steel	Revolver	4.19"	.357 Magnum	01/(1
Sturm, Ruger & Co.	GP-161 / Blue Steel	Revolver	6"	.357 Magnum	01/(1
Sturm, Ruger & Co.	GP100 01757 / Stainless Steel	Revolver	5.5"	.22 LR	01/(
Sturm, Ruger & Co.	GP100 01761 / Stainless Steel	Revolver	3"	.44 Special	01/(
Showing 681 to 70	0 of 818 entries				
4	Previous 1	34 35	36	. 41	Next

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Models added recently to the Roster of Handguns certified for sale.

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Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 188 of 218 Page ID #:957
 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 189 of 219 Page ID #:364
 Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe

handguns.

818 handguns found

Manufacturer:			Search:		
- Any -		~	for Manufact	urer, Model, Gun	Type, Barrel Ler
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	GP100 01775 / Steel	Revolver	4.2"	10mm Auto	01/01/23
Sturm, Ruger & Co.	GP100 (NRA Wood Grip) 01758 / Steel	Revolver	4.2"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	GP100 Match Champion 01755 / Steel	Revolver	4.2"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	KGP-141 / Stainless Steel	Revolver	4.2"	.357 Magnum	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 190 of 219 Page ID #:365

		#.303			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	KGP-141- MCF 01754 / Steel	Revolver	4.2"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	KGP-161 / Stainless Steel	Revolver	6"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	KGP-4327- 7 (Satin Stainless) 01748 / Stainless Steel	Revolver	4.2"	.327 Fed Mag	01/01/23
Sturm, Ruger & Co.	KGPF-331 / Stainless Steel	Revolver	3"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	KLCR-357 (Black) 05450 / Stainless Steel; Polymer	Revolver	1.88"	.357 Magnum	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 191 of 219 Page ID #:366

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	KLCR-357 (Black) Internal Lock 05450 / Stainless Steel; Polymer	Revolver	1.88"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	KRH-44 / Stainless Steel	Revolver	7.5"	.44 Magnum	01/01/23
Sturm, Ruger & Co.	KRH-444 (Satin Stainless) / Stainless Steel	Revolver	4.177"	.44 Magnum	01/01/23
Sturm, Ruger & Co.	KRH-445 / Stainless Steel	Revolver	5.5"	.44 Magnum	01/01/23
Sturm, Ruger & Co.	KRH-44R / Stainless Steel	Revolver	7.5"	.44 Magnum	01/01/23
Sturm, Ruger & Co.	KRH-45-4 (Satin Stainless) / Stainless Steel	Revolver	4.166"	.45 Colt	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 192 of 219 Page ID #:367

		#:367			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	KRH-455 / Stainless Steel	Revolver	5.5"	.45 Long Colt	01/01/23
Sturm, Ruger & Co.	KSP-242-8 (Satin Grey) 05765 / Stainless Steel	Revolver	4.20"	.22 LR	01/01/23
Sturm, Ruger & Co.	KSP-321X / Stainless Steel	Revolver	2.25"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	KSP-321XL / Stainless Steel	Revolver	2.25"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	KSP- 321XL-LG (Satin Stainless) / Stainless Steel	Revolver	2.25"	.357 Magnum	01/01/23
Showing 701 to 72	0 of 818 entries				
4	Previous 1	35	36	37 4	41 Next

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Attorney General

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 194 of 218 Page ID #:963 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 195 of 219 Page ID #:370 Alterations of a single shot pistol (i.e. changing upper receivers, connecting • gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe

handguns.

818 handguns found

Manufacturer:			Search:		
- Any -		~	for Manufact	urer, Model, Gun	Type, Barrel Ler
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	KSP- 32731X (Satin Stainless) / Stainless Steel	Revolver	3.06"	.327 Fed. Mag.	01/01/23
Sturm, Ruger & Co.	KSP-331X / Stainless Steel	Revolver	3.06"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	KSP-341X (Satin Stnls) 05771 / Stainless Steel	Revolver	4.2"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	KSP-821X / Stainless Steel	Revolver	2.25"	.38 Spl	01/01/23

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ManufacturerModelFundEarcelCaliboExpiredSturden, SupperSSRH-26Sevolue2.5"AdagnupOl/O1/20Sturden, SupperSSRH-260Sevolue2.5"AdagnupOl/O1/20Sturden, SupperSSRH-260Sevolue2.5"AdagnupOl/O1/20Sturden, SupperSSRH-260Sevolue2.5"AdagnupOl/O1/20Sturden, SupperSSRH-260Sevolue2.5"AdagnupOl/O1/20Sturden, SupperSSRH-260Sevolue2.5"AdagnupOl/O1/20Sturden, SupperSSRH-260Sevolue2.5"AdagnupOl/O1/20Sturden, SupperSSRH-260Sevolue7.5"AdagnupOl/O1/20Sturden, SupperSSRH-260SevolueSevolueSevolueAdagnupOl/O1/20Sturden, SupperSSRH-260SevolueSevolueSevolueSevolueSevolueSevolueSturden, SupperSevolueSevolueSevolueSevolueSevolueSevolueSevolueSturden, SupperSevolueSevolueSevolueSevolueSevolueSevolueSevolueSturden, SupperSevolueSevolueSevolueSevolueSevolueSevolueSevolueSturden, SupperSevolueSevolueSevolueSevolueSevolueSevolueSevolueSturden, SupperSevolueSevolueSevolueSevolueSevolueSevolueSevolueSturden, SupperSevolu			#:371		Ũ	0
& Co.O5303 / Stainless SteelMagnumSturm, Ruger & Co.KSRH-2454 Stainless steelRevolver St2.5".454 Casull01/01/23 CasullSturm, Ruger & Co.KSRH-2480 Stainless steelRevolver Stainless Steel2.5".480 Ruger01/01/23 O1/01/23Sturm, Ruger & Co.KSRH-7450 Stainless steelRevolver Stainless Steel.44 Magnum01/01/23 O1/01/23Sturm, Ruger & Co.KSRH-7454 Stainless steelRevolver Storen.454 Casull01/01/23 MagnumSturm, Ruger & Co.KSRH-9 / Stainless steelRevolver Stainless.44 Magnum01/01/23 MagnumSturm, Ruger & Co.CS380CA Alloy; PolymerPistol Stainless.312".380 Auto01/01/23 MatoSturm, Ruger & Co.C380CA Alloy; PolymerPistol Stainless.312".380 Auto01/01/23 Mato	Manufacturer	Model			Caliber	-
& Co./ Stainless SteelCasullSturm, Ruger & Co.KSRH-2480 / Stainless SteelRevolver St.2.5"480 Ruger01/01/23 RugerSturm, Ruger & Co.KSRH-7 / Stainless steelRevolver Steel7.5".44 Magnum01/01/23 MagnumSturm, Ruger & Co.KSRH-7454 Stainless steelRevolver Steel7.5".44 Magnum01/01/23 CasullSturm, Ruger & Co.KSRH-7454 / Stainless steelRevolver Steel7.5".454 Casull01/01/23 CasullSturm, Ruger & Co.KSRH-9 / Stainless steelRevolver Steel9.5".44 Magnum01/01/23 CasullSturm, Ruger & Co.KSRH-9 / Stainless steelRevolver Steel9.5".44 Magnum01/01/23 CasullSturm, Ruger & Co.LC380CA Naloy; PolymerPistol Stol3.12".380 Auto01/01/23 AutoSturm, Ruger & Co.LC380CA Naloy;Pistol Stol3.12".380 Auto01/01/23 Auto	0	05303 / Stainless	Revolver	2.5"		01/01/23
& Co./ Stainless SteelRugerSturm, Ruger & Co.KSRH-7 / Stainless 	0	/ Stainless	Revolver	2.5"		01/01/23
& Co.Stainless SteelMagnumSturm, Ruger & Co.KSRH-7454 / Stainless SteelRevolver Steel7.5".454 Casull01/01/23 CasullSturm, Ruger & Co.KSRH-9 / Stainless SteelRevolver Steel9.5".44 Magnum01/01/23 MagnumSturm, Ruger & Co.LC380CA O3253 / Alloy; PolymerPistol3.12".380 Auto01/01/23 MagnumSturm, Ruger & Co.LC380CA Naloy; PolymerPistol3.12".380 Auto01/01/23 Magnum	0	/ Stainless	Revolver	2.5"		01/01/23
& Co./ Stainless SteelCasullSturm, Ruger & Co.KSRH-9 / Stainless SteelRevolver 9.5".44 Magnum01/01/23 MagnumSturm, Ruger & Co.LC380CA O3253 / Alloy; PolymerPistol3.12".380 Auto01/01/23 MagnumSturm, Ruger & Co.LC380CA O3253 / Alloy; PolymerPistol3.12".380 Auto01/01/23 Magnum	•	Stainless	Revolver	7.5"		01/01/23
& Co.Stainless SteelMagnumSturm, Ruger & Co.LC380CA O3253 / Alloy; PolymerPistol3.12".380 Auto01/01/23 AutoSturm, Ruger & Co.LC380CA Alloy; PolymerPistol3.12".380 Auto01/01/23 Auto	0	/ Stainless	Revolver	7.5"		01/01/23
& Co.03253 / Alloy; PolymerAutoSturm, Ruger & Co.LC380CA 13204 / Alloy;Pistol3.12" Auto.380 Auto01/01/23 Auto	_	Stainless	Revolver	9.5"		01/01/23
& Co. 13204 / Auto Alloy;	•	03253 / Alloy;	Pistol	3.12"		01/01/23
100	-	13204 / Alloy;		3.12"		01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 197 of 219 Page ID #:372

		#:372			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	LC380CA 13205 / Alloy; Polymer	Pistol	3.12"	.380 Auto	01/01/23
Sturm, Ruger & Co.	LC380CA 13206 / Alloy; Polymer	Pistol	3.12"	.380 Auto	01/01/23
Sturm, Ruger & Co.	LCR 05456 / Stainless Steel; Polymer	Revolver	1.87"	9mm	01/01/23
Sturm, Ruger & Co.	LCR 05452 / Steel	Revolver	1.875"	.327 Fed. Mag.	01/01/23
Sturm, Ruger & Co.	LCR (Black) / Stainless Steel, Alum., Polymer	Revolver	1.87"	.38 Spl. + P	01/01/23
Sturm, Ruger & Co.	LCR (Matte Black) 05401 (no lock) / Alloy; Steel	Revolver	1.87"	.38 Spl. + P	01/01/23

Ca	ase 8:22-cv-01421-0	CJC-ADS	Document 48-12 #:966	Filed 01/27/23	3 Page 197	of 218 Page II	C
	Case 8:22-cv-01421	L-CJC-ADS	Document 24-1 #:373	Filed 11/15/22	Page 198 of	f 219 Page ID	
			Gun	Barrel		Expired	
	Manufacturer	Model	Туре	Length	Caliber	Date	
	Sturm, Ruger	LCR	Revolver	· 3"	.22	01/01/23	

& Co.	05437A / Aluminum; Alloy	Revolver	C	WMRF	01/01/23
Sturm, Ruger & Co.	LCR 05439A / Aluminum; Alloy	Revolver	1.875"	.22 WMRF	01/01/23
Showing 721 to 74	10 of 818 entries				
	Previous 1	36	37	38	41 Next
•					•

View list of handgun models whose status has changed recently:

Recently Added Handgun Models

Models added recently to the Roster of Handguns certified for sale.

 Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.



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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found at alifornia Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 199 of 218 Page ID #:968 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 200 of 219 Page ID #:375 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:			Search:				
- Any -		~	for Manufacturer, Model, Gun Type, Barrel Ler				
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date		
Sturm, Ruger & Co.	LCR-22 (Black) 05410 / Stainless Steel; Alum Alloy; Polymer	Revolver	1.87"	.22 LR	01/01/23		
Sturm, Ruger & Co.	LCR-22 (Matte Black) 05410 (no lock) / Alloy; Steel	Revolver	1.87"	.22 LR	01/01/23		

Case 8:22-cv-01421-CJC-ADS		Filed 01/27/23	Page 200 of 218	Page ID						
#:969										
	Decument 24.1	Filed 11/15/00 F	2000 201 of 210 D							

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 201 of 219 Page ID #:376

Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	LCR- 22MAG (Matte Black) 05414 (internal lock) / Alloy; Steel	Revolver	1.87"	.22 Magnum	01/01/23
Sturm, Ruger & Co.	LCR- 22MAG (Matte Black) 05414 (no lock) / Alloy; Steel	Revolver	1.87"	.22 Magnum	01/01/23
Sturm, Ruger & Co.	LCR-F / Stainless Steel, Alum., Polymer	Revolver	1.88"	.38 Spl. + P	01/01/23
Sturm, Ruger & Co.	LCR-FR / Stainless Steel, Alum., Polymer	Revolver	1.88"	.38 Spl. + P	01/01/23

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	#:970			-

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 202 of 219 Page ID #:377

		#:377			
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	LCR-LG (Black) 5402 / Stainless Steel, Alum., Polymer	Revolver	1.87"	.38 Spl. + P	01/01/23
Sturm, Ruger & Co.	LCR-XS (Black) 05405 / Stainless Steel; Aluminum Polymer	Revolver	1.87"	.38 Spl.+ P	01/01/23
Sturm, Ruger & Co.	LCRX 05430 / Alloy; Steel	Revolver	1.875"	.38 Spl. + P	01/01/23
Sturm, Ruger & Co.	LCRx 05435 / Stainless Steel; Polymer	Revolver	3"	.22 LR	01/01/23
Sturm, Ruger & Co.	LCRx 05460 / Stainless Steel	Revolver	1.87"	.357 Magnum	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 202 of 218 Page ID #:971

Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 203 of 219 Page ID

		#:378		-	0
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	LCRx 05462 / Steel	Revolver	1.87"	.327 Magnum	01/01/23
Sturm, Ruger & Co.	LCRx 05464 / Steel	Revolver	1.87"	9mm	01/01/23
Sturm, Ruger & Co.	LCRx 05444 / Stainless Steel	Revolver	3"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	LCRX-3 (Black) 05431 / Alloy; Steel	Revolver	3"	.38 Special + P	01/01/23
Sturm, Ruger & Co.	Redhawk 05032 / Steel	Revolver	4.2"	.45 ACP/.45 Colt	01/01/23
Sturm, Ruger & Co.	Redhawk 05033 / Stainless Steel	Revolver	2.75"	.357 Magnum	01/01/23
Sturm, Ruger & Co.	Redhawk 05041 / Steel	Revolver	7.44"	.44 Rem. Mag.	01/01/23
Sturm, Ruger & Co.	Redhawk 05043 / Steel	Revolver	5.51"	.44 Rem. Mag.	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 203 of 218 Page ID #:972 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 204 of 219 Page ID #:379

Manufacturer	Model	Gun Type	ļ	Barre Lengt	-	Caliber		xpired Date
Sturm, Ruger & Co.	Redhawk 05044 / Steel	Revo	lver	4.18"		.44 Rem. Mag.	0.	1/01/23
Showing 741 to 760	0 of 818 entries	5						
F	Previous 1		37	38	39	40	41	Next

View list of handgun models whose status has changed recently:

- Recently Added Handgun Models
 Models added recently to the Roster of Handguns certified for sale.
- Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

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ROB BONTA

Attorney General

Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

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IMPORTANT INFORMATION:

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 205 of 218 Page ID #:974 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 206 of 219 Page ID #:381 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe

handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found Manufacturer:

Manufacturer:		S	Search:				
- Any -		► fo	or Manufacture	r, Model, Gun Ty	pe, Barrel Ler		
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date		
Sturm, Ruger & Co.	Redhawk 05050 / Steel	Revolver	4.18"	.45 Colt	01/01/2:		
Sturm, Ruger & Co.	Redhawk 05051 / Steel	Revolver	2.72"	.357 Magnum	01/01/23		
Sturm, Ruger & Co.	Redhawk 05059 / Steel	Revolver	4.2"	.357 Magnum	01/01/23		
Sturm, Ruger & Co.	Redhawk 05060 / Steel	Revolver	5.5"	.357 Magnum	01/01/23		
Sturm, Ruger & Co.	Redhawk 5028 / Stainless Steel	Revolver	2.75"	.44 Magnum	01/01/2:		
Sturm, Ruger & Co.	SP101 05773 / Steel	Revolver	4.20"	.327 Fed. Mag.	01/01/23		

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	-CJC-ADS Docum	ent 24-1 Fileo #:382	111/15/22 1	Page 207 of 21	9 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	SP101 05783 / Steel	Revolver	2.25"	9mm	01/01/2
Sturm, Ruger & Co.	SP101 Match Champion 05782 / Steel	Revolver	4.2"	.357 Magnum	01/01/2
Sturm, Ruger & Co.	SP101, 05718A / Stainless Steel; Alloy	Revolver	2.25"	.357 Magnum	01/01/2
Sturm, Ruger & Co.	SP101, 05719A / Stainless Steel; Alloy	Revolver	3.06"	.357 Magnum	01/01/2
Sturm, Ruger & Co.	SP101, 05720A / Stainless Steel; Alloy	Revolver	2.25"	.357 Magnum	01/01/2
Sturm, Ruger & Co.	SP101, 05737A / Stainless Steel; Alloy	Revolver	2.25"	.38 Special	01/01/2

Sturm, RugerSP101,Revolver4.2".35701/01/23& Co.05782A /MagnumStainless Steel; AlloySteel; Alloy

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Case 8:22-cv-0142:	L-CJC-ADS Docum		d 11/15/22 F	Page 208 of 21	9 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Sturm, Ruger & Co.	SP101, 05783A / Stainless Steel; Alloy	Revolver	2.25"	9MM	01/01/2
Sturm, Ruger & Co.	Super GP 100 05065 / Stainless Steel; Alloy	Revolver	5.5"	.357 Magnum	01/01/2:
Sturm, Ruger & Co.	Super Redhawk 05507 / Steel	Revolver	7.5"	.480 Ruger	01/01/23
Sturm, Ruger & Co.	Super Redhawk 05524 / Steel	Revolver	6.5"	10mm Auto	01/01/2:
Taurus	2-856021CH / Steel Alloy; Rubber	Revolver	2"	.38 Special	01/01/23
Taurus	2- 856021ULCH / Aluminum Alloy, Steel Alloy; Rubber	Revolver	2"	.38 Special	01/01/23
Taurus	2-856029CH / Stainless Steel; Alloy, Rubber	Revolver	2"	.38 Special	01/01/23

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 208 of 218 Page ID #:977 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 209 of 219 Page ID #:384

Showing 761 to 780 of 818 entries

	Previous	1	••••	37	38	39	40	41	Next
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ROB BONTA

Attorney General

Handguns Certified for Sale

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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 210 of 218 Page ID #:979 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 211 of 219 Page ID #:386 Alterations of a single shot pistol (i.e. changing upper receivers, connecting • gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe

handguns.

818 handguns found Manufacturar

Manufacturer:			Se	arch:			
- Any - 🗸 🗸			for Manufacturer, Model, Gun Type, Barrel Ler				
Manufacturer	Model	Gun Type		Barrel Length	Caliber	Expired Date	
Taurus	2- 856029ULCH / Aluminum; Stainless Steel; Alloy, Rubber	Revolve	er	2"	.38 Special	01/01/2:	
Taurus	2-85621 / Alloy; Steel	Revolve	er	2"	.38 Special	01/01/23	
Taurus	2-85621UL / Stainless Steel; Alloy	Revolve	er	2"	.38 Special	01/01/2:	
Taurus	2-85629 / Alloy; Steel	Revolve	er	2"	.38 Special	01/01/23	
Taurus	2-85629UL / Aluminum Alloy; Steel Alloy	Revolve	er	2"	.38 Special	01/01/23	

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 212 of 219 Page ID #:387

		#:387 Gun	Barrel		Expired
Manufacturer	Model	Туре	Length	Caliber	Date
Taurus	2- 85635NSVZ / Stainless Steel Alloy	Revolver	3"	.38 Spl	01/01/2:
Taurus	2-8563CNS / Stainless Steel Alloy	Revolver	3"	.38 Spl	01/01/2:
Taurus	2- 856EX39CH / Stainless Steel; Alloy	Revolver	3"	.38 Special	01/01/23
Taurus	2-942021 / Steel Alloy	Revolver	2"	.22 LR	01/01/2
Taurus	2-942021UL / Aluminum Alloy; Steel Alloy	Revolver	2"	.22 LR	01/01/2:
Taurus	2-942029 / Stainless Steel Alloy	Revolver	2"	.22 LR	01/01/2:
Taurus	2-942029UL / Aluminum Alloy; Stainless Steel	Revolver	2"	.22 LR	01/01/23

ase 8:22-cv-01421-0	CJC-ADS Docume	ent 48-12 File #:981	ed 01/27/23	Page 212 of	218 Page
Case 8:22-cv-01422	L-CJC-ADS Docum		d 11/15/22 F	Page 213 of 219	9 Page ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Taurus	65 (Black) 2- 650041 / Steel	Revolver	4.07"	.357 Magnum	01/01/2
Taurus	65 (Stainless) 2- 650049 / Stainless Steel	Revolver	4.07"	.357 Magnum	01/01/2
Taurus	M605 Blk 2- 605021 / Alloy; Steel; Rubber	Revolver	2"	.357 Magnum	01/01/2
Taurus	M605 SS 2- 605029 / Steel; Rubber	Revolver	2"	.357 Magnum	01/01/2
Valtro	1998 A-1 / 4340 N. Cr. Moly	Pistol	5"	.45 ACP	01/01/2
Walther	P22 CA (Black Slide) Tungsten Grey Grip / Steel; Polymer; Alloy	Pistol	3.42"	.22 LR	01/01/2

Ca	se 8:22-cv-01421	-CJC-ADS Docum	ent 48-12 #:982	Filed 01/27/23	Page 213 of	218 Page ID
	Case 8:22-cv-014	21-CJC-ADS Docun	nent 24-1 #:389	Filed 11/15/22 F	Page 214 of 21	9 Page ID
	Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
-	Walther	P22 CA (Black) Walther Arms / Steel; Polymer; Alloy	Pistol	3.42"	.22 LR	01/01/2:
-	Walther	P22 CA (FDE) / Steel; Polymer; Alloy	Pistol	3.42"	.22 LR	01/01/23
	Showing 781 to 8	00 of 818 entries				
		Previous 1	37	38 39	40 41	Next
	4					•

View list of handgun models whose status has changed recently:

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 Models added recently to the Roster of Handguns certified for sale.
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Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 214 of 218 Page ID #:983 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 215 of 219 Page ID #:390



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ROB BONTA

Attorney General

Handguns Certified for Sale

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IMPORTANT INFORMATION:

- All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.

Case 8:22-cv-01421-CJC-ADS Document 48-12 Filed 01/27/23 Page 215 of 218 Page ID #:984 Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 216 of 219 Page ID #:391 • Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

818 handguns found

Manufacturer:		Search:						
- Any -		✓ f	for Manufacturer, Model, Gun Type, Barrel L					
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date			
Walther	P22 CA (full FDE) / Steel; Polymer; Alloy	Pistol	3.42"	.22 LR	01/01/23			
Walther	P22 CA (Military) Walther Arms / Steel; Polymer; Alloy	Pistol	3.42"	.22 LR	01/01/23			
Walther	P22 CA (Nickel Slide) Angel Blue Grip Walther Arms / Steel; Polymer; Alloy	Pistol	3.42"	.22 LR	01/01/23			
Walther	P22 CA Target (Black) Walther Arms / Steel; Polymer; Alloy	Pistol	5.04"	.22 LR	01/01/23			

	L-CJC-ADS Document	#:392	,0 11/10/22		19 Paye ID
Manufacturer	Model	Gun Type	Barrel Length	Caliber	Expired Date
Walther	P22 CA Target (Nickel) Walther Arms / Steel; Polymer; Alloy	Pistol	5.04"	.22 LR	01/01/23
Walther	P22CA (Nickel) Walther Arms / Steel; Polymer; Alloy	Pistol	3.42"	.22 LR	01/01/23
Wilson Combat	Classic Ambi (Black/Silver) (WC-A-TTSCA) / Steel	Pistol	5"	.45 ACP	01/01/23
Wilson Combat	Combat Protector (Silver) (WPS-A- SS CA) / Stainless Steel	Pistol	5'''	.45 ACP	01/01/23
Wilson Combat	CQB (Black/Green) (WCQB-T-A-CA) / Carbon Steel	Pistol	5"	.45 ACP	01/01/23
Wilson Combat	CQB (Black/Green) (WCQBC-T-A- CA) / Carbon Steel	Pistol	4"	.45 ACP	01/01/23

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Case 8:22-cv-01421-CJC-ADS Document 24-1 Filed 11/15/22 Page 218 of 219 Page ID #:393

Manufacturer	Model	#:393 Gun Type	Barrel Length	Caliber	Expired Date
Wilson Combat	CQB, Ambi, AT Tac Lt Rl (Blk) (CQBLR-FSR- 45) / Steel	Pistol	5"	.45 ACP	01/01/23
Wilson Combat	Professional (Black) (WPM- A-ASCA) / Steel	Pistol	4"	.45 ACP	01/01/23
Wilson Combat	Professional Elite (Black) (WPE-A-ASCA) / Steel	Pistol	4"	.45 ACP	01/01/23
Wilson Combat	Sentinel Tactical (Black) (WS-T-ACA) / Steel	Pistol	3.75"	.45 ACP	01/01/23
Wilson Combat	Stealth (Black) (WSDS-A-ACA) / Steel	Pistol	4.1"	.45 ACP	01/01/23
Wilson Combat	Super Grade (Blue/Stainless) (WSG-A-TT CA) / Steel	Pistol	5"	.45 ACP	01/01/23
Wilson Combat	Tactical Elite, Ambi (Black) (WTE-A-A-CA) / Carbon Steel	Pistol	5"	.45 ACP	01/01/23

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Manufacturer	Model		Gun Type	Barrel Length		Caliber		Expired Date	
Wilson Combat	Tactical Grade (Black/G (WTSG-A Steel	iray)	Pistol	5"		.45 A0	ΞP	01/01/23	
Showing 801 to 818 of 818 entries									
F	Previous	1	37	38	39	40	41	Next	

View list of handgun models whose status has changed recently:

- Recently Added Handgun Models
 Models added recently to the Roster of Handguns certified for sale.
- Recently Removed Handgun Models
 Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California.

Office of the Attorney General Accessibility Privacy Policy Conditions of Use Disclaimer © 2022 DOJ

Curriculum Vitae

Special Agent Supervisor Salvador Gonzalez California Department of Justice Bureau of Firearms

EDUCATION:

05/2005, Bachelor of Science Degree, Criminal Justice, California State University Sacramento. 05/2005, Bachelor of Arts Degree, Ethnic Studies, California State University Sacramento.

EMPLOYMENT:

08/2006 to 09/2014, Investigator, California (CA) Department of Motor Vehicles (DMV). I conducted criminal and administrative investigations including consumer, & licensee fraud. I provided expertise in auto theft, counterfeit documents, identity theft & performed undercover investigations. I provided technical expertise to allied agencies.

09/2014 to 07/2018, Special Agent, California Department of Justice (DOJ), Bureau of Firearms (BOF). I conducted investigations on Armed & Prohibited Persons that resulted in the seizure of weapons & the prevention of illegal firearms trafficking. I conducted firearms dealer investigations in regards to firearm law compliance or illegal firearm transactions. I provided firearm training & expertise to allied agencies. I enforced regulations regarding the manufacture, sale, ownership & transfer of firearms and various violations occurring at California gun shows.

07/2018 to 8/2019, Special Agent, California Department of Justice (DOJ), Bureau of Gambling Control (BGC). I conducted investigations regarding gambling crimes in the state of California. I conducted investigations in California cardrooms and casinos involving money laundering, drugs, illegal bookmaking, and other illegal gambling activities.

8/2019 to present, Special Agent Supervisor, California Department of Justice (DOJ), Bureau of Firearms (BOF). In my career I have attended at least 15 gun shows and have become familiar with current laws pertaining to the sales of firearms in the State of California. The California Department of Justice, Bureau of Firearms, maintains the State Assault Weapon Registry. If a person with registered assault weapons or other firearms becomes prohibited from possessing firearms I have been assigned to recover the firearms. Special Agents within the CA DOJ BOF are frequently assigned to give assault weapons training to other law enforcement agencies and to help assist in identifying such firearms.

TRAINING:

On 08/7/2006, I completed an excess of 640 hours of Peace Officer Standards and Training (POST) at a recognized Basic Specialized Investigator Academy at the Golden West College in Huntington Beach, CA.

DEFENDANT'S EXHIBIT 1

On 09/25/2014, I attended an assault weapons familiarization training class for law enforcement and I received four (4) hours of formal training on firearms / assault weapons. I have also received formal and informal training from other experienced BOF agents regarding firearms violations.

On 02/25/2016, I attended a firearms investigation and identification training class for law enforcement and I received ten (10) hours of formal training on firearms / assault weapons.

On 08/31/2016, I attended the California Department of Justice Advanced Training Center Submachine Gun Operator Course and I received twenty-four (24) hours of formal training on the proper use and deployment of a submachine gun.

On 11/29/2018, I attended the Glock Armorer's Course and I received eight (8) hours of formal training on how to safely use and maintain your weapon.

On 09/20/2019, I completed a 40 hour California Peace Officer Standards and Training (POST) approved Firearms Instructor/Range Master School. This class was offered by the American River College/Los Rios Community College District.

On 10/22/2019, I attended the Alcohol Tobacco and Firearms Crime Gun Seminar and I received four (4) hours of training on the successful use of the National Integrated Ballistic Information Network (NIBN).

On 12/18/2019, I attended the National Center for Biomedical Research and Training Academy of Counter-terrorist Education Course for Law Enforcement Active Shooter Emergency Response Performance Level and I received twenty-four (24) hours of training on the successful use of active shooter emergency response.

On 12/19/2019, I attended the National Center for Biomedical Research and Training Academy of Counter-terrorist Education Course for Law Enforcement Active Shooter Emergency Response Performance Level Train-the-Trainer and I received eight (8) hours of training in order to train officers on active shooter emergency response.

On 08/19/2020, I attended the California Department of Justice Advanced Training Center Less Lethal Munitions User's Course and I received four (4) hours of formal training on the proper use and deployment of a less lethal munition.

On 08/19/2020, I attended the California Department of Justice Advanced Training Center Distraction Device User's Course and I received four (4) hours of formal training on the proper use and deployment of a distraction device.

On 6/16/2021, I attended the Alcohol Tobacco and Firearms Privately Made Firearms Training and I received eight (8) hours of training on the identification of a privately made firearm (PMF).

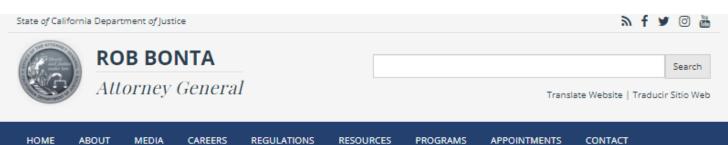
On 11/2/2021, I attended the Law Enforcement & Military Colt M16 / AR-15 Rifle Armorer's Course and I received twenty-four (24) hours of formal training on how to safely use and maintain your weapon. This class was offered by Colt.

DEFENDANT'S EXHIBIT 1

On 7/13/2022, I attended the Benelli M1, 2 & 4 Series Armorer's Course and I received eight (8) hours of formal training on how to safely use and maintain your weapon. This class was offered by the Team One Network.

During the course of my career I have become semi-proficient in the use and disassembly of various revolvers, semi-automatic pistols, submachine guns, shotguns, and various rifles. I have made or assisted in the arrest of at least 100 persons for violations involving illegal weapons possession. In the course of my employment I have participated in an excess of 35 search warrants which involved the illegal possession of firearms. I have conducted over 10 presentations and training courses based on privately made firearms, silencers, assault weapons and firearm familiarization, which help grasp the California Penal Code as it pertains to firearms. These presentations and trainings have been presented to several California Department of Justice Special Agents, Federal and State Allied Agencies, District Attorneys, Property Technicians and California Department of Justice Deputy Attorney Generals.

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Handguns Certified for Sale

As of January 1, 2001, no handgun may be manufactured within California, imported into California for sale, lent, given, kept for sale, or offered/exposed for sale unless that handgun model has passed firing, safety, and drop tests and is certified for sale in California by the Department of Justice. Private party transfers, curio/relic handguns, certain single-action revolvers, and pawn/consignment returns are exempt from this requirement.

Additional information on the Roster of Certified Handguns can be found at California Code of Regulations, title 11, section 4070.

IMPORTANT INFORMATION:

- · All handguns listed are approved with or without night sights.
- Aftermarket changes or modifications made to certain single shot pistols (i.e. changing upper receivers, connecting gas tubes) may be considered manufacturing these pistols into assault weapons. See California Penal Code section 30515, subdivision (a)(1), for a list of assault weapon characteristics. The purchaser could be in violation of Penal Code section 30600, prohibiting the manufacture of assault weapons, and Penal Code section 30605(a), prohibiting the possession of unregistered assault weapons.
- Alterations of a single shot pistol (i.e. changing upper receivers, connecting gas tubes) may also be considered manufacturing an unsafe handgun. See California Penal Code sections 31900-31910 for the definition of unsafe handguns and 32000(a) for more information on illegal acts involving unsafe handguns.

829 handguns found Manufacturer: Search: - Any -Y for Manufacturer, Model, Gun Type, Barrel Length, etc. Gun Barrel Expired Manufacturer Model Туре Length Caliber Date AT-380 II / 17-4 Pistol 2.8" 01/01/24 Accu-Tek .380 ACP Stainless Steel

Bureau of Firearms

Firearms Home

Ammunition Purchase Authorization Program

Automated Firearms System Personal Information Update

California Firearms Laws Summary, pdf (revised 2021)

FAQs

Forms and Publications

Becoming a Firearm Dealer and/or Ammunition Vendor in California

Firearms Shipment Verification/California Licensee Check (CFLC) System

Firearm Safety Certificate Program, DOJ Certified Instructor Information and Comparable Entities

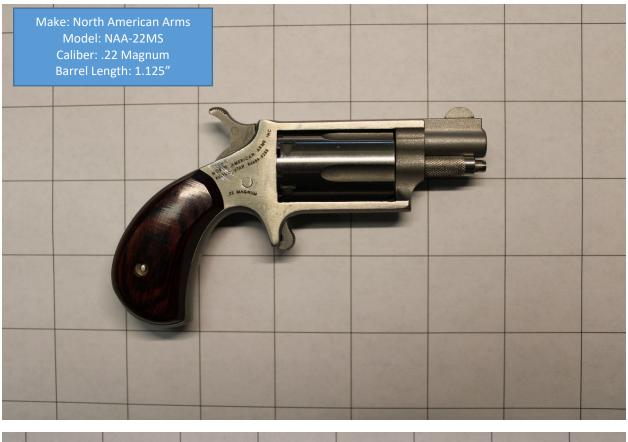
Certificate of Eligibility Information and Application Process

"Other" Assault Weapon Information

Bullet Button Assault Weapon Information

Firearms Reporting & Law

Source: California Department of Justice, https://oag.ca.gov/firearms/certified-handguns/search (last visited Jan. 18, 2023).













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Provide Provid



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Case 8:22-cv-01421-CJC-ADS Document 48-22 Filed 01/27/23 Page 1 of 1 Page ID #:1001







CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS

Compliance Test Report (Handguns)



The DOJ-Certified Laboratory identified below has completed testing required by California Penal Code sections 31900 through 32100 and is submitting this Compliance Test Report as required by the California Code of Regulations, title 11, section 4052. The laboratory reference number should refer specifically to the testing of the named handgun model, not to the laboratory in general. The number must be noted in the space provided on each page of this report.

DOJ-CERTIFIED LABORATORY INFORMATION

Laboratory Reference Number			Date Submitted		
DOJ-Certified Laboratory					
Address		City	City		Zip Code
Test Date	Test Time	Contact Name		Telephone Number	
Off-site location used:	Yes 🗌 No				
If Yes, Address		City	County	State	Zip Code
Name of Laboratory staff who conducted and/or performed the required testing			Title		
Name of Laboratory staff who conducted and/or performed the required testing			Title		
Name of Laboratory staff who conducted and/or performed the required testing			Title		
Name of Laboratory staff who conducted and/or performed the required testing			Title		

STATE OF CALFORNE 8:22-CV-01421- BOF 021 (Rev. 03/2013)	CJC-ADS	Document	48-23 1003	Filed 01/27/	23 Page 2	2 of 4	Pagat	PAGE 2 of 4
	Com			st Repo	ort			
		(Hand		-				
Laboratory Reference Number								
HANDGUN INFORMATION								
Handgun Type (Check one)	🗌 Revo	olver	🗌 Pis	tol (Rimfire)	🗌 Pis	tol (Cent	erfire)	
Make				Model				
Caliber	Barrel	I Length			arrel? If yes, t division (a)(4)	(Λ)	enal Co Yes	de section
Material(s) (i.e., stainless steel, all	oy, etc.)							
Serial Numbers:								
NOTE: Place an asterisk (*) California Department of Jus			ber of th	ne handgun t	hat is being	g submi	tted to	the
Handgun submitted by								
Address		City				State		Zip Code
Country		Contact	Person			Teleph	one Nu	mber
		1						

HANDGUN REQUIREMENTS

Safety Device:

Revolver: Has a safety device that, either automatically in the case of a double-action firing mechanism or by manual operation in the case of a single-action firing mechanism, causes the hammer to retract to the point where the firing pin does not rest upon the primer of the cartridge pursuant to Penal Code section 31910, subdivision (a)(1).

🗌 Yes	🗌 No
-------	------

Pistol: Has a positive manually operated safety device as determined by standards relating to imported guns promulgated by the Bureau of Alcohol, Tobacco, Firearms and Explosives pursuant to Penal Code section 31910, subdivision (b)(1).

🗌 Yes	
-------	--

No No

STATE OF CALFORN BOF 021 (Rev. 03/2013	8:22-cv-01421-CJC-ADS Document 48-23 Filed 01/27/23 #:1004 Compliance Test Report	-	PAGE 3 of 4		
	(Handguns)				
Laboratory Re	ference Number				
HANDGUN	REQUIREMENTS - Con't.				
Firing Test:					
	ree handguns met both the following requirements pursuant to Penal Code 20 rounds without a malfunction that was not due to a faulty magazine or a		ls to detonate.		
🗌 Yes	□ No				
	00 rounds with no more than six malfunctions that were not due to a faulty ack or breakage of the operating part of the handgun that increased the ris	-			
☐ Yes	□ No				
Chamber lo	ad indicator and magazine disconnect:				
	ts the chamber load indicator (CLI) and/or magazine disconnect requirements and California Code of Regulations, title 11, section 4060.	ent (if applicable) p	oursuant to Penal		
Cent	Centerfire (has both CLI/magazine disconnect)				
□ N/A (check this box if handgun is a revolver)				
Microstamp	bing:				
	matic pistol meets the microstamping requirements pursuant to Penal Coo , title 11, section 4060. MUST ATTACH PHOTOGRAPHS.	de section 31910 a	nd California Code		
☐ Yes	□ N/A (Check this box if handgun is a revolver)				
TEST RESU	ILTS				
Drop Safety	/ Test:				
Each of the thr	ee handguns did not fire a primer during any of the following drop tests:				
Drop #1	Normal firing position; barrel horizontal	Yes	🗌 No		
Drop #2	Upside down; barrel horizontal	Yes	🗌 No		
Drop #3	On grip; barrel vertical	Yes	🗌 No		
Drop #4	On muzzle; barrel vertical	Yes	🗌 No		
Drop #5	On either side; barrel horizontal	Yes	🗌 No		
Drop #6	If there is an exposed hammer or striker, on the rearmost point of that device, otherwise on the rearmost point of the handoun.	□ Yes 11	🗌 No		

STATE OF CALFORNE 8:22-CV-01421-CJC-ADS BOF 021 (Rev. 03/2013)	Document 48-23 Filed 01/27/23 #:1005	B Page 4 of 4	Pagar Then to F JUSTICE PAGE 4 of 4
Com	pliance Test Repor	t	
	(Handguns)		
Laboratory Reference Number			
AMMUNITION/PRIMED CASE INFORM	MATION		
Ammunition Used:			
Manufacturer			
Cartridge	Caliber		
Bullet Weight & Type (i.e., FMJ, JHP, etc.)	Lot No.		
Primed Cases Used:			
Manufacturer			
Primer			
NOTE: One handgun and two casing with this signed report.	is must be sent to the California	a Department	of Justice along

I hereby certify that:

Standard ammunition, as defined in the California Code of Regulations, title 11, section 4049, was provided and used during the firing tests that were conducted for the above stated handgun model. If applicable, the standard ammunition was the more powerful cartridge that was recommended by the manufacturer/importer.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Signature	Date
oignataio	Date
Name/Title (Printed)	

Case 8:22-cv-01421-CJC-ADS Document 48-24 Filed 01/27/23 Page 1 of 52 Page ID United States: 1000eral Accounting Office

GAO

Report to the Chairman, Subcommittee on Antitrust, Monopolies, and Business Rights, Committee on the Judiciary, U.S. Senate

March 1991

ACCIDENTAL SHOOTINGS

Many Deaths and Injuries Caused by Firearms Could Be Prevented





RELEASED General Accounting Office unless specifically approved by the Office of Congressional Belations

DEFENDANT'S EXHIBIT 12

GAO/PEMD-91-9%



GAO

United States General Accounting Office Washington, D.C. 20548

Program Evaluation and Methodology Division

B-240648.2

March 19, 1991

The Honorable Howard Metzenbaum Chairman, Subcommittee on Antitrust, Monopolies, and Business Rights Committee on the Judiciary United States Senate

Dear Mr. Chairman:

At your request, we examined the extent to which certain safety devices could prevent firearms-related deaths. Specifically, we examined the proportion of accidental deaths that might have been averted by two technological modifications to firearms: a child-proof safety device that automatically engages and a device that indicates whether a gun is loaded. We also looked at injuries caused by accidental firearm discharges, for which we developed new information.

This report presents the findings of our research, which shows that the two safety devices could potentially save many lives and would undoubtedly also prevent many injuries. We also present information on the likely number of individuals injured in accidental shootings and discuss a range of alternatives for dealing with this public health problem.

As we arranged with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from its date. At that time, copies of the report will be sent to the Chairman of the Consumer Product Safety Commission, and we will make copies available to others upon request.

If you have any questions or would like additional information, please call me at (202) 275-1854 or Robert York, Acting Director of Program Evaluation in Human Services Areas, at (202) 275-5885. Other major contributors to this report are listed in appendix IV.

Sincerely yours,

6. U.

Eleanor Chelimsky Assistant Comptroller General

Case 8:22-cv-01421-CJC-ADS Document 48-24 Filed 01/27/23 Page 4 of 52 Page ID #:1009

Executive Summary

Purpose	In 1988, some 1,501 people were killed in the United States by acci- dental discharges of firearms, and many more were injured. Among those killed were 277 children under age 15. Concerned about these accidental shootings, the Chairman of the Sub- committee on Antitrust, Monopolies, and Business Rights of the Senate Committee on the Judiciary asked GAO to examine the extent to which certain safety devices could prevent such deaths or injuries. Specifi- cally, GAO was asked to examine the proportion of accidental firearms fatalities that might have been prevented by two types of technological modifications to firearms: a child-proof safety device that automatically engages and a device that indicates whether a gun is loaded. GAO also examined nonfatal injuries, in an effort to establish the totality and costs of deaths and injuries from accidental firearm discharges as well as the relative size of fatal accidents vis-a-vis that totality.
Background	The debate over firearms policy receives nationwide attention on a con- tinuing basis, but only rarely has that debate focused on firearms as consumer products. Nonetheless, one recommendation that has been made is that guns be treated like other consumer products. Some have proposed making guns safer so as to reduce the number of accidental firearm discharges resulting in injuries and deaths. This proposal is in line with efforts aimed at improving the safety of a variety of consumer products implicated in accidental injuries and deaths. However, the Con- sumer Product Safety Commission, the primary federal agency with responsibility for product safety, is not allowed to take action that will restrict the manufacture or sale of firearms. No other agency is explic- itly charged with monitoring firearms safety.
	Firearms are the fourth leading cause of accidental deaths among children 5 to 14 years old and the third leading cause of accidental deaths among 15- to 24-year-olds. Across all age groups, accidental shootings are the sixth leading cause of potential years of life lost because of accidents.
Results in Brief	From a nationally projectable sample, GAO estimates that 31 percent of accidental deaths caused by firearms might be prevented by the addition of two safety devices. Of the 107 accidental firearms-related fatalities GAO examined for calendar years 1988 and 1989, 8 percent could have been prevented had the firearms been equipped with a child-proof safety device. (This 8 percent represents instances in which children

DEFENDANT'S EXHIBIT 12

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GAO/PEMD-91-9 Accidental Shootings

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Executive Summary

	under the age of 6 accidentally shot and killed themselves or other per- sons.) In an additional 23 percent of the cases, people accidentally shot and killed themselves or others with firearms they thought were unloaded. These deaths could have been prevented by a loading indicator.
	Although it has long been assumed that far more injuries than deaths occur from accidental discharges of firearms, no information has been available on the actual number of injuries. GAO examined data on accidental shootings in 10 cities and found that in 1988 and 1989, these areas had a ratio of 105 injuries for each death (that is, more than 100 to 1). Although this estimate, based on a judgmental sample, cannot be generalized to the country as a whole, it is nevertheless reasonable to infer from it that the number of accidental injuries from firearms nationwide is substantial and far exceeds the number of fatalities.
GAO's Analysis	
Prevention of Accidental Deaths and Injuries	About 1 of every 3 deaths from accidental firearm discharges could be prevented by a firearms safety device. From data in autopsy and police reports, GAO determined the numbers of accidental firearm deaths in 1988 and 1989 that (1) could have been prevented and (2) could not have been prevented by either of the two safety devices studied. GAO examined 107 total deaths from accidental firearm discharges. In that sample of fatalities, 34 could have been prevented by safety devices; 52 could not have been. Not enough data were available to determine whether the other 21 were preventable.
	A child-proof safety device (that is, one that prevents the trigger from accidentally being engaged) could have prevented all the accidents in which children under the age of 6 killed themselves or others (8 percent of the total). However, according to experts in pediatric injuries, including experts with research experience in firearms, a child-proof safety device on a firearm (whether based on the child's strength, cogni- tive skills, or both) could reliably be expected to deter only children under the age of 6.
v	A safety device that indicates whether a firearm is loaded could have prevented another 23 percent of the deaths. Many accidental deaths

DEFENDANT'S EXHIBIT 12

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#:1011 Executive Summary

	caused by firearms, other than those affecting children, involve uncer- tainty about whether the weapon is loaded. For example, one might empty a firearm but not notice that a round remains in the chamber, one might typically leave a weapon unloaded and so assume that it is always
	unloaded, or one might pull the trigger several times without discharge (dry-firing) and so assume the chamber to be empty even though it is not.
	Other accidental deaths GAO examined were not considered preventable by these devices. For example, death can be caused by a gun that dis- charges when it is accidentally dropped or falls from its storage location or by a hunter mistakenly believing he or she is shooting at game.
	From our sample, we can project that about 458 (plus or minus 89) of the 1,501 deaths in 1988 could have been prevented by either a child- proof device or a loading indicator device. In addition to the lives that could be saved, there are medical expenses and other economic costs to society that would not occur were these deaths to be prevented. Averting 458 deaths would avoid costs estimated to exceed \$170 million.
Deaths and Injuries	According to statistics maintained by the National Center for Health Sta- tistics, the number of deaths annually caused by accidental firearm dis- charges has generally been decreasing, ranging from 1,955 deaths in 1980 to 1,501 deaths in 1988. This is a decline of 23 percent over 8 years. However, no national data have been maintained on the number of injuries caused by accidental firearm discharges. In fact, few police departments maintain records on injuries caused by firearms. GAO iden- tified 10 cities whose police departments maintain such data. These cities had populations ranging from about 93,000 to over 1 million.
	The police data GAO examined showed that there were 527 injuries and 5 deaths from accidental shootings in 1988 and 1989. Thus, across these 10 cities, the ratio of nonfatalities to fatalities was about 105 to 1.
v	An estimate of the overall costs associated with unintentional firearm injuries and deaths can be derived by combining the incidence data with information on the cost of injuries. If there were 1,500 deaths and some 12,000 hospitalizations (less than one tenth the number of injuries estimated from our sample) from accidental shootings every year, that would translate into an estimated lifetime cost, each year, of close to \$1 billion.

DEFENDANT'S EXHIBIT 12

Page 4

Executive Summary

Recommendation	The number of individuals being injured and killed each year in acci- dental shootings is substantial. GAO has determined that two technolo- gies—child-proof safeties and loading indicators—show promise for reducing the number of deaths and injuries. However, obstacles remain to realizing this promise and, in addition, other approaches (for example, training gun owners or limiting access to firearms) may be equally or more effective.
	The human, economic, and public health costs of these shootings to the victims, their families, and society are considerable. The magnitude of the problem requires that all possible efforts be made to reduce the number of accidental shootings.
	The Consumer Product Safety Commission, the primary federal agency with responsibility for product safety, is currently not allowed to take any action that might restrict the availability of firearms to the con- sumer. GAO recommends that the Consumer Product Safety Act be amended to clearly establish that the Consumer Product Safety Commis- sion can regulate the risk of injury associated with firearms.
Agency Comments	GAO did not request comments on a draft of this report.

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GAO/PEMD-91-9 Accidental Shootings

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Accidental Firearm Discharges	

Abbreviation

GAO General Accounting Office

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Introduction

A 4-year-old boy shoots his 2-year-old brother with the .22-caliber pistol he finds under the seat of his father's pickup truck. A 10-year-old finds a .38-caliber revolver in a dresser drawer. He does not think it is loaded and accidentally kills his 8-year-old sister while playing with the gun.

These and similar incidents highlight an issue of concern: accidental injuries and deaths from firearms. Currently in the United States, about 1,500 people die each year from accidental shootings, and an unknown number of people are injured. Firearms are the fourth leading cause of accidental deaths among children 5 to 14 years old and the third leading cause of accidental deaths among 15- to 24-year-olds. Across all age groups, accidental shootings are the sixth leading cause of potential years of life lost from accidents.¹ Some 277 children under age 15 were killed in accidental shootings in 1988.

The Chairman of the Subcommittee on Antitrust, Monopolies, and Business Rights of the Senate Committee on the Judiciary requested that we undertake a study to try to estimate the number of deaths and injuries that might be prevented by two possible technological modifications to firearms: child-proof safeties that would automatically engage and loading indicators that would show when a live round was in the chamber, ready to be fired.

In response to this request, we conducted a study to examine the magnitude of the problem of unintentional firearms injuries and to estimate the effect of the two proposed technological modifications in preventing such accidents.

Background

The debate over firearms policy receives nationwide attention on a continuing basis. Most of this debate has focused on issues of gun ownership, such as waiting periods for purchase, background checks, gun licensing, and banning certain types of weapons. These issues generally focus on problems with the illegal use of firearms versus rights of gun ownership for protection and recreation.

Absent from most of the gun control debate is a discussion of firearms as consumer products. One recommendation that some researchers in public health have made is that guns be treated like other consumer products. That is, they propose that steps be taken to make guns safer

¹The standard method of calculating potential years of life lost is to subtract the age at death of the accident victim from age 65.

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to at least reduce the number of injuries and deaths resulting from the accidental discharge of firearms. This proposal is in line with efforts aimed at improving the safety of a variety of consumer products implicated in accidental injuries and deaths, including automobiles, toys, and poisonous substances. The federal government has increasingly played a role in mandating changes to products to improve their safety. However, the Consumer Product Safety Commission, the primary federal agency with responsibility for product safety, is not allowed to take action that will restrict the availability of firearms to the consumer. No other agency has been charged with monitoring the public health risks firearms may entail. This report looks at the probable effects of two specific suggestions from the public health literature for improving the safety of firearms: child-proof safeties and loading indicators. As mentioned above, shootings are among the leading causes of acci-**Accidental Shootings** dental deaths, particularly among young people. It should be noted that accidental shooting deaths represent only a small proportion of the total number of people injured and killed by firearms each year. The majority of deaths from firearms (56 percent) are suicides, with homicides accounting for most of the remainder (39 percent). Only 5 percent of firearms-related deaths each year are caused by accidental shootings. Nonetheless, the number accidentally injured or killed by firearms may represent a substantial number of cases. While data on the number of fatalities are available, there is little information on the number of injuries caused by accidental shootings. And, despite attention to the issue of firearm accidents by public health researchers, there is little in the way of empirical evidence on the circumstances of accidents involving firearms, so not much is known about the details of those shootings. National data are available on the number of deaths caused by unintentional shootings. The National Center for Health Statistics annually collects national data for all causes of death. Numbers for the years 1980-88 are shown in table 1.1. No comparable information is available for nonfatal injuries.

	1980	1981	1982	1983	1984	1985	1986	1987	1988
Deaths	1,955	1,871	1,756	1,695	1,668	1,649	1,452	1,440	1,50
Nonfatal injuries	NA	NA	NA	NA	NA	NA	NA	NA	NA
	deaths each yea	r until '	1087	ith an i	noroge	in 100	8 than	net roa	ont
	deaths each yea year for which i		,				,		ent
	year for which i number of death	nforma ns has d	tion is : leclined	availab , but th	le. We d ere are	lo not k several	now wł l possib	ny the le expla	na-
	year for which i	nforma 15 has d 1 in gun	tion is a leclined safety	availabl , but th and pul	le. We d ere are olic awa	lo not k several areness	now wł l possib campai	ny the le expla igns maj	.na- y be

year for which information is available. We do not know why the number of deaths has declined, but there are several possible explanations. Education in gun safety and public awareness campaigns may be having some effect. There may be fewer deaths because gun owners are taking more precautions in storing and handling their weapons. There may also be a greater general awareness of the dangers associated with firearms, so individuals refrain from handling unfamiliar weapons. The many products entering the market for securing firearms may also be having an effect. Many devices are available for storing guns or protecting them from unauthorized users. Another possible explanation is that more shooting victims may be surviving their injuries because of better trauma care and better access to care. Any or all of these influences may be working to bring down the number of fatalities.

Objectives, Scope, and Methodology The central objective of this project was to provide an estimate of the proportion of firearms accidents that might be prevented by the addition of a child-proof safety or a loading indicator. This issue divides into two questions:

• What proportion of firearm accidents might have been prevented with a child-proof safety?

• What proportion of accidents might have been prevented with a loading indicator?

A second objective of our research was to add to the base of knowledge on firearm accidents, particularly by contributing information on the number of injuries. No national estimates are available on accidental injuries from firearms. As a result, there is no clear understanding of (1) the universe of accidents, both fatal and nonfatal, annually caused by firearms; (2) the relative importance of fatal accidents in terms of that universe (that is, it is not known if the deaths in any given year represent 5 percent of the accidental shootings or 50 percent); and (3) the costs represented by this unknown universe of deaths and injuries.

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The scope of our work was limited to <u>unintentional</u> injuries and deaths from firearms. This eliminates the vast majority of gunshot injuries, specifically those related to any types of criminal activity or suicide attempt. Similarly, we limited the scope of "preventable" shootings to those that could have been averted by means of a child-proof safety or a loading indicator. We collected data for 1988 and 1989, the most recent years for which complete data were available at the time of our research.

For our examination of preventability, we looked at cases in which there had been a death as a result of an accidental firearm discharge. We collected data from a nationally representative sample of jurisdictions. This allowed us to develop a statistically valid estimate of the proportion of deaths preventable with a child-proof safety or loading indicator.

We determined if there were any deaths from accidental shootings in 1988 or 1989 by contacting state vital records offices and the coroners or medical examiners in the selected jurisdictions. The determination of whether a particular shooting might have been prevented by a childproof safety or a loading indicator required detailed information about the particular incident. Generally, this meant that we needed information on the shooter, the weapon, and the circumstances of the accident.

By limiting the cases to fatalities, we could contact coroners or medical examiners in the selected jurisdictions to obtain the needed information. Information from these files for deaths was sufficiently detailed in about 80 percent of the cases to allow a determination of preventability.

We limited this examination of preventability to fatal shootings primarily because less information is maintained on accidental injuries than on deaths. In our preliminary investigation, we learned that the information we needed to make a determination of preventability was very often not available in cases in which there was only an injury and no death. In fact, in many instances, it might not be possible to locate <u>any</u> information about a nonfatal accident.

We learned that many police departments do not maintain retrievable records on accidental shootings (since these are not crimes), and even when they do, they document more completely the incidents in which a shooting victim died. Even in deaths believed from the outset to be accidental, the homicide unit is often involved in the investigation. Additionally, details of the circumstances surrounding accidental deaths are

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	usually available from coroners' and medical examiners' reports. In con- trast, information from the case records of injuries we examined was rarely sufficient to allow us to determine preventability. Consequently, we restricted our preventability determinations to cases involving acci- dental deaths.
	We did examine accidents involving nonfatal injuries in order to develop some information about the frequency of such accidents and to explore the relative proportion of injuries to deaths. Our examination of these accidents is based on data drawn from 10 cities. The lack of data in many police departments for such accidental shootings limited our study. We identified 10 urban police departments that maintained acces- sible records on accidental firearm injuries and were willing to provide the case file information. Police departments that were included in our study were for the following cities: Tucson, Arizona; San Jose, Cali- fornia; Denver, Colorado; Atlanta, Georgia; Louisville, Kentucky; St. Paul, Minnesota; Albuquerque, New Mexico; Columbia, South Carolina; Dallas, Texas; and Salt Lake City, Utah. Because this was a convenience sample of departments, the results from these 10 cities cannot be gener- alized to the country as a whole.
	A more detailed discussion of the scope and methodology we used is pro- vided in the chapters covering each part of the work. The sampling plan is discussed in detail in appendix I.
	It should be noted that we did not investigate the specifics of design modifications to firearms to make them child-proof or to indicate whether they were loaded. We learned that various devices exist and are available on some firearms, but we did not examine the difficulty or cost associated with providing such devices on all firearms. We have examined the potential effectiveness of such devices in preventing acci- dental shooting deaths on the <u>assumption</u> that all firearms would be equipped with them. We comment further on this in chapter 4.
	As requested by the subcommittee, we did not request comments on our report from any federal agency. Our work was performed in accordance with generally accepted government auditing standards.
Study Strengths and Limitations	There is very little specific information currently available about the details and circumstances surrounding accidental shootings. In particular, there is little known about nonfatal shootings. One strength of this study is that it adds to the knowledge on this topic.

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> A second strength is the method we used for our examination of preventability. Because we collected data from a nationally representative sample of jurisdictions, we have developed a valid estimate of the proportion of deaths preventable nationwide by means of a child-proof safety or a loading indicator. In carrying out this study, we went to great lengths to obtain information on the accidental shootings in our sample, contacting coroners and medical examiners and, when necessary, seeking additional information from police records.

We have attempted to make the most conservative choices in our assumptions. For example, in considering at what age a child-proof safety might be effective in consistently preventing a child from firing a weapon, we chose the youngest age proposed by any expert in the area. Undoubtedly, some older children would also be prevented from firing weapons equipped with such devices, but we have only counted children under 6 in our calculations of preventability.

The limitations to our investigation relate primarily to our examination of the proportion of firearm accidents resulting in injuries. Because we had to rely solely upon police department records for this information, there are potential gaps in the data. As is usual in the United States, each police department has its own recordkeeping system, with accidental shootings filed under different categories in different departments. In some instances, the department retrieved the records for us from computerized files, while in other instances we had to conduct a hand search of all records filed under some broader heading. These different recordkeeping systems may account for some variability in the number of cases identified in the different cities. But any bias must necessarily be in the conservative direction (that is, the numbers can only underreport the actual totals), because all the cases we report were of identifiable accidental shootings.

An additional limitation is that we could not evaluate all possible alternatives for reducing firearm accidents; we could evaluate only the potential effectiveness of child-proof safeties and loading indicators. We discuss other possible approaches in chapter 4.

It should be noted that most of these limitations are merely reflections of immaturity in this area of research. This is also true of other areas in which police data and uncounted or hidden populations are involved and for which no national monitoring agency responsibility exists.

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Organization of the In chapter 2, we address the question of firearm accidents that cou
Report prevented by child-proof safeties and loading indicators. Our resear on nonfatal injuries from firearm accidents is discussed in chapter and we discuss the implications of our findings in chapter 4. The sa pling plan and estimation methodology are provided in appendix I. Appendix II contains a discussion of the costs of firearm injuries. S gested legislative language for implementing our recommendation vided in appendix III. Major contributors to the report are listed in appendix IV.

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The Preventability of Accidental Deaths From Firearms

In this chapter, we report on our estimate of the proportion of all accidental firearm deaths that could be prevented by either a child-proof safety device or a device that indicates whether a gun is loaded. We first describe the methodology we used to determine which deaths could have been prevented. Next, we provide our findings on the numbers of accident cases in our sample that were preventable by a child-proof safety or loading indicator and the accidents that were not thereby preventable. We include a description of some of the characteristics of the accidents in our sample and conclude with estimates of preventable deaths nationwide.

Methodology

To determine the percentage of accidental deaths from firearms that could have been prevented by either of the two types of devices, we examined data from medical examiners and coroners in a sample of jurisdictions from across the United States. We randomly selected 110 urban and rural jurisdictions (counties and independent cities) and determined if there had been any deaths in the jurisdictions from accidental shootings in 1988 or 1989, the most recent years for which data were available. To determine if there were any such deaths, we contacted state vital records offices and the coroners or medical examiners in the selected jurisdictions.

We requested complete case file information (investigation reports, autopsy results, and so on) from the medical examiner or coroner for every accidental death from firearms that we identified. In some cases, when medical examiners' or coroners' data were insufficient to allow a preventability determination, we sought supplemental information from police department records. In total, we reviewed 107 case files.

After our review of case files, we divided the accidental firearm deaths into four categories: (1) those that could have been prevented by a child-proof safety device, (2) those that could have been prevented by a loading indicator device, (3) those that could not have been prevented, and (4) those for which a preventability determination could not be made.

We constructed criteria for determining which cases fell into each category. For deciding which accidents could have been prevented by a child-proof safety device, we sought the advice of experts. Several types of child-proof devices are on the market. Through various means, such devices lock the trigger to prevent it from being pulled. According to pediatrics experts and experts on deaths and injuries from firearms, a

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child-proof device can be reasonably expected to prevent only children up to about age 6 from discharging a firearm. Children under that age are not considered strong enough physically or developed enough cognitively to be able to disengage a safety mechanism designed to be childproof. Therefore, our criterion for determining the number of deaths that could have been prevented by a child-proof device was the age of the child firing the weapon.

Loading indicators allow one to determine at a glance whether a firearm is unloaded and whether a round remains in the chamber. Our criterion for determining the number of deaths that could have been prevented by a loading indicator was that there was evidence that the shooter believed the weapon was unloaded. We required that there be evidence of one of three situations in the case file. First, the shooter believed the firearm to be unloaded because either the shooter had emptied the firearm but failed to note that a round remained in the chamber or the shooter's common practice was to leave the weapon unloaded and so assumed it to be. Second, the shooter pulled the trigger several times without the firearm discharging (dry-firing) and so assumed it to be unloaded. Or third, the firearm had been stored for over a month, so the shooter did not remember whether it was loaded but assumed it was not.

We judged an accidental firearm death to be nonpreventable in cases in which there was specific evidence that the conditions above for childproof safeties and loading indicators were not met (that is, shooter over age 6, shooter knew weapon was loaded). Examples of nonpreventable accidents (that is, not preventable by either of these two devices) included cases in which a weapon fell or was knocked to the ground and consequently discharged. Hunting accidents in which victims were mistakenly shot (for example, the 18-year-old man who was shot by a friend who mistook him for a deer) were also considered nonpreventable.

We classified as "undeterminable" any death for which the case file lacked sufficient detail to enable a determination of preventability. These included self-inflicted shootings in which there was no way of determining whether the victim had checked the gun before firing it.

For addressing the question of how many accidental shootings might have been prevented by the two safety devices, we examined accidental deaths from firearms, rather than injuries, primarily because more information is maintained on accidental deaths than on injuries. For example, police departments document more completely incidents in

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which a shooting victim died. Even in deaths believed from the outset to be accidental, the homicide unit is often involved in the investigation. Additionally, details of the circumstances surrounding accidental deaths are usually available from coroners' and medical examiners' reports. Information from such sources was often sufficiently detailed to allow a determination of preventability. In contrast, information from the case records of injuries we examined was rarely sufficient to allow us to determine preventability. Consequently, we restricted our preventability determinations to cases involving accidental deaths.

Findings

Child-Proof Safety Devices	Of the 107 deaths we reviewed, 9 (8 percent) resulted from shots fired by children under age 6. These deaths could have been prevented by a child-proof safety device. Although children under the age of 6 gener- ally cannot disengage a child-proof device, they are quite capable of firing a handgun, as demonstrated by medical examiners' and coroners' reports. In one case, for example, a 1-1/2-year-old boy and his 3-1/2- year-old brother were playing with a .38 caliber handgun that they found under their father's pillow. The weapon discharged, striking the younger child and killing him.
Loading Indicator Devices	Of the 107 deaths, 25 (23 percent) could have been prevented had the firearm had a loading indicator. These deaths occurred when the shooter, typically a male between 13 and 24 years old, believed for one reason or another that the firearm was unloaded. In one case, a 15-year-old boy removed a .22 caliber handgun from his father's nightstand and pointed it playfully at his 11-year-old sister. He had already removed the clip, for he was familiar with the gun (having fired it at the range once before), and thus believed the gun was unloaded. However, he did not realize that a round remained in the firing chamber; upon discharge, it struck his sister in the head.
v	Other deaths occurred when the shooter dry-fired a weapon one or more times and so believed it to be unloaded. In one case, a 17-year-old boy took a large-caliber handgun he believed to be unloaded and, in the pres- ence of two friends, put it in his mouth. He pulled the trigger and, when the weapon failed to discharge, he placed it to his head and again pulled the trigger. The weapon then discharged.

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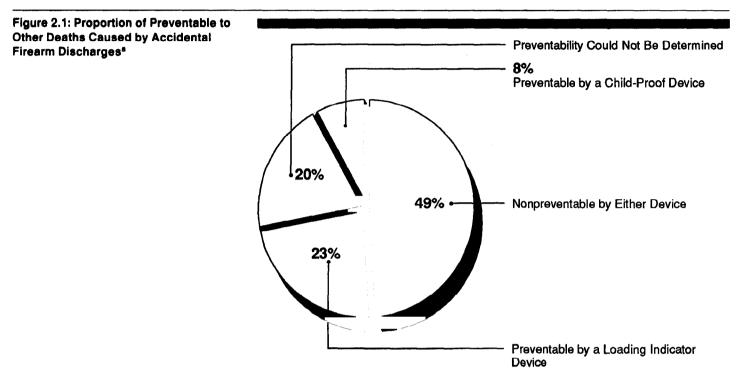
	In still other cases, the shooter habitually unloaded a firearm before storing it and so assumed it to be unloaded. For example, one man was cleaning his .44 caliber handgun that he always kept unloaded, but he had forgotten that he had placed a loose round in the chamber 2 weeks earlier. When he cocked the hammer to clean it, he inadvertently touched the trigger. The bullet struck his wife in the chest.
Other Accidents	In 52 (49 percent) of the 107 cases we examined, the accident involved neither a child under the age of 6 nor a firearm believed to be empty. These deaths largely include those that occurred because a weapon dis- charged when it fell or was knocked to the ground. For example, in one case, a hunter was jumping into the back of a pickup truck when his rifle knocked against the truck bed and discharged. The bullet entered the cab of the truck, killing a passenger.
	Although we classified such cases as "nonpreventable" by a loading indicator, we believe that some clearly would have been prevented had the shooter (1) been more careful in handling the weapon, (2) not been intoxicated, or (3) received training in firearm handling. We used gun safety materials published by the National Rifle Association to develop statements of basic safety practices. Among the 107 cases we examined, 90 involved clear violations of good gun-handling practices. For example, 7 cases involved intoxication or some use of alcohol and 10 cases involved Russian roulette.
	In 21 (20 percent) of the 107 cases we examined, the case file informa- tion was insufficient to enable us to determine preventability. In one case, a 42-year-old male was admitted to a hospital with a gunshot wound in the abdomen. The case file indicated only that the wound was self-inflicted and occurred as the victim was reportedly putting the gun in a holster. It did not contain information on whether the victim thought the firearm was unloaded. Undoubtedly, some unknown propor- tion of these cases also could have been prevented by the presence of a loading indicator.
v	Figure 2.1 shows, for the 107 accidental deaths we reviewed, those that could have been prevented, those that could not have been prevented by either a child safety or loading indicator device, and those for which a preventability determination could not be made.

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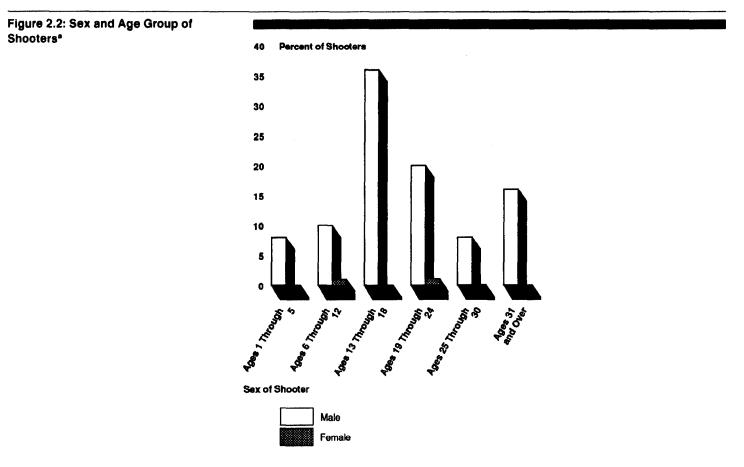


^aFrom our sample of 107 cases, calendar years 1988 and 1989.

Characteristics of Accidental Deaths From Firearms

In the course of our review, we observed several interesting characteristics about accidental deaths from firearms. (Figures 2.2 through 2.6 show selected characteristics of the case files we reviewed.) As shown in figure 2.2, many more shooters were male than were female, and more shooters were between the ages of 13 and 24 than in other age groups.

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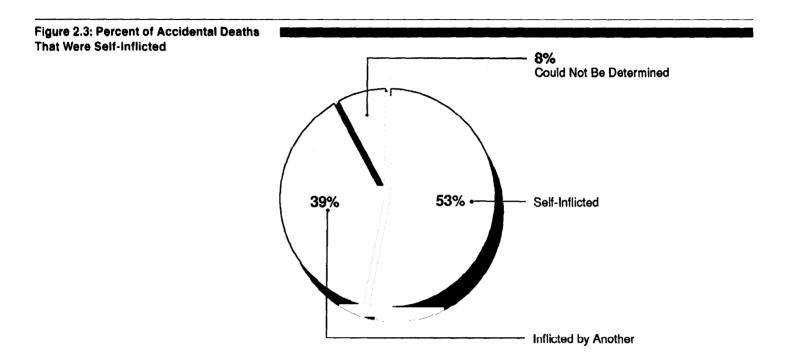


^aBased on 86 case files that included both sex and age.

Slightly more than half the deaths were from self-inflicted wounds, as shown in figure 2.3.

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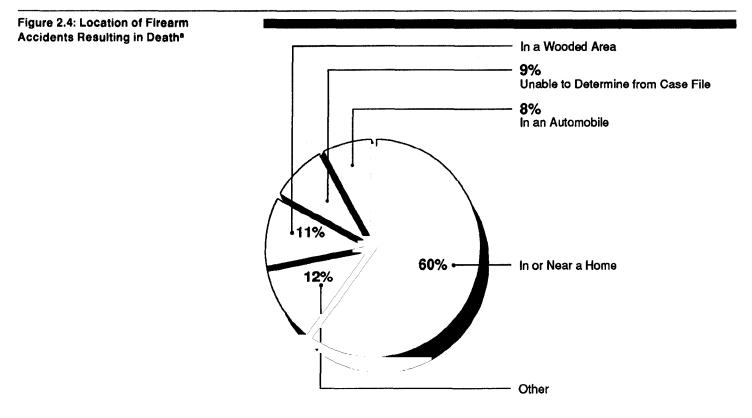
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More deaths occurred in or near a private residence than in vehicles, parks, or streets, as shown in figure 2.4.

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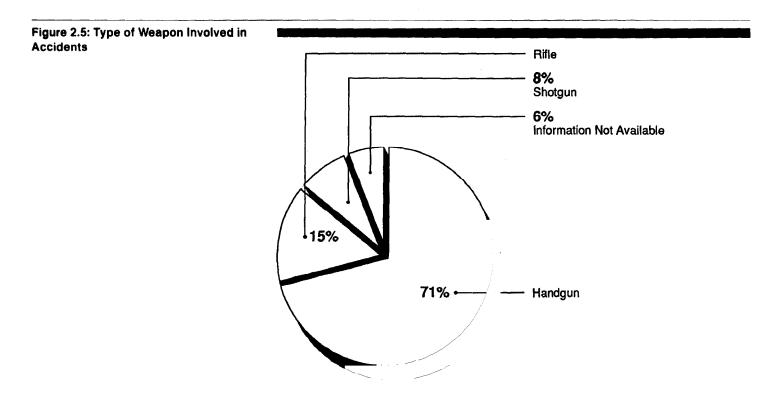
a"Other" includes public streets, sidewalks, alleys, public parks, workplaces, and firing ranges.

A handgun was the weapon involved in the majority of deaths, as shown in figure 2.5.

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Chapter 2 The Preventability of Accidental Deaths From Firearms

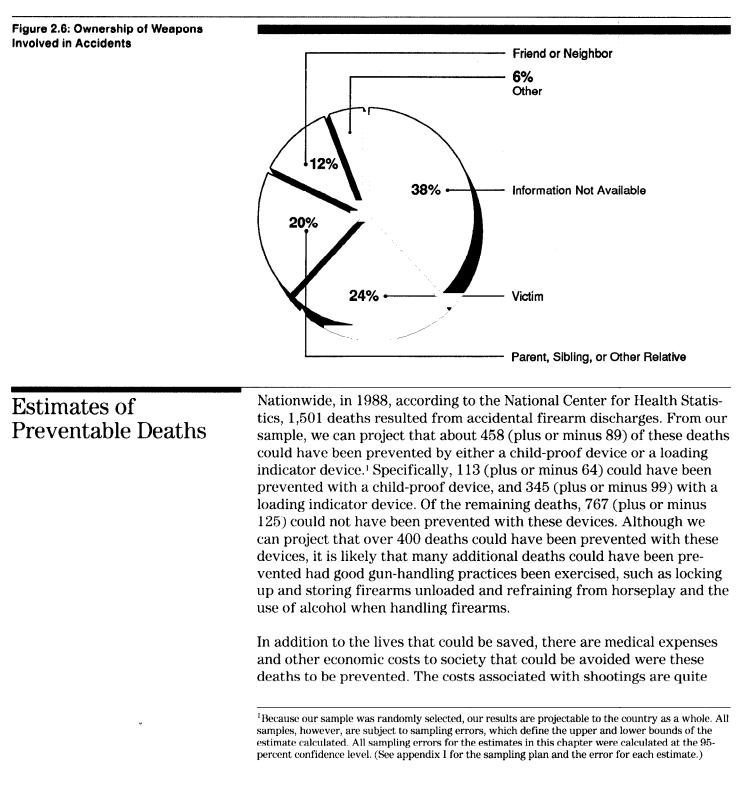


And over 4 out of 10 victims died by their own (or their family's) firearm, as shown in figure 2.6.

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high. If 458 deaths were averted, this would avoid costs estimated to exceed \$170 million. (See appendix II for further discussion of the costs of firearm injuries and deaths.)

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Accidental Injuries and Deaths From Firearms

As we stated in chapter 1, data on the number of fatalities are available, but there is little information on the number of injuries caused by acci- dental shootings. This chapter reports on our examination of the uni- verse of injuries and deaths caused by accidental firearm discharges. We first describe the methodology we used to determine the ratio of injuries to deaths. Next, we provide our findings on the accidental shooting cases in our sample. We conclude with a discussion of the estimates of injuries from accidental firearm discharges nationwide.		
We examined firearm accidents involving injuries, but no deaths, in order to develop some information about the frequency of such acci- dents and the relative proportion of injuries to deaths. As we noted in chapter 1, our examination of these accidents is based on a sample of 10 urban police departments. The lack of data on accidental shootings in many police departments limited our study.		
As we sought data on fircarm accidents from city police departments, we found that the sophistication of police department recordkeeping systems varied widely, as did the extent of data maintained on cases involving accidental firearms discharges. Because police department record systems are essentially designed to track crimes and not acci- dents, many police departments do not maintain records on accidental shootings unless they result in death. And those that do maintain records on accidental shootings often include these records in a large "miscellaneous" category that makes their retrieval and review very labor intensive and time consuming. In contrast, some police depart- ments maintain records by code, with a different code for each type of event they investigate, including firearm accidents. Other departments group their reports into sufficiently narrow categories (for example, "accidents" and "assaults") that the manual retrieval and review of the reports is feasible.		
We identified 10 urban area police departments that maintained accessible records on accidental shootings and were willing to provide the case file information. To identify these police departments, we began with a list of jurisdictions suggested as having good data bases by several national law enforcement organizations. We contacted every police department suggested as well as others to which those departments referred us. The 10 cities included in our study were Tucson, Arizona; San Jose, California; Denver, Colorado; Atlanta, Georgia; Louisville, Kentucky; St. Paul, Minnesota; Albuquerque, New Mexico; Columbia,		

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South Carolina; Dallas, Texas; and Salt Lake City, Utah. The 1986 area populations ranged from 93,000 to over 1 million.

We obtained information from the 10 police departments on all the reported accidental shootings in their jurisdictions in 1988 and 1989. In most states (including 8 of the 10 states where cities in our study are located), hospitals and physicians are required by law to report gunshot injuries to the police. Two of the states where our cities are located, New Mexico and Kentucky, have no such statewide legal requirement. However, according to police officials in the 2 cities studied in those two states, Albuquerque and Louisville, medical professionals report cases involving gunshot injuries as a common practice. As a result, we are confident that the majority of accidental injuries from firearms in our 10 sampled cities are captured in our study.

Such reporting requirements were not the sole reason we sought data from police departments rather than from hospitals, the most common source of injury information. We learned that hospital records typically do not include information about whether a firearm injury was accidentally or intentionally inflicted, and thus we could not separate accidents from suicide or homicide attempts.

At the 10 police departments, we examined a total of 532 cases of accidental firearms discharges that resulted in either injury or death in 1988 and 1989.¹ Whereas we could project from our sample of medical examiners and coroners the nationwide number of accidental deaths from firearms that could have been prevented, we cannot do so for injuries. Because our sample of the 10 urban police departments is not representative, we cannot generalize our results either regionwide or nationwide. Nevertheless, as there has been a dearth of data on accidental injuries from firearms, we believe that our data will contribute to the national base of knowledge on accidental injuries from firearms. Knowledge about the number of injuries that occur each year is important for understanding the size of the public health problem, a key element in any consideration of the need to find solutions to the problem.

Findings

Of the 532 accidental firearm discharge cases we examined, 527 resulted in injuries, and 5 resulted in deaths. This is a ratio of 105 to 1 of injuries

¹Not included in the 532 cases were shootings involving BB pistols or pellet guns and three cases with injuries where handguns loaded with blanks were intentionally fired. We also excluded cases of accidental firearms discharges where no one was injured and cases where the victim refused to cooperate with the police in providing any information about how the shooting occurred or who was involved.

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Chapter 3 Accidental Injuries and Deaths From Firearms

to deaths. Table 3.1 shows the numbers of injuries and deaths from accidental firearm discharges in the 10 cities.

City and state Total **Population**^a Death Injury Albuquerque, N. Mex. 366,750 1 48 49 Atlanta, Ga. 421,910 1 80 81 Columbia, S.C 93,020 0 12 12 1 248 249 Dallas, Tex. 1,003,520 2 Denver, Colo 505.000 15 17 286,470 0 34 34 Louisville, Ky. 2 2 St. Paul, Minn. 263,680 0 0 12 12^b Salt Lake City, Utah. 158,440 0 712,080 19 19 San Jose, Calif. Tucson, Ariz. 358.850 0 57 57 5 527 532 Total 4,169,720

^a1986 population.

Table 3.1: Deaths and Injuries From Accidental Firearm Discharges, 1988 and

1989

^bDoes not include first three quarters of 1988.

The reasons for the wide variation in the cities' numbers of deaths and injuries, inconsistent with their population sizes, are unknown. To some extent, the variation may stem from differences in the police departments' recordkeeping systems. As we stated above, some departments had very sophisticated computerized systems that allowed for easier (and presumably more accurate) retrieval of cases. For example, Dallas, the city in our sample with the highest number of accidental shootings, had one of the most sophisticated recordkeeping systems.

Another reason for the wide variation may be differences in patterns of gun ownership. There are higher rates of gun ownership in the South and some parts of the West than in the North, for example. This may, in part, account for the low number of accidents in St. Paul and the higher numbers in Dallas, Atlanta, and Tucson. We have no ready explanation for why San Jose, the second largest city in our sample, had many fewer instances of accidental shootings than did Dallas, the largest city we studied.

At the least, however, the numbers of injuries are conservative. According to several police officials, some cases undoubtedly are not reported, although it is impossible to know how many. If some accidental shootings go unreported and uninvestigated, this is far more likely to happen in cases involving only injuries and no deaths. This

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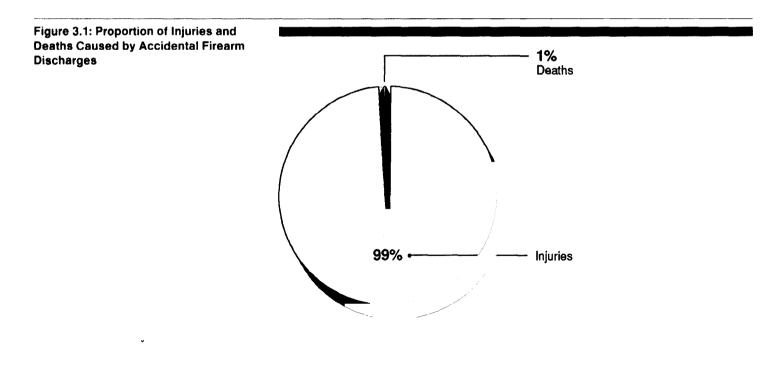
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means that the reported numbers of deaths should be very accurate while the numbers of injuries may be underreported.

The characteristics of the accidental injury cases we reviewed were similar to those of the preventable and other death cases discussed in chapter 2. That is, the vast majority (90 percent) of the shooters were male, and almost half of all shooters were between the ages of 13 and 24. Most of the injuries were self-inflicted; most were caused by a handgun. In about two thirds of the cases, the accident occurred in or near a private residence.

The following case typifies the circumstances surrounding many of the accidental shootings in our sample. A 14-year-old youth was handling a .38 caliber handgun in his front yard. He assumed it to be unloaded and pulled the trigger, shooting himself in the foot.

Figure 3.1 shows, for the 532 cases we reviewed, that 99 percent of the accidental firearms discharges resulted in injuries rather than deaths. As already noted, we estimate that the ratio of injuries to fatalities is 105 to 1, based on the cases we reviewed in 10 cities.



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Implications

As we stated in chapter 1, we know that the number of deaths nationwide resulting from accidental firearm discharges was 1,501 in 1988, the most recent year for which totals are available. Given the cases we reviewed in 10 cities, we derived an estimate of the ratio of injuries to deaths of 105 to 1. Were we to apply this estimate to the nation, using the known number of deaths, we would estimate that there were approximately 157,600 injuries from accidental firearm discharges each year. However, because the sample of cities on which the ratio is based was not randomly selected, we cannot generalize to the nation as a whole.

There are a number of potential sources of bias in the data. First, the data most likely underestimate the actual number of injuries because of the general lack of reporting of accidental shootings. This source of bias would mean that the true ratio of injuries to deaths would be even higher than what we found.

There are also potential biases that would indicate the true ratio nationwide could be lower than that in our sample (that is, nationwide there could be fewer than 105 injuries for every death). Our sample of jurisdictions, driven by data availability, was entirely urban, and this could bias an estimate of the proportion of accidents that were survivable. There are at least three factors directly related to the survivability of a shooting that could vary between urban and rural settings: the caliber of the firearm (.22, .45, and so on), the type of firearm (handgun, long gun, or shotgun), and the quality of medical treatment received. The caliber of the firearm could bias the estimate, since caliber is positively associated with lethality. If lower-caliber firearms are more common in urban shootings (which we do not know), then urban victims could have a greater likelihood of surviving, thus inflating the ratio of injuries to deaths. The type of firearm could bias the estimate, since rifles, more common in rural hunting situations, are more lethal, even when caliber is held constant, because the bullet is fired with greater velocity. Thus, if rural victims are more likely to be shot with rifles, a higher proportion of rural shootings would likely result in death. Finally, the quality of medical treatment could bias the estimate, since urban dwellers are generally closer to emergency care, resulting in urban gunshot victims being more likely to survive potentially fatal injuries.

One frequent source of bias from nonrandom samples, that the locations selected were somehow "unique" or different from average, we do not believe to be a problem for this study. There is no reason to expect that the most important factor in whether an accidental shooting proves

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fatal or not—where the bullet strikes the victim—should differ in any way from one locale to the next. Since these are accidental shootings, and not intentional, having a bullet strike a vital organ should largely be a random occurrence, regardless of whether the shooting is in an urban area or a rural one, a large city or a small one.

Even though we cannot validly project the proportion of injuries to deaths resulting nationally from accidental firearm discharges, there are some indications that the data from our sample are reasonable. As mentioned above, the characteristics of the cases in this sample are very similar to those from the representative sample of deaths we described in chapter 2. In addition, the figures seem in line with the injury-to-death ratios for other types of accidents. When the 105 to 1 ratio of injuries to deaths caused by accidental firearms discharges is compared with similar data for other types of accidents, our data appear consistent. For example, according to the National Safety Council, similar proportions of injuries to deaths exist nationwide for all accidents (94 to 1), accidents occurring in the workplace (162 to 1), and accidents occurring in the home (151 to 1).²

²These numbers are for "disabling injuries." A disabling injury is defined as an injury causing death, permanent disability, or any degree of temporary total disability beyond the day of the accident.

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Implications

The Size of the	As we stated in chapter 1, the number of deaths from accidental shoot-
Problem	ings has been generally declining over the last several years. This would seem to indicate that the problem is not large and has leveled off. How- ever, what is missing from this picture is any sense of the number of injuries resulting from accidental shootings. Without this information, we cannot judge how big a public health problem firearm accidents really are.
	From the declining number of deaths, we cannot determine if the total number of accidental shootings is declining (and declining at the same rate) or if the same number of people are accidentally shot each year but better trauma care is saving the lives of an increasing proportion of the victims.
	Our report presents data on the number of injuries associated with every death. Although we cannot project to the country as a whole, were there actually to be the same ratio nationwide as in the 10 cities we studied, that would mean there are approximately 157,600 such injuries each year.
	That number, because of methodological limitations discussed in chapter 3, must be viewed as a gross estimate. However, the number does give some sense of the size of the problem. It seems obvious that the total number of accidental shootings is many times the number of fatalities. This is in line with other causes of accidental death and injury. For example, as mentioned in chapter 3, the ratio of workplace injuries to deaths is 162 to 1, while accidents in the home have an injury to death ratio of 151 to 1. Thus, a ratio of tens of injuries for each death seems reasonable for accidental shootings.
v	Even if one excluded Dallas, the city in our sample with the largest number of injuries, there would remain 279 injuries and 4 deaths (that is, a ratio of 70 to 1), still a large relative proportion of injuries to deaths. If one were to reduce by half the ratio of injuries to deaths that we found, that would still result in a projection of approximately 78,800 injuries annually from accidental shootings in the United States. If one were to reduce it even further, to account for any possible bias, it seems likely, and reasonable, that the resulting projection would still be tens of thousands of such injuries each year. If the true ratio of injuries to deaths nationwide were only one tenth of the ratio in the cities we studied, it would mean there are over 15,000 injuries from accidental shootings each year.
	Shootings each year.

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	In addition to the tragedy of these shootings, occurring as they prima- rily do among young people, there is the issue of costs. As mentioned in chapter 2, the costs associated with gunshot wounds are quite high. Thus, the economic effect of thousands of accidental shootings could be significant. Even if the true number of accidental shootings is smaller than the ratio from the 10 cities studied would indicate, the costs would still be substantial. If there were 1,500 deaths and some 12,000 hospital- izations (less than one tenth the number of injuries estimated from our sample of cities) every year, that would translate into an estimated life- time cost, each year, of close to \$1 billion. ¹ (See appendix II for further discussion of the costs of firearms injuries and deaths.)
	It seems clear that thousands of individuals and families are affected by these accidents each year. We turn now to a discussion of approaches that are available for reducing the number of such shootings.
Approaches to Reducing Accidental Shootings	Many of the accidental shootings each year are preventable. Of the fatal shootings we examined, we estimate that 31 percent could have been prevented by two technological modifications to firearms. Undoubtedly, additional fatalities were preventable among cases in which there was insufficient information for us to make a determination. Many nonfatal shootings are obviously also preventable.
	Different approaches could be taken to try to reduce the number of acci- dental shootings. These include mandating modifications to firearms, requiring training in gun safety, and enacting statutes to penalize gun owners who are negligent in their handling or storage of weapons.
Mandated Modifications to Firearms	Our research has demonstrated that lives could be saved and injuries prevented if all guns were equipped with either a child-proof safety or a loading indicator or both. There are clearly instances in which such devices would prevent tragedy. Our projections are that, at current acci- dent rates, some 458 lives could be saved each year if all firearms had both these safety devices.
v	¹ The lifetime cost of an accident is defined as the present discounted value of costs occurring in all future years. Costs include actual dollar expenditures related to illness or injury, including amounts spent for hospital and nursing home care, physician and other medical professional services, drugs and appliances, and rehabilitation. Estimates also include life years lost and the indirect cost associated with loss of earnings because of short- and long-term disability and premature death from injury. The estimated costs are derived from data for all shootings, not just unintentional shootings.

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Gun manufacturers could choose to modify their firearms to include child-proof safeties or loading indicators, motivated by a desire to promote greater welfare or to avoid potential litigation or by pressure from consumers demanding firearms with such features. However, if a guarantee were needed that <u>all</u> firearms have these safety devices, this would have to be mandated by legislative action of the Congress. Current statutes place firearms outside the jurisdiction of the Consumer Product Safety Commission, and the Bureau of Alcohol, Tobacco, and Firearms is not empowered to control these design aspects of guns. Thus, regulatory action to require modifications could not be taken without specific new legislation.

A child-proof safety that automatically engaged and that came as a built-in part of the firearm could protect young children from adults' carelessness in storing loaded weapons where children can have access to them. Just as passive seat belts that automatically engage have been required in automobiles to protect the occupants without requiring that specific actions be taken each time the vehicle is used, child-proof safety devices on firearms could provide protection in the absence of specific behavior to secure the firearms. Child-proof safeties on firearms could prevent over 100 instances annually in which children fatally shoot someone, often themselves or another child.

Likewise, loading indicators could potentially prevent over 300 deaths resulting from accidental shootings each year among adolescents and adults. Our research demonstrates that, even more than child-proof safeties, this modification could potentially prevent many injuries and deaths. Such a device might also take the "fun" out of such games as Russian roulette.

Our projections of the number of lives saved that could be attributable to these safety devices require that two conditions be met. First, all firearms would have to be equipped with these devices. And second, all other relevant conditions would remain unchanged. That is, there would be no increase in gun safety awareness or education in safe gun-handling practices, because such changes could also save lives.

There are potential problems in implementing any requirement for firearms to be equipped with these safety devices. First, there may be technological difficulties to overcome in designing child-proof safeties and loading indicators for the myriad firearms on the market. In addition, there are possible logistical difficulties:

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	loading indicator devices would require that users (including unintended
	 Ioading indicator devices would require that users (including unintended users, such as adolescents) be educated to understand their use and to recognize the indication that the firearms were loaded; there are possible objections to the desirability of having onlookers be able to readily judge if a firearm is loaded (for example, if a weapon is being used for protection); and this type of child-proof safety would only prevent very young children from firing the gun and would likely not be effective against use by older children or adolescents.
	Beyond the logistics of implementing the modifications, there is the question of effectiveness. Our projections for the number of lives that could be saved each year assumes that all firearms are equipped with these safety devices. But any changes of this type would presumably be mandated only for new firearms entering the market.
	While over 4 million firearms are manufactured in the United States each year, there are an estimated 200 million firearms already in the market. Approximately 50 percent of U.S. households report owning one or more firearms. This represents an enormous pool of weapons that would not be affected by design modifications. Furthermore, firearms, unlike many consumer products, have a long period of use. It is not uncommon for firearms to be passed from one generation to the next, so it cannot be expected that within a decade, for example, the majority of old-style firearms would be out of use. To affect this pool of weapons, owners would have to be required to modify all their firearms, to equip them with the two safety devices.
Other Approaches	Other options are available, including many devices currently on the market, designed to prevent a firearm from being used by any unautho- rized person. These include locking storage cases, trigger guards, combi- nation locks that can be built into the weapon, and a variety of other mechanisms for securing firearms of different types. In addition, there is the simple expedient of keeping firearms unloaded, with ammunition stored separately.
v	However, all these approaches require some positive action on the part of the user to ensure that the firearms are not accessible to children or other unauthorized users. Passive restraints in automobiles were required when data showed that many passengers were not using seat belts that required buckling. The current number of accidents with fire- arms is testament to the fact that gun users frequently do not take the

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available safety steps. It is not known if education in proper safety procedures would be sufficient to ensure that appropriate precautions would be taken. And requiring that all purchasers of firearms take gun safety training would necessitate some form of registration and monitoring of gun owners. We know of no ready replacements on the market for a loading indicator. The necessary alternative is proper education in the use and handling of firearms. All users need to be trained to immediately inspect a weapon to determine if it is loaded before handling it further. As we stated in chapter 2, a majority of the accidents we examined involved some violation of safe gun-handling standards. Unfortunately, as our research has shown, many fatal accidents involve users who are not the owners of the firearms. Thus, firearm training aimed at owners will not prevent many of these accidents if others are allowed access to a loaded weapon. Some states have adopted an approach aimed at encouraging owners to take proper precautions in storing their firearms. Both Florida and Connecticut have recently enacted statutes to hold adults guilty of criminal negligence if they allow minors to gain access to loaded firearms that are subsequently involved in accidental shootings. Penalties include fines and possible imprisonment. Other states (including Wisconsin and Virginia) have considered, but not passed, similar statutes. The number of individuals being injured and killed each year in acci-Conclusion and dental shootings is substantial. Whereas the problem may have been Recommendation viewed as small when only the number of deaths was known, we now know that the overall problem is likely to be very large, with many thousands of individuals being injured each year. We have demonstrated the potential effectiveness of two technologieschild-proof safeties and loading indicators-for preventing some of these accidents, thereby reducing the number of deaths and injuries. However, there remain obstacles to realizing this promise. How these mechanisms might be implemented is not immediately clear. These mechanisms are not the only approaches available, however. There are other approaches (for example, training gun owners or limiting access to firearms) that may be equally or more effective.

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The human, economic, and public health costs of these shootings to the victims, their families, and society are considerable. The magnitude of the problem requires that all possible efforts be made to reduce the number of accidental shootings.

The Consumer Product Safety Commission, the primary federal agency with responsibility for product safety, is currently not allowed to take any action that might restrict the availability of firearms to the consumer. We recommend that the Consumer Product Safety Act be amended to clearly establish that the Consumer Product Safety Commission can regulate the risk of injury associated with firearms. Suggested legislative language for implementing our recommendation is provided in appendix III.

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Appendix I

Sampling and Estimation Methodology

	The study design involved collecting data from two separate samples. One sample was used to examine the preventability of accidental shoot- ings by child-proof safeties and loading indicator mechanisms. A second sample was used to examine the prevalence of nonfatal injuries from accidental shootings. We discuss each sample in turn.
Sample for Examining Preventability	To determine the percentage of accidental deaths from firearms that could have been prevented by either of the two types of devices, we examined data from medical examiners and coroners in a random sample of jurisdictions from across the United States. In each jurisdic- tion, we contacted state vital records offices and the coroners or medical examiners and asked if there had been any deaths from accidental shootings in 1988 or 1989, the most recent years for which data were available at the time of our study.
	We collected information only for shooting deaths classified as acci- dental. For jurisdictions using the ICD-9 coding system, we limited the data collection to fatalities coded under the E922 category ("accident caused by firearm missile"). ¹ Thus, we excluded deaths involving fire- arms that were classified as suicides or homicides or could not be classified.
	The sampling frame was the 3,139 counties and independent cities listed by the Bureau of the Census. ² We divided these jurisdictions into two strata on the basis of population: an urban stratum (population greater than or equal to 50,000) and a rural stratum (fewer than 50,000 residents). We then selected a random sample of jurisdictions within each stratum. We selected 60 urban jurisdictions and 50 rural jurisdic- tions, for a total of 110 counties and independent cities. Data were not obtained for either year in 3 jurisdictions. One year's data were unavail- able in an additional 4 jurisdictions.
	From the data we collected, we computed sampling errors for the major findings on preventability presented in chapter 2. We present our esti- mates in table I.1, along with the sampling error for each estimate. When added to and subtracted from the estimates, the sampling errors provide the 95-percent confidence interval for each finding.
v	¹ U.S. Department of Health and Human Services, <u>The International Classifications of Diseases, 9th</u> <u>Revision, Clinical Modification</u> , 2nd ed. (Washington, D.C.: 1980).

²U.S. Department of Commerce, <u>County and City Data Book</u> (Washington, D.C.: 1988).

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Table I.1: Estimates and Sampling Errors for Eindings on Proventability			
for Findings on Preventability ^a	Variable	Estimate	Sampling error
	Preventable by a child-proof device	7.5%	4.29
	Preventable by a loading indicator device	23.0	6.6
	Total preventable by either device	30.5	5.9
	Nonpreventable by either device	51.1	8.3
	Preventability could not be determined	16.7	7.3
	^a Figures represent percent of accidental deaths.		
	For a check on the accuracy of our samp an estimate of the expected number of ac these data, we estimate that 1,581 deaths (plus or minus 696) would be expected ir favorably with the known number of 1,5	ccidental deaths ir s from accidental a n a year. This estir	n a year. Using shootings nate compares
	We also computed estimates and samplin presented in chapter 2 (sex and age of sh inflicted shootings, location of accident, t of weapon). These estimates are availabl	ooters, percentag type of weapon, a	e of self-
Sample for Examining Injuries	We employed a snowball sampling technic tions where the needed information was experts on police departments (from the the National Criminal Justice Reference & Research Forum, and the Police Manager departments with records systems that r accidental shootings in an accessible forr department suggested in order to determ the needed case records. In addition, at e referrals to other departments where the obtained. This process of contacting depa rals was continued until the list of new d exhausted.	retrievable. We be National Institute Service, the Police nent Association) night contain info n. We contacted ev ine the feasibility ach department, we needed information artments and asking	egan by asking of Justice, Executive to list any rmation on very police of obtaining we asked for ion might be ng for refer-
	We identified 10 urban area police depar sible records on accidental shootings and the case file information. The 10 cities in Tucson, Arizona; San Jose, California; De Georgia; Louisville, Kentucky; St. Paul, M Mexico; Columbia, South Carolina; Dallas Utah. Because this was a convenience sa	that were willing cluded in our stuc enver, Colorado; A finnesota; Albuqu s, Texas; and Salt	to provide ly were tlanta, erque, New Lake City,

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Costs of Firearm Injuries

The specific information needed to develop a precise estimate of the costs of unintentional firearm injuries and deaths is not available. However, the information that is available shows that the total costs associated with gunshot wounds are likely to be quite high.

One recent study estimates the average lifetime cost of different types of injuries, defined as the present discounted value of costs occurring in all future years.¹ Costs are enumerated as actual dollar expenditures related to illness or injury, including amounts spent for hospital and nursing home care, physician and other medical professional services, drugs and appliances, and rehabilitation. The cost estimates also include life years lost and the indirect cost associated with loss of earnings from short- and long-term disability and premature death from injury.

Using this approach, the average lifetime cost of a firearm injury (including both fatal and nonfatal injuries) is estimated to be \$53,831.² This can be broken down into estimated costs for firearm injuries of different levels of severity. For those that do not require hospitalization, the estimated per person cost is \$458, while injuries requiring hospitalization are estimated to cost \$33,159 per person. And the average lifetime cost of a firearm fatality is \$373,520, the highest of any cause of injury.

We know from national mortality data that about 1,500 people die each year in the United States from accidental shootings. Based on data from the National Hospital Discharge Survey, it is estimated that in excess of 65,000 persons are hospitalized every year with injuries resulting from firearms. However, it is not known how many of these firearm injuries are unintentional. One study of hospitalizations over the course of a year at one regional trauma center found that 18.8 percent of the firearm-related injuries were unintentional.³ Applying this 18.8-percent figure to the 65,129 firearm-related hospitalizations nationwide yields an estimate of 12,244 annual hospitalizations from unintentional

²Rice's cost estimates are in 1985 dollars.

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¹Dorothy P. Rice et al., Cost of Injury in the United States: A Report to Congress (San Francisco, Calif.: Institute for Health and Aging, University of California, and Injury Prevention Center, The Johns Hopkins University, 1989).

³Michael J. Martin et al., "The Cost of Hospitalization for Firearm Injuries," <u>Journal of the American</u> <u>Medical Association</u>, 260:20 (November 25, 1988), 3048-50. The 18.8-percent figure was computed <u>omitting cases that could not be categorized as either intentional or unintentional.</u>

Appendix II Costs of Firearm Injuries

firearm injuries. There are no reliable estimates of the number of persons each year who suffer firearm-related injuries that do not require hospitalization.

The estimates from the study on costs can be combined with the incidence data to derive a rough estimate of the overall costs associated with the unintentional firearm injuries and deaths occurring in a single year. The average lifetime costs associated with 1,500 deaths would be over \$500 million (that is, 1,500 times \$373,520 equals \$560,280,000). For 12,244 hospitalizations, the average lifetime cost would be over \$400 million (that is, 12,244 times \$33,159 equals \$405,998,796). So, omitting any costs associated with injuries not requiring hospitalization, the estimated lifetime costs for accidental shootings is close to \$1 billion (\$966,278,796) every year.

The estimated costs associated with shootings can also be used to value the savings that would be associated with specific types of prevention. In chapter 2, we estimated that some 458 deaths might be prevented each year if all firearms were equipped with child-proof safeties and loading indicators. If 458 deaths were averted, this would avoid lifetime costs estimated to exceed \$170 million.

The estimates above are based on one approach to estimating the costs of firearm injuries and deaths. Different federal agencies have used different dollar amounts for the value of life, ranging from several hundred thousand dollars to several million dollars. If higher figures are considered in the calculations, the estimated costs of accidental shootings can increase dramatically. For example, one frequently used value is \$2 million.⁴ Applying the \$2 million figure to the 1,500 deaths that occur each year yields an estimated annual value of life lost through accidental shootings of \$3 billion. Applying this value to our projection of 458 deaths that might be averted would yield estimated annual savings of over \$900 million. Higher assigned values for each life would result in higher estimated savings.

⁴Clayton P. Gillette and Thomas D. Hopkins, <u>Federal Agency Valuations of Human Life</u> (Washington, D.C.: Administrative Conference of the United States, 1988).

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Suggested Legislative Language

This appendix suggests legislative language that would implement the revisions we recommend to clearly establish that the Consumer Product Safety Commission can regulate the risk of injury associated with firearms. The legislative language should read as follows:

Section 3(a) of the Consumer Product Safety Act (15 USC 2052) is amended by striking out subparagraph (a)(1)(E) and redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

Section 8 of the Consumer Product Safety Act (15 USC 2057) is amended by adding at the end thereof the following sentence:

This section shall not apply in the Commission's regulation of the risk of injury associated with firearms.

Section 3 of the Consumer Product Safety Commission Improvements Act of 1976 (15 USC 2080 note) is amended by striking out subparagraph (d)(2) and subparagraph (e) and inserting in lieu thereof:

(e) the Consumer Product Safety Commission has authority to regulate the risk of injury associated with firearms.

Section 3 of the Consumer Product Safety Commission Improvements Act of 1976 (15 USC 2080) is further amended by striking out "(1)" in subparagraph (d).

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#:1051

Bibliography

Alexander, G. R., et al. "Firearm-Related Fatalities: An Epidemiologic Assessment of Violent Death." <u>American Journal of Public Health</u>, 75 (February 1985), 165-68.

Baker, S. P., et al. "Firearms and the Public Health." Journal of Public Health Policy, 1 (September 1980), 224-29.

Baker, S. P., et al. <u>The Injury Fact Book</u>. Lexington, Mass.: Lexington Books, 1984.

Baker, S. P., and A. E. Waller. <u>Childhood Injury State-by-State Mortality</u> <u>Facts</u>. Baltimore, Md.: The Johns Hopkins Injury Prevention Center, January 1989.

Barlow, B., et al. "Ten Years' Experience with Pediatric Gunshot Wounds." Journal of Pediatric Surgery, 17 (December 1982), 927-32.

Christoffel, K. K. "American as Apple Pie: Guns in the Lives of US Children and Youth." Pediatrician, 12 (1985), 46-51.

Christoffel, K. K., and T. Christoffel. "Handguns: Risks versus Benefits." Pediatrics, 77 (May 1986), 781-82.

Christoffel, K. K., and T. Christoffel. "Handguns as a Pediatric Problem." Pediatric Emergency Care, 2 (June 1986), 75-81.

Christoffel, K. K., et al. "Biopsychosocial Development: Critical to Injury Analysis and Prevention." Paper presented at the Annual Meeting of the American Public Health Association, November 1988.

Cole, T. B., and M. J. Patetta. "Hunting Firearm Injuries, North Carolina." American Journal of Public Health, 78 (December 1988), 1585-86.

Copeland, A. R. "Accidental Death by Gunshot Wound—Fact or Fiction." Forensic Science International, 26 (1984), 25-32.

Etter, I. B. "The National Safety Council's Estimates of Injury Costs." Public Health Reports, 102 (November-December, 1987), 634-36.

Fiedler, M., et al. "Review of Gunshot Wounds in Dayton, Ohio: Demographics, Anatomic Areas, Results, and Costs." <u>Archives of Sur-</u> gery, 120 (July 1985), 837-39.

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Bibliography

Fischer, R. P., et al. "The Economics of Fatal Injury: Dollars and Sense." Journal of Trauma, 25 (August 1985), 746-50.

Heins, M., et al. "Gunshot Wounds in Children." <u>American Journal of</u> Public Health, 64 (April 1974), 326-30.

Jagger, J., and P. E. Dietz. "Deaths and Injury by Firearms: Who Cares?" Journal of the American Medical Association, 255 (June 13, 1986), 3143-44.

Keck, N. J., et al. "Characteristics of Fatal Gunshot Wounds in the Home in Oklahoma: 1982-1983." <u>American Journal of Diseases of Children</u>, 142 (June 1988), 623-26.

Kellerman, A. L., and D. T. Reay. "Protection or Peril? An Analysis of Firearm-Related Deaths in the Home." <u>New England Journal of</u> Medicine, 314 (June 12, 1986), 1557-60.

MacLennan, C. "The Unmeasured Costs of Injury." Public Health Reports, 102 (November-December 1987), 636-37.

MacKenzie, E. J., et al. "The Economic Impact of Traumatic Injuries: One-year Treatment-Related Expenditures." Journal of the American Medical Association, 260 (December 9, 1988), 3290-96.

Martin, M. J., et al. "The Cost of Hospitalization for Firearm Injuries." Journal of the American Medical Association, 260 (November 25, 1988), 3048-50.

Morrow, P. L., and P. Hudson. "Accidental Firearm Fatalities in North Carolina, 1976-80." <u>American Journal of Public Health</u>, 76 (September 1986), 1120-23.

Munoz, E. "Economic Costs of Trauma, United States, 1982." Journal of Trauma, 24 (March 1984), 237-44.

National Rifle Association. <u>Safety with Firearms</u>. Washington, D.C.: 1965.

National Rifle Association. <u>Home Firearm Safety: Guidelines for Han</u>dling and Storing Guns in the Home. Washington, D.C.: 1990.

National Safety Council. Accident Facts. Chicago: 1988.

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GAO/PEMD-91-9 Accidental Shootings

Bibliography

Nelson, C. L., et al. "Gunshot Wounds: Incidence, Cost, and Concepts of Prevention." <u>Clinical Orthopedics and Related Research</u>, 222 (September 1987), 114-21.

Ordog, G. J., et al. "Pediatric Gunshot Wounds." Journal of Trauma, 27 (November 1987), 1272-78.

Ordog, G. J., et al. "Gunshot Wounds in Children Under 10 Years of Age: A New Epidemic." <u>American Journal of Diseases of Children</u>, 142 (June 1988), 618-22.

Ornehult, L., and A. Eriksson. "Accidental Firearm Fatalities During Hunting." American Journal of Forensic Medicine and Pathology, 8:2 (1987), 112-19.

Patterson, P. J., and L. R. Smith. "Firearms in the Home and Child Safety." <u>American Journal of Diseases of Children</u>, 141 (February 1987), 221-23.

Rice, D. P., et al. "The Economic Costs of Illness: A Replication and Update." Health Care Financing Review, 7 (Fall 1985), 61-80.

Rice, D. P., et al. <u>Cost of Injury in the United States: A Report to Con-</u> <u>gress.</u> San Francisco, Calif.: Institute for Health and Aging, University of California and Injury Prevention Center, The Johns Hopkins University, 1989.

Rivara, F. P., and F. B. Stapleton. "Handguns and Children: A Dangerous Mix." Developmental and Behavioral Pediatrics, 3 (March 1982), 35-38.

Schetky, D. H. "Children and Handguns: A Public Health Concern." American Journal of Diseases of Children, 139 (March 1985), 229-31.

Valentine, J., et al. "Gunshot Injuries in Children." Journal of Trauma, 24 (November 1984), 952-56.

Waller, A. E., et al. "Childhood Injury Deaths: National Analysis and Geographic Variations." <u>American Journal of Public Health</u>, 79 (March 1989), 310-15.

Wintemute, G. J. "Firearms as a Cause of Death in the United States, 1920-1982." Journal of Trauma, 27 (May 1987), 532-36.

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Bibliography

Wintemute, G. J., et al. "The Epidemiology of Firearm Deaths Among Residents of California." Western Journal of Medicine, 146 (March 1987), 374-77.

Wintemute, G. J., et al. "When Children Shoot Children: 88 Unintended Deaths in California." Journal of the American Medical Association, 257 (June 12, 1987), 3107-9.

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Unintended Shootings in a Large Metropolitan Area: An Incident-Based Analysis

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See related article, p. 1, and editorial, p. 32.

Study objective: We determine the proportion of unintended shootings that might be prevented by promoting safe storage, safe handling, and/or safer firearm designs.

Methods: A regional firearm injury surveillance system was used to identify fatal and nonfatal unintentional shootings in a 5-county metropolitan area. Case reports were reviewed, and the causes of each shooting were independently classified by 4 members of the research team. A consensus conference was held to resolve disagreements.

Results: Between May 1, 1996, and June 30, 2000, 216 cases of unintentional firearm injury were identified, 3.8% of the shootings documented during the study period. Six (2.8%) were fatal. The majority of victims were between 15 and 34 years of age. One fourth (54) of the shootings involved victims younger than 18 years. Handguns were involved in 87% of the incidents. Enough information was available to characterize the incident in 122 (57%) cases. All but 6 fell into 1 or more of 3 broad categories of causation: child access (14%), mishandling (74%), and/or deficiencies in firearm design (32%).

Conclusion: Many unintentional shootings could be prevented by promoting safe storage of guns in the home, promoting safe handling of firearms, and requiring that all new handguns incorporate basic safety features.

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INTRODUCTION

In 1999, firearms were implicated in 28,874 fatalities in the United States.¹ Although the vast majority of these deaths were suicides (16,599) or homicides (10,828), approximately 3% were unintentional (824), comprising 30,467 potential years of life lost. One hundred fifty-eight of these unintended deaths were pediatric (<18 years old).¹ A disproportionate number of unintentional firearm injuries involve children.²⁻⁴

The case/fatality ratio for unintentional shootings is estimated to be between 13:1 and 100:1.^{2,3,5} Although some of these injuries are relatively minor, others are severe.³⁻⁵ The costs of acute care, rehabilitation, and long-term disability caused by firearm injury are substantial, as much as \$2.3 billion in 1994.^{5,6} Total costs, including lost productivity resulting from injuryrelated death and disability, might be 15-fold greater.⁷

Despite the magnitude of the problem, little is known about the factors that contribute to unintentional shootings.^{5,8,9} To determine the proportion that might be prevented by various strategies, we identified unintentional shootings in a major metropolitan area and classified them by causation.

METHODS

An electronic firearm injury surveillance system was used to identify fatal and nonfatal shootings in a 5county area of metropolitan Atlanta, GA. The strengths and limitations of this system have been described in detail in an earlier report.¹⁰ Five medical examiner's offices, 22 area emergency departments, and 33 law enforcement agencies submitted case reports to the system. Records were linked to generate as complete a picture as possible of each event. This study was exempted by our institutional review board.

A case was defined as an injury caused by the unintentional discharge of a projectile from a powder firearm. Powder firearms included all kinds of pistols, rifles, and shotguns but excluded air rifles and BB guns. Incidents of unintended discharge that did not result in injury and incidents of injury resulting from blunt trauma (eg, gun dropped on a victim's foot) were excluded. Bystanders inadvertently shot during an attempted assault or drive-by shooting were considered victims of intentional injury and were excluded as well. The initial classification was made by the reporting agency. Our study interval was limited to shootings that occurred between May 1, 1996, and June 30, 2000.

Four members of our team (RBI, AR, RA, and ALK) independently studied each report to determine the circumstances of the shooting. Both the ED data collection form and, if available, the written law enforcement narrative were reviewed. In most instances, the police report was the only source that contained information about the circumstances of the shooting. In no case did the ED report or medical examiner's report conflict with a police report regarding injury circumstances. Cases were classified into 1 or more of 3 predefined categories: preventable by safe storage, preventable by safer handling, and preventable by safer design. When the shooter was a minor who gained access to an adult's gun without the adult's permission, we considered the incident preventable by safer storage. Preventable by safer handling was selected when the narrative indicated that the firearm discharged (1) during cleaning, (2) while clearing a jammed round or attempting to unload, (3) while playing with or showing off the firearm, or (4) while moving, handling, or catching the firearm. Preventable by safer design was selected when the narrative specifically noted any of the following: (1) the shooter did not realize the firearm was loaded; (2) the magazine was out of the firearm or removed by the shooter before the trigger was pulled; or (3) the firearm discharged when dropped or placed on a hard surface. Some cases fell into more than one of these categories and were coded as such. After initial coding, our team met to review cases that were coded differently and to seek a consensus.

Confidence intervals (CIs) were estimated by using a z statistic for 1-sample proportions. Interrater reliability was measured by using the proportion of cases in which investigators agreed, with cases weighted by the percentage of investigators who agreed. For example, if 3 of the 4 raters judged a case to be preventable by safer

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design, that case would receive a weight of 0.75. A sensitivity analysis was performed by assuming that all cases with missing information would not have been preventable by any of the methods described. Statistical analyses were done with SAS for Windows statistical software package (version 8.02, SAS Institute, Inc., Chicago, IL).

RESULTS

During the 49-month study period, 5,735 cases of firearm injury were reported in our 5-county metropolitan area. A total of 247 (4.3%) of these were initially classified as unintentional. After a review of these case reports, 31 of these shootings were reclassified as either intentional or of uncertain intent, leaving 216 cases (3.8% of all shootings during the study period) in our analysis. Six (2.8%) of these unintentional shootings resulted in a fatality.

A matching police offense report was linked to the ED report for 145 (67%) cases. For most of the remaining cases, the only documentation available was the 1page reporting form that lists victim age, sex, and race, as well as the manner and severity of injury. The form does not provide enough information to classify the specific circumstances of the event.¹⁰

Eighty-seven percent (187) of the 216 victims were male, 65% (141) were black, 24% (51) were white/non-Hispanic, and 8% (18) were members of other racial or ethnic groups. The age distribution of victims is similar to the national mortality profile for unintentional firearm-related deaths; one fourth involved victims younger than 18 years (Table 1).

Nearly 40% (85) of the victims shot themselves. Sixteen percent (34) were shot by a friend or acquaintance and 5% (10) by a family member. One percent (3) were unintentionally shot by their spouse or intimate partner. Thirty-eight percent of unintended shootings (n=81; nearly two thirds of those in which the incident location was specified) occurred in a home. Seven percent (16) occurred in an automobile. Only 3 cases involved hunting. The vast majority of unintentional shootings (188 [87%]) involved a handgun (Table 2).

Table 1.

Unintentional firearm injuries in metropolitan Atlanta, GA, May 1996 through June 2000 (N=247).

Variable	Included in Analysis, No. (%)	Insufficient Information, No. (%)	Excluded (Not Unintentional), No. (%)
Age distribution, y			
Age distribution, y 0–4	1 (1)	2 (2)	0 (0)
5–14	17 (14)	6 (6)	2 (6)
15–24	51 (42)	41 (44)	13 (42)
25–34	19 (16)	23 (24)	7 (23)
35–44	18 (15)	9 (10)	5 (16)
45-54	7 (6)	4 (4)	2 (6)
45 54 55–64	5 (4)	2 (2)	1 (3)
≥65	0 (0)	1 (1)	0 (0)
Not specified	4 (3)	6 (6)	1 (3)
Race distribution	+ (5)	0 (0)	1 (5)
Black	79 (65)	62 (66)	17 (55)
White	33 (27)	18 (19)	12 (39)
Other	9(7)	9 (10)	1 (3)
Not specified	1 (1)	5 (5)	1 (3)
Sex distribution	1 (17	5 (5)	1 (0)
Female	14 (11)	14 (15)	9 (29)
Male	107 (88)	80 (85)	21 (68)
Not specified	1 (1)	0 (0)	1 (3)

Table 2.

Unintentional firearm injuries in metropolitan Atlanta, GA: Incident details.

Variable	No.	%
Type of firearm		
Handgun	188	87
Shotgun	6	3
Rifle	11	5
Unknown	11	5
Victim-shooter relationship		
Self	85	39
Family	10	5
Friend	34	16
Spouse/intimate partner	3	1
Stranger	7	3
Not specified	77	36
Incident location		
Residence	81	38
Street or sidewalk	20	9
Woods or field	4	2
Bar or tavern	3	1
Retail establishment	3	1
Automobile	16	7
Parking lot	9	4
Other	3	1
Not specified	77	36

Among the 204 shootings in which information about the nature of the wounds was available, 17 were to the head or face, 21 to the chest or abdomen, 5 to the back, 53 to an arm, and 104 to a leg. Most victims had only a single wound. Of those for whom the ED disposition was recorded, 48 were admitted, 1 was transferred to another hospital, and 52 were discharged home. Three were pronounced dead in the ED.

Enough information was available to characterize incident circumstances in 122 cases (57% of the total). All but 6 of these fell into 1 or more of 3 broad categories of causation: preventable by safe storage, preventable by safer handling, or preventable by safer design (Table 3). Seventeen shootings (14% of those analyzed) occurred when one or more children younger than 18 years of age gained unsupervised access to a gun. Almost all of the firearms involved in these incidents were stored unlocked and loaded. The parents of one victim kept their gun in a combination safe, but the child discovered the combination on a slip of paper.

Ninety shootings (74% of those analyzed) were attributed to mishandling of the firearm. Eighteen occurred while the owner was cleaning the gun or clearing a jammed round, 42 occurred while the user was playing with or showing off the gun, and 30 occurred when the user moved, fumbled, or dropped (but then caught) the gun.

Thirty-nine shootings (32% of those analyzed) were attributed to potential deficiencies in the firearm's

Table 3.

Unintentional firearm injuries in metropolitan Atlanta, GA: Analysis of incidents and their causes.*

Category	No.	%	95% CI, %	Lower Limit (Sensitivity Analysis),† %
Preventable by safer storage	17	14	8–20	4
Preventable by safer handling	90	74	66–82	35
Preventable by safer design	39	32	24–40	13

*The total number of cases is 122. Categories are not mutually exclusive, and therefore, the total exceeds 100%.

¹The sensitivity analysis assumed that the lower CI was correct and that none of the cases for which there was insufficient information were preventable in any way.

design. In 17 cases, the investigating officer specifically noted that the shooter was unaware that the weapon was loaded. A loaded chamber indicator is designed to alert the user that a round is in the chamber.⁴ Six shootings occurred while the pistol's magazine was removed, possibly giving the handler the mistaken impression that the weapon was unloaded. A magazine safety is designed to block the trigger when the magazine is removed to prevent discharge of a round retained in the chamber.⁴ Nineteen shootings occurred when the gun was dropped or struck a hard surface. A firing pin block, also known as a "drop safety device," is designed to prevent a gun's firing pin from contacting the cartridge if the weapon is dropped or struck against a hard surface.⁴

Reviewers independently agreed on 98.2% of cases regarding exclusion because of lack of sufficient information. Complete agreement was reached on 94% of cases that were judged to be potentially preventable by safer storage, 78% of cases that were judged potentially preventable by safer handling, and 85% of cases that were judged to be potentially preventable by basic mechanical safety features. When disagreement occurred, there was a clear majority view in all but a handful of cases (2%, 6%, and 2%, respectively). Almost all of these initial disagreements were the result of a reviewer inadvertently overlooking a relevant fact or term in the police narrative. Once these were identified, complete agreement was reached on better than 99% of cases in each category.

DISCUSSION

Unintentional firearm injuries accounted for a small fraction of firearm-related fatalities in our community during the study interval but caused a somewhat larger percentage of nonfatal injuries (0.2% and 3.9%, respectively). Most of the victims were male patients between 15 and 34 years of age. An incident-based analysis revealed several options for prevention, including promoting safer storage of guns in the home, teaching safe handling of firearms, and incorporating basic safety features into new gun designs.^{4,5,11-13}

Approximately 40% of US households contain 1 or more firearms.¹⁴ The average gun-owning household contains 4.¹⁵ Between one fourth and one third of gunowning households contain at least 1 handgun.¹⁴⁻¹⁶ Rates of firearm ownership are greater in rural areas and small towns, but households in urban areas are more likely to contain handguns.¹⁶ The rate of gun ownership in metropolitan Atlanta is similar to that noted in other metropolitan areas of the south and west.¹⁷

Persons who keep a firearm for protection are much more likely to store the weapon loaded and readily available than people who own firearms for other reasons.^{8,14,16,18,19} However, keeping an unlocked and loaded gun in the home violates a central tenet of firearm safety. The National Rifle Association's "A Parent's Guide to Gun Safety" advises owners to "always keep the gun unloaded until ready to use" and to "store guns so that they are inaccessible to children and other unauthorized users."¹¹ The *Clinician's Handbook of Preventive Services* echoes this admonition.¹² There is evidence that few gun dealers share this advice with customers, even those with young children.²⁰ In any case, many gun-owning parents store their firearms in an unsafe manner.^{19,21-24}

When children find a gun, they often play with it. Jackman et al²⁵ placed pairs and trios of 8- to 12-yearold boys in a room with a 1-way mirror and observed them for 15 minutes. An actual .38 caliber pistol, altered so it could not be fired, was concealed in a drawer. Instead of a magazine of bullets, the pistol contained a radio transmitter that activated a light whenever the trigger was pressed with enough force to discharge the weapon. Of the 29 groups tested, 21 discovered the gun within 15 minutes of being placed in the room. Members of 16 (76%) groups handled the gun, and 1 or more members of 10 (48%) groups pulled the trigger. During subsequent questioning, nearly half of the boys said that they were unsure whether the gun was real or a toy. More than 90% reported having prior gun safety instruction. Hardy et al²⁶ observed a group of young children and noted that when they were left unsupervised around guns, they touched and played with them, despite clear instructions not to do so.

When children gain unsupervised access to a gun, the consequences can be tragic. Wintemute et al²⁷ studied fatal shootings of children by children in California and noted that more than half occurred when children played with a loaded gun they found in the home. Grossman et al²⁸ studied unintentional and selfinflicted firearm injuries of children in Seattle and noted that many involved a gun found in the victim's home or the home of a relative or friend.

In hopes of teaching young children to avoid touching a gun if they find one, the National Rifle Association developed the Eddie Eagle program.²⁹ Although the curriculum has reportedly been taught to more than 12 million children in 10,000 schools, it has not been objectively evaluated to confirm that it is effective.³⁰

Adult training programs are not very effective at encouraging safe storage of guns in the home. Weil and Hemenway¹⁶ surveyed 605 adult gun owners and found that those who had received firearms training were no more likely to store their guns safely than those who did not. Cook and Ludwig¹⁴ analyzed responses to an independent survey of more than 1,600 gun owners and obtained similar findings. They did note, however, that gun owners trained by the National Safety Council were somewhat more likely to report storing their gun safely than those trained by other organizations.

Several states enacted laws that hold the owner responsible if a child gains access to the gun and is injured to promote safe storage of guns. An evaluation of these child access prevention laws concluded that enactment was associated with a 23% decrease in the rate of unintentional firearm-related deaths of children younger than 15 years of age.³¹ However, another group studied the effect of child access prevention laws in the 15 states in which they were in effect and found evidence of effect in only one, Florida.³²

Safe handling might have prevented 66% to 82% of the unintentional shootings in our study. Firearm safety training programs emphasize several worthwhile concepts, including "always keep the gun pointed in a safe direction" and "always keep your finger off the trigger until ready to shoot."³³ Trainees are taught to assume

that every firearm is loaded unless they can personally verify that it is unloaded by inspecting the chamber.

Despite the intuitive appeal of firearm safety training, researchers have found that education alone is often ineffective at promoting safe behavior, particularly when it involves a complex series of actions.^{34,35} Not surprisingly, the demographic group at greatest risk of unintentional injury (ie, young men) is also the group that is least receptive to safety training.³⁵ First-time applicants for a driver's license are required to demonstrate their ability to safely operate a motor vehicle, but first-time purchasers of a firearm are not required to learn or demonstrate safe handling skills.³⁶

Little thought has been given to the idea of making safer guns.³⁷ In 1988, the US General Accounting Office studied the extent to which child-proof safety devices or a loaded chamber indicator could prevent firearm-related deaths.⁵ Researchers randomly selected 107 fatal unintentional shootings from urban and rural jurisdictions across the United States and reviewed the case files to characterize each event. On the basis of the incident narratives, they concluded that a loaded chamber indicator might have prevented 23% of the deaths and that a child-proof safety device might have prevented another 8%. The remaining deaths were either judged to be nonpreventable by these 2 strategies, or the data were insufficient to make a determination. Other safety devices were not considered.

We found evidence that loaded chamber indicators, magazine safeties, and firing pin blocks might have prevented as many as one third of the unintended shootings in our series. Widespread adoption of these safety features, plus routine use of devices that prevent unauthorized child access, might have prevented as many as 46% of the unintended shootings in our series.

It is possible that other safety devices might have prevented additional shootings. For example, a grip safety device automatically locks the pistol's trigger mechanism unless the weapon's grip is properly grasped. A positive safety device is designed to prevent the firearm from being discharged unless it is purposefully disengaged.⁴ These devices might have prevented some of the shootings attributed to mishandling. Emerging technologies could produce even safer guns.³⁷ It should be possible, for example, to design a firearm that can be easily fired by adults but not by young children. Widespread adoption of child-resistant aspirin bottles prevented many unintentional poisonings; widespread adoption of child-resistant firearms might prevent many unintentional shootings.^{37,38}

The technology exists to manufacture personalized handguns that can only be fired by their owners.³⁷⁻³⁹ Personalized guns would be particularly useful for law enforcement because a surprising number of officers are shot and killed each year by an offender who grabs their service weapons.⁴⁰

Despite the potential benefits of safer gun designs, there is no impetus for the gun industry to adopt them. Federal law specifically exempts domestic handgun manufacturers from consumer product safety regulations. The public is largely unaware of this fact. Half of the respondents in 2 recent polls by the National Opinion Research Center expressed the belief that all or some guns are regulated for safety.¹⁸ Sixty-eight percent of respondents, including 64% of gun-owning respondents, supported the idea of "government safety regulations for the design of guns." Remarkably, 94% of respondents (including fully 93% of those who own guns) agreed that "handguns made in the United States should be required to meet the same federal safety and quality standards as imported handguns." Eighty-eight percent of respondents to the National Opinion Research Center surveys, including 80% of gun-owning respondents, endorsed the idea that new handguns should be legally required to be child-resistant. Seventy-one percent of respondents (including 59% of gun owners) agreed with the statement, "All new handguns should be personalized."18

There are several limitations in our study. First, the system we used to identify cases relied on voluntary reporting. Three sources of data were used to maximize rates of detection: a 1-page incident report faxed from area hospital EDs, county medical examiner's case files, and police offense reports from local law enforcement agencies.¹⁰ Between May 1996 and December 1998, an audit revealed that 13% of ED reports submitted to our

system could not be matched with a corresponding police report.¹⁰ This strategy minimized the potential for missed cases, but it could not eliminate it entirely.⁴¹ Individuals who did not disclose their injury to the police or seek care in an ED, as well as those who were treated in an ED but not reported, would not be detected by using our system.

Misclassification can occur in any retrospective study. Our data on causation are only as good as the police reports on which they are based.^{3,41} To minimize misclassification, we manually reviewed each case before including it in our series. Twenty-one shootings initially classified as unintentional were subsequently reclassified as intentional or indeterminate and excluded from our analysis.

Missing data complicated our efforts to categorize the circumstances involved in these shootings. No police report was available for 95 of the cases reported by ED personnel. Even when a police report was secured, the documentation was sometimes too sketchy to accurately characterize the event. At the outset of the study, we had hoped to identify the specific make and model of firearm involved in these shootings to confirm whether it lacked specific safety features. Unfortunately, investigating officers rarely documented the specific make and model in their offense reports.

Finally, our findings are limited to a single 5-county metropolitan area of a major southern city and might not be applicable to major cities in other parts of the country, much less to smaller communities or rural areas. For example, only 3 of our incidents were linked to hunting. Nationwide, as many of one fifth of all unintentional shootings are related to hunting.

Nonetheless, our results support 2 important conclusions. First, almost all of the unintended shootings we studied could be attributed to 1 or more of 3 factors: child access, mishandling of the firearm, and deficiencies in design. All 3 causes might be amenable to intervention. Nearly half the shootings might have been prevented if the gun involved had incorporated 3 simple mechanical safety features—a loaded chamber indicator, a grip safety, and a firing pin block—and had been kept inaccessible to children. Most of the remaining incidents might have been prevented if the handler had followed the most basic safety rules. Identifying which strategy or which combination of strategies is most effective will require further research.

This study would not have been possible without access to data from a regional firearm injury reporting system. A nationwide system of this sort, with attention paid to prospective collection of high-quality data, could generate invaluable information about the circumstances, location, and contributing factors involved in thousands of shootings each year.⁴² The reports produced would not only be useful to local and state law enforcement, they would also be useful to firearm safety instructors, gun enthusiasts, gun industry executives, and others interested in preventing deaths and injuries caused by firearms.

Author contributions: The study was initially conceived, designed, and piloted by ALK, TRS, and KB. Revision of the study design was made by RBI, AR, and ALK. Final data collection and abstraction was performed by RBI and AR. Analysis and coding of each case was performed by RBI, AR, RA, and ALK. Data entry and verification was carried out by RBI and AR. Statistical analysis was carried out by RBI, with assistance from AR. All of the authors had input into the final manuscript, which was largely written by RBI, AR, RA, and ALK. RBI and ALK take responsibility for the paper as a whole.

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REFERENCES

1. National Center for Injury Prevention and Control. 1999, United States: firearm deaths and rates per 100,000. Available at: http://webapp.cdc.gov/sasweb/ncipc/mortrate10.html. Accessed August 4, 2002.

2. Sinauer N, Annest JL, Mercy JA. Unintentional, nonfatal firearm-related injuries. A preventable public health burden. *JAMA*. 1996;275:1740-1743.

3. Kellermann AL, Rivara FP, Lee RK, et al. Injuries due to firearms in three cities. *N Engl J Med.* 1996;335:1438-1444.

 Karlson T, Hargarten S. Reducing Firearm Injury and Death: A Public Health Sourcebook. New Brunswick, NJ: Rutgers; 1997.

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Ismach et al

5. US General Accounting Office. Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could Be Prevented. Washington, DC: US General Accounting Office; 1991.

6. Cook PJ, Lawrence BA, Ludwig J, et al. The medical costs of gunshot injuries in the United States. *JAMA*. 1999;282:447-454.

7. Max W, Rice DP. Shooting in the dark: estimating the cost of firearm injuries. *Health Aff (Millwood).* 1993;12:171-185.

 Sadowski LS, Munoz SR. Nonfatal and fatal firearm injuries in a rural county. JAMA. 1996;275:1762-1764.

9. Cole TB, Patetta MJ. Hunting firearm injuries, North Carolina. *Am J Public Health.* 1988;78:1585-1586.

10. Kellermann A, Bartolomeos K, Fuqua-Whitley D, et al. Community-level firearm injury surveillance: local data for local action. *Ann Emerg Med.* 2001;38:423-429.

11. National Rifle Association. A parent's guide to gun safety. Available at: http://www. nra.org. Accessed November 10, 1998.

12. Office of Disease Prevention and Health Promotion, Public Health Service, United States Department of Health and Human Services. *Clinician's Handbook of Preventive Services: Putting Prevention into Practice.* Washington, DC: US Government Printing Office; 1994.

13. Robinson KD, Teret SP, Vernick JS, et al. *Personalized Guns: Reducing Gun Deaths Through Design Changes.* 2nd ed. Baltimore, MD: The Johns Hopkins Center for Gun Policy and Research; 1998.

14. Cook P, Ludwig J. *Guns in America: Results of a Comprehensive National Survey on Firearms Ownership and Use.* Washington, DC: Police Foundation; 1996.

15. Wright J. Ten essential observations on guns in America. Society. 1995;32:63-68.

16. Weil DS, Hemenway D. Loaded guns in the home. Analysis of a national random survey of gun owners. *JAMA*. 1992;267:3033-3037.

17. Kellermann AL, Fuqua-Whitley DS, Sampson TR, et al. Public opinion about guns in the home. *Inj Prev.* 2000;6:189-194.

18. Teret SP, Webster DW, Vernick JS, et al. Support for new policies to regulate firearms. Results of two national surveys. *N Engl J Med.* 1998;339:813-818.

19. Stennies G, Ikeda R, Leadbetter S, et al. Firearm storage practices and children in the home, United States, 1994. *Arch Pediatr Adolesc Med*. 1999;153:586-590.

20. Sanguino SM, Dowd MD, McEnaney SA, et al. Handgun safety: what do consumers learn from gun dealers? *Arch Pediatr Adolesc Med.* 2002;156:777-780.

21. Senturia YD, Christoffel KK, Donovan M. Gun storage patterns in US homes with children. A pediatric practice-based survey. *Arch Pediatr Adolesc Med.* 1996;150:265-269.

22. Webster DW, Wilson MEH, Duggan AK, et al. Parents' beliefs about preventing gun injuries to children. *Pediatrics*. 1992;89:908-914.

23. Becher EC, Christakis NA. Firearm injury counseling: are we missing the mark? *Pediatrics*. 1999;104:530-534.

24. Farah MM, Simon HK, Kellermann AL. Firearms in the home: parental perceptions. *Pediatrics*. 1999;104:1059-1063.

25. Jackman GA, Farah MM, Kellermann AL, et al. Seeing is believing: what do boys do when they find a real gun? *Pediatrics*. 2001;107:1247-1250.

26. Hardy MS, Armstrong FD, Martin BL, et al. A firearm safety program for children: they just can't say no. *J Dev Behav Pediatr.* 1996;17:216-221.

27. Wintemute GJ, Teret SP, Kraus JF, et al. When children shoot children: 88 unintended deaths in California. *JAMA*. 1987;257:3107-3109.

 Grossman DC, Reay DT, Baker SA. Self-inflicted and unintentional firearm injuries among children and adolescents: the source of the firearm. *Arch Pediatr Adolesc Med.* 1999;153:875-878.

29. National Rifle Association. NRA's Eddie Eagle program. Available at: http://www. nra.org/eddie/eddiemain.html. Accessed November 2, 2001. 30. Fairfax V. Eddie Eagle elementary gun safety education program. In: Bilchik S, ed. *Promising Strategies to Reduce Gun Violence.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention, US Department of Justice; 1999. Available at: http://ojjdp.ncjrs.org/pubs/gun_violence/profile49.html. Accessed December 10, 2002.

31. Cummings P, Grossman DC, Rivara FP, et al. State gun safe storage laws and child mortality due to firearms. *JAMA*. 1997;278:1084-1086.

32. Webster DW, Starnes M. Reexamining the association between child access prevention gun laws and unintentional firearm deaths among children. *Pediatrics*. 2000;106:1466-1469.

33. Brown R, Goldman L. *Physician Firearm Safety Guide*. Chicago, IL: American Medical Association; 1998.

34. Haddon W. The changing approach to the epidemiology, prevention and amelioration of trauma: the transition to approaches etiologically rather than descriptively based. *Am J Public Health.* 1968;58:1431-1438.

 Kellermann A, Todd K. Injury control. In: Tintinalli JE, Kelen GD, Stapczynski JS, eds. *Emergency Medicine: A Comprehensive Study Guide*. 5th ed. New York, NY: McGraw-Hill; 1999:1735-1738.

36. Koop CE, Lundberg GB. Violence in America: a public health emergency. Time to bite the bullet back [editorial] [published errata appear in *JAMA*. 1992;268:3074 and 1994;271:1404]. *JAMA*. 1992;267:3075-3076.

 Association of Trial Lawyers of America, Johns Hopkins Center for Gun Policy and Research. *Guns: A Public Health Approach; Making Changes in Making Guns.* Washington, DC: Johns Hopkins Center for Gun Policy and Research; 1995.

 Kellermann AL, Holliger E. Firearm-related injuries. In: Bernstein E, Bernstein J, eds. *Case Studies in Emergency Medicine and Health of the Public*. Boston, MA: Jones and Bartlett; 1996:247-257.

39. Weiss D. *Smart Gun Technology Project Final Report*. Washington, DC: US Department of Justice; 1996.

40. Wintemute GJ. Homicide, handguns, and the crime gun hypothesis: firearms used in fatal shootings of law enforcement officers, 1980 to 1989. *Am J Public Health.* 1994;84:561-564.

41. Kellermann AL, Bartolomeos KK. Firearm injury surveillance at the local level: from data to action. *Am J Prev Med.* 1998;15:109-112.

42. Barber C, Hemenway D, Hargarten S, et al. A "call to arms" for a national reporting system on firearm injuries. *Am J Public Health.* 2000;90:1191-1193.

ORIGINAL ARTICLE

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Unintentional and undetermined firearm related deaths: a preventable death analysis for three safety devices

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Objective: To determine the proportion of unintentional and undetermined firearm related deaths preventable by three safety devices: personalization devices, loaded chamber indicators (LCIs), and magazine safeties. A personalized gun will operate only for an authorized user, a LCI indicates when the gun contains ammunition, and a magazine safety prevents the gun from firing when the ammunition magazine is removed.

Design: Information about all unintentional and undetermined firearm deaths from 1991–98 was obtained from the Office of the Chief Medical Examiner for Maryland, and from the Wisconsin Firearm Injury Reporting System for Milwaukee. Data regarding the victim, shooter, weapon, and circumstances were abstracted. Coding rules to classify each death as preventable, possibly preventable, or not preventable by each of the three safety devices were also applied.

Results: There were a total of 117 firearm related deaths in our sample, 95 (81%) involving handguns. Forty three deaths (37%) were classified as preventable by a personalized gun, 23 (20%) by a LCI, and five (4%) by a magazine safety. Overall, 52 deaths (44%) were preventable by at least one safety device. Deaths involving children 0–17 (relative risk (RR) 3.3, 95% confidence interval (CI) 2.1 to 5.1) and handguns (RR 8.1, 95% CI 1.2 to 53.5) were more likely to be preventable. Projecting the findings to the entire United States, an estimated 442 deaths might have been prevented in 2000 had all guns been equipped with these safety devices.

Conclusion: Incorporating safety devices into firearms is an important injury intervention, with the potential to save hundreds of lives each year.

Refer than relying exclusively on changing the behavior of the users of dangerous products, injury prevention efforts have also focused on changing the design of the product itself to make it safer.¹ Of consumer products in the United States, firearms are among the most deadly. From 1990 to 1999, there were more than 12 000 unintentional firearm related deaths in the United States, with an additional 4000 deaths in the "undetermined" category.² Yet firearms can be designed with built-in safety features that may prevent at least some of these deaths.³

Injury prevention efforts to improve the safe design and manufacture of guns have concentrated primarily on three safety technologies: (1) personalization devices, (2) loaded chamber indicators (LCIs), and (3) magazine safeties. A personalized gun is a firearm that will fire only for an authorized user. This can be accomplished through a variety of user-recognition technologies—for example, fingerprint readers—that can be built into the design of the gun. Unless the firearm recognizes its authorized user, it is unable to fire.^{4 5}

A LCI is a device designed to indicate that the gun's firing chamber contains ammunition.⁶ LCIs are intended to prevent firearm related deaths where the gun's operator did not know the gun was loaded. At present, loaded chamber indicators are included on about 10%–20% of new pistol models.^{6 7} However, existing loaded chamber indicators generally consist of a small raised lever or button on the gun, with no additional markings to convey its meaning. Patents exist, however, for LCIs that would be far easier for operators to understand.⁶ A magazine safety (sometimes also called a magazine disconnect safety) blocks a semiautomatic pistol from firing when its ammunition magazine is removed, even if there is still a round in the chamber.⁸

Although all three of these safety devices have been widely discussed and promoted in both the public health and

popular literature, there have been few attempts to quantify their potential benefits. The United States General Accounting Office estimated that 23% of a sample of unintentional deaths were preventable by a loaded chamber indicator and 8% by a childproofing device.9 The childproofing device considered in the General Accounting Office study was intended to prevent discharge by young children only (age <6), and therefore was not a personalized gun. Similarly, Ismach and colleagues concluded that in 14% of the incidents in their sample of mostly non-fatal firearm injuries the shooter was unaware that the gun was loaded; in 5% the handgun's ammunition magazine had been removed just before the shooting.10 From a North Carolina sample, Cherry and colleagues determined that the shooter believed the gun was unloaded in 39 of 187 (21%) unintentional firearm related deaths.11

Using data from Maryland and Milwaukee, Wisconsin, this study examines the proportion of certain firearm related deaths that might be preventable by each of the three major safety devices. By including personalization technology, our analysis allows for a comparison of the relative benefits of the different devices.

METHODS

Data sources

Information about firearm related deaths was obtained from two primary sources: the Maryland Office of the Chief Medical Examiner, and the Wisconsin Firearm Injury Reporting System (FIRS). We reviewed the case files for all

Abbreviations: CI, confidence interval; FIRS, Firearm Injury Reporting System; LCI, loaded chamber indicator; RR, relative risk

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unintentional and undetermined firearm related deaths in Maryland and Milwaukee County for 1991-98. These files include information obtained from medical examiner investigations, police files, and crime laboratory reports. For each firearm related death, we abstracted a variety of information about the victim, shooter, weapon, and circumstances of the death. Deaths associated with non-powder firearms (for example, airguns and bb guns) were excluded. The combined dataset represents a convenience sample based on the ease of obtaining the data, their relative quality and completeness, and the value of increasing the overall sample size.

Medical examiners sometimes code certain, seemingly unintentional, deaths as homicides (rather than "accidents") where the gun's trigger is intentionally pulled, even if the shooter did not intend to cause the death of the victim.¹² This may be based on a technical, rather than intent based, definition of a homicide as one where the actions of one person result in the death of another. Therefore, using the Wisconsin surveillance system (FIRS), we separately identified those "homicides" in Milwaukee County where (1) the circumstances of the death indicated an accidental firingsuch as playing with or cleaning a firearm and (2) the Federal Bureau of Investigation's Supplemental Homicide Reports data similarly coded the death as a "negligent manslaughter".14 In the absence of a comparable surveillance system, it would have been much more difficult to conduct a similar analysis of Maryland homicides.

Preliminary analyses of these negligent homicides in Milwaukee indicated that, as expected, their circumstances were very similar to both the accidental and undetermined deaths in Milwaukee County. Similarly, unintentional and undetermined deaths, as well as the combined data for Maryland and Milwaukee shared comparable age, sex, and type of gun characteristics. Our assessment of the circumstances of these deaths also suggested that the events surrounding unintentional and undetermined deaths were very similar. For these reasons, and to increase the precision of our point estimates, subsequent analyses combine the data from Maryland and Milwaukee.

Suicides and non-negligent homicides are not included in this analysis. Medical examiner and police records rarely contained detailed information about the circumstances of the death (for the suicides), or whether the shooter was the owner or an authorized user of the gun (for homicides). In addition, the factors associated with preventability may have been different for these intentional deaths.

Definition of a "preventable" death

Our primary goal was to estimate the proportion of the firearm related deaths in our sample that might have been prevented by one or more of the three safety devices. For each case, two reviewers (JV, MO) applied a set of rules to code the death as (1) "preventable", (2) "possibly preventable", or (3) "not preventable". The very small number of cases where reviewers disagreed were resolved by a third reviewer (SJ) or by consensus.

For LCIs, a death was coded as preventable only if the case file indicated *clear* evidence that the shooter did not realize the gun was loaded at the time of the shooting. Usually this was based on unambiguous statements of witnesses interviewed by the police. In addition, the shooter must be old enough to understand the message to be conveyed by a LCI; to be conservative in this regard, we established a minimum age of 10. We coded the death as possibly preventable if there was only some evidence that the shooter thought the gun was unloaded. We assume (based on patent information) that such devices could be applied to any firearm, and can be designed so that even an untrained user would understand that the gun was loaded.

For personalized guns, a death was considered preventable if there was clear evidence in the case file that the shooter was not the owner or authorized user of the gun. For example, personalized guns can prevent deaths where the shooter is below the legal age for gun ownership-by definition an unauthorized user. We recognize that this assumes that adult owners of personalized handguns will not provide them to children, an assumption that might not always be correct. We coded deaths as "possibly" preventable by personalized guns when the case file indicated some evidence that the shooter was not an authorized user.

For magazine safeties, our preventability criteria required clear evidence that the shooter removed the ammunition magazine from a semiautomatic pistol immediately before the shooting. Where there was less clear evidence, the deaths were coded as possibly preventable.

For all of the devices, we conservatively coded the death as "not preventable by safety devices" if it did not meet any of the above criteria. It is important to recognize that characterizing a death as "preventable" does not mean that it would certainly have been prevented by the relevant safety device—only that, applying our rules, we determine that the death could have been prevented.

Analyses

Applying our criteria, for each of the safety devices we calculate the proportion of the deaths in our sample that fit the three categories of preventability. We also conducted bivariate analyses of deaths coded as preventable, compared with those coded as not preventable, to examine factors associated with differences between these two groups. To test the statistical significance of these bivariate analyses, χ^2 tests of independence, calculation of relative risks, and confidence intervals were used. Finally, extrapolating from our data, we calculate the number of lives that might be saved in the United States by these devices.

RESULTS

There were a total of 117 unintentional, undetermined, and negligent homicide deaths in our data set for 1991 to 1998, 66 in Maryland and 51 in Milwaukee (see table 1). Males (91%) and persons aged 0-20 (53%) represent the majority of the decedents. Handguns were involved in 81% of the deaths, with roughly equal proportions of pistols and revolvers. Among the circumstances of the incident, "playing with or showing the gun to others" (51%), and "handling or transporting the gun" (21%) represented nearly three quarters of all deaths.

Among all deaths, 43 (37%) met our criteria for being "preventable" by a personalized gun, 23 (20%) by a loaded chamber indicator, and five (4%) by a magazine safety. A smaller proportion of deaths for each device were classified as "possibly preventable" (see table 2).

Overall, 52 of the deaths (44%, 95% confidence interval (CI) 35% to 53%) fit our criteria as preventable by at least one of the devices. Some were preventable by more than one device. Importantly, there was no statistically significant difference in overall preventability by site ($\chi^2 = 0.74$, p = 0.39), reinforcing our decision to combine the Maryland and Milwaukee data for analysis. Also, no type of death was significantly more likely to be preventable than any other, whether unintentional, undetermined, or negligent homicide $(\chi^2 = 0.14, p = 0.93)$. Again, this suggests that the relevant characteristics of these deaths are similar enough to justify combining the data for our purposes.

In the bivariate analyses, we compared preventable with non-preventable deaths, excluding those that were only "possibly" preventable. In these analyses, several characteristics of the deaths were associated with higher proportions

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 Table 1
 Selected characteristics of
 unintentional, undetermined, and negligent homicide firearm related deaths in Maryland and Milwaukee, 1991-98

Variable*	No (%)
Age (years)	
0–17	46 (39)
18–20	16 (14)
21–40	37 (32)
41+	18 (15)
Sex	
Male	107 (91)
Female	10 (9)
Race	
White	60 (51)
Black	54 (46)
Other	3 (3)
Site/type of death	
Maryland (n = 66)	00 (20)
Unintentional	20 (30)
Undetermined	46 (70)
Milwaukee (n = 51) Unintentional	12 (25)
Undetermined	13 (25) 12 (24)
Negligent homicide	26 (51)
Circumstance	20 (31)
Cleaning	3 (3)
Handling/transporting/loading/	25 (21)
unloading	25 (21)
Hunting	6 (5)
Miscellaneous/other	5 (4)
Playing with/showing gun to others	60 (51)
Thought safety was on/problem with	4 (3)
safety	1-1
Unknown	14 (12)
Type of gun	
Handgun (n = 95)	
Pistol	42 (36)
Revolver	45 (38)
Unknown/other	8 (7)
Long gun (n = 19)	
Rifle	9 (8)
Shotgun	10 (9)
Missing (n = 3)	
*Age, sex, and race data refer to the dec not the decedent is also the shooter. Circi of gun refer to characteristics of the even	umstance and ty

of preventability (see table 3). Incidents where the decedent was aged 0-17 were three times as likely to be preventable (relative risk (RR) 3.3, 95% CI 2.1 to 5.1) as those involving all older persons. Deaths involving handguns were eight times as likely to be preventable (RR 8.1, 95% CI 1.2 to 53.5) as those involving long guns. Among the circumstances of the incident, deaths that involved "playing with or showing the gun to others" were most likely to be preventable (RR 3.2, 95% CI 1.9 to 65.3).

Based on our estimates of the proportion of deaths preventable by any safety device (44%, 95% CI 35% to 53%), we can calculate the number of lives that might be saved if all firearms had all three devices. In 2000, there were 776 unintentional firearm deaths in the United States. Applying our results yields an estimate of 341 unintentional deaths (95% CI 272 to 411) that might have been prevented. There were also 230 firearm deaths of undetermined intent in 2000, producing an estimate of 101 preventable deaths (95% CI 81 to 122) in this category. Combining these data, 442 lives might have been saved in 2000 if all firearms had all three safety devices (95% CI 353 to 533).

DISCUSSION

Overall, more than 40% of the firearm related deaths in our sample were preventable by at least one of the three safety devices. Providing all three of these devices in all firearms
 Table 2
 Number (%) of preventable firearm deaths by
 various safety devices in Maryland and Milwaukee, 1991-98

	Personalized gun	LCI	Magazine safety	Any of three safety devices*
Preventable Possibly preventable†	43 (37) 13 (11)	23 (20) 15 (13)	5 (4) 3 (3)	52 (44) 19 (16)
Not preventable by safety devices	61 (52)	79 (68)	109 (93)	46 (39)
Total	117 (100)	117 (100)	117 (100)	117 (100)

*Because the same death may be preventable by more than one device, figures in this column are not the sum of the other three columns. tFor personalized guns, this category includes deaths where the shooter was not in immediate control of the firearm when it discharged (for example, a firearm that discharged when dropped from a tree stand while hunting). For loaded chamber indicators (LCIs), this category includes so-called Russian roulette shootings (a LCI might eliminate the element of chance from this activity)

Table 3 Proportion of deaths preventable by at			
least one safety device, by selected variable categories, and results of χ^2 tests of independence for each category			

Variable	Percent prevento	p Value able for χ ² *
Age (years)		< 0.001
0–17	88	
18–20	62	
21–40	19	
41+	13	
Type of gun		< 0.001
Handgun	62	
Long gun	8	
Circumstance		< 0.001
Hunting	33	
Handling/transporting/loading	27	
Playing with/showing gun to others	80	
Thought safety was on/problem with safety	50	
Unknown	23	

could save more than 400 lives each year. Other research suggests that there would also be significant cost savings associated with preventing firearm related deaths, both for the victims' families and for the community as a whole.¹⁵ Of course, any assessment of the desirability of the devices should weigh the benefits in lives saved (and injuries averted) against the costs to consumers of providing or requiring the devices.

Our conclusion that 20% of the deaths were preventable by a LCI is convincingly close to prior research, falling between the General Accounting Office's 23% figure, and Ismach et al's 14%. No prior research has examined the proportion of deaths preventable by a personalized gun. Yet our results suggest that personalized guns may be among the most beneficial firearm safety design changes for the future.

However, personalized guns are not uniformly supported by gun control advocates. In fact, some have argued that increased availability of these guns may even be counterproductive.17 Our research can help clarify the risk-benefit

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equation for these guns by providing better information about how many lives might be directly saved by personalized guns. For loaded chamber indicators and magazine safeties, these concerns are minimized because potential gun buyers already have the option to purchase guns with these features.

Just 4% of the deaths in our sample were preventable by a magazine safety. The action of removing the ammunition magazine from a pistol prior to the shooting is apparently less common than other circumstances surrounding firearm related deaths, or at least is less frequently noted in medical examiner and police reports. However, the passive or automatic nature of magazine safeties, coupled with their relatively low price and mechanical simplicity, suggests that these devices remain a useful injury intervention.

Although safer handling or storage of firearms might also have prevented some of the deaths in our sample, this was not the focus of our research. In addition, there is some evidence that it may be quite difficult to alter the firearm handling, ownership, or storage practices of children^{18 19} and adults.²⁰⁻²³

For the present study we did not examine the safety devices' effects on suicides and non-negligent homicides. Personalized guns, in particular, might prevent youth suicides, and even some homicides where the gun was recently stolen from its owner. Future research, based on newly developed surveillance systems, might therefore yield greater estimates of the number of lives saved by these devices when all deaths are included.

Limitations

Our study has several limitations. There is inherent uncertainty in any determination of whether some safety device might have prevented any given death. We have tried to minimize some of this uncertainty by establishing reasonably specific rules and by using multiple coders. With data from Maryland and Milwaukee, the generalizability of our findings to other areas or to the United States as a whole is uncertain. However, the comparability of our findings regarding preventability among the two regions, and with other research, suggests that regional variation in preventability within the United States may not be especially great. The age distribution of our sample is somewhat younger than the nation as a whole, though the gender distribution is similar to national data.

As described, we did not include negligent homicides in Maryland. However, the purpose of our analysis was not to determine the raw number of preventable deaths, but the proportion of deaths that might be prevented by the various safety devices. Only if the proportion of negligent homicides in Maryland that were preventable was very different from the rest of the deaths in our sample would their absence affect our results. The similarity in preventability of Milwaukee's negligent homicides with the rest of the deaths suggests that this is probably not the case.

For several reasons, our estimate of the number of lives that might be saved by the three safety devices may be conservative. First, the reported number of unintentional deaths in the United States is likely to be an underestimate since many of these deaths, as in our Milwaukee data, are coded as negligent homicides. Inclusion of these negligent homicides substantially increased the number of Milwaukee cases in our sample. Also, in our calculations of lives potentially saved, we use only those deaths we classified as preventable, not those classified as possibly preventable.

On the other hand, we understand the uncertainties inherent in this or any calculation of possible lives saved under various assumptions. For example, this calculation assumes that the proportion of deaths preventable in our sample would be the same for the United States as a whole. In addition, our lives saved calculations assume that all firearms would have the safety devices. Of course, even if *new* firearms were required to contain the devices, many older guns without the devices would remain in circulation. Therefore, it might be some years before the maximum benefit of the technologies would be felt. We also assume that LCIs can be designed, as a new California law requires, to be understood even by untrained users.²⁴

Some might even argue that the inclusion of new safety devices into firearms could result in the loss of lives, for example if the firearm did not function as intended during a defensive gun use, or if the increased cost forced some to forgo the purchase of a gun. Designers of personalized guns attempt to minimize or eliminate any interference with the normal operation of the firearm. LCIs and magazine safeties should result in little change to the operation or cost of a gun. The increased cost of personalized guns, and the impact this might have on purchasing decisions, is not known. In addition, despite the arguments of some researchers,²⁵ the best available evidence suggests that there are relatively few defensive uses of guns compared with gun related deaths and crimes.^{26 27}

CONCLUSION

Despite the potentially lifesaving benefits of firearm safety technologies, most firearm manufacturers have not provided these devices voluntarily.⁶⁷ In the United States, the public would support legislation requiring these devices. In one national poll, legislation requiring all new handguns to contain a LCI (73% in favor) or personalization technology (71% in favor) were each supported by a large majority of the respondents.²⁸

Certainly, incorporating safety devices into firearms is not the only appropriate strategy for responding to the many different causes of firearm violence. However, examples of successful design changes for other products (such as motor vehicles and prescription drug containers),^{29 30} coupled with the results of our study, suggest that product modification should remain an important intervention for firearms as well.

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Key points

- Changing the design of products to make them safer is a proven injury prevention strategy, but for firearms this strategy has not yet been widely adopted.
- For firearms, loaded chamber indicators and magazine safeties are designed to prevent some deaths where the shooter did not know the gun was loaded; personalization devices prevent the gun from being fired by an unauthorized user.
- In this study of the lifesaving potential of these three firearm safety devices, 44% of the deaths in the sample were preventable by at least one of the devices.
- Design changes to firearms have the potential to save hundreds of lives each year in the United States.

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REFERENCES

- National Committee for Injury Prevention and Control. Injury prevention: meeting the challenge. New York, NY: Oxford University Press, 1989:7–8.
- 2 Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS). Available at http://www.cdc.gov/ ncipc/osp/data.htm (accessed on 10 April 2003).
- 3 Freed LH, Vernick JS, Hargarten SW. Prevention of firearm-related injuries among youth: a product oriented approach. Pediatr Clin North Am 1998;45:427-38.
- 4 Teret SP, Culross PL. Product-oriented approaches to reducing youth gun violence. Future Child 2002;12:119-31
- 5 Teret SP, Lewin NL. Policy and technology for safer guns: an update. Ann Emerg Med 2003;41:32-4.
- 6 Vernick JS, Meisel ZF, Teret SP, et al. "I didn't know the gun was loaded": an examination of two safety devices that can reduce the risk of unintentional firearm injuries. J Public Health Policy 1999;20:427-40.
- 7 Milne JS, Hargarten SW, Kellermann AL, et al. Effect of current federal regulations on handgun safety features. Ann Emerg Med 2003;41:1-9 8
- Karlson TA, Hargarten SA. Reducing firearm injury and death: a public health sourcebook on guns. New Brunswick, NJ: Rutgers University Press, 1997.71-2
- 9 United States General Accounting Office. Accidental shootings: many deaths and injuries caused by firearms could be prevented. Washington, DC: United States General Accounting Office, 1991:1–47.
- 10 Ismach RB, Reza A, Ary R, et al. Unintended shootings in a large metropolitan area: an incident based analysis. Ann Emerg Med 2003;41:10-17.
- Cherry D, Runyan C, Butts J. A population based study of unintentional firearm fatalities. Inj Prev 2001;7:62-5.
- 12 Barber CW, Ozonoff VV, Schuster M, et al. Massachusetts weapon-related injury surveillance system. Am J Prev Med 1998;15(suppl 3):57-66.

- 13 Frattaroli S, Webster DW, Teret SP. Unintentional gun injuries, firearm design, and prevention: what we know, what we need to know, and what can be done. J Urban Health 2002;79:49-59.
- 14 Barber C, Hemenway D, Hochstadt J, et al. Underestimates of unintentional firearm fatalities: comparing Supplementary Homicide Report data with the National Vital Statistics System. Inf Prev 2002;8:252–6. Cook PJ, Ludwig J. Gun violence: the real costs. New York, NY: Oxford
- 15 University Press, 2000:97-115.
- Cook PJ, Lawrence BA, Ludwig J, et al. The medical costs of gunshot injuries in the United States. JAMA 1999;282:447–54. 17
- Sugarman J. Loaded logic: making guns smart won't stop killings like the one in Michigan. Washington Post 2002, March 5: B2.
- Hardy MS, Armstrong FD, Martin BL, et al. A firearm safety program for children: they just can't say no. J Dev Behav Pediatr 1996;17:216–21.
 Jackman GA, Farah MM, Kellermann AL, et al. Seeing is believing: what do boys do when they find a real gun? Pediatrics 2001;107:1247–50.
 Brent DA, Baugher M, Birmaher B, et al. Compliance with recommendations
- to remove firearms in families participating in a clinical trial for adolescent depression. J Am Acad Child Adolesc Psychiatry 2000;**39**:1220–6. Hemenway D, Skolnick SJ, Azrael DR. Firearm training and storage. JAMA 21
- 1995:273:46-50. 22 Connor SM, Wesolowski KL. "They're too smart for that": predicting what
- children would do in the presence of guns. *Pediatrics* 2003;111:e109–14. **Grossman DC**, Cummings P, Koepsell TD, *et al.* Firearm safety counseling in primary care pediatrics: a randomized, controlled trial. *Pediatrics* 2001;106:22–6. 23
- California Senate. Bill No 489, September 2003
- 25 Kleck G, Gertz M. Armed resistance to crime: the prevalence and nature of self-defense with a gun. Journal of Criminal Law and Criminology 1995:86:150-87.
- 26 McDowall D, Wiersema B. The incidence of defensive firearm use by US crime victims, 1987–1990. Am J Public Health 1994;84:1982–4.
- Hemenway D. Survey research and self-defense gun use: an explanation of 27 extreme overestimates. Journal of Criminal Law and Criminology 1997;87:1430-45.
- 28 Teret SP, Webster DW, Vernick JS, et al. Public support for innovative gun
- policies: the results of two national surveys. N Engl J Med 1998;339:813-8.
 Rogers GB. The safety effects of child-resistant packaging for oral prescription drugs: two decades of experience. JAMA 1996;275:1661-5.
- Notional Highway Traffic Sofety Administration. Effectiveness of occupant protection systems and their use, fourth report to Congress. Washington, DC: US Department of Transportation, 1999:i



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Lighter balls for younger children

• he incidence of hand and wrist injuries from balls used by children in sporting activities may be reduced by increasing awareness of parents and coaches, using lighter balls, and introducing weight categories for players.

ECHO.....

The case notes of all children aged 6-13 years attending the accident and emergency department of the Royal Aberdeen Children's Hospital from January to December 2001 as a result of a wrist, hand, or finger injury sustained from a blow by a ball were reviewed and the cause, type, and severity of the injury noted.

Altogether 187 children (125 boys, 69%) were seen over the study period. Football (soccer) resulted in 120 (64%) of the injuries, with 93 (78%) sustained by boys. Serious injuries were noted in 69 cases—67 fractures and two dislocations (37% of the total presentations). The fracture rate was higher in the injuries sustained outside school.

All injuries in this study were caused by a blow from a ball. Most football injuries in youngsters are mild, but their severity increases with age as children become heavier and achieve higher skill levels. The study concluded with the following recommendations. Firstly, using lighter balls for younger children would reduce the force of a blow. Secondly, weight categories would ensure that heavier players were not kicking or throwing balls at lighter players. Thirdly, awareness of the risk of hand and wrist injuries among parents and coaches should be increased.

Wider implementation of these modifications should be considered, and a register of injuries kept by sporting bodies would be of benefit in monitoring such injuries.

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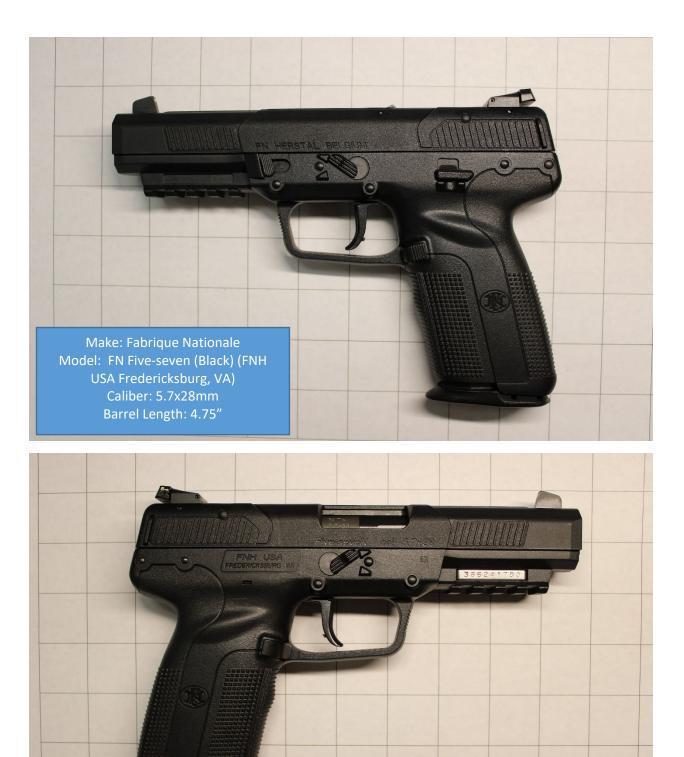




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Saul Cornell

Paul and Diane Guenther Chair in American History

Department of History

Fordham University

441 East Fordham Road * Bronx, NY 10458 * 203 826-6608 (c) * scornell1@fordham.edu

Education			
			Dissertation: "The Political Thought
1989	University of Pennsylvania	Ph.D.	and Culture of the Anti-Federalists"
1985	University of Pennsylvania	MA	History
1982	Amherst College	BA	History - Magna Cum Laude
1980-81	University of Sussex, Brighton, England		

Teaching Experience			
2009-2020	Guenther Chair in American History	Fordham University	
2011-2022	Adjunct Professor of Law	Fordham Law School	
2005-2008	Professor of History	The Ohio State University	
1997-2005	Associate Professor, History	The Ohio State University	
1995	Thomas Jefferson Chair	University of Leiden, The Netherlands	
1991-1997	Assistant Professor, History	The Ohio State University	
1989-1991	Assistant Professor, History	College of William and Mary	

Fellowships and Grants

- 2019-2020 The Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition, Yale University
- 2018-2019 Senior Research Scholar in Residence, Floersheimer Center for Constitutional Democracy, Cardozo Law School
- 2014 Senior Research Scholar in Residence, University of Connecticut Law School
- 2011 Senior Research Scholar in Residence, Yale Law School
- 2003-2008 Joyce Foundation, Second Amendment Center Grant, \$575,000
- 2003-2004 NEH Fellowship
- 2002-2005 Department of Education, Teaching American History Grant, Historyworks, \$2,000,000
- 2002 Gilder-Lehrman Fellowship
- 2001-2002 Joyce Foundation Planning Grant, \$40,000
- 2001 American Council of Learned Societies (ACLS)
- 1999-2000 Betha Grant, Batelle Memorial Endowment, Ohio Teaching Institute, \$100,000
- 1998 Thomas Jefferson Memorial Foundation, Research Fellowship
- 1995 Thomas Jefferson Chair in American Studies, Fulbright Lecturing Award
- 1994 Ohio State University Seed Grant
- 1993 Ohio State University Special Research Assignment
- 1992 Ohio State University Grant-In-Aid
- 1989-1991 NEH Post-Doctoral Fellow, Institute of Early American History and Culture

Prizes and Awards

- 2006 Langum Prize in Legal History 2006
- 2006 History News Network, Book of the Month
- 2006 History News Network, Top Young Historian
- 2001 Society of the Cincinnati, History Book Prize, a Triennial Award for the Best Book on the American Revolutionary Era
- 2000 <u>Choice</u> Outstanding Academic Book

Book Publications

The Partisan Republic: Democracy, Exclusion, and the Fall of the Founders Constitution

New Histories of American Law, series eds., Michael Grossberg and Christopher Tomlins (Cambridge University Press, 2019) [With Gerald Leonard]

The Second Amendment On Trial: Critical Essays on District of Columbia v. Heller (University of Massachusetts Press, 2013) [with Nathan Kozuskanich]

<u>Visions of America: A History of the United States</u> [co-authored with Jennifer Keene and Ed O'Donnell] (First edition, 2009),(second edition 2013) (third edition, 2016)

<u>"A Well Regulated Militia": The Founding Fathers and the Origins of Gun Control</u> (Oxford University Press, 2006) (paperback edition 2008)

Whose Right to Bear Arms Did the Second Amendment Protect? (Bedford/St. Martins Press, 2000) (Paperback 2000)

<u>The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788-1828</u> (Institute of Early American History and Culture, University of North Carolina Press, 1999) (paperback edition 2001)

Editor, <u>Retrieving the American Past:</u> Documents and Essays on American History, (Pearson, 1994-2008)

Scholarly Articles, Book Chapters, and Essays:

"History and Tradition or Fantasy and Fiction: Which Version of the Past Will the Supreme Court Choose in NYSRPA v. Bruen?," 49 *Hastings Constitutional Law Quarterly* (2022): 145-177.

"The Long Arc of Arms Regulation in Public: From Surety to Permitting,1328–1928," 55 <u>University of California, Davis Law Review</u> (2022): 2545-2602

"'Infants' and Arms Bearing in the Era of the Second Amendment: Making Sense of the Historical Record," 40 <u>Yale Law & Policy Review Inter Alia</u> 1 (2021)

"The Right to Regulate Arms in the Era of the Fourteenth Amendment: The Emergence of Good Cause Permit Schemes in Post-Civil War America" 55 <u>University of California, Davis Law Review Online</u> (2021): 65-90.

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- "President Madison's Living Constitution: Fixation, Liquidation, and Constitutional Politics in the Jeffersonian Era", 89 Fordham Law Review (2021): 1761-1781.
- "History, Text, Tradition, and the Future of Second Amendment Jurisprudence: Limits on Armed Travel Under Anglo-American Law, 1688–1868," 83 Law and Contemporary Problems (2020): 73-95
- "Reading the Constitution, 1787–91: History, Originalism, and Constitutional Meaning." <u>Law and</u> <u>History Review</u> 37 (2019): 821–45
- "Constitutional Mythology and the Future of Second Amendment Jurisprudence after *Heller*," in <u>Firearms and Freedom: The Second Amendment in the Twenty-First Century Controversies in</u> <u>American Constitutional Law Series</u> (Routledge, 2017): 8-24
- "The Right to Keep and Carry Arms in Anglo-American Law, Preserving Liberty and
- Keeping the Peace," 80 Law and Contemporary Problems (2017): 11-54
- "Half Cocked': The Persistence of Anachronism and Presentism in the Academic Debate over the Second Amendment," 107 Northwestern Journal of Criminal Law 107 (2017): 203-218
- "The 1790 Naturalization Act and the Original Meaning of the Natural Born Citizen Clause: A Short Primer on Historical Method and the Limits of Originalism," <u>Wisconsin Law Review Forward</u> 92 (2016)
- "Constitutional Meaning and Semantic Instability: Federalists and Anti-Federalists on the Nature of Constitutional Language," in special issue on "The Future of Legal History," <u>American Journal of Legal History</u> 56 (2016): 21-29
- "Firearm Regionalism and Public Carry: Placing Southern Antebellum Case Law in Context," <u>Yale Law</u> Journal Forum 125(2015-16):121-135 [with Eric Ruben]
- "Originalism As Thin Description: An Interdisciplinary Critique" <u>Fordham Law Review Res Gestae</u> 84 (2015): 1-10
- "The Right to Bear Arms," <u>The Oxford Handbook of the US Constitution</u>, eds., Mark Tushnet, Sanford Levinson, and Mark Graber (2015): 739-759
- "Conflict, Consensus & Constitutional Meaning: The Enduring Legacy of Charles Beard" <u>Constitutional</u> <u>Commentary</u> 29 (2014): 383-409
- "Meaning and Understanding in the History of Constitutional Ideas: the Intellectual History Alternative to Originalism" <u>Fordham Law Review</u> 82 (2013): 721-755
- "The Right to Carry Firearms Outside of the Home: Separating Historical Myths from Historical Realities" <u>Fordham Urban Law Journal</u> 39 (2012): 1695-1726
- "Evidence, Explanation, and the Ghost of Charles Beard" William & Mary Quarterly 69 (2012): 393-4
- "Idiocy, Illiteracy, and the Forgotten Voices of Popular Constitutionalism: Ratification and the Ideology of Originalism" <u>William & Mary Quarterly</u> 69 (2012): 365-368
- "The People's Constitution v. The Lawyer's Constitution: Popular Constitutionalism and the Original Debate Over Originalism," <u>Yale Journal of Law and the Humanities</u> 23 (2011): 295-337
- "St. George Tucker's Lecture Notes, The Second Amendment, and Originalist Methodology: A Critical Comment," <u>Northwestern University Law Review</u> 103 (2009): 406-416

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- "Heller, New Originalism, and Law Office History: 'Meet the New Boss, Same as the Old Boss'" <u>UCLA</u> <u>Law Journal</u> 56 (2009): 1095 -1125
- "Originalism on Trial: The Use and Abuse of History in District of Columbia v. Heller" <u>Ohio-State Law</u> Journal 69 (2008): 625-640
- "Consolidation of the Early Federal System," Chapter 10 of the <u>Cambridge History of A merican Law</u> (Cambridge University Press, 2008) [With Gerry Leonard]
- "The Ironic Second Amendment" Albany Government Law Review 2 (2008): 292-311.
- "The Original Meaning of Original Understanding: A Neo-Blackstonian Critique," <u>Maryland Law</u> <u>Review</u> (2008): 101-115
- "Mobs, Militias, and Magistrates: Popular Constitutionalism During the Whiskey Rebellion," <u>Chicago-Kent Law Review</u> (2007): 883-903
- "The Second Amendment and Early American Gun Regulation: a Closer Look at the Evidence," <u>Law</u> <u>and History Review</u> (2007): 197-204
- "St. George Tucker and the Second Amendment: Original Understandings and Modern Misunderstandings," <u>William and Mary Law Review</u> 47 (2006): 1123-55
- "The Early American Origins of the Modern Gun Control Debate: The Right to Bear Arms, Firearms Regulation, the Lessons of History," <u>Stanford Law and Policy Review</u> (2006): 571-596
- "Well Regulated: The Early American Origins of Gun Control," <u>Fordham Law Review</u> 73 (2004): 487-528 [With Nathan DeDino]
- "Beyond the Myth of Consensus: The Struggle to Define the Right to Bear Arms in the Early Republic," in <u>Beyond the Founders: New Essays on the Political History of the Early Republic</u> (UNC Press, 2005)
- "A New Paradigm for the Second Amendment," Law and History Review 22 (2004): 161-7
- "Gun Laws and Policies: A Dialogue," Focus on Law Studies: Teaching about Law in the Liberal Arts (American Bar Association, 2003)
- "The Militia Movement," Oxford Companion to American Law (Oxford University Press, 2002)
- "Don't Know Much About History: The Current Crisis in Second Amendment Scholarship," <u>Northern</u> <u>Kentucky Law Review</u> (2003)
- "A Right to Bear Quills or Kill Bears? A Critical Commentary on the Linkage between the 1st and 2nd Amendment in Recent Constitutional Theory," in <u>The Limits of Freedom in A Democratic Society</u> (Kent State University Press, 2001)
- "The Irony of Progressive Historiography: The Revival of Anti-Federalism in Contemporary Constitutional History," in <u>American Law Ways and Folkways</u> (Odense University Press, Denmark 2001)
- "Commonplace or Anachronism: The Standard Model, The Second Amendment, and the Problem of History in Contemporary Constitutional Theory," <u>Constitutional Commentary</u> (1999): 221-246
- "Mere Parchment Barriers? Anti-Federalists, the Bill of Rights, and the Question of Rights Consciousness," in <u>Government Proscribed: The Bill of Rights</u> (University of Virginia Press, 1998): 175-208

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- "Moving Beyond the Great Story: Post-Modern Prospects, Post-Modern Problems, A Forum on Robert Berkhofer, Jr. <u>Beyond the Great Story</u>" <u>American Quarterly</u> (1998): 349-357
- "The Anti-Federalists," in <u>The Blackwell Companion to American Thought</u>, eds., James Kloppenberg (London, 1995)
- "The Bill of Rights," in <u>The Blackwell Companion to American Thought</u>, eds., James Kloppenberg (London, 1995)
- "Splitting the Difference: Textualism, Contexualism, and Post-Modern History," <u>American Studies</u> (1995): 57-80
- "Canon Wars II: The Return of the Founders," <u>Reviews in American History</u> 22 (1994): 413-417
- "Moving Beyond the Canon of Traditional Constitutional History: Anti-Federalists, the Bill of Rights and the Promise of Post-Modern Historiography," <u>Law and History Review</u> (1994): 1-28
- "Early American History in a Post-Modern Age," William and Mary Quarterly 50 (1993): 329-341
- "Liberal Republicans, Republican Liberals?: The Political Thought of the Founders Reconsidered," <u>Reviews in American History</u> 21 (1993): 26-30
- "Politics of the Middling Sort: The Bourgeois Radicalism of Abraham Yates, Melancton Smith, and the New York Anti-Federalists," in <u>New York in the Age of the Constitution</u> (New York Historical Society, 1992): 151-175
- "Aristocracy Assailed: Back-Country Opposition to the Constitution and the Problem of Anti-Federalist Ideology," Journal of American History (1990): 1148-1172
- "The Changing Historical Fortunes of the Anti-Federalists," <u>Northwestern University Law Review</u> (1989): 39-73

"Reflections on the `Late Remarkable Revolution in Government,' Aedanus Burke and Samuel Bryan's Unpublished History of the Ratification of the Federal Constitution," <u>The Pennsylvania Magazine of History and Biography</u> (1988): 103-130

Book Reviews:

- Journal of American History
- William and Mary Quarterly
- <u>American Studies</u> Journal of the Early Republic
- <u>Pennsylvania Magazine of History and Biography</u>
- <u>American Quarterly</u>
- <u>American Journal of Legal History</u>
- Law and History Review

Journal Manuscript Referee:

- Journal of American History
- William and Mary Quarterly
- Diplomatic History
- Pennsylvania Magazine of History and Biography
- <u>Law and History Review</u>
- Harvard Law Review

- <u>Stanford Law Review</u>
- <u>Yale Law Journal</u>

Book Manuscript Reviewer:

- University Press of Virginia
- University of North Carolina Press
- Stanford University Press
- University of Massachusetts Press
- Oxford University Press
- Cambridge University Press
- University of Michigan Press
- Harvard University Press

Invited Lectures:

"Race, Regulation, and Guns: The Battleground in the Debate Over the Second Amendment," Haber/Edelman Lecture: University of Vermont, Fall 2021

- "Second Amendment Myths and Realities," University of Tampa, Honors College Symposium, November 30, 2018.
- "The Common Law and Gun Regulation: Neglected Aspects of the Second Amendment Debate," Guns in Law, Amherst College, Law Justice and Society (2016)

"The New Movement to End Gun Violence." UCLA Hammer Museum (2016)

"No Person May Go Armed": A Forgotten Chapter in the History of Gun Regulation" The Elizabeth Battelle Clark Legal History Series, Boston University College of Law, 2016

- Legacy Speaker Series: "Guns in the United States," University of Connecticut (2016) "How does the Second Amendment Apply to Today?"
- American Constitution Society/ Federalist Society Debate, Tulane Law School, New Orleans (2016)
- "The Second Amendment and The Future of Gun Regulation: Forgotten Lessons From U.S. History," Constitution Day Lecture, Goucher College, (2015)
- Keynote Lecture: "The Second Amendment and American Cultural Anxieties: From Standing Armies to the Zombie Apocalypse" Firearms and Freedom: The Relevance of the Second Amendment in the Twenty First Century, Eccles Center, British Library (Spring 2015)
- "Narratives of Fear and Narratives of Freedom: A Short Cultural History of the Second Amendment," Comparing Civil Gun Cultures: Do Emotions Make a Difference? Max Plank Institute, Berlin (2014)
- "History and Mythology in the Second Amendment Debate," Kollman Memorial Lecture, Cornell College, Iowa (Spring, 2013)
- "Will the Real Founding Fathers Please Stand Up or Why are so few Historians Originalists" Constitution Day Lecture, Lehman College, Fall 2011
- "Lawyers, Guns, and Historians: The Second Amendment Goes to Court," SHEAR/HSP Public Lecture, Philadelphia, July, 2008

- The Robert H. and Alma J. Wade Endowment Lecture, Kentucky Wesleyan University, "The Early American Origins of Gun Control" (2006)
- "Jefferson, Mason, and Beccaria: Three Visions of the Right to Bear Arms in the Founding Era," Bill of Rights Lecture, Gunston Hall Plantation, Fairfax, VA (2003)
- "A New Paradigm for the Second Amendment," Finlay Memorial Lecture, George Mason University, (2001)
- "Academic Gunsmoke: The Use and Abuse of History in the Second Amendment Debate," Cadenhead Memorial Lecture, University of Tulsa, (2000)
- "Why the Losers Won: The Rediscovery of Anti-Federalism in the Reagan Years," Thomas Jefferson Inaugural Lecture, University of Leiden, Netherlands, (1995)

Presentations:

- "From Ideology to Empiricism: Second Amendment Scholarship After Heller, "Hastings Constitutional Law Quarterly Symposium, Heller at Ten, January 18, 2019
- "Firearms and the Common Law Tradition," Aspen Institute, Washington, DC (2016)
- "The Original Debate over Original Meaning Revisited," British Group in EarlyAmerican History, Annual Meeting, Cambridge, England (2016)
- "Second Amendment Historicism and Philosophy" The Second Generation of Second Amendment Scholarship" Brennan Center, NYU 2016
- "The Reception of the Statute of Northampton in Early America: Regionalism and the Evolution of Common Law Constitutionalism" OIEAHC and the USC/Huntington Library Early Modern Studies Institute May 29–30, 2015
- "The Right to Travel Armed in Early America: From English Restrictions to Southern Rights," British Group in Early American History, Annual Conference Edinburgh, Scotland (2014)
- "Progressives, Originalists, and Pragmatists: The New Constitutional Historicism and the Enduring Legacy of Charles Beard," Charles Beard, Economic Interpretation and History, Rothmere Center, Oxford University (2012)
- CUNY Early American Seminar, "The People's Constitution v. the Lawyer's Constitution," 2011
- Roundtable : "The Work of J.R. Pole," SHEAR, Philadelphia, Pennsylvania 2011)
- "The Right to Bear Arms in the Era of the Fourteenth Amendment: Gun Rights or Gun Regulation?" Bearing Arms, Policy, Policing, and Incorporation After Heller, Santa Clara Law School (2010)
- "Re-envisioning Early American History," American Historical Association Annual Meeting, San Diego (2010)
- "The Ironic Second Amendment" Firearms, the Militia, and Safe Cities: Merging History, Constitutional Law and Public Policy, Albany Law School (2007)
- "District of Columbia v. Heller and the Problem of Originalism," University of Pennsylvania Constitutional Law Workshop, Philadelphia (2007)

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- "Progressives and the Gun Control Debate," American Constitution Society, Harvard Law School, (2006)
- "The Problem of Popular Constitutionalism in Early American Constitutional Theory," American Association of Law Schools, Annual Conference (2006)
- "Popular Constitutionalism and the Whiskey Rebellion," Symposium on Larry Kramer's <u>The People</u> <u>Themselves</u>, Chicago-Kent Law School (2005)
- Roundtable Discussion on the Second Amendment and Gun Regulation, NRA/ GMU Student's For the Second Amendment Symposium (2005)
- "The Early American Origins of the Modern Gun Control Debate: The Right to Bear Arms, Firearms Regulation, and the Lessons of History," Gun Control: Old Problems, New Problems, Joint Conference Sponsored by the John Glenn Institute and Stanford Law School (2005)
- "Original Rules for Originalists?" University of Minnesota Law School (2005)
- "The Fourteenth Amendment and the Origins of the Modern Gun Debate," UCLA, Legal History Workshop (2004)
- "Beyond Consensus, Beyond Embarrassment: The Use and Abuse of History in the Second Amendment Debate," American Society of Legal History, Austin, TX (2004)
- "Armed in the Holy Cause of Liberty: Guns and the American Constitution," NYU Legal History Colloquium (2004)
- "Digital Searches and Early American History," SHEAR Brown University (2004)
- "Well Regulated: The Early American Origins of Gun Control," The Second Amendment and the Future of Gun Regulation," Joint Conference Sponsored by the John Glenn Institute and Fordham Law School, New York (2004)
- "Minuteman, Mobs, and Murder: Forgotten Contexts of the Second Amendment," Department of History, University of California Berkeley (2003)
- "History vs. Originalism in the Second Amendment Debate," Federalist Society/ American Constitution Society, George Washington University Law School, Washington D.C. (2003)
- "Self-defense, Public Defense, and the Politics of Honor in the Early Republic," Lake Champlain Early American Seminar, Montreal (2003)
- "The Ironic Second Amendment" "Gun Control: Controversy, Social Values, and Policy," University of Delaware Legal Studies Conference, Newark, Delaware (2003)
- "Individuals, Militias, and the Right to Bear Arms: The Antebellum Debate Over Guns," Institute for Legal Studies, University of Wisconsin School of Law (2004)
- "Guns in the British Atlantic World: New Research, New Directions" Society for the Historians of the Early American Republic, Ohio State University (2003)
- "Neither Individual nor Collective: A New Paradigm for the Second Amendment," American Bar Foundation, Chicago (2003)
- "The Changing Meaning of the Armed Citizen in American History," "Americanism Conference," Georgetown University (2003)

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- "A New Paradigm for the Second Amendment?" Supreme Court Historical Society, Washington, D.C. (2002)
- "Constitutional History as Cultural History: The Case of the Second Amendment" European American Studies Association, Bordeaux, France (2002)
- "Don't Know Much About History: The Current Crises in Second Amendment Scholarship," Salmon P. Chase College of Law, Symposium, "The Second Amendment Today," (2002)
- "History, Public Policy, and the Cyber-Age: Gun Control Policy after the Emerson Decision," Sanford Institute of Public Policy, Duke University (2002)
- "Constitutional History After the New Cultural History: The Curious Case of the Second Amendment," Society of the Historians of the Early American Republic, Baltimore (2001)
- Roundtable Discussion, "The State of Second Amendment Scholarship," American Historical Association (2001)
- "Armed in the Holy Cause of Liberty: Critical Reflections on the Second Amendment Debate," Vanderbilt University Law School (2001)
- "Neither Individual nor Collective: A New Paradigm for the Second Amendment," Boston University Law School, (2000)
- "The Current State of Second Amendment Scholarship," National Press Club Washington, D.C. American Bar Association, (2000)
- "Taking the Hype out of Hyper-Text, Or What Should Textbook Companies Being Doing for us on the Web," OAH St. Louis, Missouri (1999)
- "The Ironies of Progressive Historiography: The Revival of Anti-Federalism in Contemporary Constitutional Theory," European American Studies Association, Lisbon, Portugal (1998)
- "Deconstructing the Canon of American Constitutional History" American Society of Legal History, Seattle, Washington (1998)
- "Beyond Meta-narrative: The Promise of Hypertext," American Studies Association, Seattle, Washington (1998)
- "Text, Context, Hypertext," American Historical Association, Washington D.C. (1998)
- "Jefferson and Enlightenment," International Center for Jefferson Studies, Charlottesville, VA, (1998)
- "Copley's Watson and the Shark: Interpreting Visual Texts with Multi-media Technology," American Studies Association, Washington, D.C. (1997)
- "Multi-Media and Post-Modernism," H-Net Conference, Technology and the Future of History, East Lansing, Michigan (1997)
- Comment on Jack Rakove's <u>Original Meanings</u>, Society of the Historians of the Early Republic, State College, PA (1997)

"Teaching with Multi-Media Technology," Indiana University, spring 1997 "Constitutional History from the Bottom Up: The Second Amendment as a Test Case," McGill University, Montreal, Canada (1996)

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- "Just Because You Are Paranoid, Does Not Mean the Federalists Are Not Out to Get You: Freedom of the Press in Pennsylvania," University of Pennsylvania (1995)
- "Multi-Media and Post-Modernism: The Future of American Studies?" Lecture, Erasmus University, Rotterdam, Netherlands (1995)
- "Post-Modern American History? Ratification as a Test Case," St. Cross College, Oxford University, Oxford, England (1994)
- "The Other Founders," NYU Legal History Seminar," NYU Law School (1994)
- "Reading the Rhetoric of Ratification," paper presented at "Possible Pasts: Critical Encounters in Early America," Philadelphia Center for Early American Studies, Philadelphia, PA (1994)
- "American Historiography and Post-Modernism," Organization of American Historians, Atlanta, GA (1994)
- "The Anti-Federalist Origins of Jeffersonianism," Columbia Seminar on Early American History (1994)
- "American History in a Post-Modern Age?" American Historical Association, San Francisco, CA (1994)
- "Post-Modern Constitutional History?" Indiana University School of Law, Bloomington, IN (1993)
- Participant, Institute of Early American History and Culture, planning conference, "New Approaches to Early American History," Williamsburg, VA (1992)
- "Mere Parchment Barriers? Federalists, Anti-Federalists and the Problem of Rights Consciousness," American Studies Association, Baltimore, MD (1991)
- "James Madison and the Bill of Rights: a comment on papers by Jack Rakove, Ralph Ketcham and Max Mintz," Organization of American Historians and Center for the Study of the Presidency Conference, "America's Bill of Rights at 200 Years," Richmond, VA, (1991)
- Symposium participant, "Algernon Sidney and John Locke: Brothers in Liberty?" Liberty Fund Conference, Houston, TX (1991)
- "Mere Parchment Barriers? Antifederalists, the Bill of Rights and the Question of Rights Consciousness," Capitol Historical Society, Washington, D.C. (1991)

"Anti-Federalism and the American Political Tradition," Institute of Early American History and Culture Symposium, Williamsburg, VA (1989)

Interviews, Editorials, Essays, Podcasts:

• "Clarence Thomas' Latest Guns Decision Is Ahistorical and Anti-Originalist" SLATE June 24, 2022

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- Cherry-picked history and ideology-driven outcomes: Bruen's originalist distortions, "SCOTUSblog (Jun. 27, 2022, 5:05 PM),
- "The Right Found a New Way to Not Talk About a School Shooting," SLATE May 25, 2022
- "The Horror in New York Shows the Madness of the Supreme Court's Looming Gun Decision," *Slate* May 19, 2022
- "Guns, Guns Everywhere: Last week's subway Shooting was Horrifying. If the Supreme Court Creates a National Right to Carry, the Future will be Worse," <u>New York Daily News</u> Apr 17, 2022
- "The Supreme Court's Latest Gun Case Made a Mockery of Originalism" *Slate* November 10, 2021
- "'Originalism' Only Gives the Conservative Justices One Option On a Key Gun Case," *Washington Post*, November 3, 2021
- "Neither British Nor Early American History Support the Nearly Unfettered Right to Carry Arms," *Slate* November 02, 2021
- "Will the Supreme Court Create Universal Concealed Carry Based on Fantasy Originalism?" *Slate* November 1, 2021
- "Biden was Wrong About Cannons, but Right About the Second Amendment," *Slate* June 29, 2021
- "Barrett and Gorsuch Have to Choose Between Originalism and Expanding Gun Rights," *Slate* April 29, 2021 Slate
- "What Today's Second Amendment Gun Activists Forget: The Right Not to Bear Arms," *Washington Post*, January 18, 2021
- "Could America's Founders Have Imagined This?" The New Republic, December 20, 2019
- "Don't Embrace Originalism to Defend Trump's Impeachment" *The New Republic*, December 5, 2019
- "The Second-Amendment Case for Gun Control" *The New Republic*, August 4, 2019
- "The Lessons of a School Shooting—in 1853" *Politico*, March 24, 2018.
- "Originalism and the Second Amendment in *District of Columbia v. Heller*," University of Chicago Law Review, Podcast, Briefly 1.9, Wed, 04/11/2018
- "Sandy Hook and the Original Meaning of the Second Amendment," *Time* December, 2017
- "The State of the Second Amendment," National Constitution Center, Podcast October, 2017
- "Gun Anarchy and the Unfree State: The Real History of the Second Amendment," *The Baffler On-line* October 2017
- "Five Types of Gun Laws the Founding Fathers Loved" Salon October 22, 2017
- "Half Cocked," *Book Forum* April 2016
- "Let's Make an Honest Man of Ted Cruz. Here's how we Resolve his "Birther" Dilemma with Integrity" *Salon* January 23, 2016
- "Guns Have Always Been Regulated," *The Atlantic Online* December 17, 2015
- "The Slave-State Origins of Modern Gun Rights" *The Atlantic Online* 30, 2015 [with Eric Ruben]
- PBS, "Need to Know: 'Debating the Second Amendment: Roundtable'" April 26, 2013
- "All Guns are not Created Equal" Jan 28, 2013 *Chronicle of Higher Education* [with Kevin Sweeney]

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- "What the 'Right to Bear Arms' Really Means" *Salon* January 15, 2011 "Elena Kagan and the Case for an Elitist Supreme Court," *Christian Science Monitor* May 20, 2010
- "Gun Points," *Slate*, March 8, 2010 (With Justin Florence, and Matt Shors)
- "What's Happening to Gun Control," To the Point, NPR. March 11, 2010
- "Getting History Right," National Law Journal, March 1, 2010
- "History and the Second Amendment," The Kojo Nnamdi Show, WAMU (NPR) March 17, 2008
- "The Court and the Second Amendment," *On Point* with Tom Ashbrook, WBUR (NPR) March 17, 2008
- "Aim for Sensible Improvements to Gun Regulations," Detroit Free Press, April 29, 2007
- "A Well Regulated Militia," *The Diane Rehm Show*, WAMU (NPR) Broadcast on Book TV (2006)
- "Taking a Bite out of the Second Amendment," History News Network, January 30, 2005
- "Gun Control," Odyssey, Chicago NPR September 8, 2004
- "Loaded Questions," Washington Post Book World February 2, 2003
- "The Right to Bear Arms," Interview The Newshour, PBS May 8, 2002
- "Real and Imagined," New York Times, June 24, 1999

Other Professional Activities

- Editorial Board, <u>Constitutional Study</u>, University of Wisconsin Press (2014-present)
- Advisory Council, Society of Historians of the Early American Republic (SHEAR) (2007-2009)
- Program Committee, Annual Conference, Society of the Historians of the Early American Republic, Philadelphia, PA 2008
- Editorial Board, <u>American Quarterly (2004-2007)</u>
- Director, Second Amendment Research Center, John Glenn Institute for Public Service and Public Policy, 2002- 2007
- Fellow, Center for Law, Policy, and Social Science, Moritz College of Law, Ohio State University 2001- 2004
- Local Arrangements Committee, Annual Conference, Society of the Historians of the Early American Republic, Columbus, OH 2003
- Project Gutenberg Prize Committee, American Historical Association, 2004, 2002
- Program Committee, Annual Conference, Society of the Historians of the Early Republic, 2001
- Co-Founder Ohio Early American Studies Seminar
- NEH Fellowship Evaluator, New Media Projects, Television Projects
- Multi-media Consultant and Evaluator, National Endowment for the Humanities, Special, Projects, Division of Public Programs, Grants Review Committee (1999)

Court Citations, Amicus Briefs and Expert Witness Reports

US Supreme Court:

<u>N.Y. State Rifle & Pistol Ass'n v. Bruen</u>, 597 U.S. __, 50 2022 U.S. Lexis 3055 (2022)

Case 8:22-cv-01421-CJC-ADS Document 48-35 Filed 01/27/23 Page 13 of 15 Page ID #:1091

<u>N.Y. State Rifle & Pistol Ass'n v. Bruen</u>, 597 U.S. __, 26, 28, 45, 47 2022 U.S. Lexis 3055 (2022) (Breyer, J. dissenting)

McDonald v. City of Chicago, Ill., 561 U.S. 742, 900, 901 n.44 (2010) (Stevens, J., dissenting).

McDonald v. City of Chicago, Ill., 561 U.S. 742, 914, 933 (2010) (Breyer, J., dissenting).

D.C. v. Heller, 554 U.S. 570, 666 n.32, 671, 685 (2008) (Stevens, J., dissenting).

Federal Courts:

Jones v. Bonta, United States Court of Appeals, Ninth Circuit. May 11, 2022 --- F.4th ---- 2022 WL 1485187.

Duncan v. Bonta, United States Court of Appeals, Ninth Circuit. November 30, 2021 19 F.4th 1087 2021

Young v. Hawaii, 992 F.3d 765, 785-86 (9th Cir. 2021) (en banc).

Kanter v. Barr, 919 F.3d 437, 446 n.6, 457, 462, 464 (7th Cir. 2019) (Barrett, J., dissenting).

- Medina v. Whitaker, 913 F.3d 152, 159 (D.C. Cir.), cert. denied sub nom. Medina v. Barr, 140 S. Ct. 645 (2019).
- <u>Young v. Hawaii</u>, 896 F.3d 1044, 1066 (9th Cir. 2018), <u>reh'g en banc granted</u>, 915 F.3d 681 (9th Cir. 2019).
- <u>Young v. Hawaii</u>, 896 F.3d 1044, 1077 (9th Cir. 2018) (Clifton, J., dissenting), <u>reh'g en banc granted</u>, 915 F.3d 681 (9th Cir. 2019).

Teixeira v. Cty. of Alameda, 873 F.3d 670, 684–85 (9th Cir. 2017).

Kolbe v. Hogan, 813 F.3d 160, 175 (4th Cir. 2016), on reh'g en banc, 849 F.3d 114 (4th Cir. 2017).

- Binderup v. Attorney Gen. United States of Am., 836 F.3d 336, 348 (3d Cir. 2016).
- Binderup v. Attorney Gen. United States of Am., 836 F.3d 336, 370–71, 371 n.17, 372 n.19 (3d Cir. 2016) (Hardiman, J., concurring).
- Binderup v. Attorney Gen. United States of Am., 836 F.3d 336, 389 n.85, 405 n.187 (3d Cir. 2016) (Fuentes, J., concurring).

Peruta v. Cty. of San Diego, 824 F.3d 919, 935 (9th Cir. 2016).

Peruta v. Cty. of San Diego, 742 F.3d 1144, 1185, 1188 (9th Cir. 2014) (Thomas, J., dissenting).

Nat'l Rifle Ass'n, Inc. v. Bureau of Alcohol, Tobacco, Firearms, & Explosives, 714 F.3d 334, 342 n.19, 343 n.23 (5th Cir. 2013) (Jones, J., dissenting).

Kachalsky v. Cty. of Westchester, 701 F.3d 81, 95 & n.21 (2d Cir. 2012).

Moore v. Madigan, 702 F.3d 933, 935 (7th Cir. 2012).

Nat'l Rifle Ass'n of Am., Inc. v. Bureau of Alcohol, Tobacco, Firearms, & Explosives, 700 F.3d 185, 200, 202–03 (5th Cir. 2012).

United States v. Carpio-Leon, 701 F.3d 974, 980 (4th Cir. 2012).

United States v. Greeno, 679 F.3d 510, 519 (6th Cir. 2012).

United States v. Yancey, 621 F.3d 681, 684 (7th Cir. 2010).

<u>United States v. Rene E.</u>, 583 F.3d 8, 12, 15–16 (1st Cir. 2009).

Miller v. Sessions, 356 F. Supp. 3d 472, 481 (E.D. Pa. 2019).

Grace v. D.C., 187 F. Supp. 3d 124, 138 n.11 (D.D.C. 2016).

Powell v. Tompkins, 926 F. Supp. 2d 367, 386 (D. Mass. 2013), aff'd, 783 F.3d 332 (1st Cir. 2015).

<u>United States v. Tooley</u>, 717 F. Supp. 2d 580, 589–591 (S.D.W. Va. 2010), <u>aff'd</u>, 468 F. App'x 357 (4th Cir. 2012).

United States v. Boffil-Rivera, No. 08-20437-CR, 2008 WL 8853354, 6 (S.D. Fla. Aug. 12, 2008), report and recommendation adopted sub nom.

<u>United States v. Gonzales-Rodriguez</u>, No. 08-20437-CR, 2008 WL 11409410 (S.D. Fla. Sept. 22, 2008), <u>aff'd sub nom.</u>

United States v. Boffil-Rivera, 607 F.3d 736 (11th Cir. 2010).

State Courts:

Norman v. State, 215 So. 3d 18, 30 & nn.11-12 (Fla. 2017).

Posey v. Com., 185 S.W.3d 170, 179–180 (Ky. 2006).

Posey v. Com., 185 S.W.3d 170, 185 n.3 (Ky. 2006) (Scott, J., concurring).

State v. Craig, 826 N.W.2d 789, 796 (Minn. 2013).

People v. Handsome, 846 N.Y.S.2d 852, 858 (N.Y. Crim. Ct. 2007).

Zaatari v. City of Austin, No. 03-17-00812-CV, 2019 WL 6336186, 22 (Tex. App. Nov. 27, 2019) (Kelly, J., dissenting).

State v. Roundtree, 2021 WI 1, 395 Wis. 2d 94, 952 N.W.2d 765

State v. Christen, 2021 WI 39, 958 N.W.2d 746

Amicus Briefs:

Amicus Brief, Harper v. Moore, No. 21-1271 (U.S. Supreme Court, 2022) [ISLT and Gerrymandering]
Amicus Brief KOX V. STATE OF GEORGIA, SUPREME COURT STATE OF GEORGIA Case No. S23A0167 [Second Amendment and Campus Carry]
Amicus Brief, NYSRPA v. Bruen, No. 20-843 (U.S. Supreme Court, 2021) [2nd Amendment]
Amicus Brief, Young v. State of Hawaii N O . 12-17808 (9th Cir. 2020) [2nd Amendment]
Amicus Brief, Gould v. Morgan, No. 17-2202 (1st Cir. 2018) [2nd Amendment]
Amicus Brief, Flanagan vs. Becerra, Central District of California Case (2018) [2nd Amendment]
Amicus Brief, Gill v. Whitford (US Supreme Court, 2017) [Partisan Gerrymandering]
Amicus Brief, Woollard v Gallagher, (4th Cir. 2013) [Second Amendment]

Amicus Brief *Heller v. District of Columbia* [Heller II] (US Court of Appeals for D.C.) (2010) [2nd Amendment]

Amicus Brief, *McDonald* v. *City of Chicago* (US Supreme Court,2010) [14th Amendment] Amicus Brief, *District of Columbia* v. *Heller* (US Supreme Court 2008) [2nd Amendment]

Amicus Brief, *Silvera* v. *Lockyer*, case on appeal(9th Circuit 2003) [2nd Amendment]

Amicus Brief, *Emerson* v. U.S. case on appeal (5th Circuit 1999) [2nd Amendment] Pro-bono Historical Consultant State of Ohio, *McIntyre* v. *Ohio*, (U.S. Supreme Court, 1995) [1st Amendment]

Expert Witness Reports

Rocky Mountain Gun Owners, Nonprofit Corp. v. Hickenlooper, 14-cv-02850 (D. Colo.). Chambers, et al., v. City of Boulder, 2018 CV 30581 (Colo. D. Ct. City of Boulder, filed June 14, 2018). Zeleny v. Newsom, 14-cv-02850 (N.D. Cal.). Miller, et al v. Smith, et al., 2018 cv 3085 (C.D. III.). Jones v. Bonta United States Court of Appeals, --- F.4th ----, 2022 WL 1485187 (9th Cir., May 11, 2022). Baird v. Bonta, No. 2:19-cv-00617 (E.D. Cal.).

Worth v. Harrington, 21-cv-1348 (D. Minn.).

Law Review Symposia Organized

Second Amendment:

"The Second Amendment and the Future of Gun Regulation: Historical, Legal, Policy, and Cultural Perspectives," 73 *Fordham L. Rev.* 487 (2004).

"Gun Control: Old Problems, New Paradigms" 17 Stan. L. & Pol'y Rev. 671 (2006).

"A Symposium on Firearms, the Militia and Safe Cities: Merging History, Constitutional Law and Public Policy," 1 *Alb. Gov't L. Rev.* 292 (2008).

"The 2nd Amendment at the Supreme Court: "700 Years of History" and the Modern Effects of Guns in Public," 55 U.C. Davis L. Rev. 2545 (2022).

New Originalism:

"The New Originalism" 82 Fordham L. Rev. 721 (2013).

"Historians and the New Originalism: Contextualism, Historicism, and Constitutional Meaning" 84 Fordham L. Rev. 915 (2015).

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DICTIONARY

OF THE

ENGLISH LANGUAGE:

IN WHICH

The WORDS are deduced from their ORIGINALS,

AND

ILLUSTRATED in their DIFFERENT SIGNIFICATIONS

BY

EXAMPLES from the best WRITERS.

TO WHICH ARE PREFIXED,

AHISTORY of the LANGUAGE,

AND

AN ENGLISH GRAMMAR.

BY SAMUEL JOHNSON, A.M.

IN TWO VOLUMES;

VOL. I.

THE SECOND EDITION.

Cum tabulis animum cenforis fumet honefti : Audebit quæcunque parum fplendoris habebunt, Et fine pondere erunt, et honore indigna ferentur. Verba movere loco ; quamvis invita recedant, Et verfentur adhuc intra penetralia Vefæ: Obfcurata diu populo bonus eruet, atque Proferet in lucem fpeciola vocabula rerum, Quæ prificis memorata Catonibus atque Cethegis, Nunc fitus informis premit et delerta vetuftas.

Hor.

LONDON,

Printed by W. STRAHAN,

For J. and P. KNAPTON; T. and T. LONGMAN; C. HITCH and L. HAWES; A. MILLAR; and R. and J. DODSLEY.

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ABR

 Relating to the perfon, as a fervant. Liking very well the young gentleman, fuch I took him to be, admitted this Deiphantes about mc, who well fhewed there is no fervice like his that ferves becaufe he loves. Sidney, b. ii. Good mafter, corporal, captain, for my old dame's fake, fland my friend : fhe hath no body to do any thing about her when I am gone, and fhe is old and cannot help herfelf. Sbakefpeare's Henry IV. 6. ii. Shakespeare's Henry IV. p. ii.

ABO'UT. adv.

Circularly.
 The weyward fifters, hand in hand, Pofters of the 'ea and land, Thus do go about, about, the termine

Thrice to thine, and thrice to mine,

And thrice again to make up nine. Shakefp. Macbeth.

2. In circuit. My honeft lads, I'll tell you what I am about .- Two yards My honelt lais, 4 in tell you what a am about.— I wo yards and more.—No quips now Piftol: indeed I am in the wafte two yards about; but I am about no wafte, I am about thrift. Shakeffeare's Merry Wives of Windfor. A tun about was ev'ry pillar there,

A polifh'd mirrour fhone not half fo clear. Dryd. Fables.

3. Nearly.

When the boats were come within *about* fixty yards of the When the boats were come within *about*, and could go no far-ther; yet fo as they might move to go about, but might not Bacon's New Atalantis. approach nearer. 4. Here and there ; every way.

Up rofe the gentle virgin from her place, And looked all about, if the might fpy

And looked all about, if the might ipy Her lovely knight to move his manly pace. *Fairy Queen, b. i. cant. 2. flonz.* 33. A wolf that was paft labour, had the wit in his old age, yet to make the belt of a bad game; he borrows a habit, and fo about he goes, begging charity, from door to door, under the there of a pilgrim. *L'Effrange.*

diguite of a pilgrim. 5. With to before a verb ; as, about to fy; upon the point, with-

in a fmall diftance of. in a final dutance of. Thefe dying lovers, and their floating fons, Sufpend the fight, and filence all our guns: Beauty and youth, *about* to perifh, finds Such noble pity in brave Englifh minds. 6. The longeft way, in opposition to the float flraight way.

Waller. Gold hath these natures; greatness of weight; closeness of parts; fixation; pliantness, or fortness; immunity from rult; colour, or tincture of yellow: Therefore the fure way (though molt about to make gold, is to know the caufes of the feveral natures before rehearfed. Bacon's Natural Hift. N° 328. Spies of the Volfcians

Held me in chafe, that I was fore'd to wheel Three or four miles *abnut*; elfe had I, Sir, Half an hour fince brought my report. Shake'p. Coriolanus.

- 7. To bring about; to bring to the point or flate defired; as, be has brought about his purpofer. Whether this will be brought about, by breaking his head,
- I very much question. Spectator.
- 8. To come about; to come to fome certain flate or point. Wherefore it came to pafs, when the time was come about, after Hannah had conceived, that fhe bare a fon. 1 Sam. i. 20.

are rhaman had conceived, that the Oaking out,
One evening it befal, that looking out,
The wind they long had with'd was come about;
Well pleas'd they went to reft; and if the gale
"Till morn continu'd, both refolv'd to fail. Dryd. Fables.
To go about a thing; to prepare to do it.
Did not Mofes give you the law, and yet none of you
kept the law? Why go ye about to kill me? John vit, 19.
In common language they fay. It came about a point to give In common language, they fay, to come about a man, to cir-

convert him. Some of these phrases feern to derive their original from the French à bout ; venir à bout d'une chose ; venir bout de quel-

rinch a vous; only winn. A. Bp. for Archbifhop; which fee. ABRACADA BRA. A fuperflitious charm againft agues. To ABRACDE. v. a. [abrado, Lat.] To rub off; to wear a-way from the other parts; to walte by degrees. By this means there may be a continued fupply of what is fucceffively abraded from them by decurfion of waters. Hale's Origin of Mankind.

- ABRASION. [See ABRADE.]
 I. The act of abrading; a rubbing off.
 2. [In medicine.] The wearing away of the natural mucus, which covers the membranes, particularly those of the flomach and guts, by corrolive or fharp medicines, or humours. Quincy.
- ³ The matter worn off by the attribution of bodies. ^{Agad'}Ast. adv. [See BREAST.] Side by fide; in fuch a po-lition that the breadts may been againft the fame line.

My coufin Suffolk,

My foul fhall thine keep company to heaven : Tarry, fweet foul, for mine, then fly abreaft. Shak. Henry V. For honour travels in a ftreight fo narrow, Where one but goes abreaft. Shake'p. Troilus and Creffida.

ABR

The riders rode abreas, and one his shield, His lance of cornel-wood another held;

His lance of cornel-wood another held;
The third his bow, and glorious to behold !
The coftly quiver, all of burnifh'd gold. Dryden's Fables.
ABRI'COT. See APRICOT.
To Make florter in words, keeping ftill the fame fubftance.
All thefe fayings, being declared by Jafon of Cyrene in five books, we will effay to abridge in one volume. 2 Macc. ii. 23.
To contract, to diminifh, to cut flort.
The determination of the will, upon enquiry, is following the direction of that guide : and he, that has a power to act or

the direction of that guide; and he, that has a power to act or not to act, according as fuch determination directs, is free. Such determination *abridges* not that power wherein liberty confifts. Lack

. To deprive of; in which fenfe it is followed by the particle from or of, preceding the thing taken away. I have diabled mine effate, 3.

I have diabled mine effate, By fhewing fomething a more fwelling port, Than my faint means would grant continuance; Nor do I now make moan to be abridg'd From fuch a noble rate. Shake/peare's Merchant of Venice. They were formerly, by the common law, difcharged from pontage and murage; but this privilege has been abridged them funce by feveral flatutes. Arliff's Parergon Juris Canonici. ABRI'DOED OF. part. Deprived of, debarred from, cut flort. M ABRIDGER. An ABRIDGER.

- An ABRIDGER.
 1. He that abridges; a fhortener.
 2. A writer of compendiums or abridgments.
 ABRIDGMENT. n. f. [abregement, Fr.]
 1. The contraction of a larger work into a fmall compafs. Surely this commandment containeth the law and the pro-buse out in this commandment is the abridgent of all wells are able to be able phets; and, in this one word, is the abridgment of all volumes of scripture. Hooker, b. ii. § 5.

Myfelf have play'd

The int'rim, by remembring you 'tis paft; Then brook abridgment, and your eyes advance

After your thought, flraight back again to France

Idolatry is certainly the first-born of folly, the great and leading paradox; nay, the very *abridgment* and furn total of all abfurdities. South's Sermons.

all abfurdities. 2. A diminution in general. All trying, by a love of littlenefs, To make abridgments, and to draw to lefs, Even that nothing which at firft we were. 3. Reftraint, or abridgment of liberty. The conflant defire of happinefs, and the conflraint it puts upon us, no body, I think, accounts an abridgment of liberty, or at leaft an abridgment of liberty, to be complained of. Locke.

ABRO'ACH. adv. [See To BROACH.]

- ABRO'ACH. adv. [See Yo BROACH.]
 I. In a poffure to run out; to yield the liquor contained; properly floken of veffels. The Templer (pruce, while ev'ry flout's abroach, Stays 'till 'tis fair, yet feems to call a coach. Swift's Mif. The jarrs of gen rous wine (Aceffes' gift, When his Trinacrian fhores the navy left) He fet abroach, and for the feaft prepar'd, In equal portions with the ven'fon floar'd

In equal portions with the ven' fon fhar's. Dryden's Virgil's Æneid, vol. ii. 2. In a figurative fenfe : in a flate to be diffufed or advanced ; in

a flate of fuch beginning as promifes a progrefs. That man, that fits within a monarch's heart₉,

I hat man, that hits within a monarch's hearty, And ripens in the funfhine of his favour, Would he abufe the count nance of the king, Alack ! what mifchiefs might be fet abroach, In fhadow of fuch greatnels ? Shakefpeare's Henry IV.p. ii. ABRO'AD. adv. [compounded of a and broad, See BROAD.] . Without confinements, widdly, at large 1. Without confinement; widely; at large. Intermit no watch

Againft a wakeful foe, while I abroad, Thro' all the coafts of dark deftruction, feck Deliverance. Millon's Paradi, e Loft, b. ii. 1. 463, Again, the lonely fox roams far abroad,

On fecret rapine bent, and midnight fraud ; Now haunts the cliff, now traveries the lawn, And fies the hated neighbourhood of man. Prior. 2. Out of the house.

Welcome, fir, This cell's my court; here have I few attendants,

And fubjects none abroad. Skake/pcare's Tempel. Lady—walked a whole hour abroad, without dying after it; at leaft in the time I flaid; though the feemed to be fainting, and had convulfive motions feveral times in her head. Pope's Letters.

3. In another country

They thought it better to be fomewhat hardly yoked at home, than for ever abroad, and difcredited. Hooker. Pref.

Wholever offers at verbal translation, thall have the mif-fortune of that young traveller, who loft his own language *abraad*, and brought home no other inftead of it. Sir. J. Deuham What D

3

DEFENDANT'S EXHIBIT 24 Google

3.

INF

He fhould regard the propriety of his words, and get fome information in the fubject he intends to handle. Swift. Thefe men have had longer opportunities of information, and are equally concerned with ourfelves. Rogers. Rogers.

- are equally concentration exhibited. 2. Charge or accutation exhibited. 3. The act of informing or acluating. INFO (KMER. n. f. [from inform.] I. One who gives intelligence. This writer is either byaffed by an inclination to believe the worft, or a want of judgment to chule his informers. 2. One who difcovers offenders to the magistrate. Swift.
 - There were fpies and informers fet at work to watch the L'Estrange. company.
 - Let no court fycophant pervert my fense, Nor fly informer watch these words to draw
 - Within the reach of treason. Pope. Informers are a deteftable race of people, although fome-
- times neceffary. Swift. INFO'RMIDABLE. adj. [in and formidabilis, Latin.] Not to be
 - feared; not to be dreaded Of ftrength, of courage haughty, and of limb Heroick built, though of terreftrial mold;
- Foe not informidable, exempt from wound. Miltan. INFO'RMITY. n. f. [from informis, Latin.] Shapeleffnefs. From this narrow time of geftation may enfue a fmalnefs in
- the exclusion; but this inferreth no informity. Brown. INFO'RMOUS. adj. [informe, French; informits, Latin.] Shapele(s; of no regular figure.
- of no regular figure. That a bear brings forth her young *info mous* and unfhapen, which fhe fathioneth after by licking them over, is an opinion not only common with us at prefent, but hath been delivered by ancient writers. BINEOTATUNATE. adj. [infortuné, Fr. infortuna:us, Latin.] Un-happy. See UNFORTUNATE, which is commonly ufed. Perkin, feeing himfelf prifoner, and defititute of all hopes, having found all either falfe, faint, or *infortunate*, did gladly accept of the condition. *Bacon's Henry* VII. *To INFER'CT. y. a. [infordius.*]. To break.

- To INFRACT. v a. [infradius, Latin.] To break. Falling faft, from gradual flope to flope, With wild in/radied courfe and leffen'd roar,

- With wild infra fled courfe and leffen'd roar, It gains a fafer bed. Thom/on's Summer.
 INFRA'CTION. n.f. [infration, French; infratio, Latin.] The act of breaking; breach; violation. By the fame gods, the juffice of whofe wrath Punifh'd the infration of my former faith. Waller. The wolves, pretending an in/ration in the abufe of their hoftages, fell upon the fheep immediately without their dogs. L'Efrange's Fables.
 INFRA'NGIBLE. adj. [in and frangible.] Not to be broken. Thefe atoms are (uppofied infrangible, extremely compacted and hard, which compactednets and hardnets is a demontra-tion that nothing could be produced by them, fince they could never cohere. Chopre's Fbil. Princ.
- INFREQUENCY. n. f. [infrequentia, Latin.] Uncommonnels;
- rarity. The abfence of the gods, and the infrequency of objects, made her yield. INFREQUENT. adj. [infrequent, Latin.] Rare; uncommon. To INFRIGIDATE. v. a. [in and frigidus, Latin.] To chill; to make cold.
- The drops reached little further than the furface of the liquor, whole coldnels did not infrigidate those upper parts of the glass. 70 INFRI'NGE. e. a. [infringe, Latin] 1. To violate; to break laws or contracts. Thofe many had not dar'd to do that evil, if a more than did th' edich infringe, Boyle.

- - If the first man that did th' edict i finge,
 - Shake (peare. Had aniwer'd for his deed Having infring'd the law, I wave my right As king, and thus lubmit myfelf to fight. Waller.
- 2. To deftroy ; to hinder.
- To deftroy; to hinder. Homilies, being plain and popular infructions, do not in-fringe the efficacy, although but read. Bright as the deathlefs gods and happy, fhe From all that may infringe delight is free. INFRI'NGEMENT. n. f. [from infringe.] Breach; violation. The punifhing of this infringement is proper to that jurifdic-tion against which the contempt is. INFRI'NGER. n. f. [from infringe.] A breaker; a violator. A clergyman's habit ought to be without any lace, under a fevere penalty to be inflicted on the *i*-fringers of the provincial to provide the provincial of the provinci of the provincial of the provincial of the provincial of the p
- fevere penalty to be inflicted on the *i*-fringers of the provincial conftitution.
- constitution. INFO'NDBULIFORM. n. f. [infundibulum and forma, Lat.] Of the fhape of a funnel or tundith. INFU'RLATE. adj. [in and furia, Latin.] Enraged; raging. At th' other bore, with touch of fire Dilated and infuriate.
- - Dilated and *infuriate*. Fir'd by the torch of noon to tenfold rage, Th' *infuriate* hill forth fhoots the pillar'd flame. Thom'on.
- INFUSCA'I ION. n. f. [infufcatus, Latin.] The act of darkening or blackening. To INFU'SE. v. a. [inf fer, French; inf ufus, Latin.]

ING

- 1. To pour in ; to inftil. Thou almost mak'ft me waver in my faith,
 - To hold opinion with Pythagoras,
 - That fouls of animals infuse themselves Into the trunks of men. Sbakelp Sbakefp. Merchant of Venice.
 - My early miltrefs, now my ancient mule,

 - That firing Circean liquor cacle t' infuic, Wherewith thou didfi intoxicate my youth. Denham. Why fhould he defire to have qualities infuiced into his fon, which himfelf never poliefield 'Swift. Swift.
 - She therefore, upon fecond thought,
- She therefore, upon fecond thought; Infus'd, yet as it were by fleaith, Some finall regard for flate and wealth.
 To pour into the mind; to infpire into. For when God's hand had written in the hearts Of our firft parents all the rules of good, So that their fkill infus'd furpafs'd all arts That ever were hefore, or fince the flood. Swift.

 - That ever were before, or fince the flood. Sublime ideas, and apt words *infuse*; Davies
 - The mule inftruct my voice, and thou infpire the mule. Refe. He infus'd Bad influence into th' unwary breaft. Milton.
 - Infufe into their young breafts fuch a noble ardour as will make them renowned. Milton.
 - make them renowned. To fleep in any liquor with a gentle heat; to macerate fo as to extract the virtues of any thing. Take violets, and infu/e a good pugil of them in a quart of vinegar. Bacon's Natural Hiftory,
- To make an infufion with any ingredient; to fupply, to tinc-ture, to faturate with any thing infufed. Drink, *infufed* with flefh, will nourifh fafter and eafier than meat and drink together. *Bacon's Natural Hiftory*. 5. To infpire with.
 - Thou didft fmile,
- Infu/i d with a fortitude from heavin. Si Infu/e his breaft with magnanimity, And make him, naked, foil a man at arms. INFU'SIBLE. adj. [Tom irfu/e.] 1. Poffible to be infufed. Shakesp. Tempest. Sbakespeare.
- From whom the doctrines being *infufible* into all, it will be more neceflary to forewarn all of the danger of them. Hamm.
 Incapable of diffolution; not fufible.
 Vitification is the laft work of fire, and a fufion of the falt
- and earth, wherein the fulible falt draws the earth and *infulible* part into one continuum. Brown's Vulgar Errours.
- part into one continuum. Brown's Vulgar Errours.
 INFU'SION. n. f. [infufim, French; infufio, Latin.]
 The act of pouring in; infillation. Our language has received innumerable elegancies and improvements from that infufion of Hebraifms, which are derived
- b) to it out of the poetical paffages in holy wit. Addifon.
 The act of pouring into the mine; infpiration. We participate Chrift partly by imputation, as when those things which he did and fuffered for us are imputed to us for righteoufnels; partly by habitual and real *infu/on*, as when grace is inwardly befrowed on earth, and afterwards more fully both our foult and buffere in along. However, and after a set of the set
 - is inwardly bettowed on earth, and alter nates alter the second point of the second po
 - echo or infusion of other men. Swift.
- echo or *infulian* of other men. Swift.
 3. The act of fleeping any thing in moiflure without boiling. Repeat the *infulian* of the body oftener. Bacon.
 4. The liquor made by infufion. To have the *infufian* floring, in those bodies which have finer fpirits, repeat the infufion of the body oftener. Bacon. INFU[']sive. adj. [from *infufc*]. Having the power of infusion, or being infufc].

- or being infufed. A word not authorifed.
 Still let my fong a nobler note affume,
 And fing th' *infufive* force of Spring on man. Thomfon.
 INGATE. n. f. [in and gate.] Entrance; paffage in.
 One noble perfon ftoppeth the *ingute* of all that evil which is looked for, and holdeth in all thofe which are at his back.
- Spenjer on Ireland. INGANNA'TION. n. f. [ingannare, Italian.] Cheat; fraud; de-ception; juggle; delufion; impolture; trick; flight. A word meinher und nen section:
- whoever thall refign their reafons, either from the root of deceit in themfelves, or inability to refift fuch trivial *inganua-tions* from others, are within the line of vulgarity. Brown, INGA'I HERING, n.f. [in and gathering.] The act of getting
- in the harveft. Thou thalt keep the feaft of *irgathering*, when thou halt ga-thered in thy labours out of the field. Ex. xxiii. 16. INGE, in the names of places, fignifies a meadow, from the Saxon ing, of the fame import. Gibson's Camden.
- To INGE'MINATE. v. a. [ingemino, Latin.] To double; to repeat.
- He would often ingeminate the word peace, peace. Clarendon. INGEMINA'TION. n. f. [in and geminatio, Latin.] Repetition; reduplication.

INGE'NDERER.

4

DEFENDANT'S EXHIBIT 24 ogle

PROOF OF FIRE ARMS. March 8, An. 1805. 259

than twice the amount of gold and filver actually in their vaults," Not to iffue be, and the fame is hereby repealed; and hereafter the faid bills for more Corporation fhall not iffue and have in circulation, at any one than twice the time, bills, notes, or obligations, to a greater amount than capital. twice the capital flock actually paid in.

SECT. 2. And be it further enacted, That inflead of fix, not lefs than five Directors of the aforefaid Corporation shall con-Directors. fitute a board for the transaction of business, of whom the Prefident shall always be one, except in case of sickness or neceffary absence, in which case the Directors present may choose a Chairman in his stead.

[This Act paffed March 8, 1805.]

An Act making a temporary Alteration in the Toll to be received by The Proprietors of the Locks and Canals on Connecticut River. [This Act paffed March 8, 1805.]

An Act to incorporate the north-westerly Part of the Town of Otisfield, and the easterly Part of the Town of Bridgeton, in the County of Cumberland, into a separate Town by the Name of Harrison.

[This Act paffed March 8, 1805.]-

An Act to provide for the Proof of Fire Arms manufactured within this Commonwealth.

W HEREAS no provision hath been made by law for the proof of fire arms manufactured in this Common-Preamble. wealth, by which it is apprehended that many may be introduced into use which are unfase, and thereby the lives of the citizens be exposed : To prevent which,

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court assessed and by the authority of the same, Provers of That the Governor, by and with the advice and confent of the same to be Council, be, and he hereby is empowered to appoint, in any part of this Commonwealth where the manufacture of fire arms is carried on, fuitable perfons to be provers of fire arms, not exceeding two in any county, who shall be fworn to the faithful difcharge of their truft, whose duty it shall be to prove all musket barrels and pistol barrels, which being fufficiently ground, bored and breeched, shall be offered to him to be proved; who shall prove the musket barrels twice in manner following, viz. first with a charge consisting of one eighteenth How arms are part of a pound of powder, one ounce of which, in a five and to be proved.

DEFENDANT'S EXHIBIT, 24 gle

5



OF THE

Commonwealth of Massachusetts,

PROM .

THE ESTABLISHMENT OF ITS CONSTITUTION IN THE YEAR 1780, TO FEBRUARY, 1807.

WITH THE

CONSTITUTIONS OF THE UNITED STATES OF AMERICA, AND OF THE COMMONWEALTH, PREFIXED.

IN FOUR VOLUMES.

TO WHICH IS ADDID, IN THE THIRD FOLUME,

AN APPENDIX,

CONTAINING ACTS AND CLAUSES OF ACTS, FROM THE LAWS OF THE LATE COLONY, PROVINCE AND STATE OF MASSACHUSETTS, WHICH EITHER ARE UNREVISED OR RESPECT THE TITLE OF REAL ESTATE.



VOLUME IV.

Containing the Laws from January, 1801, to February, 1807, inclusive,

The Law is the Subjett's beft Birthshybt.

Boston.

FUELISHED BY THOMAS & ANDREWS, AND SOLD AT THEIR BOOKSTORE, NO. 45, NEWBURY-STREET ... JUNE, 1807. J. T. BUCKINGHAM, FRINTER.

Dumentor Google

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PROCE OF FIRE ARMS. March 8, An, 1895.

an half inch howirz, at an elevation of forty five degrees, will carry a twenty-four pound that eighty yards, with a ball fuited to the born of the barrel; the fecond proof to be with a charge confifting of one twenty-facond part of the fame powder, with a ball fuited to the bore of the barrel; and thall prove the piftol barrels once with a charge confifting of one twenty-lecond part of a pound of powder, one ounce of which, in a five and half inch howitz at an elevation of forty-five degrees, will carry a twenty-four pound that feventy yards, with a ball fuited to the bore of the barrel; which faid powder and ball it shall be the duty of the prover to provide; and if the faid mufket and piftol barrels fhall ftand the proof aforefaid, and fhall in no respect fail, then it shall be the duty of the faid prover to ftamp the fame on the upper fide, and within one and an half inches of the breech of faid barrels, with a ed arms are framp confifting of the initial letters of the prover's name, and . to be marked, over those letters the letter P. alfo, in the line of the faid in-

itial letters, and further up faid barrel the figures defignating the year of our Lord in which the proof is made, and over the faid figures the letter M. which faid letters and figures shall be fo deeply impressed on faid barrel, as that the fame cannot be erafed or disfigured, and shall be in the form follow-Р M

ing AB 1809. And when any barrels shall burst or shall in any manner fail in the proving as aforefaid, to that in the opinion of the prover they are unfit for ule, they shall not be stamped, but the faid prover shall suffer the owner to take them away; and any prover to proving mulket or piltel barrols as aforefaid, fhall be entitled to receive from the owner, for each musket barrel thirty three cents, and for each pistol barrel twenty five cents, whether the fame ftand proof and are stamped or not.

SECT. 2. And be it further enacled, That if any perion, after for the first day of June next, shall manufacture within this Commonwealth, any musket or pistol, without having the barrels proved and stamped as aforefaid, except such as are or may be manufactured in the armory of the United States, or in fulfilment of fome contract made and entered into, or that may hereafter be made and entered into, for the manufacturing of fire-arms for the United States, shall forfeit and pay for every fuch mufket or piftol the fum of ten dollars, to be recovered in an action of debt, before any Court proper to try the fame, by any perfon who shall fue for and recover the fame, to his own ufe.

SECT. 3. And he it further enacted, That if any perfon, after the faid first day of June next, shall sell and deliver, or shall knowingly purchase, any musket or pistol, which shall pave been manufactured within this Commonwealth after the faid

DEFENDANT'S EXHIBIT

Fees.

Penalty having not arms proved.

ZAgle

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Case 8:22-cv-01421-CJC-ADS Document 48-36 Filed 01/27/23 Page 8 of 18 Page ID

MESNE PROCESS.

#:1101 March B, An. 1805. 201

faid first day of June next, which shall not have the marks of Penalty for proof above required, the perion to felling and the perion to felling or buy-ing arms not purchasing shall each forfeit the sum of ten dollars, to be recov- proved. ered by action of debt, before any Court proper to try the fame, to the use of any perion who shall sue for and recover the lame.

SECT. 4. And be it further enacted. That if any perion shall Penalty for falfely forge or alter the stamp of any prover of fire-arms, to forging stamp. appointed as aforefaid, imprefied on any mufket or piftol barrel, purfuant to this Act, and be convicted thereof before the Supreme Judicial Court, he shall be punished by fine not exceeding fifty dollars, nor lets than twenty dollars, according to the nature and aggravation of the offence.

[This Act patted March 8, 1805.]

An Act to incorporate a Number of the Inhabitants in the Town of Limington, in the County of York. into a separate Religious Society by the Name of The First Baptist Society in Limington.

[This Act passed March 8, 1805.]

An Act directing the Mode of attaching on Meine Process, and felling by Execution Shares of Debtors in incorporated Companies.

BE it enacted by the Senate and Houfe of Reprefent-atives, in General Court assembled, and by the au-SECT. I.

thority of the fame, That the share or shares or interest of any Shares may be person, in any turnpike, bridge, canal or other company, which attached on meine process, heretofore has been or hereafter may be incorporated by the caken in exe-Legislature of this Commonwealth, with all the rights and cution, privileges appertaining to fuch thares, may be attached on fold. meline process and taken on execution; and when any fuch fhares or interest shall be attached on meline process, or taken on execution without fuch previous attachment, an attested copy or copies of fuch writ of attachment or execution, fhall, by the officer holding the fame, be left with the Clerk and Treasurer or Cafhier of fuch company; and fo many of faid fhares or fo much of faid interest may be fold on faid execution at public vendue, to the highest bidder, as shall be sufficient to fatisfy the fame, and the charges of the fale, after notice shall have been given of the time and place of fale in manner as hereinafter provided; and in cale the officer making the fale, or the purchaser or purchasers of any such shares or interest, do cause an attefted copy or copies. of fuch execution, and the officer's return thereon, to be left with fuch Clerk and Treasurer or Cashier, within fourteen days after the sale is completed, and

and

DEFENDANT'S EXHIBIT 24

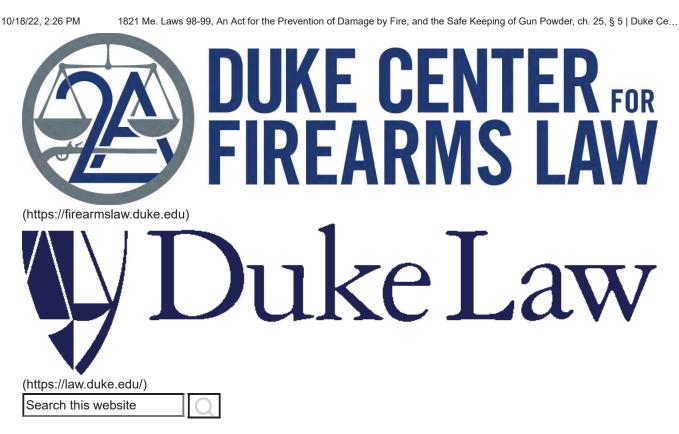
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1814 Mass. Acts 464, An Act In Addition To An Act, Entitled "An Act To Provide For The Proof Of Fire Arms, Manufactured Within This Commonwealth," ch. 192, § 1

...from and after the passing of this act, all musket barrels and pistol barrels, manufactured within this Commonwealth, shall, before the same shall be sold, and before the same shall be stocked, be proved by the person appointed according to the provisions of an act . . . with a charge of powder equal in weight to the ball which fits the bore of the barrel to be proved . . . § 2. That if any person of persons, from and after the passing of this act, shall manufacture, within this Commonwealth, any musket or pistol, or shall sell and deliver, or shall knowingly purchase any musket or pistol, without having the barrels first proved according to the provisions of the first section of the same data stamped according the provisions of the first section of the act to which this is an addition . . .

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1821 Me. Laws 98-99, An Act for the Prevention of Damage by Fire, and the Safe Keeping of Gun Powder, ch. 25, § 5

Subject(s):

• Storage (https://firearmslaw.duke.edu/subjects/storage/)

Jurisdiction(s):

• Maine (https://firearmslaw.duke.edu/jurisdictions/maine/)

Year(s):

• 1821 (https://firearmslaw.duke.edu/years/1821/)

Be it further enacted, That it shall, and may be lawful for any one or more of the Selectmen of any town to enter any building, or other place, in such town, to search for gun powder, which they may have reason to suppose to be concealed or kept, contrary to the rules and regulations which shall be established in such town, according to the provisions of this Act, first having obtained a search warrant therefor according to law.

(https://twitter.com/dukefirearmslaw)

https://firearmslaw.duke.edu/laws/1821-me-laws-98-99-an-act-for-the-prevention-of-damage-by-fire-and-the-safe-keeping-of-gun-powder-ch-25-§-5/ 1/2

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1821 Me. Laws 98-99, An Act for the Prevention of Damage by Fire, and the Safe Keeping of Gun Powder, ch. 25, § 5 | Duke Ce...



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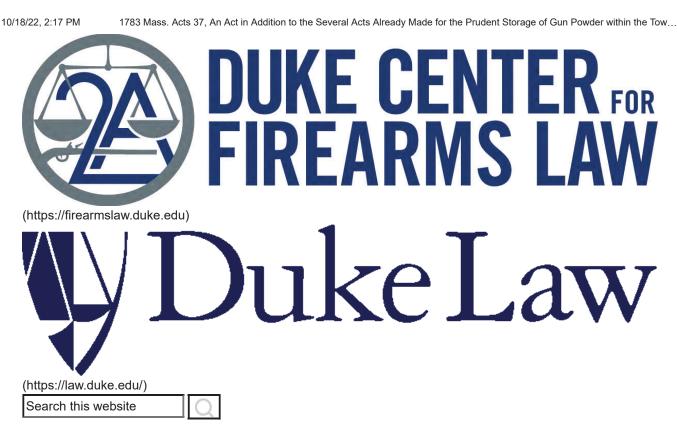
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1783 Mass. Acts 37, An Act in Addition to the Several Acts Already Made for the Prudent Storage of Gun Powder within the Town of Boston, § 2

Subject(s):

• Storage (https://firearmslaw.duke.edu/subjects/storage/)

Jurisdiction(s):

• Massachusetts (https://firearmslaw.duke.edu/jurisdictions/massachusetts/)

Year(s):

• 1783 (https://firearmslaw.duke.edu/years/1783/)

"That all cannon, swivels, mortars, howitzers, cohorns, fire arms, bombs, grenades, and iron shells of any kind, that shall be found in any dwelling-house, out-house, stable, barn, store, ware-house, shop, or other building, charged with, or having in them any gun-powder, shall be liable to be seized by either of the Firewards of the said Town: And upon complaint made by the said Firewards to the Court of Common Pleas, of such cannon, swivels, mortar, or howitzers, being so found, the Court shall proceed to try the merits of such complaint by a jury; and if the jury shall find such complaint supported, such cannon, swivel, mortar, or howitzer, shall be adjudged forfeit, and be sold at public auction.

https://firearmslaw.duke.edu/laws/1783-mass-acts-37-an-act-in-addition-to-the-several-acts-already-made-for-the-prudent-storage-of-gun-powder-withi... 1/2

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10/18/22, 2:17 PM 1783 Mass. Acts 37, An Act in Addition to the Several Acts Already Made for the Prudent Storage of Gun Powder within the Tow...

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COMMONWEALTH FIRE ARMS. Feb. 28, 1814.

Town incor. county of Essex, by the name of Lynnfield," be, and the porated. same hereby is incorporated into a town, by the name of Lynnfield, with all the powers, privileges, and immunities,

and liable to all the duties and requisitions of other towns in this Commonwealth.

[Approved by the Governor, February 28, 1814.]

CHAP. CXCII.

An Act in addition to an act, entitled "An act to provide for the proof of Fire Arms, manufactured within this Commonwealth."

SEC. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, all musket barrels and pistol barrels, manufactured within this Commonwealth, shall, before the same shall be sold, and before the same shall be stocked, be proved by the person appointed according to the provisions of an act, entitled "An act to provide for the proof of Fire Arms, manufactured within this Commonwealth," to which this is an addition, in manner following, viz : with a charge of powder equal in weight to the ball which fits the bore of the barrel to be proved; and the powder used in such proof one ounce thereof in a howitzer of four and a half inch caliber, at an elevation of forty-five degrees, shall be of sufficient power to carry a twelve pound shot one hundred and thirty yards; or one ounce thereof in a howitzer of five and a half inch caliber, at an elevation of forty-five degrees, shall be sufficient to carry a twenty-four pound shot eighty yards, and the ball used in such proof shall be suited to the bore of the barrel to be proved as aforesaid.

SEC. 2. Be it further enacted, That if any person or persons, from and after the passing of this act, shall manufacture, within this Commonwealth, any musket or pis-Restrictions. tol, or shall sell and deliver, or shall knowingly purchase any musket or pistol, without having the barrels first proveu according to the provisions of the first section of this act, marked and stamped according the provisions of the first section of the act to which this is an addition; or if

Manner of proving.

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LYNN MECHANICKS BANK.

Feb. 28, 1814.

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any person or persons shall sell, stock or finish, or shall knowingly purchase any musket barrel or pistol barrel manufactured within this Commonwealth, which shall not have been first proved, marked and stamped according to the provisions aforesaid, the person or persons who shall so manufacture, sell and deliver, or knowingly purchase any musket or pistol without causing the same to be first proved, marked and stamped as aforesaid, and the person or persons who shall sell, stock or finish, or shall knowingly purchase any musket barrel or pistol barrel, which shall not have been proved, marked and stamped as afore. Forfeitures. said, shall severally forfeit the sum of ten dollars, to be recovered by an action of debt before any court proper to try the same, by any person who shall sue for and recover the same, to his own use: Provided however, That the Proviso. foregoing provisions and penalties shall not extend to any muskets or pistols, or musket or pistol barrels, manufactured in any armoury of the United States, for their use, or in execution of any contract made or to be made with the United States, for the manufacture of fire arms.

SEC. 3. Be it further enacted, That the second and third sections of the act to which this is in addition, and Sections realso so much of the first section thereof as prescribes the mode of proving musket barrels and pistol barrels, and the power of the powder to be used in such proof, be, and the same are hereby repealed.

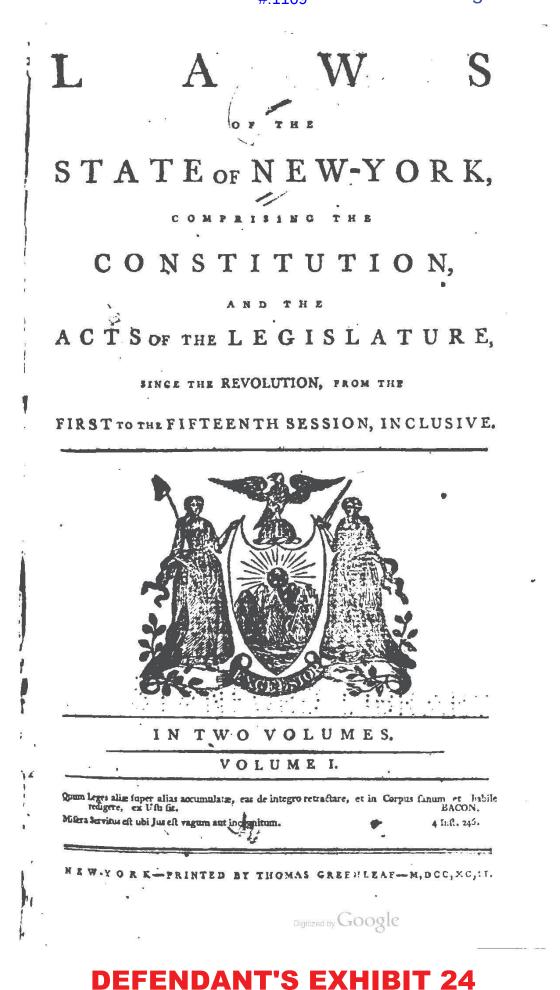
[Approved by the Governor, February 28, 1814.]

CHAP. CXCIII.

An Act to incorporate The President, Directors and Company of the Lynn Mechanicks Bank.

SEC. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Silsbe, Joseph Fuller the third, John D. Atwell, Thomas Rich, Samuel Brimble- Persons incum, Micajah Burrill, Parker Mudge, Oliver Fuller, Joncorporated. athan Conner, John Alley, jr. Stephen Oliver, John Mudge, and Jonathan Bachellor, their associates, successors, and assigns shall be, and hereby are created a Cor-

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GEORGE CLINTON, Elq. Governor. 191

point, out of the citizens and inhabitants of the faid city of Hudson, one fit and difcreet perfon to be mayor of the faid city, and one fit and difcreet perfon to be recorder of the faid city ; which faid mayor and recorder, after fuch appointments respectively, shall continue in their faid respective offices, to do and to execute all things which to their faid feveral offices doth or may feverally and respectively belong, or in any manner appertain, until other fe perfons be appointed and fworn in their room; and in like manner, a fit and difcreet perion shall be appointed out of the faid citizens and inhabitants, to be common clerk of the faid city, who fhall hold and continue in office during the will and pleafure of the governor and council of appointment, and also another fit and different perfon shall be appointed out of the citizens and inhabitants of the faid city, to be the chief marshal thereof, whose duty it shall be to execute writs, processes and precepts, to arise and be issued within the faid city, from the courts and magilitates thereof, in and about the administration of juffice, in the fame manner as the fheriffs of other cities and counties are by law authorifed to execute fuch writs, procelles and precepts; and which chief marshal shall be from time to time, appointed, and shall hold and exercise his office for such period as sheriffs of other cities and counties by law are or ought to be appointed, or may or ought by law to hold and exercise their respective offices; which faid mayor, recorder, clerk and mar-Ihal, Ihall be annually nominated and appointed in manner and form aforefid, until otherwife directed by the legiflature.

IV. And be it further enabled by the authority aforefaid, That on the fecond Monday in May next, and on the fecond Monday in May in every fucceeding year forever thereafter, the freemen of the faid city, being inhabitants thereof, fhall and may affemble themfelves, and meet together at fuch time of the day, and at fuch public place as the mayor for the time being, or in his abfence or fickness, the recorder for the time being, fhall appoint, and then and there, by plurality of voices or votes, elect and chufe out of the freemen, inhabitants of the faid city, for the enfuing year, four aldermen, four affulants, one fupervifor, and fuch a number of alleflors, conflables and collectors, as the common council for the faid city fhall, from time to time, deem neceffary, and direct to be chofen.

V. And be it further enalied by the authority aforefaid, That the mayor, or recorder of the faid city for the time being, and two or more of the aldermen, and two or more of the affifiants of the faid city, fhall and may, on the fecond Monday in May next, and on the fecond Monday in May in every fucceeding year, forever thereafter, in common council, nominate and appoint one fit perfon, being a freeman and inhabitant of the faid city, to be the treafurer and chamberlain of the faid city, for the year enfuing; every of which faid perfons as are herein before nominated, or hereafter to be nominated, elected and appointed to any civil office within the faid city, fhall, within fifteen days next after fuch appointment or election, refpectively take and fubferibe the oath of abjuration and allegiance, now or hereafter appointed by law (or if of the people called Quakers, an affirmation) and alfo an oath or affirmation, as the cafe may require, for the faithful execution of the office to which he or they fhall fo be appointed.

VI. And be it further enacted by the authority aforefuid. That if any one of the freemen, inhabitants of the faid city of Hudion, fuall hereafter be elected or chosen to the office of alderman, affishant, supervisor, or allessor, collector or constable, for the faid city, and having notice of his faid election, shall refuse, deny, delay or neglect, to take upon him or them to execute such

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office to which he or they shall be fo chosen or clected ; that then, and fo often as it shall happen, it shall and may be lawful for the mayor or recorder, or any two or more of the aldermen, and any two or more of the allifants of the faid city for the time being, in common council, to affels and impose upon every fuch perfon or perfons to retain g, delaying or neglecting, such reaionable and moderate fine and fines, fum and fums of money, as they, in common council, thall think fit, fo as such time for each refulal, denial, delay or neglect, shall not exceed the fum of ten pounds, current money of New-York ; all which faid fines fhall and may be levied by diffrets and fale of the goods and chattels of fuch delinquent and delinquents, by warrant under the feal of the faid city, figned by the mayor thereof for the time being, rendering the furplulage to the owner or owners thereof (if any there be) necellary charges of making and felling fuch diffrets, being firit deducted ; or by action of debt in any court of record within the juridicition of the faid city, having cognizance of the fame, to be protecuted, and fhall be recovered and received by and to the use of the faid mayor, aldermen and commonalty of the faid city, and their fuccetions forever.

VII. And be it further enabled by the authority aforefuid, That in all fuch cafes forever hereafter, of the abience, ficknets, or death of the mayor of the faid city for the time being, it fhall and may be lawful to and for the recorder of the faid city for the time being, to do and execute all and fingular the duties and trulls to the office of the flad mayor belonging and appertaining, to all intents, purpoles and contractions whatfoever, during the ablence or ficknefs of fuch mayor, or until a fucced/or be duly appointed and fworn.

VIII. And be is further enaded by the authority of orefaid, That if it shall happen that any of the aldermen or aflutants, inpervilor, afleflors, collectors or conflables, or any one of them hereafter to be elected, nominated and fworn in their respective offices as aforefaid, fhall hap, en to die or remove out of the faid city, within the time they are or fhall be respectively named or elected for, or before other fit perfons be respectively named or elected, and fworn in their respective rooms, it shall and may be lawful for the freemen, inhabitants within the limits of the faid city, to affemble and meet together, at fuch time and place as fhall be appointed by the mayor of the faid city for the time being, and then and there, by plurality of votes, to elect one of the freemen, an inhabitant within the limits of the faid city, to ferve as alderman, affulant, fupervifor, affeffor, collector or conflable, in the room of fuch alderman, adulant, fupervifor, affetior, collector or conflable, fo dying or removing, and fo often as fuch cafes shall happen; and in cafe of the death or removal of the treasurer or chamberlain, out of the limits of the faid city, for the common council to appoint another in his flead, at any time after fuch death or removal: And that all and every fuch perfon and perfons to be newly choken or appointed and fworn, shall serve in their respective offices until other fit perfons be respectively chosen or appointed, and sworn in their respective rooms.

IX. And be it furthe confided by the authority of orchaid. That the chief marshal to be nominated and appointed, and every marshal to be thereafter nominated and appointed, shall, before he shall be deemed capable of executing his faid office, become bound, with fuch furcties, in fuch manner and under such penalty for the faithful discharge of the duties of his office, as the sheriffs of other cities and counties are or shall be by law directed and required to be bound for the faithful execution of their offices.

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2017 WL 4541977 (Cal.) (Appellate Brief) Supreme Court of California.

NATIONAL SHOOTING SPORTS FOUNDATION, INC.,

and

SPORTING ARMS AND AMMUNITION MANUFACTURERS' INSTITUTE, INC., Plaintiffs and Appellants,

ν.

STATE OF CALIFORNIA, Defendant and Respondent.

No. S239397.

August 21, 2017.

On Review from the Court of Appeal for the Fifth Appellate District 5th Civil No. F072310 After Appeal from the Superior Court of the State of California for the County of Fresno, Case Number 14CECG00068 Honorable Donald S. Black

Appellants' Answer Brief On the Merits

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*8 I. ISSUE PRESENTED.

This Court accepted this case for review of the following issue, as presented by the petition for review filed by respondent, State of California: May a court hold a trial to determine the practical feasibility of compliance with a technical standard imposed by the Legislature as a condition on the sale of a new product in California, based on a non-constitutional claim that the statutory standard is facially invalid if a trier of fact concludes it would be "impossible" to comply with it? Specifically, this Court is being asked to decide whether appellants may seek to enjoin the enforceability of a statute that impacts only the firearms industry, on the ground that the statute requires compliance that is physically impossible to achieve.

II. INTRODUCTION.

Appellants, National Shooting Sports Foundation, Inc. ("NSSF"), and Shooting Arms and Ammunition Manufacturers' Institute, Inc. ("SAAMI"), challenge the enforceability of Penal Code section 31910, subdivision (b)(7)(A). That statute requires that all semi-automatic pistols manufactured, imported or sold in California be

equipped with a microscopic array of characters [a "microstamp"] that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired.

*9 The process described by resection 31910, subdivision (b)(7)(A), is known as "dual placement microstamping."

In a single cause of action for declaratory and injunctive relief, appellants allege that dual placement microstamping technology is impossible to implement. Specifically, while appellants acknowledge that a microstamp imprinted on the firing pin of a semiautomatic pistol will occasionally transfer to the primer located at the rear of a cartridge case upon firing, the record contains uncontroverted expert testimony that it is impossible to imprint a microstamp on any other surface or part of a semi-automatic pistol that will transfer to the cartridge case when the pistol is fired. (JA 45, 48, 772.) Respondent implicitly admits the truth of appellants' allegations, by acknowledging that "the relevant technology could fairly be described as emerging." (Op. Brief

8-9.) Respondent also implicitly admits that only one of the two microstamps required by section 31910, subdivision (b) (7)(A), may be placed on a pistol's firing pin, by not seeking review of that issue. (Op. Brief 20.) Nevertheless, the trial court granted respondent's motion for judgment on the pleadings without leave to amend, despite the fact that appellants' allegations must be taken as true at this stage of the litigation. (Dunn v. County of Santa Barbara (2006) 135 Cal.App.4th 1281, 1298.) The Court of Appeal reversed, and found as a matter of statutory construction, based on the legislative history, that section 31910, subdivision (b)(7)(A), does not allow both microstamps to *10 be placed on the same part of the pistol. (National

Shooting Sports Foundation, Inc. v. State of California (2016) 6 Cal.App.5th 298, 307-308, review granted March 22, 2017, S239397; hereinafter, "NSSF v. California.").

This case therefore squarely presents an issue of fundamental fairness as to whether the Legislature may require the performance of a plainly impossible act as a condition to the exercise of an otherwise lawful right. Respondent argues that the separation of

powers doctrine absolutely prevents this Court from reviewing the Legislature's decision to enact Penal Code section 31910, subdivision (b)(7)(A), but the core legislative function of passing laws does not deprive the judiciary of its own constitutional power to set aside laws that are palpably arbitrary. Respondent also argues that appellants may not assert a cause of action based on the maxim of jurisprudence contained in Civil Code section 3531 that "[t]he law never requires impossibilities," but it is actually the separation of powers doctrine itself that invests section 3531 with the same operative force as any other statute. Appellants therefore request that this Court affirm the decision of the Court of Appeal, and allow this action to be resolved on its factual merits, either through summary judgment or trial, as the case may be.

*11 III. STATEMENT OF THE CASE.

A. The Parties.

Respondent is the State of California. (JA 11.) Appellant NSSF is a nonprofit trade association for members of the firearms, ammunition, hunting and shooting sports industries whose mission is to promote, protect and preserve hunting and the shooting sports. (JA 10, 778.) Appellant SAAMI is a non-profit trade association of domestic firearms, ammunition and propellant manufacturers whose mission is to develop and publish industry recommended practices and voluntary standards pertaining to the safety, interchangeability, reliability and quality of semi-automatic pistols, other firearms and ammunition. (JA 10-11, 775.)

Both NSSF and SAAMI therefore have a natural interest in laws such as Penal Code section 31910, subdivision (b)(7)(A), which affect the design and operation of firearms.

B. The Enactment of Penal Code Section 31910, Subdivision (b)(7)(A).

The issue of microstamping semi-automatic pistols first arose in the California Legislature on February 10, 2005, when Assembly Member Paul Koretz introduced Assembly Bill No. 352. (JA 847-851.) Assembly Bill No. 352 proposed that a semi-automatic pistol that was not already listed on the Roster of Handguns Certified for Sale (the "Roster"), that Penal Code section 32015, subdivision (a), requires respondent's Department of Justice ***12** to maintain, would be deemed to be "an unsafe handgun" if "it is not designed with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which are transferred by imprinting on each cartridge case when the pistol is fired." (JA 849.) Assembly Bill No. 352 thus would have required that a semi-automatic pistol contain only one microstamp ("single placement microstamping"). Assembly Bill No. 352 ultimately died in conference on November 30, 2006. (JA 854.)

The issue of microstamping semi-automatic pistols arose in the Legislature again on February 23, 2007, when Assembly Member Michael Feuer introduced Assembly Bill No. 1471. (JA 856-858.) As originally introduced, Assembly Bill No. 1471 contained the same single placement microstamping provision as Assembly Bill No. 352. (JA 858.) However, concerns were raised in the Legislature over the ability that criminals would have to defeat a pistol's microstamping features by defacing a microstamp placed on the firing pin. For example, as an April 10, 2007 report of the Senate Republican Office of Policy succinctly stated, "Criminals could easily defeat the intended identification purpose of this bill by filing off the microstamping on a firing pin. They could also switch the firing pin from one pistol to another pistol." (JA 606.)

To address this concern. Assembly Bill No. 1471 was amended, coincidentally also on April 10, 2007, to incorporate the dual

placement *13 microstamping provisions that now appear in Penal Code section 31910, subdivision (b)(7)(A). (JA 867.)¹ Legislative history subsequent to the amendment plainly reveals the Legislature's intention that the second microstamp required

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under section 31910, subdivision (b)(7)(A), must be placed elsewhere than on a pistol's firing pin, because a microstamp on the firing pin can be easily defaced, and because the firing pin itself can simply be replaced with another firing pin bearing a different microstamp or no microstamp at all. For example, the September 11, 2007 analysis of the Senate Rules Committee upon the third reading of Assembly Bill 1471 states that "Bill 1471 would require newly designated semi-automatic handguns sold after January 1, 2010, be equipped with 'micro-stamping' technology. This technology consists of engraving microscopic characters onto the firing pin and other interior surfaces, which would be transferred onto the cartridge casing when the handgun is fired." (JA 633-634.)

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The microstamping statute enacted by virtue of Assembly Bill No. 1471 was denominated Penal Code section 12126. As noted by the Law Revision Commission Comment to section 31910, section 12126 was later redenominated as Penal Code section 31910 without substantive change. (Senate Bill No. 1080, 2010 Regular Session.)

In addition, the September 19, 2007 analysis of Assembly Bill 1471 that was prepared by the Governor's Office of Planning and Research stated that "[p]roponents of the bill argue that countermeasures can be taken by the manufacturer to prevent circumvention of the technology. Specifically, *14 they suggest that parts of the gun that come into contact with the bullet casing, other than the firing pin, can be similarly microengraved to make filing the engraving away more difficult." (JA 618.)² The legislative history reveals no contrary intention whatsoever by the Legislature to permit both microstamps to be placed on the pistol's firing pin. The Court of Appeal therefore found that "the only logical interpretation of the statute is that the Legislature intended the microstamping to be on two different internal parts of the pistol. If one microstamp on the firing pin

can be easily defeated, the same is true for two." (*NSSF v. California, supra,* 6 Cal.App.5th at p. 308.)³

- ² Both of those analyses are proper sources of legislative history. (*Levine v. Superior Court* (2005) 35 Cal.4th 935, 948 [Senate floor analysis]; *Smith v. Workers' Compensation Appeals Board* (2009) 46 Cal.4th 272, 280 [Legislative Counsel's analysis].)
- ³ While initially taking a contrary view, respondent now admits that a microstamp placed on the firing pin of a semiautomatic pistol can be easily defeated (Op. Brief 11), and that the Legislature adopted dual placement microstamping as part of Assembly Bill No. 1471 to address that defect in Assembly Bill No. 352, by requiring that a second microstamp be imprinted on some surface or part of a semi-automatic pistol other than the pistol's firing pin (Op. Brief 12). Accordingly, respondent no longer contends that the placement of two microstamps on the firing pin would comply with the statute. (Op. Brief 20.)

As ultimately enacted, Penal Code section 31910, subdivision (b)(7)(A), incorporated the dual placement microstamping provisions of ***15** Assembly Bill No. 1471. Section 31910, subdivision (b)(7)(A), provides as follows:

As used in this part, "unsafe handgun" means any pistol, revolver, or other firearm capable of being concealed upon the person, for which any of the following is true:

(b) For a pistol:

(7)(A) Commencing January 1, 2010, for all semi-automatic pistols that are not already listed on the roster pursuant to Section 32015, it is not designed and equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired, provided that the Department of Justice

certifies that the technology used to create the imprint is available to more than one manufacturer unencumbered by any patent restrictions.

On May 13, 2013, the California Department of Justice certified that the technology used to create the imprint of the microscopic array of characters required by the provisions of Penal Code section 31910, subdivision (b)(7)(A), is available to more than one manufacturer unencumbered by any patent restrictions, thereby allowing the statute to take effect. (JA 781, 787-788, 839.) The Department of Justice did not, however, certify that dual placement microstamping is possible to implement in semi-automatic pistols, nor did restrictions (b)(7)(A), require it to do so.

*16 C. The Impossibility of Dual Placement Microstamping.

Microstamped characters that identify the make, model, and serial number of a semi-automatic pistol (a "microstamped alpha numeric code") can be etched or imprinted on the tip of the pistol's firing pin, and such a microstamped alpha numeric code will sometimes transfer onto the primer contained within the cartridge case, which the firing pin strikes during the pistol's firing process. (JA 45.)⁴ However, a microstamped alpha numeric code that is etched or imprinted on the breech face, chamber wall, extractor, ejector or magazine of a semi-automatic pistol cannot be imprinted or transferred to the cartridge case during the pistol's firing process. (JA 46-48, 772.) There are no interior surfaces or internal working parts of a semi-automatic pistol on which a microstamped alpha numeric code could be etched or imprinted other than the firing pin, breech face, chamber wall extractor, ejector and magazine. (JA 45, 772.) The record below is uncontroverted with respect to this point.⁵ The foregoing facts appear in *17 the declarations of Frederick Tulleners, who has been a forensic scientist specializing in forensic firearms identification since 1971, and who has been employed by respondent's Department of Justice as the supervising criminalist in both its Riverside and Sacramento laboratories. (JA 37.)

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Even when it does imprint, a microstamped alpha numeric code does not satisfy the requirements of Penal Code section 31910, subdivision (b)(7)(A), because it does not by itself identify the make, model and serial number of the pistol. A database must still be consulted to convert the markings of the microstamped alpha numeric code into the information required by the statute.

Although this appeal arises from the entry of judgment following the granting of respondent's motion for judgment on the pleadings without leave to amend, much of the factual record is already developed because of the unusual procedural posture of the case. Specifically, respondent did not bring its motion for judgment on the pleadings until late in the course of this litigation, long after appellants' evidentiary motion for a preliminary injunction had already been decided. (JA 1210-1211.)

Respondent submitted no expert testimony in the trial court to contradict Mr. Tulleners, and instead relies for purposes of this appeal on statements made in the Legislature by the author of Assembly Bill No. 1471, who in turn relied on a photograph purporting to show that the breech face of a semi-automatic pistol transferred a microstamp to a cartridge case fired by that pistol. (Op. Brief, 13-15.) The comments in the Legislature by the author of Assembly Bill No. 1471 are inadmissible hearsay for purposes of this action, because they concern a statement made other than by a witness while testifying that respondent now offers as proof of the matter stated (Evid. Code, § 1200), and the record contains no evidence to show that the author even possesses the technical expertise to comment regarding the effectiveness of breech face microstamping, which deprives

his comments of any evidentiary value (Fee Evid. Code, § 801, subd. (b).) Likewise, the photograph on which the author relied is unauthenticated hearsay for purposes of this appeal. There is no evidence in the record that ***18** the photograph is what respondent claims it to be, as required by Evidence Code section 1400, and the photograph also concerns a statement made other than by a witness while testifying that respondent now offers as proof of the matter stated, rendering it inadmissible hearsay

under Evidence Code section 1200.⁶ Respondent's reliance on such material underscores the need to conduct a trial in this

case to establish through admissible evidence the truth of appellants' allegations that dual placement microstamping is in fact impossible to implement.

⁶ Indeed, if respondent attempts to introduce evidence of this breech face photograph at trial, appellants intend to introduce rebuttal evidence that the photograph does not depict what it purports to depict.

D. The Loss to Appellants Caused by Penal Code Section 31910, Subdivision (b)(7)(A).

On January 9, 2014, the date this case was filed in Fresno County Superior Court (JA 9), there were 867 semi-automatic pistols listed on the Roster. A pistol that is not listed on the Roster is a handgun that has not been determined not to be unsafe. (Pen. Code, § 32015, subd. (a).) It is a crime in the State of California to manufacture, import or sell any such unsafe handgun.

(Pen. Code § 32000 subd. (a).)

As of July 31, 2017, there were only 504 semi-automatic pistols listed on the Roster, representing a decrease of approximately 42% over a

*19 period of slightly more than three and one-half years.⁷ If appellants have correctly alleged that dual placement microstamping is impossible to implement, the number of semi-automatic pistols listed on the Roster will continue to decrease, because older pistol models that are no longer manufactured due to obsolescence will continue to be removed from the Roster, and because newer pistol models will not be added to the Roster since they cannot comply with the dual placement

microstamping requirements of Penal Code section 31910, subdivision (b)(7)(A). This represents an annual loss to appellants' manufacturing members of approximately \$183 million, unadjusted for inflation since 2014. (JA 69.)⁸

7 The Roster, which appears on the internet at < http://certguns.doj.ca.gov/safeguns_resp.asp>, listed 504 semi-automatic pistols as of July 31, 2017. As of that same date, the list of de-certified handgun models maintained by the Bureau of Firearms of respondent's Department of Justice, which appears on the internet at < https://oag.ca.gov/sites/oag.ca.gov/ files/pdfs/firearms/removed.pdf>, listed 363 semi-automatic pistols that have been de-certified from the Roster since January 9, 2014, the date on which appellants filed their complaint. Thus, as of January 9, 2014, there were 867 semi-automatic pistols on the Roster.

⁸ As the Roster continues to shrink, Second Amendment issues will obviously arise, because semi-automatic pistols are

protected firearms under the decision of the United States Supreme Court in *District of Columbia v. Heller* (2008) 554 U.S. 570, 628-629, and because the protection for semi-automatic pistols recognized in Heller extends to the States.

(*MacDonald v. City of Chicago* (2010) 561 U.S. 742, 791.) However, appellants do not raise any such Second Amendment issues in this litigation, because they are trade association plaintiffs which concern themselves with issues of economic importance to the firearms industry. (JA 10-11, 13, 15.) The Second Amendment issues are being presented by other, unrelated litigants in *Pena v. Lindley* (E.D. Cal. 2015) 2015 U.S. Dist. LEXIS 23575, which is currently on appeal in the United States Court of Appeals for the Ninth Circuit as Case No. 15-15449.

*20 IV. PROCEDURAL POSTURE.

A. Relief Sought in the Trial Court.

On January 9, 2014, appellants filed their complaint against respondent, asserting a single cause of action for declaratory and injunctive relief. (JA 9-18.) Appellants allege that "[a]n actual controversy has arisen and now exists between [themselves]

and the manufacturer, distributor and retailer members they represent, on the one hand, and [respondent], on the other hand, concerning their respective rights and duties pursuant to the provisions of California Penal Code section 31910, subdivision (b)(7)(A)." (JA 13.) Specifically, appellants contend that

the provisions of California Penal Code section 31910, subdivision (b)(7)(A), are invalid as a matter of law and cannot be enforced because it is impossible for a firearm manufacturer to implement microstamping technology in compliance therewith, since no semi-automatic pistol can be designed or equipped with a microscopic array of characters identifying the make, model and serial number of the pistol that are etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that can be legibly, reliably, repeatedly, consistently and effectively transferred from both such places to a cartridge case when the firearm is fired.

(Ibid) The complaint then alleges that respondent contends to the contrary and that a judicial declaration is accordingly appropriate, before concluding ***21** by requesting that the enforcement of Penal Code section 31910, subdivision (b)(7) (A), be enjoined. (JA 13, 15-16.)⁹

Code of Civil Procedure section 1060 provides in pertinent part that "[a]ny person... who desires a declaration of his or her rights or duties with respect to another... may, in cases of actual controversy relating to the legal rights and duties of the respective parties, bring an original action... in the superior court for a declaration of his or her rights and duties in the premises...." Numerous cases hold that such declaratory relief actions are an appropriate procedural vehicle for

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challenging invalid legislative enactments. (E.g., Portnoy v. Superior Court (1942) 20 Cal.2d 375, 378; LaFranchi v. Santa Rosa (1937) 8 Cal.2d 331, 332, 335-336.) Respondent does not contend that appellants' have failed to allege the existence of an actual controversy sufficient to satisfy the pleading requirements of section 1060.

B. Judgment from which Appellants Appeal.

On February 18, 2015, nearly a year after respondent's demurrer to appellant's complaint had been overruled, respondent moved for judgment on the pleadings with respect to that complaint. (JA 113-116, 124-126.) Prior to the hearing of that motion on April 29, 2015, the trial court issued a tentative ruling to deny the motion, finding in appellants' favor with respect to all of the issues presented by the motion, including the separation of powers issue that is one of the primary issues on this appeal. (JA 733-736.) In particular, after noting respondent's citation to authority stating, "[T]he separation of powers doctrine [holds] that in the absence of some overriding constitutional, statutory or charter proscription, the judiciary has no authority to invalidate duly enacted legislation," the trial court ***22** acknowledged that "impossibility of compliance with a state law is ground for

enjoining enforcement of a statute." (JA 733.) The trial court did so in reliance on Board of Supervisors v. McMahon (1990) 219 Cal.App.3d 286, 299-300, which appellants cited in opposition to respondent's motion. (JA 733.)

However, on July 6, 2015, while cross-motions for summary judgment were pending (JA 738-740, 899-902), the trial court mistakenly reversed itself and issued an order granting respondent's motion for judgment on the pleadings without leave to amend (JA 1139-1147). Although the trial court acknowledged that the McMahon court "found that the impossibility doctrine did not apply in that case," and thereby presumed the existence of the doctrine, the trial court nevertheless incorrectly assumed that impossibility is not a ground for enjoining the enforcement of a statute, cryptically noting that the McMahon court "did not directly address [that] issue." (JA 1143-1144.) The trial court also incorrectly stated that the McMahon court "did not 'reach any separation-of-power issues," without addressing whether the provision of the Civil Code on which the McMahon court relied is itself a statutory proscription on which a court could rely to invalidate another statute on the ground of impossibility of compliance. (JA 1144.) Then, based on its order granting respondent's motion for judgment on the pleadings without leave to amend, the trial ***23** court entered judgment in favor of respondent and against appellants on July 22, 2015. (JA 1160-1173.)

C. Reversal by the Court of Appeal.

In its published opinion issued on December 1, 2016, the Court of Appeal reversed the judgment and remanded the case for further proceedings. Citing Dunn v. County of Santa Barbara, supra, 135 Cal.App.4th at p. 1298, the Court of Appeal correctly recognized that "[b]ecause judgment was granted on the pleadings, we must accept the truth of the complaint's properly pleaded facts," and that "[a]ccordingly, we must accept appellants' claim that it is impossible to effectively microstamp the required

characters on any part of a semiautomatic pistol other than the firing pin." (NSSF v. California, supra, 6 Cal.App.5th at p. 302.) As previously noted, the Court of Appeal also "reject [ed] respondent's position that stamping the characters in two places on the firing pin would comply with the statute," finding that [a]ppellants have the right to present evidence to attempt to prove their claim." (Ibid.)

The Court of Appeal carefully considered the separation of powers argument on which respondent relies. ¹⁰ The Court of Appeal noted that *24 "each branch [of California's system of state government] is vested with 'certain "core"...or "essential"... functions that may not be usurped by another branch," and that "'[t]he separation of powers doctrine protects each branch's

core constitutional functions from lateral attack by another branch." (NSSF v. California, supra, 6 Cal.App.5th at p. 305.) Accordingly, the Court of Appeal also noted that "the courts must defer to the Legislature's factual determination unless it is palpably arbitrary and must uphold the challenged legislation so long as the Legislature could rationally have determined a

set of facts that support it." (NSSF v. California, supra, 6 Cal.App.5th at p. 306.) However, noting once again that it "must accept as true appellants' factual allegation that it is impossible to effectively microstamp a semiautomatic pistol in two or more

places on the interior of the pistol as required by Penal Code section 31910, subdivision (b)(7)(A)," the Court of Appeal found that "[i]t would be illogical to uphold a requirement that is currently impossible to accomplish." (Ibid.) Accordingly, the Court of Appeal held that

¹⁰ In this Court, respondent also attacks the statutory value of Civil Code section 3531, the maxim of jurisprudence stating that "[t]he law never requires impossibilities," but respondent did not rely on that argument in the Court of Appeal.

appellants have the right to present evidence and if they are able to prove it is impossible to comply with the dual microstamping requirement, the separation of powers doctrine would not prevent the judiciary from invalidating that legislation. Although courts must generally defer to the Legislature's factual determination, that is not the case if such ***25** determination is arbitrary or irrational. Therefore, the trial court erred in granting judgment on the pleadings in favor of respondent based on the separation of powers doctrine.

(Ibid.) The Court of Appeal then rejected respondent's petition for rehearing on December 15, 2016.

D. Review by the Supreme Court.

This case arrives in this Court upon the granting of respondent's petition for review on March 22, 2017 by a vote of 6-0, with the Chief Justice and Justices Werdegar, Corrigan, Liu, Cuellar and Kruger participating.

V. ARGUMENT.

A. The Court of Appeal Correctly Determined that Appellants' Action to Enjoin the Enforcement of

Penal Code Section 31910, Subdivision (b)(7)(A), Does Not Violate the Separation of Powers Doctrine.

Respondent asserts that appellants' action to enjoin the enforcement of Penal Code section 31910, subdivision (b)(7)(a), on the ground that it requires impossible compliance, violates the separation of powers doctrine on three separate grounds. Respondent asserts first that appellants' action interferes with the core powers of the Legislature; second that appellants' action improperly questions the wisdom of legislative enactments; and third that appellants' action prevents the enactment of technology-forcing legislation. None of respondent's arguments with respect to the separation *26 of powers doctrine withstands scrutiny, and in fact, the separation of powers doctrine is what mandates that the opinion of the Court of Appeal be affirmed.

1. Appellants' Action Does Not Interfere with the Core Powers of the Legislature Because the Legislature May Not Enact Legislation that Is Palpably Arbitrary, Such

as Appellants Allege Penal Code Section 31910, Subdivision (b)(7)(A), To Be.

The separation of powers doctrine arises from the California Constitution. As stated therein, "[t]he powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution." (Cal. Const., art. III, § 3.) Each branch of government is thereby vested with certain core functions that may not be usurped by either other branch. (People v. Bunn (2002) 27 Cal.4th 1, 14.) In the case of the Legislature, that core power is the power to legislate. (Cal. Const., art. IV, § 1.) The power to legislate is of course the power to pass laws. (Carmel Valley Fire Protection District v. State of California (2001) 25 Cal.4th 287, 297.)

Citing Lockard v. City of Los Angeles (1949) 33 Cal.2d 453, 461, respondent suggests that "courts have a 'duty to uphold the legislative power,' unless one of the Legislature's acts transgresses constitutional *27 bounds." (Op. Brief 28.) But the constitutional system from which the separation of powers doctrine arises assumes some degree of mutual oversight and

influence among the three branches of government. (People v. Bunn, supra, 27 Cal.4th at p. 14.) Thus, in Cockard, where the trial court had declared invalid certain provisions of a zoning ordinance presenting no constitutional issue (33 Cal.2d at p. 455), the court described the duty of the judiciary to uphold legislative power in terms significantly less deferential than respondent acknowledges, and specifically retained for the judiciary a power to exercise oversight with regard to the legislative process extending beyond constitutional challenges:

The courts will, of course, inquire as to whether the scheme of classification and districting is arbitrary or unreasonable, but the decision of the zoning authorities as to matters of opinion and policy will not be set aside or disregarded by the courts unless the regulations have no reasonable relation to the public welfare or unless the physical facts show that there has been an unreasonable, oppressive, or unwarranted interference with property rights in the exercise of the police power.... In passing upon the validity of legislation it has been said that "the rule is well settled that the legislative determination that the facts exist which make the law necessary, must not be set aside or disregarded by the courts, unless the legislative decision is clearly and palpably wrong and the error appears beyond reasonable doubt from facts or evidence which cannot be controverted, and of which the courts may properly take notice."

(**I**d. at p. 461; emphasis added.)

Lockard therefore recognizes that the core legislative function of passing laws does not deprive the judiciary of its own constitutional power *28 to set aside laws that are palpably arbitrary, regardless of whether those laws are also unconstitutional. The record in Lockard contained undisputed facts supporting the validity of the zoning ordinance at issue, as a result of which

the court reversed the judgment of the trial court. (\sim 33 Cal.2d at pp. 463, 468.) The court would not have reached that result based on the factual record if, as respondent contends, the court simply had a mandatory "duty" to uphold the ordinance at issue

because it transgressed no constitutional prohibition. (Op. Brief 28.) Rather, the Lockard court examined the facts and upheld the ordinance because the court found nothing palpably arbitrary about the ordinance.

By conducting its examination of the record to determine that the ordinance at issue was not palpably arbitrary, the Lockard court

performed the same judicial function that appellants ask the judiciary to perform in this case. Appellants allege that Penal Code section 31910, subdivision (b)(7)(A), requires impossible compliance (JA 13), and a statute that requires impossible compliance is palpably arbitrary. Appellants are entitled to the opportunity to prove at trial that their allegation of impossible compliance is meritorious.

*29 2. By Seeking to Enjoin Penal Code Section 31910, Subdivision (b)(7) (A), on the Ground that it Requires Impossible Compliance, Appellants Are Not Challenging the Wisdom of the Legislature's Underlying Goal of Crime Reduction.

Appellants seek to enjoin Penal Code section 31910, subdivision (b)(7)(a), on the ground that it requires impossible compliance. Appellants thereby challenge the statute on the ground that it is palpably arbitrary, which presents an appropriate issue for judicial review, as just noted. Appellants do not challenge, and in fact wholeheartedly support, the wisdom of the

Legislature's goal of crime reduction, which of course has motivated the enactment of Penal Code section 31910, subdivision (b)(7)(A). (JA 605, 609, 613.) It is not the wisdom of the legislative goal, but rather the impossible method the Legislature has chosen to achieve that goal, that lies at the heart of this case.

A case cited by respondent, Superior Court v. County of Mendocino (1996) 13 Cal.4th 45, shows that one branch of state government may indeed exercise a degree of oversight over another branch of government, without violating the separation of powers doctrine or impermissibly questioning the wisdom of legislative decisions. In that case, the Superior Court of Mendocino County challenged the power of the County of Mendocino to decree that the Superior Court observe certain unpaid furlough days as a cost saving measure. (Id. at p. 1049.) Although cost saving is plainly a legitimate legislative goal, the Supreme Court found that ***30** while a court has inherent power to control the hours and days of its operations, "the Legislature generally may adopt reasonable regulations affecting a court's inherent power or functions, so long as the legislation does not 'defeat' or 'materially impair' a court's exercise of its constitutional power or the fulfillment of its constitutional function." (Id. at p. 1055.) Similarly, if a court enjoined the enforcement of a single piece of legislation that was palpably arbitrary, that judicial act would not defeat or materially impair the Legislature's exercise of its constitutional power to pass other laws regarding the same subject matter.

The Mendocino court also noted that

unlike those instances in which it has been held that the separation of powers doctrine bars the Legislature from exercising an exclusive judicial function (such as readjudicating or setting aside a final judicial judgment), the Legislature's power to designate legal holidays or other nonjudicial days on which courts generally will be closed does not inevitably threaten the integrity or independence of the judicial process. The circumstance that a court will be closed on a particular day is unlikely to affect the resolution of a particular controversy or prevent a court from proceeding in accordance with its own view of the governing legal principles.

(Id. at pp. 1059-1060.) Likewise, a finding in the instant case that dual placement microstamping is impossible to implement would not intrude upon the Legislature's authority to adopt other crime reduction measures that would be possible to implement.

*31 Finally, the Superior Court in Mendocino argued that the legislation permitting the imposition of unpaid furlough days was "invalid under the separation of powers doctrine because it limits the public's 'access to justice,' a subject that the Superior Court suggests lies exclusively within the province of the judicial branch." (Id. at p. 1060.) The Supreme Court rejected that argument, stating that

[t]he objective of preserving and promoting the public's access to justice and the judicial system, however, is by no means solely the concern or province of the judicial branch. The legislative and executive branches are necessarily and centrally involved in the formulation of a great variety of measures that vitally affect the public's "access to justice" through the judicial system, from determining the number and location of new judgeships and courthouses to establishing which court-related expenses should be financed at the state level and which at the local level.

(Ibid.) Likewise, the judiciary plainly involves itself in crime reduction efforts, from the trial of criminal suspects to the sentencing of those who are convicted, so the Legislature can hardly usurp unto itself the sole responsibility for fighting crime in California.

Citing Werner v. Southern California Associated Newspapers (1950) 35 Cal.2d 121, 130, respondent also asserts that courts may not invalidate legislation that they deem unwise, because "they may summarily put an end to certain laws that may be foolish but also to certain laws that may be wise." Werner involved a suit for defamation arising from a false charge that the plaintiff had been convicted of a crime, which was dismissed ***32** because the plaintiff did not allege that he had suffered any special damage as required by the statute at issue. (Inc. Id. at pp. 123-124.) While the wisdom of a statute requiring special damage as an element of the tort of defamation may legitimately be the subject of conflicting opinion, there can be no legitimate disagreement that a statute requiring impossible compliance is not wise, because it cannot possibly achieve its legislative goal, which in the case of Penal Code section 31910, subdivision (b)(7)(A), is literally impossible, and the purpose of trial in this action is to determine the truth of that allegation. Regardless of the outcome at trial, no wise law will be enjoined as a result of appellants' action.

3. No Authority Permits the Enactment of Legislation that Requires the Development of Technology that Is Completely Impossible to Implement.

Respondent tries to save Penal Code section 31910, subdivision (b)(7)(A), from the injunctive relief appellants seek by relying on American Coatings Association v. South Coast Air Quality Management District (2012) 54 Cal.4th 446. According to respondent, which argues by analogy to the pollution control industry, "lawmakers and regulators regularly adopt technology-forcing standards - laws and regulations that are 'are expressly designed to force regulated sources to develop pollution control devices *33 that might at the time appear to be economically or technologically infeasible." (Op. Brief 31; emphasis added.)

According to American Coatings, statutes may impose technology-forcing standards only where those standards "are reasonably anticipated to exist by the compliance deadline." (~54 Cal.4th at p. 452.) The statutory standards that were enforced in American Coatings were based on several studies conducted by outside consultants concluding that the standards could be

reasonably anticipated to become feasible by the compliance deadline. (FId. at p. 457-458.) Finally, the legislation under consideration expressly required that the required technology be achievable. (FId. at p. 451.)

American Coatings thus differs markedly from the present litigation. First, appellants allege that the dual placement microstamping requirements of Penal Code section 31910, subdivision (b)(7)(A), are impossible, and thus certainly not achievable at any time. (JA 13.) A proposed technology that violates the laws of physics now will always violate the laws of physics. Second, section 31910, subdivision (b)(7)(A), contains no compliance deadline, and instead demands immediate compliance, now that it has been certified by the Department of Justice. Third, appellants do not allege, and respondent does not argue, that any study has ever been conducted showing any reasonable anticipation that dual placement microstamping will ever be possible to implement. In fact, *34 uncontroverted, expert evidence submitted by appellants in support of their motion for a preliminary injunction and their motion for summary judgment (which had not been decided before the trial court granted respondent's motion for judgment on the pleadings) shows that it is impossible to microstamp any surface or part of a semi-automatic pistol other than its firing pin. (JA 45-48, 772.) Finally, the value of the annual market for semi-automatic pistols in California is approximately \$183 million. (JA 69.) Firearms manufacturers would have a strong financial incentive to comply with section 31910, subdivision (b)(7)(A), if dual placement microstamping were in fact possible, in order to share

in such a lucrative market.¹¹

¹¹ Respondent argues that firearms manufacturers have made no effort to comply with the statute's dual placement microstamping requirements, simply because no manufacturers have submitted any new pistol models for inclusion on

the Roster. (JA 18.) That argument begs the question of how firearms manufacturers could seek to comply with Penal Code section 31910, subdivision (b)(7)(A), if they had no available means to manufacture a compliant firearm.

The technology-forcing statutory standards that American Coatings court found acceptable were therefore specific to the pollution control industry. ¹² That is hardly surprising, because filtering has been practiced ***35** for centuries, and pollution control is simply high-technology filtering. Accordingly, absent any showing that the factors on which the American Coatings court based its decision apply also to the firearms industry, American Coatings actually supports appellants' position. The factual record developed in this litigation after summary judgment or trial will show the actual state of microstamping technology in the firearms industry, and thus whether there is any reasonable expectation that dual placement microstamping technology can ever be developed for semi-automatic pistols.

Other technology-forcing cases of which appellants are aware likewise concern only the pollution control industry, and likewise concern regulations that do not require immediate compliance. (See, Union Electric Co. v. Environmental Protection Agency (1976) 427 U.S. 246, 249-250 [challenge to state implementation plan under Clean Air Act]; Natural Resources Defense Council, Inc. v. U.S. Environmental Protection Agency (D.C. Cir. 1981) 655 F.2d 318, 322 [challenges to Environmental Protection Agency standards governing emissions of particulate matter and oxides of nitrogen from diesel vehicles]; Sherwin-Williams Co. v. South Coast Air Quality Management District (2001) 86 Cal.App.4th 1258, 1265 [challenge to rules promulgated by the South Coast Air Quality Management District regarding reduction in use of flat paint containing air pollutants].)

By making its argument in reliance on technology-forcing standards under the circumstances of this litigation, respondent tacitly admits that it is not aware of any expert evidence tending to show that dual placement microstamping technology can ever be developed for semi-automatic pistols. In that regard, it is important to note that appellants merely ask that the enforcement of

Penal Code section 31910, subdivision (b)(7)(A), be enjoined. (JA 16.) If dual placement microstamping technology ever

*36 becomes possible to implement, respondent could return to court and seek to have the injunction against the enforcement of section 31910, subdivision (b)(7)(A), lifted. ¹³

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In a footnote, respondent suggests that it would be possible to comply with Penal Code section 31910, subdivision (b)(7)(A), simply by not selling any semi-automatic pistols in California that do not comply with the dual placement microstamping requirements of the statute. (Op. Brief 32.) Respondent's suggestion is illusory, because it evades the issue of impossible compliance, and because any statute imposing impossible requirements on a voluntary, lawful activity could be "complied" with under respondent's reasoning simply by not performing the activity toward which the impossible requirements are directed. Three cases cited in the text below that enjoined the enforcement of statutes

requiring impossible compliance, *Buck v. Harton* (M.D. Tenn. 1940) 33 F.Supp. 1014, *Gigliotti v. New York*,

Chicago & St. Louis Railroad Co. (1958) 107 Ohio App. 174, and *Ivaran Lines, Inc. v. Farovi Shipping Corp.* (Fla.App.1984) 461 So.2d 123, implicitly reject respondent's suggestion, because it did not matter to the courts in those cases that the statutes at issue could have been complied with by not performing the otherwise lawful activities the statutes purported to forbid. The Court of Appeal of course dismissed respondent's suggestion for the obvious reason

that it does not provide appellants with the relief they seek. (*NSSF*, *supra*, 6 Cal.App.5th at p. 308.)

B. THE MAXIM OF JURISPRUDENCE ON WHICH APPELLANTS RELY, CIVIL CODE SECTION 3531, PROVIDING THAT THE LAW NEVER REQUIRES IMPOSSIBILITIES,

ALLOWS APPELLANTS TO SEEK AN INJUNCTION AGAINST PENAL CODE SECTION 31910, SUBDIVISION (b)(7)(A), ON THE GROUND OF IMPOSSIBLE COMPLIANCE.

The maxim of jurisprudence contained in Civil Code section 3531 succinctly provides that "[t]he law never requires impossibilities." Appellants' cause of action, seeking "a judicial declaration that the ***37** provisions of California Penal Code section 31910, subdivision (b)(7)(A), are invalid and cannot be enforced because it is impossible for a firearm manufacturer to implement microstamping technology in compliance therewith," plainly relies on that maxim. (JA 15.)

Respondent did not challenge appellants' reliance on section 3531 in the motion for judgment on the pleadings from which this appeal arises (JA 127-148), so the Court of Appeal did not consider the effect of the maxim in its opinion. Respondent has now pivoted to challenge section 3531, and in fact asserts that challenge as the primary argument in its brief. (Op. Brief 20-26.) Respondents' challenge to section 3531 fails, however, because the separation of powers doctrine requires the judiciary to accord maxims the same operative force as any other statute. It also fails because section 3531 is not barred by Civil Code section 3509 as respondent asserts, and because the right to challenge the enforcement of a statute is already recognized both in California and in its sister states.

1. The Separation of Powers Doctrine Requires the Judiciary to Accord Civil Code Section 3531 the Same Operative Force as Any Other Legislative Enactment.

Civil Code section 3531 is obviously a statute. As such, in construing the meaning of the statute, the Supreme Court's "fundamental task is to ascertain the intent of the lawmakers so as to effectuate the purpose of the statute." In ***38** this search for what the Legislature meant, "[t]he statutory language itself is the most reliable indicator, so [the Supreme Court] start[s] with the statute's words, assigning them their usual and ordinary meanings, and construing them in context. If the words themselves are not ambiguous, [the Supreme Court] presume[s] the Legislature meant what it said, and the statute's plain meaning governs..."



(Martinez v. Coombs (2010) 49 Cal.4th 35, 51.) Thus, the construction of section 3531 is not at issue in this appeal. It plainly expresses exactly what the Legislature meant when it adopted the statute in 1872: "The law never requires impossibilities." Never means never, and respondent does not contend otherwise.

(a) Maxims of Jurisprudence Have Historically Carried the Force of Law.

Citing several cases and a 1994 law review article, respondent seeks to devalue section 3531 's operative force as a statute. Respondent asserts that because section 3531 is a maxim of jurisprudence, it is a mere, nonbinding "rule of thumb," simply an "aid to the just application of statutory law." (Op. Brief 21.) But significantly, respondent cites to no case holding that codified maxims are not entitled to the same dignity as any other statutory law. Citing only the law review article, respondent ***39** asserts that maxims do nothing more than "sum up legal experience... without compelling decisions." (Ibid.) ¹⁴

¹⁴ Eisenberg, Expression Rules in Contract Law and Problems of Offer and Acceptance (1994) 82 Cal. L. Rev. 1127, 1140.)

This dismissive interpretation of maxims in general, and of section 3531 in particular, has simply been pulled out of thin air. There is no legal justification in any cases or commentaries for the dubious proposition that codified maxims are not entitled to the same operative force as any other statute. Codified maxims are, after all, statutes that the Legislature duly enacted nearly 150 years ago. Respondent has not cited to any legislative history or any other statute that suggests that codified maxims in general or Civil Code section 3531 in particular are mere "rules of thumb" that are not entitled to the full operative force that the law bestows on any statute.

John Bouvier was a Philadelphia lawyer best known for his legal writings.¹⁵ In 1856, sixteen years before the adoption of the Field Code in California, the sixth edition of his "Law Dictionary Adapted to the Constitution and Laws of the United States of America and the Several States of the American Union" (the "Bouvier Law Dictionary") was published. The Bouvier Law Dictionary defines a maxim as follows:

¹⁵ See, < https://en.wikipedia.org/wiki/John_Bouvier> [as of Aug. 2, 2017].

*40 1. An established principle or proposition. A principle of law universally admitted, as being just and consonant With reason.

2. Maxims in law are somewhat like axioms in geometry. They are principles and authorities, and part of the general customs or common law of the land; and are of the same strength as acts of parliament....

(<http://www.lawfulpath.com/ref/bouvier/maxims.shtml> [as of June 27, 2017]; emphasis added.) Included among "some of the more important maxims" summarized in the Bouvier Law Dictionary is the following: "A l'impossible nul n'est tenu. No one is bound to do what is impossible." (Ibid.) That is the maxim that the California Legislature ultimately codified as Civil Code section 3531, and the fact that it was originally written in Law French should not escape notice. The maxim is such an indelible part of the common law that it dates to the Middle Ages.

A far more incisive and recent commentary on the purpose of maxims appeared in 2010. Equitable maxims such as that codified by Civil Code section 3531 (which are sometimes referred to as "codified canons" or "common law canons") "focus on the imperfections in the legislative process and address unforeseen consequences common to the enactment of a wide variety of statutes." *(Scott, Codified Canons and the Common Law of Interpretation* (2010) 98 Geo. L.J. 341, 391.) The enactment of such maxims shows that

many legislatures want judges to limit statutes where their application would be unworkable. Although commentators *41 may criticize [such] canon[s] because [they] result[] in some measure of judicially exercised policymaking authority, no one can

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call a judge who uses this canon a usurper of legislative authority (at least in jurisdictions with such a rule). Ten legislatures are comfortable with judges making policy choices in this regard. The common codification declares that "[i]n enacting a statute, it is presumed that.... A result feasible of execution is intended." Thus, interpreters faced with ambiguous statutes are on notice to steer away from impossibly onerous or burdensome interpretations unless that presumption can be overcome. Another state codifies this canon implicitly, allowing interpreters faced with "unworkable results" to consult "extratextual evidence of the meaning of the statute" to illuminate the statute. Montana's legislature advises that "[t]he law never requires impossibilities." No legislature rejects this canon-even a legislature that stresses plain meaning builds in unworkable results as an exception to the plain meaning rule.

(Id. at p. 395; emphasis added.) Montana's impossibility maxim is of course identical to California Civil Code section 3531, both in language and effect.

A somewhat earlier commentary in the California Law Review concurs. The author addressed the issue of impossible statutory compliance as follows:

In other cases, the courts properly may take account of the infeasibility of immediate compliance. Assume that the case arises in which immediate compliance is physically impossible, where, for example, a court has determined under a water pollution statute that all dam operators must immediately obtain permits if they are to continue discharging water downstream. There is a simple answer to the apparent dilemma between the statutory requirement and the realities of the situation. The answer lies in the principle that courts cannot require the doing of an impossibility: Equity will not decree a vain thing.

*42 (Plater, Statutory Violations and Equitable Discretion (1982) 70 Cal. L. Rev. 524, 580; emphasis added.) This commentary properly recognized that impossible compliance is an existing defense in equity to statutory enforcement. ¹⁶ The Court of Appeal, in recognition of that existing defense, asked at oral argument below whether an impossibility challenge could be raised to a law requiring that all automobiles operate as hovercrafts, implying that such a challenge indeed could be raised, (Resp's RJN, Ex. A [11/16/2016 Ct. of App. RT, 35-36].)

16 This commentary also assumed that a court had been asked to compel impossible compliance. The instant case presents the obverse situation, because appellants ask the judiciary to enjoin a statute requiring impossible compliance. There is no meaningful difference between the two situations, because in both the dispositive issue is that a legislative body may not enact a law imposing requirements with which persons subject to the law cannot possibly comply.

(b) California's Sister Jurisdictions Recognize that the Enforcement of a Statute Requiring Impossible Compliance May Be Enjoined Based on the Impossibility Maxim.

Since California's maxims of jurisprudence are codifications of common law principles, authority from other common law jurisdictions respecting the effect of maxims is highly persuasive regarding the operative effect of Civil Code section 3531 and the maxim it codifies. Thus, in *Buck v. Harton, supra,* a statute required that the price for performance of musical compositions

be fixed upon a per piece basis. (***43** 33 F.Supp. at p. 1018.) However, because the public performance rights for musical compositions fluctuated, it was impossible to ascertain what the performance price should be at any given time, and it was

therefore also impossible to comply with the statute. (**r**-Id. at pp. 1018-1019.) *Because of that impossibility, "[c]omplainants [were] entitled to a decree granting a permanent injunction restraining defendants... from bringing or permitting to be*

brought... any proceeding at law or in equity for the purpose of enforcing said Statute against complainants...." (⁻Id. at p. 1021; emphasis added.)

In another impossibility case, *Gigliotti v. New York, Chicago & St. Louis Railroad Co., supra*, a statute required train engineers to sound their train's whistle "at least 80 and not further than 100 rods" from highway crossings. (P107 Ohio App. at p. 181.) At a railroad spur crossing, the plaintiff's car collided with a train which had not sounded its whistle. (PId. at pp. 177-178.) However, there was no evidence that the spur track was at least 80 rods long, so "a literal compliance with the statute was impossible." (PId. at p. 181.) Based on that finding of impossibility, the court held as follows:

It is well settled that the law is not so unreasonable as to require the performance of impossibilities... and, when Legislatures use language so broad as to lead to such results, courts may properly say that the Legislature did not intend to include those cases in which a literal obedience has become impossible. *If a statute apparently requires the performance of something which cannot be performed, a court may hold* *44 *it inoperative.* [¶] Under these circumstances, the statute requiring the blowing of a whistle "at a distance of at least 80 and not further than 100 rods" from the crossing was inoperative..."

(Ibid.; emphasis added.)

Finally, in Ivaran Lines, Inc. v. Farovi Shipping Corp., supra, the defendants shipped an automobile abroad without obtaining a

certificate of right of possession, as required by a Florida penal statute. (~461 So.2d at p. 124.) However, no such certificates of right of possession became available until after the date on which the automobile was shipped abroad. (Ibid.) The court excused the violation of the statute, explaining that "[g]enerally, the violation of a duty prescribed by statute is negligence per se but exceptions to this rule have been recognized where compliance with the provisions of the statute is impossible or

where noncompliance is excusable." (**I**d. at p. 125.) The court added that "[t]he law does not require the performance of impossibilities as a condition to assertion of acknowledged rights, and if a statute requires performance of something which cannot be performed, the court may hold it inoperative." (Ibid.) Thus, the court held "in accordance with the prevailing law that violation of a statute or regulation, whether deemed prima facie evidence of negligence or negligence per se, is excused where

it appears without dispute that compliance with the statute is impossible even in the exercise of reasonable diligence." (**P**Id. at p. 126; emphasis added.)

*45 The foregoing cases from California's sister jurisdictions all hold, with support from the maxim that the law never requires impossibilities, that statutes may be enjoined on the ground that they require impossible compliance. The instant case, addressing the same issue, is one of first impression in California. If California deviates from the uniform holdings of its sister states, California would become the first common law jurisdiction to deny maxims the operative legal effect that they historically have always had. California's maxims of jurisprudence were not codified merely to add advisory commentary or simple clutter to the Civil Code. California's maxims of jurisprudence were purposefully codified in 1872 as law, and they have remained so ever since.

(c) In the Absence of Any Overriding Constitutional, Statutory or Charter Proscription to Civil Code Section 3531, the Judiciary Must Acknowledge the Operative Force of the Maxim of Jurisprudence Codified Therein.

Ironically, in the final analysis, it is the separation of powers doctrine itself, on which respondent unsuccessfully relies in its effort to deny appellants their right to trial in this action, that compels the judiciary to acknowledge the operative force of Civil

Code section 3531. This Court's definitive statement of the separation of powers doctrine appears in City & County of San Francisco v. Cooper (1975) 13 Cal.3d 898. That is a *46 case on which respondent relied in the trial court in support of its motion for judgment on the pleadings (JA 139-140), but which respondent no longer embraces. ¹⁷

17 Cooper was decided much more recently than Lockard v. City of Los Angeles, supra, on which respondent now prefers to rely. Whether respondent relies on either Lockard or Cooper today does not matter, because both cases recognize that challenges to statutes are not limited only to constitutional challenges. As stated in Lockard, statutes must not be set aside "unless the legislative decision is clearly and palpably wrong and the error appears beyond reasonable doubt from

facts or evidence which cannot be controverted, and of which the courts may properly take notice." (**C**33 Cal.2d at p. 461.) The notion that courts retain the power to invalidate only those statutes that are unconstitutional is demonstrably incorrect.

The separation of powers doctrine "recognizes that in the absence of some overriding constitutional, statutory or charter

proscription, the judiciary has no authority to invalidate duly enacted legislation." (Cooper, supra, 13 Cal.3d at p. 915.) Neither respondent, any California court, nor any commentator has ever identified any constitutional provision, statute or charter provision that overrides Civil Code section 3531. Furthermore, respondent cites no cases that hold that statutes may not be enjoined on the ground of impossible compliance, in contradistinction to Buck, Gigliotti or Ivaran Lines.

In the absence of any such constitutional, statutory or charter proscriptions, and in the absence of any cases that reach holdings contrary to Buck, Gigliotti or Ivaran Lines, the separation of powers doctrine *47 requires the judiciary to accord section 3531 its due weight as a statute embodying the force of law. If section 3531 is to be in any way emasculated, the Legislature, not the judiciary, must be the branch of state government to undertake that task. Since the Legislature has not done so, section 3531, as a codified maxim, retains just as much operative force as any other statute, as maxims were originally intended to have. (Bouvier Law Dictionary, supra.)

2. Civil Code Section 3509 Does Not Bar Appellants from Relying on Civil Code Section 3531 in Support of

Their Claim that the Enforcement of Penal Code Section 31910, Subdivision (b)(7)(A), Should Be Enjoined.

Civil Code section 3509 provides that "[t]he maxims of jurisprudence hereinafter set forth are intended not to qualify any of the foregoing provisions of this code, but to aid in their just application." The language of section 3509 simply does not purport to prevent any maxim of jurisprudence from being applied in cases arising under statutes not contained in the Civil Code. This accords with the historical fact that the maxims of jurisprudence themselves have existed as part of the common law since the Middle Ages and are still part of the common law today.

The maxims of jurisprudence as "[p]rinciples of equity have long been enshrined as a vital part of California's jurisprudence." (McMackin v. Ehrheart (2011) 194 Cal.App.4th 128, 131, 135, 142; emphasis added.) *48 Thus, in Booksa v. Patel (1994) 24 Cal.App.4th 1786, the court relied on another codified maxim, Civil Code section 3514, providing that "[o]ne must so use his own rights as to not infringe upon the rights of another," to find that while an owner has the right to possess his land and everything beneath it, he had no right to sever the roots of a neighbor's tree that extended beneath his land. (I Id. at pp. 1790, 1792.) And in Jacobs v. State Board of Optometry (1978) 81 Cal.App.3d 1022, the court held that administrative review of a certain matter was unnecessary where the agency had already made clear what its ruling on that matter would be, relying on yet another codified maxim, Civil Code 3532, which provides that "[t]he law does not require the performance of a useless or idle act." (I Id. at pp. 1029-1030.) The foregoing cases involved the application of codified, equitable maxims to statutes contained in codes other than the Civil Code, but Civil Code section 3509 did not restrict those

courts from relying on the maxims at issue for that purpose. Likewise, it does not restrict the judiciary from applying Civil Code section 3531 to the determination of appellants' impossible compliance claim.

Respondent does still assert that Civil Code section 3531, as well as the other maxims, binds the legislative prerogative of future Legislatures. (Op. Brief 21-22.) That argument ignores the power of Legislatures to repeal previously enacted legislation. As a necessary part of their elective duties, Legislatures regularly repeal outdated statutes when those statutes ***49** no longer serve society's purposes. A law that remains in effect does so because the current Legislature allows it to remain in effect. In the words of a popular song, "If you choose not to decide you still have made a choice." (Rush (1980) "Freewill" [lyrics by Neil Peart].) Civil Code section 3531 remains in effect by legislative design, and therefore is a proper statutory proscription to the

enforcement of Penal Code section 31910, subdivision (b)(7)(A).

Respondent cites People v. One 1940 Ford V-8 Coupe (1950) 36 Cal.2d 471 to support its argument that a statute may not be nullified or defeated by a maxim. (Op. Brief 22-23.) In that case, an automobile registered to a private owner, which a bank claimed to own pursuant to a conditional sales contract, was seized because the registered owner had used the automobile

unlawfully to transport narcotics. (~36 Cal.2d at p. 472.) A section of the Health and Safety Code provided that the claimant of an interest in a vehicle seized for that reason could prove that its interest was bona fide if the interest was created after a reasonable investigation of the moral character of the purchaser and without knowledge that the vehicle was used for an unlawful purpose. (Ibid.) Although the bank did not know that the seized automobile was to be used for the unlawful transportation of

narcotics, the bank never conducted the investigation contemplated by the Health and Safety Code. (PId. at p. 473.)

*50 Judgment was rendered after trial for the bank in One 1940 Ford because evidence was introduced at trial that an investigation, if it had been conducted, would have shown that the registered owner of the seized automobile was a person of good repute. (Ibid.) In that regard, the bank was allowed to rely at trial on Civil Code section 3532, the maxim of jurisprudence

providing that the law does not require an idle act. (**-**36 Cal.2d at p. 473.) Nevertheless, the Supreme Court reversed the judgment in favor of the bank, finding that performing the investigation was not an idle act, and that the maxim thus did not

apply. (**I**d. at p. 477.) The court explained as follows:

Inquiry prior to entering into the contract is thus related to the legislative purpose and if reasonably pursued would produce the facts as to the moral responsibility, character and reputation of the purchaser. Such investigation may not be said to be an idle act even though the proof at the trial may be entirely in his favor.

(Ibid.)

One 1940 Ford thus supports appellants' position rather than respondent's position. The One 1940 Ford court did not find that Civil Code section 3532 had no operative force, as respondent would like to argue. Instead, the One 1940 Ford court found that

section 3532 did not apply because the required investigation was not an idle act within the scope of the maxim. (~36 Cal.2d at p. 477.) By making that finding, the court expressly acknowledged the operative force of section 3532. *51 Expressed differently, in deciding One 1940 Ford, this Court found in 1950 that a codified maxim carries the full force of law like any other statute.

Civil Code section 3531, by contrast, providing that "[t]he law never requires impossibilities," directly applies to the instant case, because appellants have alleged that "it is impossible for a firearm manufacturer to implement microstamping technology

in compliance with Penal Code section 31910, subdivision (b)(7)(A)," and that allegation must be taken as true on appeal

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from a judgment arising from a pleading motion. (JA 13; Dunn v. County of Santa Barbara, supra, 135 Cal.App.4th at p. 1298.) Moreover, the One 1940 Ford decision by its terms applied only to the specific statutes then under consideration, namely certain provisions of the State Narcotics Act contained in the Health and Safety Code. (In Id. at p. 472, 476.) The case did not consider the applicability of section 3531, and even if it had, the statutory compliance at issue in One 1940 Ford was found to be plainly possible. (In Id. at p. 477.)¹⁸

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Respondent also cites Moore v. California State Board of Accountancy (1992) 2 Cal.4th 999 to support its argument that a statute may not be nullified or defeated by a maxim. (Op. Brief 21.) Moore adds little to the present analysis,

because it contains only a passing reference in dicta to maxims, none of which were actually at issue in the case. (^{-III}. at p. 1012.)

As noted above, the Legislature may not act in ways that are palpably arbitrary in enacting legislation. (***52** Lockard v. City of Los Angeles, supra, 33 Cal.2d at p. 461.) The required statutory compliance in One 1940 Ford was not palpably arbitrary, and the bank could have easily complied with the statute at issue by undertaking the simple administrative task of conducting an investigation, which this Court held would not have been an idle act. The instant case arises in a much different context: There is no better example of a palpably arbitrary legislative enactment than one requiring an act that is physically impossible to perform, as appellants allege. The Legislature in this case simply chose, perhaps as a matter of political expedience, to blithely

ignore the impossible compliance that Penal Code section 31910, subdivision (b)(7)(A), requires.¹⁹ Ignoring the required impossible compliance is what invokes the pre-existing impossibility defense to statutory enforcement that the McMahon court

acknowledged twenty-seven years ago, and which remains a vital part of California jurisprudence today. (McMackin v. Ehrheart, supra, 194 Cal.App.4th at p. 131,135, 142.)

19

Respondent euphemistically refers to the impossible compliance required by Penal Code section 31910, subdivision (b)(7)(A), as "the challenges that implementing microstamping presented." (Op. Brief 24; emphasis added.)

*53 3. The Court of Appeal Properly Relied on Board of Supervisors v. McMahon in Ruling that Appellants Have the Right to Present Evidence that It

Is Impossible to Comply with Penal Code Section 31910, Subdivision (b)(7)(A).

As noted above, the separation of powers doctrine "recognizes that in the absence of some overriding constitutional, statutory or

charter proscription, the judiciary has no authority to invalidate duly enacted legislation." (City & County of San Francisco v. Cooper, supra, 13 Cal.3d at p. 915; emphasis added.) The trial court relied on Cooper for a statement of the separation of powers doctrine when it granted respondent's motion for judgment on the pleadings (JA 1144-1145), but the trial court did not analyze the effect of any such statutory proscription in this action. By failing to do so, the trial court committed reversible error

in granting respondent's motion for judgment on the pleadings, as the Court of Appeal recognized. (NSSF v. California, 6 Cal.App.5th at p. 306.)

The impossibility challenge that appellants assert to section 31910, subdivision (b)(7)(A), arises directly from the codified equitable maxim that "[t]he law never requires impossibilities." (Civ. Code, § 3531.) "Consistent with this maxim, the law

recognizes exceptions to statutory requirements for impossibility of performance." (Board of Supervisors v. McMahon, supra, 219 Cal.App.3d at p. 300; emphasis added.) By making that statement, the McMahon court recognized that Civil Code

section 3531 is an overriding statutory proscription to the enforcement of other statutes. *54 Since Penal Code section **DEFENDANT'S EXHIBIT 25**

31910, subdivision (b)(7)(A), requires performance with which it is impossible to comply, as appellants allege in their complaint (JA 15), section 3531 proscribes its enforcement.

Civil Code section 3531 does not equivocate. It declares absolutely that "[t]he law never requires impossibilities." (Emphasis added.) Respondent provided no citations below to any authority that reduces the impact of that statutory edict, and neither respondent nor the trial court explained how a statute that is fatally defective for impossibility of compliance can nevertheless be enforced either as a legal or a practical matter. Indeed, the judgment below can be reversed simply by applying the common rules of statutory construction that "[i]n the construction of a statute the intention of the Legislature... is to be pursued, if possible" (Civ. Code, § 1859), and that "[t]he terms of a writing are presumed to have been used in their primary and general acceptation..." (Civ. Code, § 1861.) As the McMahon court understood, when the Legislature used the word "never" in Civil Code section 3531, it meant "never." Appellants are entitled to show as a factual matter upon summary judgment or at trial that it is impossible to comply with Penal Code section 31910, subdivision (b)(7)(A). If they make that showing, Civil Code section 3531 will prevent the enforcement of Penal Code section 31910, subdivision (b)(7)(A), without the need for any further inquiry.

*55 McMahon is central to the determination of this appeal, and the Court of Appeal correctly determined that it provides the basis for appellants' cause of action to enjoin the enforcement of section 31910, subdivision (b)(7)(A). (NSSF v. California, supra, 6 Cal App.5th at p. 306.) First, as noted, it was the McMahon court that unambiguously declared, in reliance on the statutory proscription of Civil Code section 3531, that "[c]onsistent with this maxim, the law recognizes exceptions to statutory requirements for impossibility of performance." (219 Cal.App.3d at p. 300.) Perhaps even more significant, however, is the fact that the McMahon court carefully analyzed the claim of impossibility of compliance that the respondent asserted. The McMahon court would not have undertaken that analysis if impossibility of compliance were not a defense to the enforcement of a statute in the first place.

At issue in McMahon was the liability for payment of the state's fifty percent share of funding for the federal Aid to Families

with Dependent Children (AFDC) program, in which California has elected to participate. (PId. at p. 291)²⁰ A provision of the Welfare and Institutions Code required counties to pay 5.4 percent of the total cost of AFDC grants. (Ibid.) However, the

County of Butte adopted an ordinance, Measure E, ***56** that prohibited the use of any county funds for AFDC funding. (**Id.** at p. 292.) The state petitioned for a writ of mandate and sued for injunctive relief against the county, contending that Measure E violated state law, and the county cross-complained for declaratory and injunctive relief, seeking to compel the state to fund the entire nonfederal portion of the AFDC program. (Ibid.)

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The federal government paid the other fifty percent share of AFDC funding. (~219 Cal.App.3d at p. 291.)

The county's chief administrative officer, Martin Nichols, testified at trial that the increased welfare costs imposed on the county by the AFDC program had forced the county to cut local services such as police and fire protection, road maintenance, and

libraries. Nichols also projected that the county would run out of money for other local programs and services. (I Id. at p. 293.) The county claimed based thereon that it could not comply with the funding mandate of the Welfare and Institutions Code, and it asked the court "to invoke the equitable doctrine excusing performance where circumstances make such performance

impossible." (PId. at p. 299.) Acknowledging, as noted above, that "[c]onsistent with [Civil Code section 3531], the law

recognizes exceptions to statutory requirements for impossibility of performance" (Pid. at p. 300), the McMahon court meticulously analyzed the county's claim of impossibility. If the McMahon court had not considered impossibility as a defense to compliance with the statute at issue, it would have (and indeed should have) treated the county's arguments as irrelevant.

*57 Rather than simply disregarding the county's position altogether, the McMahon court made the factual finding that "Nichols's testimony demonstrates no literal impossibility of County funding for the AFDC program at the heart of this dispute. Nichols's revenue projections do not show that the County will ever be unable to make the AFDC payments at the heart of this dispute." (Ibid.; emphasis in original.) Moreover, "the County has at least five years before projected increases in state-mandated program costs would halt local County programs completely," as a result of which "Nichols's window gave the County

and the Legislature some time to address the County's problems." (**FId.** at p. 301.) The court found that "the record lacks the extensive factual development sufficient to justify affirmative relief," and that "[t]he County simply has not demonstrated

that it has exhausted its ability to raise new revenues or deliver services differently." (**I**d. at p. 303.) The court thus could not "conclude that, on the record before the trial court, the County demonstrated a reasonable probability of prevailing on its 'impossibility' claim." (Ibid.; emphasis added.)

The *McMahon* opinion makes sense because impossibility of compliance is a recognized defense to the enforcement of a statute. The *McMahon* court devoted significant effort to showing that the county had failed to prove its asserted inability to comply with its AFDC funding obligations. That effort would not have been justified if impossibility of ***58** compliance were not a defense to the enforcement of a statute. Indeed, it would have been a waste of valuable judicial time for the McMahon court to undertake that effort simply as an academic exercise if no such defense to statutory enforcement existed.

McMahon is the only California case known to appellants wherein the impossibility doctrine is addressed in light of Civil Code

section 3531.²¹ Appellants know of no case from any jurisdiction reaching a contrary result, and given the absolute nature of the declaration in section 3531 that "[t]he law never requires impossibilities," one would not expect any such contrary case to exist. In any event, impossibility of compliance as a ground to enjoin the enforcement of a statute is not a new or novel concept. Civil Code section 3531 was enacted in 1872 as a codification of a common law principle that is centuries old. *McMahon* itself was decided a quarter of a century ago.

21

Impossibility as a defense to statutory enforcement was also addressed in Sutro Heights Land Co. v. Merced Irrigation District (1931) 211 Cal. 670, but without reliance on Civil Code section 3531. Appellants discuss Sutro on the next two pages.

Moreover, impossibility of compliance as a ground to enjoin the enforcement of a statute is not a doctrine peculiar to California. As demonstrated by Buck v. Harton, supra, 33 F.Supp. 1014, Gigliotti v. New York, Chicago & St. Louis Railroad Co., supra, 107 Ohio App. 174, and ***59** Ivaran Lines, Inc. v. Farovi Shipping Corp., Supra, 461 So.2d 123, it has been equitably applied across the United States when necessary to prevent the miscarriage of justice. By relying on impossibility of compliance

as the basis for their suit to enjoin the enforcement of Penal Code section 31910, subdivision (b)(7)(A), appellants are hardly asking this Court to make a radical departure from existing law. Under these circumstances, the trial court's judgment suggesting that the separation of powers doctrine renders courts powerless to enjoin the enforcement of a statute that seeks impossible compliance ignores both sound judicial policy and common sense. By this appeal appellants seek redress from this inequitable result.

Respondent admits that McMahon supports the "unremarkable" proposition that a court exercising its equitable powers may decline to require an impossible act. (Op. Brief 25.) The proposition is unremarkable indeed, as respondent states, because it has long existed in equity. The proposition also captures the exact relief appellants seek in this action. Appellants simply ask this

Court to decline to require them to comply with Penal Code section 31910, subdivision (b)(7)(A), if appellants can prove their allegation that the statute imposes impossible dual placement microstamping requirements.

Finally, respondent describes the McMahon case as being consistent with this Court's decision in Sutro Heights Land Co. v. Merced Irrigation District, supra. (Op. Brief 25.) Indeed it is. In Sutro, this Court refused to ***60** compel an irrigation district

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to drain certain lands as required by statute, because the facilities and work necessary to accomplish that drainage would have brought "financial ruin upon the district." (~211 Cal. at pp. 673, 699-700, 703.) This Court in essence found that the Legislature did not intend to compel the performance of an impossible act, explaining as follows:

We do not believe that, under this state of facts, it was ever intended by those responsible for the enactment of the Drainage Act of 1907 [namely, the Legislature], that an irrigation district, situated as is the defendant in this action, should be compelled to work its own destruction by undertaking to provide drainage facilities for the district, the expense of which is beyond its financial ability to meet or pay for.

(**I**d. at p. 703.)

Sutro, like McMahon and the instant case, presented no constitutional claim. The Sutro court nevertheless upheld the impossibility claim made by the irrigation district, without even relying on Civil Code section 3531. The Sutro court identified the element of factual impossibility that was missing in McMahon (and as a result of which the McMahon court issued no injunction), but which appellants allege is present in the instant action. This Court should provide appellants the same opportunity that the irrigation district had in Sutro to prove that the statute *61 at issue requires impossible compliance, and that its enforcement should therefore be enjoined. ²²

Respondent concludes its discussion of the maxims of jurisprudence with a one-sentence footnote apparently relying on Code of Civil Procedure section 526, subdivision (b)(4), which provides that "[a]n injunction cannot be granted... [t]o prevent the execution of a public statute by officers of the law for the public benefit," and Civil Code section 3423, subdivision (d), which provides in almost identical language that "[a]n injunction may not be granted... to prevent the execution of a public statute, by officers of the law, for the public benefit." Many cases, however, hold that that the public benefit exemption does not apply to an invalid statute, the execution of which courts have full authority to enjoin.

(E.g., Financial Indemnity Co. v. Superior Court (1955) 45 Cal.2d 395, 402; Conover v. Hall (1974) 11 Cal.3d 842, 850; Agricultural Labor Relations Board v. Superior Court (1976) 16 Cal.3d 392, 401.) Those statutes are therefore red herrings as applied to this appeal, because respondent's reliance on them begs the question of whether Penal Code section 31910, subdivision (b)(7)(A), is an invalid statute. If section 31910, subdivision (b)(7)(A), is indeed invalid by reason of statutory proscription as appellants argue, no court need ever consider whether it is subject to the public benefit exemption of Code of Civil Procedure section 526, subdivision (b)(4), or Civil Code section 3423, subdivision (d).

*62 VI. CONCLUSION.

Respondent sprinkles the word "freestanding" throughout its opening brief, with pejorative intent. "The maxims of jurisprudence," respondent says, "do not authorize a freestanding facial 'impossibility' claim empowering a court to invalidate a statute." (Op. Brief 20.) "Recognizing NSSF's freestanding impossibility claim," respondent adds, "would violate the separation of powers doctrine." (Op. Brief 26.) Respondent essentially argues that appellants' cause of action to enjoin the enforcement of

Penal Code section 31910, subdivision (b)(7)(A), is not tethered to any supporting legal principles. Respondent is wrong.

Appellants have shown above, based on long-established authority, that the separation of powers doctrine does not foreclose judicial review of legislative enactments that are palpably arbitrary. Appellants have also shown above, based on authority that reaches back to the early common law, that the codified maxims of jurisprudence are entitled to the same operative force as any

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other statute, and that the separation of powers doctrine itself restrains courts from devaluing those maxims as organic law. By repeatedly characterizing as "freestanding" the legal foundations that support appellants' cause of action, respondent merely tries to mask the fact that courts have long possessed the power to enjoin the enforcement of laws that require impossible compliance.

*63 The very fact that this is a firearms case makes it a case of significant public importance. Its importance is enhanced by the issue of first impression it presents as to the effect to be accorded to California's codified maxims of jurisprudence. Its importance is further enhanced by the question of fundamental fairness it presents as to whether the Legislature may require the performance of a plainly impossible act as a condition to the exercise of an otherwise lawful right. Appellants submit that this Court should answer that question in the negative. Thus, for the foregoing reasons, appellants respectfully request that this Court affirm the decision of the Court of Appeal, reverse the judgment against appellants, and remand this case to the trial court for further proceedings.²³

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Respondent includes a section in its opening brief discussing the effect of a due process challenge to Penal Code section 31910, subdivision (b)(7)(A), that appellants could possibly make. (Op. Brief 33-36.) Appellants had mentioned in a footnote in their answer to respondent's petition for review that they would have the right to seek to amend their complaint upon remand to assert a due process claim under Article I, Section 7, of the California Constitution. (Ans. Pet. Rev. 18.) Appellants included that footnote because at the hearing in the Court of Appeal below, Justice Franson asked why appellants did not originally bring a constitutional challenge on grounds other than the Second Amendment. (Resp's RJN, Ex. A [11/16/2016 Ct. of App. RT, 48-49].) But since appellants have not yet actually made any such due process challenge, it is not properly before this Court now. It is sufficient to say at present that if appellants ever do

raise a due process challenge to section 31910, subdivision (b)(7)(A), the challenge would be meritorious, because a statute requiring impossible compliance is not a statute that reasonably relates to a proper legislative goal, or one that

is based on rational speculation. (See, Coleman v. Department of Personnel Administration (1991) 52 Cal.3d 1102, 1125; In re Jenkins (2010) 50 Cal.4th 1167, 1181.)

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Firearms micro-stamping feasible but not ideal, experts say - The Aggie

Firearms micro-stamping feasible but not ideal, experts say

UC Davis forensic science program researchers testing new microscopic engraving technology on gun firing pins have concluded that while it is feasible, the technology did not work well for all guns and ammunition tested.

"My study shows that while this technology works with some firearms, it also has problems in other firearms," said UC Davis forensic science graduate student Michael Beddow. "At the current time, it is not recommended that a mandate for implementation of this technology in semiautomatic handguns be made. Further testing and analysis is required."

Todd Lizotte of ID Dynamics, located in Londonderry, N.H., developed a way to use an ultraviolet laser to engrave microscopic markings onto firing pins, similar to how codes are engraved onto computer chips.

When the trigger is pulled, the micro-stamped firing pin will hit the primer of the cartridge case and leave the marked code on it. The idea is that the ejected cartridge can be matched to the gun from which it was fired, which is the premise for the Crime Gun Identification Act of 2007.

Governor Arnold Schwarzenegger passed the Assembly Bill 1471 in October 2007, requiring all new models of semiautomatic pistols sold in California after Jan. 1, 2010 to be engraved with a micro-stamped code in at least two areas of the "internal surface or internal workings parts of a pistol."

Fred Tulleners, director of the Forensic Science Graduate Group, discovered issues with the process.

"When trying new things, we want to really investigate it," he said. "We found it is technologically flawed." Tulleners is the former director of crime labs in the Sacramento and Santa Rosa areas as well as the former director of the California Criminalistics Institute.

Beddow tested the micro-stamped firing pins of six different semiautomatic handguns, two semiautomatic rifles and one pump action shot gun at the California Criminalistics Institute and the California Highway Patrol Academy.

Each firing pin contained three different types of codes: an alpha-numerical code on the tip of the firing pin surrounded by a gear code with a bar code going down the length of the firing pin. Recruits fired 2,500 rounds of ammunition to test the durability of repeated firing, Beddow said.

The ammunition was labeled in numerical order and shot through various guns. The cases were then collected in order to see potential change in the legibility of the characters. The firing pins themselves were photographed at intervals to determine if there had been any changes.

"We had mixed results. By and large, [in] most cases, the bar codes and gear codes did not succeed in impact. It has to do with how the firing pin operates. Sometimes they do multiple hits," Tulleners said. "For instance, [in] the AK-47 gangs use, the firing pins make multiple hits [to the cartridge]."

Multiple hits from the firing pin will mar imprints to the cartridge, thus nullifying the effectiveness of the micro-stamping. The most successful code was the alpha-numerical code.

"The alpha-numerical code provided the best quality of the numerical codes. The quality of forgeability of the impression ranged from firearm to firearm; every gun shoots differently and functions different so the legibility was different," Beddow said. "Bottom line, the technology is feasible. However, [it] does not function equally."

The study was supervised by David Howitt, a UC Davis chemical engineering and materials science professor, and was completed and informally released a year ago. The study was peer reviewed by six external reviewers, the National Research Council among them. This March, the council came out with

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Firearms micro-stamping feasible but not ideal, experts say - The Aggie

the same conclusions in their report: more research would be needed to prove that firearms identification rests on firmer scientific footing.

Other concerns with the new technology include the cost of implementing codes on all firing pins and how beneficial the technology will be. According to Tulleners, there are three types of shootings: crimes of passion, professional hits and assassinations (which are less solvable) and gang shootings.

"This research conceivably affects gangs. However, we routinely link cartridge cases to guns," Tulleners said. "Without DNA, gangs are notorious for passing guns, and just because you link a cartridge does not mean you'll find who did it. Gangs can deface the firing pin or buy a whole bunch of firing pins and replace them."

As for the cost of the firing pins, Tulleners estimated the engraved firing pins would cost \$7.87 or \$6.72 each, which is a very conservative estimate. "There is no real benefit to society, and the money is better spent on other progressions in society," he said.

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What Micro Serialized Firing Pins Can Add to Firearm Identification in Forensic Science: How Viable are Micro-Marked Firing Pin Impressions as Evidence?

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> Funded by the California Policy Research Center University of California

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Todd Lizotte of ID Dynamics in Londonderry, New Hampshire.

EXECUTIVE SUMMARY

Every time a semiautomatic firearm is discharged, a bullet will leave the barrel and the cartridge case, which initially contained the bullet and powder charge will be ejected from the firearm. During the discharging process, working surfaces inside the firearm impart microscopic markings onto various areas of each bullet and cartridge case. One of these working surfaces is the *firing pin*, an object that strikes the primer surface in the base or back of the cartridge case, thereby causing the powder charge to deflagrate and fire the bullet. These ejected cartridge cases are one of the key pieces of evidence used in solving firearm-related crimes. More precisely, it is the microscopic markings, such as those impressed onto the back of the cartridge case by the firing pin, that forensic firearms examiners scrutinize in order to determine whether an identification with the crime gun can be made. This examination and comparison process is highly meticulous, time consuming and requires a forensic scientist with specialized equipment, training and experience.

The transfer of intentional microscopic impressions of intentional microscopic marking from the working surfaces of a firearm to each fired cartridge case was the goal behind the recent development of a micro-machining technology designed to machine an array of microscopic characters onto the face of a firing pin. The surface area of a firing pin is sufficiently large enough for a wide variety of alphanumeric characters, symbols, barcode lines, or other encoding structures to be machined on it. Todd Lizotte of ID Dynamics, located in Londonderry, New Hampshire, developed a micro-machining method that utilizes an ultraviolet laser to engrave micro-encoding structures onto firing pins. The method is similar to that used to engrave codes on computer chips.

When the trigger is pulled, the firing pin strikes the softer primer portion of the cartridge case in a center fire firearm cartridge or the rim of a rimfire caliber cartridge depending on the type of firearm in question. This process stamps the laser-machined code into the primer or rim of the cartridge case. In principle, the code impressed on the spent cartridge case could be looked up in a database and matched to a specific firearm, considerably facilitating the work of forensic science or police investigators. Through continuous testing and development, this technology has progressed from a basic alphanumeric code laser-machined on the face of the firing pin (known as first-generation firing pins) utilizing a masking method, to the current direct-writing process that can place three different encoding formats on a given firing pin: an alphanumeric code, a gear code and a radial bar code. (The latter are known as second-generation firing pins).



The viability of this emerging technology will impact the recent California Assembly Bill No. 1471 (AB 1471), the Crime Gun Identification Act of 2007, which was chaptered into to law and amended California Penal Code section 12126 on October 13, 2007. This law requires that all new models of semi-automatic pistols have the capability of placing an microscopic array of characters that identify the make, model, and serial number of the pistol, etched in 2 or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired.

The goal of this study, which was funded in 2005 by the California Policy Research Center (CPRC) as part of its annual competitive grant cycle offering to UC faculty, was to evaluate the efficacy of this new technology so that policymakers could make informed decisions in support of facilitating the identification of forensic science evidence in firearm-related crimes.

Research Objectives, Methods and Materials

A series of tests were conducted using a sample of readily available firearms to determine (1) the durability and longevity of an array of micro-characters lasermachined onto various firing pins, (2) the effect of repeated firings on the legibility of impression of the micro-characters on the ejected cartridge cases, and (3) the ease with which laser-machined micro-characters could be intentionally defaced or obliterated, and (4) to evaluate the cost of the proposed technology.

A primary question regarding the technology of laser-machined micro-characters laser-machined onto firing pins has to do with their ability to withstand repeated firing. To assess their durability, six firing pins for a .40 caliber Smith and Wesson Model 4006 semi-automatic pistol were equipped with second-generation encoding structures (containing the dot code). These six firing pins were placed in six different Smith and Wesson pistols at the California Highway Patrol Academy and issued to six different cadets for testing during their firearms training. Each cadet fired approximately 2500 rounds of ammunition. Photomicrographs were taken of the firing pins before and after test firing with a Philips FEI XL-30 Scanning Electron Microscope (SEM) so that direct comparison of any changes could be assessed. The range of firearms used for this study included pistols; a rifle and a shotgun because these are all used in crimes of violence and may leave cartridge case evidence. They consist of various handgun models (including new pistols at the CHP Academy) and firearms that will be in use for the foreseeable future. This allowed us to observe the effects of different firing pin impressions



made by firearms that have different discharge pressures. These firearms and their future model derivations are expected to provide similar results.

The vendor was supplied with 14 firing pins which were subsequently engraved at a cost of 3,500 or ~ 250.00 per firing pin. These firing pins were obtained after their initial laser machining without any additional processing steps such as deburring, etching and diamond coating or initial test firing. The study showed that these additional steps are not needed because the failure mechanism is primarily influenced by the firearm design and these secondary processes including diamond coating would not resolve that issue.

In order to determine the legibility of the impressed characters made by secondgeneration firing pins, five different semi-automatic pistols (of varying make, model and caliber), two different caliber semi-automatic rifles and one pump action shotgun where chosen. The firearms tested were:

- Ruger Mark I, .22 Long Rifle (rimfire semi-automatic pistol)
- SeeCamp, .25 ACP-LWS (semi-automatic pistol)
- AMT "Backup", .380 auto (semi-automatic pistol)
- Sig Sauer P229, .40 Caliber (semi-automatic pistol)
- Colt 1911 Government Model, .45 ACP (semi-automatic pistol)
- Colt AR-15, .223 Caliber (semi-automatic rifle)
- Norinco AK-Series, 7.62x39mm (semi-automatic rifle)
- Mossberg 500, 12 gauge (pump action shotgun)

These firearms were chosen based not only upon their availability but also for the sake of diversifying the caliber and quality of firearm tested. For each of the above firearms, a single second-generation (containing gear code) micro-serial numbered firing pin (i.e., bearing a gear code) was obtained¹ and documented using an SEM.

In addition to testing this technology with the above firearms, a variety of different ammunition brands were also tested with each firearm. The point of introducing such variance in ammunition brand was to observe how the transfer and legibility of the impressed micro-characters were affected by varying primer cup composition and primer cup hardness. (The brands of ammunition tested with each firearm can be seen in Table 3.)

¹ The firing pin for the Ruger, 22LR only contains the alphanumeric encoding structures. This is due to the design of the firing pin and the nature of rim fire firearms. Due to the firing pin geometry for the Norinco, radial bar coding was not possible.

The type of ammunition one uses, can affect the impressions made by a firing pin. This has been well documented. We used ammunition that was available in the local community. This ammunition can be commercial, import or military surplus. The subjects who commit crimes of violence are not selective about the type of ammunition they use. The Norinco type AK rifle is one of the popular rifles used by street gangs as are some of the 9 mm and .45 ACP type pistols. The Colt 1911 .45 ACP pistol continues to be one of the most popular pistols with a substantial after-market parts support. A detailed study of the California database could provide a frequency breakdown for new handguns sales but it is difficult because this database is not structured for easy sorting. Furthermore, the California new handgun sales profile may not be reflective of what is routinely used in gang shootings.

Every cartridge case was collected in order of firing and analyzed with a variable magnification stereo-microscope equipped with a ring light and polarizing filter. From these analyses a data table was created for each firearm documenting the number of characters from each encoding format that were legible on each and every cartridge case. This data was translated into a transfer percentage for each encoding format for each cartridge case. An average transfer percentage was then calculated for each brand of ammunition tested. During the course of the serial numbers extensively documented experiment. the where with photomicrographs. Finally, the averages for each brand of ammunition were plotted for each firearm. These charts can be found in the appendix associated with each firearm.

Two different methods were designed to evaluate the ease with which lasermachined micro-characters could be intentionally defaced or obliterated. In the first method, the firing pin for an AMT "Backup" 380 Auto semi-automatic pistol was held perpendicular to a household sharpening stone and rubbed back and forth for 30 seconds. The second method involved placing the firing pin for a Sig Sauer P229 semi-automatic pistol on its side on an anvil and rolling it back and forth while lightly peening it with a ball peen hammer for 15 seconds. The firing pin was then stood on its base and the tip was peened for an additional 15 seconds.

Key Findings

The legibility and quality of the micro-stamped characters for all three encoding formats varied among the set of firearms tested. The function and design of each firearm affected the manner in which the firing pin struck the primer or rim of the cartridge case, thereby controlling the depth of the firing pin impression and the presence or absence of firing pin drag, multiple strikes of the firing pin and flow back. Three of the firearms tested demonstrated an overall decline in transfer rate, while the transfer rate for all firing pins tested demonstrated a direct relationship between the brand of ammunition tested and the transfer rate. Each brand of ammunition produced a different transfer rate. This ammunition-specific transfer rate was reproducible upon repeated testing. (These results are illustrated in the "Encoding Structures Transfer Trend" graphs located in the appendix for each firearm.)

Overall, the alphanumeric characters and the gear code structures proved more durable under repeated firings (i.e., these characters were still legible on the firing pins upon completion); however, some degree of degradation—i.e., flattening—was seen on the alphanumeric structures of the firing pins tested. The dot code structures on the Smith and Wesson firing pins suffered severe degradation and deposition of foreign material, making them illegible on the firing pins (arguably a function of their small dimensions).

The radial bar code structures on eight out of the fourteen firing pins tested exhibited severe degradation, including all six of the Smith and Wesson firing pins and those for the SeeCamp .25 ACP and AMT .380 Auto. The degradation observed involved the flattening/peening of the radial bar code structure by continual contact with the walls of the firing pin aperture during repeated firing. With the exception of the radial bar code structures on the Sig Sauer firing pin, which showed moderate degradation, the radial bar codes on the remainder of the firing pins showed minimal signs of degradation, consisting only of the deposition of foreign material.

Because of patent issues we could not obtain the coding sequence of the radial, dot and gear codes. For order to remain usable there will be a minimum size for these alternate coding technologies and decoding information must be provided.

Finally, both defacement/obliteration methods demonstrated that the microcharacters could easily be intentionally destroyed with the firing pin removed from the firearm. The destruction of these characters while the firing pin was installed in the firearm would be difficult.

Due to the varying amounts of degradation seen on all of the firing pins, a determination of what constitutes a suitable lifespan of these characters needs to be developed. At the current time only the alphanumeric encoding format has the potential to reliably transfer information from the firing pin to the cartridge case, thereby facilitating the identification of crime guns outfitted with micro-stamping technology. If any numbering system has the future potential to handle a large database and have some survivability, it is the alpha–numeric system. Future research effort should begin focus on alpha-numeric coding and it's applicability

to the various firearms that are used in gang related shooting. The other area that needs more research is to evaluate the effectiveness of firing pin serial number impressions (or the equivalent breech face engraved serial numbers) on brass cartridge cases (excluding the primer area). Our study so far shows that this is a significant problem area based on our limited evaluation of impressions made by the firing pin in the .22 caliber pistol.

Our expectation is that the results of the firing pins used in this study will be relevant to the current models we tested and their future derivation. In this study we also used the Scanning Electron Microscope (SEM) to image the firing pins. However in a typical laboratory, such imaging will have to done by trained laboratory staff using a properly configured stereomicroscope. The SEM will be off-limits to the cartridge case because most crime labs use the SEM for the detection of Gunshot residue on shooters hands and the presence of a cartridge case would severely contaminate the SEM.

The basis for this report, in the form of a thesis was also reviewed by Professor Michael Hill in the Mechanical Engineering Department and the report, as submitted to the CPRC, was externally reviewed by Lucian Haag, an independent Firearms expert and Professors Simon Cole and George Tita of the UC Irvine Department of Criminology. The report fulfilled and exceeded the purpose of the original grant and the reviewers' comments are provided in <u>Appendix O: External Review of the Micro-Serialized Report</u>.

Policy Implications and Recommendations for Further Research

The findings of this study will have a direct impact on any legislation involving micro-serialized firing pins including the recently enacted revisions to California Penal Code section 12126 application which proposed the application of second-generation micro-serialized firing pins manufactured by ID Dynamics to *all* semiautomatic handguns sold in the state of California. As shown, while the technology works with some firearms, it does not perform equally well for every encoding structure or for every semiautomatic handgun tested. As only a limited number of firing pins, encoding sequences, and firearms were tested in this study, it is not known how this emerging technology would perform across the board in relation to the over 2000 different makes and models of semiautomatic handguns sold in California each year. At the present time, therefore, because its forensic potential has yet to be fully assessed, a mandate for the implementation of this technology in all new semiautomatic handguns sold in the state of California is counter-indicated. We specifically propose further research on alpha-numeric



serial numbers on firearms mostly in gang related shootings, suitability of such alpha-numeric imprint on fired cartridge case areas other than the soft primer area, realistic and accurate production cost estimates for such micro-engraving and a evaluation as to what percent of gang related shooting could realistically be solved by such technology given current gang firearms usage.

The recent release of the National Research Council of the National Academies report on <u>Ballistics Imaging</u>. March 5, 2008 supports the concept of our research and they (NRC) recommend further research on "microstamping," a technique that imprints unique marks on guns or ammunition-"

Several areas for further research recommend themselves, including:

1. Criteria to determine the transfer rate required for identification

The data collected for each cartridge case in this study only provides the transfer rate of each encoding format. In order for this information to be useful, criteria need to be set stipulating exactly what transfer rates (for each encoding format) constitute a sufficient quantity of characters to allow for the potential identification of the firing pin that produced them. These criteria should be created in conjunction with practicing firearms examiners, the state of California and the personnel responsible for the creation of the database for this technology.

2. Decoding protocols for properly interpreting radial bar and gear codes

At the current time no protocols have been provided regarding the interpretation of the radial bar codes and gear codes. Without such protocols the impressions of these encoding structures are nothing more than that: impressions. This could affect the current California Penal Code 12126 section if the intent of this law requires the implementation of this unproven secondary technology. Decoding conventions need to be obtained from ID Dynamics for these two encoding formats to be interpretable. Once this information is obtained, testing will need to be conducted to determine what factors affect their interpretation, such as changes in width and spacing. Without these instructions the radial bar codes and gear codes are rendered mute, unable to provide any identifying information.

3. Firearm-related crime statistics to be compiled

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A survey of crimes committed with semiautomatic handguns needs to be compiled and sorted into two specific categories: crimes committed by the registered owner of the firearm and firearm crimes committed by someone with a firearm not registered to the end user, such as gang related shootings. This is especially important in the area of gang related shootings since firearms are frequently recovered, linked to past homicides but the holder of the firearms cannot be charged for prior homicides. This information will aid considerably in determining the forensic potential this technology holds for the law enforcement community in the identification of possible suspects in firearm-related crimes.

4. Implementation strategies to be developed collaboratively

The development of a viable commercial implementation strategy for this technology is a necessity. This must be completed in collaboration with officials from the state of California, firearms manufacturers and ID Dynamics. Many different implementation strategies for this technology may be possible. The laser micro-machining could be conducted by each individual firearm manufacturer, a consortium, an independent company, or by the state although the latter possibility is unlikely. These and other scenarios should be prototyped and evaluated prior to any implementation of this technology. The role of the State could be one of developing specific technical detail as to the form and sequence of the micro-serial numbers that would complement the State's firearms databases. The State would also have to ensure that this technology is not proprietary and can be competitively bid by interested parties at a reasonable cost. Ideally these scenarios should be prototyped and evaluated prior to any legislative or commercial implementation of this technology.

5. Technology implementation prototype to be piloted

Prior to implementing this technology statewide, a smaller-scale prototype should be piloted. The ideal scenario for testing such a prototype would involve a group of selected law enforcement agencies equipped with a variety of handguns so that about 3,000 firing pins from assorted handgun models can be evaluated. This number of firearms equipped with micro-machined firing pins should be sufficient to allow for a more accurate evaluation of this technology and allow for interested parties to provide a realistic bid on firing pin manufacturing costs. This study would provide beneficial information as to the time required and cost incurred for the laser machining of micro-characters onto firing pins. It would also address the suitability of such micro-numbers in handguns other than the CHP Smith and Wesson firearms. As an example, Glock firing pins are substantially different and



have different dynamics. Furthermore if radial and gear code technology is to be contemplated, we need to test the coding structure with realistic serial numbers.

Along with this we would recommend that a survey be conducted as to the utility of this technology in gang and non-gang related shooting incidents and compare this to the current NIBIN technology which images the cartridge cases found at crime scenes and conduct a preliminary automated comparison.

INTRODUCTION

When a firearm is discharged, microscopic toolmarks are imparted from the firearms' internal surfaces onto the bearing surface of each bullet and cartridge case. It is these individual toolmarks that forensic firearms examiners scrutinize, through a comparison microscope, to classify and identify the firearm from which these items were fired. More specifically, a microscopic comparison is conducted to determine if a match can be made between the evidence bullet or cartridge case and test-fired specimens obtained from the firearm in question. This identification process is highly time consuming, as the number of microscopic toolmarks that must be compared can vary in position, illumination and orientation, and requires specialized equipment, training and extensive experience.

Basic Firearm Function and Firearms Evidence

Every time a firearm is discharged, a specific series of events occur that in turn leave unique toolmarks on the bullet and cartridge case. When the trigger is depressed the firing pin travels forward, striking either the primer (with center fire cartridge cases) or the rim of the cartridge case (with rimfire cartridge cases). Upon impact, the shape of the firing pin as well as any imperfections and/or residual manufacturing tool marks on the firing pin are transferred into the firing pin impression. This impact initiates the deflagration of the friction-sensitive priming compound. In turn this ignites the gunpowder, causing an instantaneous expansion of hot gases.

The deflagration creates pressure that forces the bullet through and out of the barrel. As the bullet travels down the barrel, and engages the rifling, microscopic imperfections from the barrel's manufacturing processes are transferred to the bullet, creating a series of striations (*striae*).

The increase in pressure also has an effect on the cartridge case, causing it to expand outwards against the chamber walls as well as rearward against the breach face. This expansion causes the transfer of chamber markings onto the sides of the case and as well as breach face markings onto the head or rim of the case and the primer. Additional toolmarks are impressed on the cartridge case as it is extracted and ejected from the action of the firearm. An extractor pulls the cartridge case out of the chamber. This motion will result in extractor markings being produced on the rim of the cartridge case. As it is being extracted, the cartridge case will come into contact with the ejector which will cause it to rotate towards the ejection port. The ejector also produces markings that are left of the head of the cartridge



case. During ejection, the cartridge case can also sustain toolmarks from contacting the ejection port.

Each ammunition component (bullet and cartridge case) and the markings imparted on these two items during the discharge of a firearm are the key items of firearms evidence. All of the markings created on the ammunition components will contain both class and individual characteristics. *Class characteristics*—generally, manufacturing and design features that are transferred to the bullet or cartridge case—constitute a family of firearms or specific firearms manufacturers. *Individual characteristics* are the markings, imperfections and striae transferred to the cartridge case or bullet that serve as crucial evidence in the identification of a specific firearm.

Micro-machining Technology

Todd Lizotte of ID Dynamics, LLC developed a micro-machining technology that utilized a solid-state ultraviolet laser to machine an array of microscopic characters onto the tip of a firearm's firing pin. By normal standards, the tip of a firing pin is small (typically about 0.075 inches in diameter), however in the micro-machining world this diameter is sufficiently large enough that a wide variety of letters, numbers, symbols and or barcodes can be machined on its surface. These characters are not readily visible to the naked eye, but can be easily viewed under an optical microscope at approximately 20 times magnification or with a scanning electron microscope (SEM). The principle behind this technology is that every time a firearm is discharged, the characters machined on the firing pin will be impressed into the primer or cartridge case rim, thereby allowing for the identification of the gun from which the cartridge case was fired by merely reading off the impressed characters and looking them up in a database of all engraved firing pins and their associated firearms.

Since the advent of this technology, ID Dynamics has continuously made changes to the morphology and arrangement of the micro-characters. The first-generation engraved firing pins contained only an array of alphanumeric characters on the face of the firing pin. Proof of concept testing on this generation of firing pins was conducted by ID Dynamics as well as by George G. Krivosta of the Suffolk County Crime Laboratory in Hauppauge, New York² and Lucien C. Haag of Forensic Science Services.³

² "NanoTagTM Markings From Another Perspective," Krivosta, George G., Suffolk County Crime Laboratory, Hauppauge, NY. *AFTE Journal*, Vol. 38, No. 1, Winter 2006.

³. Ballistic ID Tagging' A Further Look", Haag, Lucien C., Forensic Science Services, Carefree, AZ. PowerPoint Presentation.

Subsequently two formats of second-generation firing pins have been produced see Figures 1 and 2 below—each containing three different types of encoding structures. The first of the two formats (*Figure 2*) contained alphanumeric characters on the tip of the firing pin surrounded by a dot code a radial barcode. The second layout (*Figure 1*) was based on the same design as the first; however the dot code was replaced by a gear code.

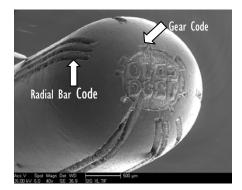
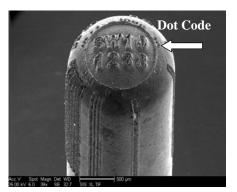


Figure 1





The alphanumeric coding on the tip of the firing was provided in two different formats: uncorrected and corrected. The uncorrected format was such that the characters were directly legible on the face of the firing pin thereby the impressions they left were backwards. The corrected format provided the alphanumeric characters written backwards on the firing pin so that their impression would be directly legible.

According to proposed Assembly Bill 1471 (formerly AB 352),⁴ (missing footnote #4 and need to update) the "make, model and serial number" of every semiautomatic handgun sold in California must be machined on its firing pin. However, due to geometry and size constraints, the manufacturer placing an eight-digit alphanumeric tracking/reference code (i.e., two lines of 4 characters) on the face of the firing pins. By reducing the number of characters machined on the face of the firing pin, the size of each character can be increased which will enhance the legibility of their impressions on the primer. This eight-digit alphanumeric code provides enough possible combinations to allow for an individual tracking code to be assigned to all semiautomatic handguns sold in the State of California. The concept is that a database will be created that will pair the alphanumeric tracking code placed on each firing pin with the make, model and serial number of the firearm in which it is placed. As long as the tracking code in the firing pin impression is legible, a basic database search can be conducted to identify the registered owner of the firearm in question.

⁴. Subsequently chaptered into law in October of 2007.

Issues with Laser Machining

The firing pin in a particular firearm is typically unique to that specific make and model of firearm. It is not generally interchangeable with other makes and models of firearms. For this reason, every different geometry of a firing pin will have a unique a fixture that must be manufactured so that it will hold the firing pin perfectly in line with the laser. If this alignment is not obtained, the encoding structure will be improperly placed on the firing pin and/or the encoding structures may be deformed or damaged. This will cause an unsatisfactory or illegible transfer of the encoding structures into the firing pin impression. As this microcharacter laser machining process is still in the developmental stage, the above issues were encountered in five out of the fourteen firing pins that were machined for this study. The manufacturer was notified of these issues and the fixtures were corrected; replacement micro-serialized firing pins were obtained and subsequently used in this research. See appendix B for images and details of specific the issues encountered.

Issues with Firing Pin Machining

For the purpose of this study, we wanted firing pins that came directly from the laser machining without any subsequent process such as deburring, etching, diamond coating and preliminary test firing. Some of the subsequent firing pins provided by the vendor had this deburring/etching process completed. In particular; the process of diamond coating is a common industrial technique to increase the abrasion resistant of a particular tool that is subject to lateral abrasion. The technique consists of placing a very thin coating/layer of diamond like material on the surface of the tool. The mechanism of wear of a firing pin microserial number is impact abrasion and this result is not in surface wear but in structural deformation. Impact deformation results in structural change of the micro engraved numbers and a diamond coating that reduces surface wear would have no effect this structural change. The subsequent result of the CHP pistol tests and their alpha-numeric data shows that these additional machining steps appear to be unnecessary.

The issue is not with the micro-engraved alphanumeric number reproducibility but with the fact that certain combinations of firearms and ammunition will not allow legible reproduction of the micro-engraved numbers, alphanumeric numbers and the radial codes. In this test, only the alphanumeric encoding performed well on



the new CHP Smith & Smith & Wesson pistols, the radial bar codes and the dot codes being illegible.

Research Objectives, Methods and Materials

A series of tests were conducted using a sample of readily available firearms to determine (1) the durability and longevity of an array of micro-characters lasermachined onto various firing pins, (2) the effect of repeated firings on the legibility of the imprint of the micro-characters on the spent ammunition, and (3) the ease with which laser-machined micro-characters could be intentionally defaced or obliterated.

Durability and Longevity of Micro-Characters

The initial question regarding the laser-machined micro-characters is their durability to withstand repeated firing. To answer this question, six firing pins for a .40 caliber Smith and Wesson Model 4006 semi-automatic pistol were equipped with second-generation encoding structures (containing the dot code). These six firing pins were documented prior to firing by imaging with a Philips FEI XL-30 Scanning Electron Microscope (SEM). The California Highway Patrol (CHP) Academy provided assistance for the durability study, in that they allowed these firing pins to be installed in six of the Smith and Wesson Model 4006 firearms issued to their cadets. Their assistance was requested because of the number of rounds of ammunition fired by each cadet in a relatively short period of time. During the course of the academy, each recruit fired approximately 2500

Table 1 Encoding Data for Smith & Wesson Firing Pins			
Pin	Alphanumeric	Dot Code	Bar Code
А	SW10, 1234	20	22
В	SW10, 1235	19	22
С	SW10, 1236	21	23
D	SW10, 1237	21	23
E	SW10, 1238	21	20
F	SW10, 1239	19	21

rounds of ammunition (Winchester Ranger SXT). The alphanumeric encoding structures for all six firing pins were identical except for one character so as to allow for the inter-comparison of the wear patterns on the characters of all six firing pins. The encoding characters for the six Smith and Wesson firing pin are listed in Table 1 above.

The first ten cartridge cases fired from each of the six Smith and Wesson pistols were collected to determine if the character impressions undergo an initial break in period.⁵ Six more cartridge cases from each firearm were collected during the remainder of the cadets' firearms training. Upon completion of the CHP cadets' firearms training, the serialized firing pins were removed and imaged once again utilizing the SEM. A comparison of the firing pins was then conducted utilizing analysis TM imaging software.

Legibility of Impressed Characters

In order to analyze the legibility of the impressed characters in the firing pin impressions, five different semi-automatic pistols (of varying make, model and caliber), two different caliber semi-automatic rifles and one pump action shotgun where chosen. These firearms were:

- Ruger Mark I, .22 Long Rifle (rimfire semi-automatic pistol)
- SeeCamp, .25 ACP-LWS (semi-automatic pistol)
- AMT "Backup", .380 auto (semi-automatic pistol)
- Sig Sauer P229, .40 Caliber (semi-automatic pistol)
- Colt 1911 Government Model, .45 ACP (semi-automatic pistol)
- Colt AR-15, .223 Caliber (semi-automatic rifle)
- Norinco AK-Series, 7.62x39mm (semi-automatic rifle)
- Mossberg 500, 12 gauge (pump action shotgun)

These firearms were chosen based upon their availability as well as to diversify the calibers and quality of firearm tested. For each of the above firearms, a single second-generation (containing gear code) micro-serial numbered firing pin was obtained⁶ and documented using an SEM. Images of all the unfired firing pins are illustrated in Appendix A.)

⁵ A ten round break in period was suggested by Todd Lizotte, ID Dynamics.

⁶ The firing pin for the Ruger, 22LR only contains the alphanumeric encoding structures. This is due to the design of the firing pin and the nature of rim fire firearms. Due to the firing pin geometry for the Norinco, radial bar coding was not possible.

Table 2 Encoding Structures for Each Second-generation Firing Pin Tested				
Firearm	Alphanumeric Code	# of Teeth in Gear Code	# of Lines in Radial Bar Code	
Ruger	SR10123K (Single Line of Text)	N/A	N/A	
SeeCamp	SC10, 123C (Uncorrected Format)	7	11	
AMT	AM10, 123E (Corrected Format)	9	12	
Sig Sauer P229	SS10, 1232 (Corrected Format)	7	13	
Colt 1911	CD10, 123G (Corrected Format)	7	11	
Colt AR-15	CD10, 123H (Corrected Format)	8	12	
Norinco AK	NC10, 123D (Uncorrected Format)	9	N/A	
Mossberg	MS10, 123B (Corrected Format)	8	12	

In addition to the testing of this technology with multiple calibers of firearms, there was also a need to conduct testing with different brands of ammunition because of the differences in primer cup composition and primer cup hardness. A study conducted by Fred Tulleners⁷ illustrates the hardness of a primer can vary depending on the manufacturer of the cartridge case. The brands of ammunition chosen for this study were based upon public abundance and availability (see Table 3). For each of the five semi-automatic pistols tested, fifty rounds of each brand of ammunition were fired. Upon completion of the first series of test firing, further test firing was conducted keeping the order of ammunition brand constant. This second test firing sequence allowed cartridge cases of the same brand of ammunition to be compared when fired several hundred rounds apart from one another, allowing for more complete documentation of any possible changes in transfer of the characters to the firing pin impressions. For the two rifles the brands of ammunition were changed every 60 rounds for the first series of test firing, and every 40 rounds for the second test firing. (It should be noted that the order of ammunition brand was kept constant between the two test firing series.) The number of rounds per brand of ammunition was altered in the case of the rifles due to the number of rounds of ammunition per box.

⁷ "Vickers Hardness Values of Selected 40 S&W Primers," Tulleners, Fred, California Department of Justice, Sacramento, CA; Randich, Erik, Lawrence, Livermore National Laboratories, Livermore, CA; Giusto, Michael, California Criminalistics Institute, Sacramento, CA. *AFTE Journal*, Spring 2003, Vol. 35, No 2, pp. 204-8.

Table 3List of Firearms and Ammunition Brands Tested			
Firearm	Ammunition Manufacturers		
Ruger, 22 LR	Winchester, Remington, Federal (American Eagle), PMC, CCI Blazer		
SeeCamp, 25 ACP	Winchester, Remington, Federal (American Eagle), CCI Blazer		
AMT, 380 Auto	Winchester, Remington, Federal (American Eagle), PMC, Armscor, Cor-Bon		
Sig P229, 40 S&W	Winchester, Remington, Federal, Speer, PMC, Corbon, CCI		
Colt 1911, 45 ACP	Winchester, Remington, Federal (American Eagle), PMC, Wolf, Armscor, Cor-Bon		
Colt AR-15, .223	Winchester (USA, Military), Remington, Federal, PMC, Golden Bear, Squires Bingham, Corbon ⁸		
Norinco AK, 7.62 x 39 mm	Winchester, Remington (UMC), Federal, PMC, Wolf, Foreign Steel Case		
Mossberg 500A 12 gauge	Winchester, Remington, Federal, PMC, Wolf, miscellaneous		

The test firing series was conducted in a slightly different manner for the shotgun. The first series consisted of 50 rounds of each brand of ammunition and for the second series mixed brand bulk ammunition was used: the brand of ammunition for each shot was random. Prior to the beginning of the test firing process, all ammunition, except for the mixed bulk 12 gauge, was engraved numerically identifying the location in the order of which it would be fired.

Throughout the test firing process, the firing pins were removed and imaged with the SEM. The intervals at which firing pins were imaged are as follows: after one shot, after 10 shots, after 100 shots and upon completion of test firing.

Every cartridge case was analyzed visually utilizing a 7.5-64-power variable magnification Olympus stereo zoom microscope. To reduce the amount of glare and reflection from the metallic surface of the primers, a Schott ring light equipped with a polarizer/analyzer was used. On the majority of the cartridge cases, the impressed encoding characters were best visualized under crossed

⁸ The Cor-Bon ammunition utilized for this research was packaged and distributed by Corbon, but assembled with Remington cartridge cases (headstamp R-P) and unknown primer manufacturer

polarized light. This method of examination was chosen, as the stereo zoom microscope is one of the key pieces of instrumentation present in forensic firearms laboratories. The use of alternative methods such as Scanning Electron Microscopy (SEM) or confocal microscopy to identify the illegible characters was not investigated since these instruments are not readily available for the analysis of firearms evidence within forensic laboratories. The purpose of most SEM's in forensic laboratories is for Gun Shot Residue (GSR) and trace evidence analysis, thus the placement of firearms evidence into the sample chamber of the SEM would be prohibited due to GSR contamination issues. A data table was created for each of the firing pins based upon the visual the observation of the cartridge cases and documenting the number of characters from each type of encoding that were readily legible within the firing pin impressions. For any individual alphanumeric character to be counted as a positive transfer, it had to be fully legible; partial character transfers were not counted. For the bar code characters to be counted, both edges of each individual line had to be visible. For the gear code characters to be counted, all three edges of each individual structure had to be visible.

Although the above listed firearms were intended to test the legibility of the impressed characters, micro-character durability and longevity data was also obtained and analyzed as the firing pins were documented throughout the test firing process.

Micro-Character Defacement/Obliteration

The ease in which these micro-characters can be removed or obliterated was questioned. In order to answer this question, two different methods for character obliteration were chosen. The methods were chosen based upon common household tools and objects readily available to the general public. The firing pins that were selected were the AMT .380 Auto and the Sig Sauer P229 semi-automatic pistols.

The first obliteration method tested entailed rubbing the face of the AMT firing pin on the fine-grain side of a household sharpening stone. This method attempted to obliterate the alphanumeric and gear code structures from the firing pin while leaving the radial bar code undamaged. The firing pin was held perpendicular to the fine grain side of the sharpening stone and rubbed back and forth with moderate pressure for 30 seconds. No further action was taken. The firing pin was then installed in the firearm and ten rounds of Winchester ammunition were test fired.

In the second obliteration method a 16-oz. ball peen hammer was used to lightly peen the Sig Sauer P229 firing pin containing all three encoding structures. To do so, the firing pin was laid on its side on the anvil portion of a steel bench vice and rolled back and forth while lightly peening the radial bar code. This process was conducted for 15 seconds. The firing pin was then placed with its base on the anvil and the face of the firing pin containing the alphanumeric and gear code structures was lightly peened for 15 seconds. No further action was taken to obliterate the encoding structures. The firing pin was then installed in the firearm and ten rounds of Winchester ammunition were test fired.

KEY FINDINGS AND DISCUSSION

Durability and Longevity of Micro-Characters

The SEM images of all micro-serialized firing pins were analyzed using analySISTM imaging software. For each firing pin, measurements were obtained (in microns) of the width and height of every alphanumeric character. These measurements were taken prior to test firing, at set intervals throughout test firing, and then once again after test firing: measurements were only taken before and after test firing for the six Smith and Wesson Model 4006 firing pins.

Smith and Wesson Model 4006, 40 S&W Semi-Automatic Pistol

Comparing the measurements of the height and width of the alphanumeric characters before and after firing 2500 rounds of ammunition, only minor changes were seen on all of the firing pins except for Pin F. All of the firing pins showed a softening⁹ of the alphanumeric characters' visual appearance. Two of the alphanumeric characters on firing pin F, "W1", in the top row of text showed a large amount of deformation. Both of the characters where flattened and shifted slightly to the right. The number "6" in the second row of text on firing pin C also showed a slight deformation in character. One other issue noticed amongst the alphanumeric characters was the deposition of foreign material in and around the characters. This deposited material is from byproducts of the discharge of the ammunition as well as from the softer primer material.

The dot code structures surrounding the face of the firing pin showed extreme wear and degradation. On all six of the firing pins, the multiple dot code structures were obliterated from repeated firing, or were filled completely with foreign material: The filling of these structures with foreign material was common to all six firing pins. The majority of the dot code structures did not survive through the full test firing cycle.

The radial barcode structures also showed extreme wear and degradation. First noted was obliteration of the bar code structures near the tip of the firing pin by the firing pin aperture. Enough size difference between the diameter of the firing pin and the diameter of the firing pin aperture (*Figure 3*) was present to allow the firing pin to move from side to side while at full extension during firing. The

⁹ "Softening" describes the smoothing out of the characters' surfaces, rounding of the characters edges, and disappearance of rough/jagged fragments on the characters' surfaces left from the laser machining process.

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impact of the firing pin against the walls of the firing pin aperture caused a peening affect, thus pounding a portion of the bar code structures flat (*Figure* 4). This effect was noticed on all six of the firing pins. The remaining portion of the bar code structures between the obliterated section and the tip of the firing pin were filled with deposited foreign material.

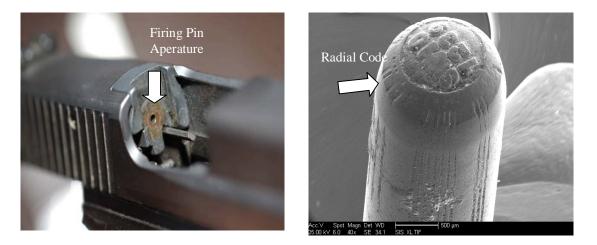


Figure 3

Figure 4

Of the three forms of encoding structures present on the six Smith & Wesson firing pins tested, the bar code structures and dot code structures were the most susceptible to degradation from repeated firing. The alphanumeric encoding structures on the face of the firing pins demonstrated moderate-to-good durability and retention of overall shape, except for the few above-mentioned characters on firing pins C and F. The testing of the durability and longevity of the micro-characters over a period of firing 2500 rounds of ammunition was felt to be adequate in comparison to the average number of rounds of ammunition fired over the lifetime of most semi-automatic pistols. The measurements for the alphanumeric characters and supporting images are illustrated in Appendix C.

Ruger MK I, .22 LR Semi-Automatic Pistol

The evaluation of the micro-machined characters for the Ruger .22 LR firing pin was based upon alphanumeric encoding only, as most of the firing pins for .22 caliber rimfire firearms are not amenable for gear and radial bar code labeling. The first issue to address regarding this firing pin is the quality of its original manufacture. The quality of the alphanumeric characters on this firing pin was inferior to those found on the rest of the firing pins tested. The edges of the

characters lacked crispness and their alignment was poor. The largest issue was that the first character in the encoding sequence, "S," was machined off the face of the firing pin. The manufacturer informed the investigators that the geometries to be utilized for this technology on rimfire firing pins had not yet been perfected.

The second issue has to do with the fact that this is a rimfire firearm in which case the firing pin strikes the rim of the brass cartridge case rather than an exposed primer. Thus every time the firearm is discharged; the firing pin is contacting a much harder material. The last issue with the firing pin for a rimfire firearm is that only a portion of the end of a rectangular firing pin strikes the cartridge case, thus allowing for only part of the encoding structures to come into contact with the rim of the case.

This firing pin was test fired for a total of 250 rounds of ammunition. Over this test firing period, the alphanumeric characters showed extreme signs of degradation, so much so that no character dimensions were obtainable. The degradation and deformation of the alphanumeric characters were documented through SEM images only. These images can be seen in Appendix D.

SeeCamp .25 ACP LWS Semi-Automatic Pistol

The alphanumeric characters on the SeeCamp firing pin showed negligible degradation over the course of test firing 394 rounds of ammunition.¹⁰ The only change in the alphanumeric characters that was noted was the softening of the characters' appearance in comparison to their original state. By the completion of the test firing, some build up of foreign debris was noticed in and around the alphanumeric characters.

The gear code structures did not appear to incur any major changes during testing. The only noticeable event was the slight narrowing of the structures; however, this narrowing was not significant.

The radial bar code structures suffered the same degradation as the radial bar codes on the Smith & Wesson Model 4006 firing pins. After ten cartridges were fired, the effects of the firing pin contacting the firing pin aperture were observed. By the completion of the test firing, a section of the radial bar code structures was showing severe peening from this lateral pin movement. The remaining portion of the radial bar code structures, between the damaged section and the tip of the

¹⁰ Test firing of the SeeCamp firing pin was ceased at 394 rounds of ammunition due to firearm malfunction. An integral component within the firearm broke disallowing continued use of the firearm. This malfunction was in no way related to the testing of the laser-machined firing pin.



firing pin, contained deposits of foreign material. All measurements and images for the above results are illustrated in Appendix E.

AMT "Backup" .380 Auto Semi-Automatic Pistol

The appearance of the alphanumeric characters was softened after firing ten rounds. Both the "A" and the "3" showed slight deformation after the completion of test firing 600 rounds of ammunition. The left side of the "A" began to collapse toward the center of the character and the number "3" was slightly flattened and gained in height by approximately 28 microns. Both of these characters were still legible.

The gear code structures showed no major signs of degradation. The deposition of foreign material in the gear code structures was noticed throughout the test firing; however, the location and severity of these deposits were not constant.

The radial bar code structures suffered the same degradation as those on the Smith & Wesson firing pins. After ten rounds had been fired, the effects of the firing pin striking the aperture of the firing pin port were noticed. By the completion of the test firing, a section of the radial bar code structures showed severe peening to complete obliteration from this lateral firing pin movement. All of the radial bar code structures, except one, were damaged all the way to the tip of the firing pin. The data and images for the above results can be seen in Appendix F.

Sig Sauer P229, .40 S&W Semi-Automatic Pistol

The alphanumeric characters on the Sig Sauer firing pin showed signs of softening after ten rounds of ammunition had been fired. Throughout the remainder of 1000 rounds test fired, no major signs of character degradation or deformation were noticed. The number "3" in the bottom row of text showed the most signs of degradation. Large amounts of foreign material deposits were noticed in and around the alphanumeric characters. In some areas these deposits were level with the top of the characters. However, the location and size of the deposits did not remain constant throughout the test firing.

The gear code structures showed minimal to no signs of degradation. Throughout the test firing process, deposits of foreign material were noticed accumulating within the gear code structures. None of the deposits remained constant except for one; the gear code structure directly above the second "S" in the top row of text was almost completely filled with foreign material at 100 rounds of ammunition fired and remained this way through 1000 rounds fired.

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The firing pin material that separates one radial bar code structure from the next suffered the most degradation within the radial bar code structures. These separating structures began to fail near the tip of the firing pin, creating the appearance of one wide bar code structure as opposed to the intended two structures. However, these separating structures were exceptionally narrow on this firing pin prior to testing. Large quantities of foreign material deposits were visible in the entire length of most radial bar code structures. These deposits were also not constant throughout the test firings. See Appendix G for the data and images for the above results.

Colt 1911, .45 ACP Semi-Automatic Pistol

In the laser machining of this firing pin, the fixture issues were apparently not resolved. The ends of the radial bar code structures are uneven and one set of radial bar code structures continue through the gear code almost reaching the alphanumeric structures. The continuation of these two radial bar code structures causes them to join together at the tip of the firing pin and looked like one wide structure.

The softening of the appearance of the alphanumeric characters on the Colt 1911 firing pin was not noticed until 100 rounds of ammunition were fired. At this point in the test firing sequence a large quantity of foreign debris had been deposited around the alphanumeric characters. By completion of test firing, at 750 rounds fired, no major degradation of the alphanumeric characters was noticed; however, a large quantity of foreign debris was present around the characters making the "3" difficult to visualize.

The gear code structures showed no sign of degradation. Throughout the test firing process, varying quantities of foreign debris deposits were noticed within each gear code structure. The most sever deposits were noticed upon completion of the test firing.

The separating structure between two radial bar code structures, located below the "12" in the second line of text, was the only portion of the radial bar code that showed any degradation. A portion of this separating structure was destroyed within the first 100 rounds fired (This degradation is indicated in the images on page 4 of Appendix H with the white arrows). Throughout test firing, varying quantities of foreign debris were noticed within the radial bar code structures. See Appendix H for data and images associated with the above results.



Colt AR-15, .223 Semi-Automatic Rifle

The alphanumeric characters on the Colt AR-15 firing pin were not as rough before firing as those on some of the other firing pins. This was due to a secondary process performed by ID Dynamics to remove unwanted debris left behind by the laser machining process. Even with the removal of the machining debris from the face of the firing pin, a softening of the alphanumeric characters was noticed after 10 rounds were fired; after 100 rounds, there was noticeable degradation. The top of the number "1" in the bottom row of text was beginning to disintegrate and the rest of the characters, except for the "C", were beginning to flatten out. Upon completion of test firing, through 760 rounds of ammunition, all of the alphanumeric characters had begun to flatten and lose surface material.

The only sign of degradation exhibited by the gear code structures was a softening in their edges. Deposits of foreign material were minimal throughout test firing except for one of the gear code structures after 760 cartridges were fired, the one directly to the right of the number "1" in the bottom line of text, had been filled with a foreign substance.

Throughout the test firing, the quantity of foreign material deposition present in the radial bar code structures increased to a maximum upon completion of the test firing. See appendix I for the data and images for the above results.

Norinco AK, 7.62x39mm Semi-Automatic Rifle

All of the encoding characters on the Norinco AK firing pin were extremely crisp prior to firing. After ten cartridges had been fired, a softening of the alphanumeric characters was noticeable. Also, at ten rounds fired, the right side of the letter "N" was beginning to slant to the left and the letter "D" was beginning to rotate clockwise on the base. Imaging at 100 and 600 rounds of ammunition fired revealed the continued deformation of the letters "N" and "D" as well as the elongation of the letter "C" and the number "3." Various quantities of foreign deposits were seen throughout test firing, however at 600 rounds, severe deposition of foreign material had accrued, covering over half of the letter "N" and the number "1" (in the bottom row). All alphanumeric characters were readily legible upon completion of test firing except for the "N" and "1". The "D" could potentially be mistaken for a deformed "0" or "O".

The gear code structures showed discernable signs of degradation. Throughout test firing, varying quantities of foreign material deposits were observed. The most severe deposits were seen after 600 rounds by which point three of the structures

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were completely filled and not readily visible and a fourth partially filled but still visible. The images and data for the above results are illustrated in Appendix J.

Mossberg 500A, 12 Gauge Pump Action Shotgun

Post machining, secondary processes were conducted on the Mossberg firing pin by the manufacturer to remove unwanted debris left behind by the laser machining process. No noticeable changes occurred to the alphanumeric characters after 10 rounds of ammunition were fired. After 100 rounds, a softening of the characters was noticeable. At this point, minor degradation to the number "1" in the top row was observed as a loss of material in the center of the character. Also at this point minor deposition of foreign material around the characters was noticed. In the images taken upon the completion of the test firing, after approximately 850 rounds fired, significant flattening of the characters was noticed. The spacing between the top and bottom rows of text had collapsed, as had some of the spacing between the characters in each row. At this point a larger quantity of deposited foreign material had accrued around the alphanumeric characters.

Throughout test firing, varying quantities of foreign material were deposited in the gear code structures. After 100 rounds, damage to the face of the firing pin was noticed, consisting of a small depression that caused the narrowing of the gear code structure located above the number "1" in the top row. Through the remainder of the test firing the edges of the gear code structures were rounded causing a slight change in their dimensions.

The radial bar code structures showed no visible sign of degradation; however, throughout test firing varying quantities of foreign material deposits were visible. The quantity of foreign material present in the radial bar code structures was not constant. See Appendix K for images and data for the above results.

Legibility of Impressed Characters

Each firearm tested produced a unique shape and depth of firing pin impression. Due to this variation in the firing pin impressions the results for the legibility of the impressed characters will be presented separately for each firearm.

There were three main factors that contributed to the quality of the impressed characters as well as the quantity of the characters that were transferred: depth of firing pin impression, firing pin drag and multiple strikes of the firing pin in the

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same impression. Firing pin drag is caused by the cartridge case beginning its ejection prior to the firing pin being fully retracted from the firing pin impression. This causes the firing pin to be drug out of the firing pin impression and across part of the surface of the primer. In some instances this action obliterated some of the transferred characters. Firing pin drag did not occur on all of the firearms tested.

Firing pins striking more than once in the same firing pin impression can cause several different issues. Each time the firing pin strikes the primer it does not strike in the exact same location as the original impression. The method by which the firing pin is secured in the firearm as well as the design of the firearms bolt assembly will dictate the impending results, the character orientation and location of each subsequent strike. The analysis of cartridge cases that were struck more than once by the firing pin was conducted in a specific manner. Many of the cartridge cases containing multiple firing pin strikes showed more legible characters than are present on the firing pin. In these cases, whichever strike produced the greatest number of impressed legible characters was counted. Any legible characters produced by one of the other firing pin strikes were not counted.

Smith and Wesson Model 4006, .40 S&W Semi-Automatic Pistol

Seventeen cartridge cases were collected, throughout the micro-character longevity study from each of the six Smith & Wesson firing pins tested. All six Smith & Wesson firearms produced, on average, firing pin impression of sufficient depth to allow for the engagement of all three types of encoding structures with the primer. Instances of multiple firing pin strikes in the same impression were observed in at least two of the cartridge cases collected from each firing pin. Firing pin drag was also observed from each of the six firing pins tested. In the majority of instances, where firing pin drag was observed, it was responsible for the obliteration of some of the transferred characters.

The alphanumeric characters, for the cartridge cases from all six firing pins, showed an average overall transfer rate of 90%. The percent transfer for any one cartridge case ranged from a complete transfer (100%) to as low as a 38% transfer. The crispness of the alphanumeric characters impressions was diminished through continued firing. This was especially noticed in the evaluation of the first 10 cartridge cases. No discernable overall pattern was identifiable for their transfer rate. The deformation of the "W1" seen on the firing pin had a direct affect on the transferred characters. The flattened "W1" caused these two characters as well as the "S" and the tops of the "2" and "3" not to be legible in the impression.



The dot code structures were the most difficult of the encoding structures to visually identify in the firing pin impressions. An average overall transfer rate of 62% was observed. The percent transfer of dot code structures for any one cartridge case ranged from a complete transfer (100%) to no transfer (0%). A general decreasing trend throughout test firing was noticed in the transfer rate of the dot code structures for all of the firing pins except for firing pin F. The transfer rate of the dot code structures for pin F was sporadic. This decreasing transfer rate can be attributed to the accumulation of foreign debris within the dot code structures.

The transfer of the radial bar code structures to the firing pin impression was directly dependent upon the depth of the firing pin impression. All instances where zero impressed bar code structures were identifiable, the firing pin impression lacked sufficient depth to allow the radial bar code to engage the primer. The average overall transfer rate of 66% for the radial bar code structures was observed. The percent transfer for the number of radial bar code structures transferred to any one cartridge case ranged from a complete transfer (100%) to no transfer (0%). The transfer rate for each of the six firing pins was sporadic, except for firing pin E that showed a general decreasing transfer rate. The quality of transfer of the radial barcode structures. The peening of a section of radial barcodes by the firing pin aperture caused the transferable length of each bar code structure to be greatly shortened. All tables, graphs and images for the above results are illustrated in Appendix C.

Ruger MK I, .22LR Semi-Automatic Pistol

Given the nature of this rimfire firing pin and firearm design, it was determined that a maximum of five out of the eight alphanumeric characters can contact the rim of the cartridge case, thus providing a maximum possible transfer rate of 63%. Over the 250 rounds of ammunition test fired, the average transfer rate of legible alphanumeric characters was 16%. The percent transfer rate for any one cartridge case ranged from no transferred characters (0%) to a maximum observed transfer rate of 38%. The transfer rate of these alphanumeric characters demonstrated an overall decreasing trend over the course of test firing. This decrease in character transfer rate can be directly correlated to the continual degradation of the alphanumeric characters seen on the firing pin throughout test firing. None of the impressions contained a readily legible "S". The lack of this character's presence in the firing pin impression is due to the character being improperly machined off the face of the firing pin.

Seventy-eight out of the 250 cartridge cases analyzed showed instances where the firing pin struck more than one time in the same impression. These multiple strikes of the firing pin made the characters, already difficult to decipher, more difficult to interpret. This same situation of multiple strikes of the firing pin along with insufficient and poor quality character transfer, by a .22 caliber rimfire, was observed in a study conducted by Krivosta.¹ All data and images for the above results are illustrated in Appendix D.

SeeCamp, .25 ACP LWS Semi-Automatic Pistol

The major issues facing the rate and quality of character transfer for this firearm were the shallow firing pin impressions, multiple strikes of the firing pin within the same impression and flowback. Flowback is the bulging of the primer into and around the firing pin port. This is caused by a combination of the firearm design, weak primer cup material and the high pressure in the cartridge case upon discharge. Flowback was noticed with all brands of ammunition tested; Remington produced the most severe. On cartridge cases with nickel plated primers, the flowback caused this plating to crack, thus increasing the difficulty of impressed character identification.

Of the 394 rounds of ammunition fired, 356 of the cartridge cases showed multiple strikes of the firing pin within the same firing pin impression. In the majority of the multiple strike impressions, the subsequent firing pin strikes displayed a lateral movement. This lateral movement, in some instances, created impressions that appeared to contain more characters in each row of alphanumeric text than were actually on the firing pin. Multiple instances of impressions appearing to contain two rows of five or six characters were observed. This firearm also failed to discharge multiple rounds of ammunition in all brands of ammunition except for Winchester. The ammunition showing the worst failure to discharge rate was CCI Blazer: thirty out of fifty rounds of CCI Blazer ammunition tested failed to discharge.

The alphanumeric characters on this firing pin displayed an average overall transfer rate of 78%. The percent transfer rate for any one cartridge case ranged from a complete transfer (100%) to a minimum transfer of 13%. No overall pattern was identifiable for the transfer percentage of the alphanumeric characters. Each brand of ammunition tested demonstrated a different transfer rate.

The quantity and quality of gear code structures that were identifiable in the firing pin impressions were directly related to the depth of the firing pin impression and the extent of flowback. With increased flowback, the legibility of the gear code structures decreased. An average overall transfer rate of 58% was documented for

the transfer of gear code structures. For any one cartridge case a range from complete transfer (100%) to no transfer (0%) was observed for the gear code structures. No discernable overall pattern was noticed for the transfer rate of the gear code structures throughout test firing: the transfer rate was ammunition brand specific.

The radial bar code structures on the SeeCamp firing pin did not transfer to a single cartridge case. This total lack of transfer for this encoding structure was due to the shallow depth of the firing pin impression. The depth of all of the firing pin impression for this firearm was insufficient to allow the radial bar code structures to engage the primer. All data and images for the above results can are illustrated in appendix E.

AMT "Backup" .380 Auto Semi-Automatic Pistol

The only major issue facing the transfer of the encoding structures on the AMT firing pin was shallow firing pin impressions. Throughout the test firing, 224 out of the 700 rounds of ammunition fired showed signs of multiple firing pin strikes in the same firing pin impression.

The alphanumeric characters transferred with an average overall transfer rate of 95%. The transfer rate for any one cartridge case varied from a maximum of 100% to a minimum of 25%. The transfer rate remained relatively constant throughout test firing, except for test fires conducted with Armscor and Corbon ammunition. These two brands of ammunition showed a 10% decrease in the transfer rate.

The gear code structures transferred at almost the exact same pattern as the alphanumeric characters, demonstrating a fairly constant transfer rate except when test fires were conducted with Armscor and Corbon ammunition. The average overall transfer rate for the gear code structures was 94%. The transfer rate for any one cartridge case ranged from a maximum of 100% to a minimum of 22%.

The transfer of the radial bar code structures showed a completely different transfer pattern. The first fifty rounds of ammunition fired demonstrated an average barcode transfer rate of 43%, with a range from 0% to 92% for any one cartridge case. The remaining 650 rounds of ammunition test fired showed a significant drop in the transfer rate of the alphanumeric characters. The average transfer rate for test fires 51-700 was just over 1%. The depths of the firing pin impressions were too shallow to allow for the radial bar code structures to engage the primer. The data and images related to the above results are illustrated in Appendix F.

Sig Sauer P229, .40 S&W Semi-Automatic Pistol

The major issue that affected the legibility of the impressed characters for the Sig Sauer P229 firing pin was firing pin drag. Every brand of ammunition tested, showed signs of firing pin drag, indicating that this is a result of the firearm's function rather than being ammunition brand specific. The gear code and radial bar code structures suffered the most damage from the firing pin drag, however in some cases the alphanumeric characters were affected as well.

Some ammunition manufacturers stamp an identifying character into the surface of the primers placed in their ammunition. Of the ammunition brands tested in this study, CCI Blazer and Speer contained primer stamps. These primer stamps interfered with the transfer and subsequent legibility of the impressed encoding structures. Multiple strike situations were also noticed, but only in 113 cartridge cases out of the 1000 rounds of ammunition test fired. The transfer rates for all three encoding structures followed almost the exact same ammunition brand based trends. CCI Blazer and Remington ammunition produced the worst transfer rates.

The alphanumeric characters showed an overall average transfer rate of 94%. The transfer rate for any one cartridge case ranged from a complete transfer (100%) to a minimum of no legible transfer (0%). The transfer rate of these characters was directly dependent upon the brand of ammunition being tested as well as the severity of the firing pin drag.

The gear code structures provided an overall average transfer rate of 88%, with a range from complete transfer (100%) to as low as 14%. The legibility of the transferred gear code structures was also dependent upon the presence and severity of firing pin drag as well as the brand of ammunition being tested. No correlation was present between the transfer rate of these characters and the number of rounds of ammunition fired.

The radial bar code structures transferred at a much lower percentage when compared with the other two encoding structures. However, the same patter of transfer rate based upon ammunition brand was observed. The overall transfer rate for the radial bar code structures was 29%, ranging from 0-69% for any one cartridge case. All data and images for the Sig Sauer P229 results are illustrated in Appendix G.

Colt 1911, .45 ACP Semi-Automatic Pistol



As previously documented by Krivosta¹, the micro-character impression for the Colt 1911 collected in this study demonstrated a high rate of multiple firing pin strikes in each firing pin impression. Out of the 750 rounds of ammunition test fired 459 of the tests revealed multiple strikes within the same firing pin impression. This was the major issue facing the legibility of impressed characters for this firing pin.

The alphanumeric characters transferred with an overall average rate of 76%, ranging from no transfer (0%) to complete transfer (100%) for any one cartridge case. Around 100-150 rounds of ammunition fired the number "3" began to loose legibility. This decrease in legibility can be associated with the deposition of foreign material seen on the firing pin beginning at 100 rounds of ammunition fired. The transfer rate for the alphanumeric characters was dependent upon the brand of ammunition being tested.

The gear code structures transferred with an average overall rate of 90%. The transfer rate of these structures for any one cartridge case ranged from 57% to 100%. The transfer rates for the gear code structures closely followed the ammunition brand specific pattern.

The radial bar code structures once again showed the lowest transfer rates of the three encoding structures, but still followed the same pattern as that seen with the other two types of encoding structures. The radial bar code produced an overall average transfer rate of 59%, ranging from 0% to 91%. The initial micro-machining errors on this firing pin precluded a complete transfer of the radial bar code structures. The two adjacent bar code structures that did not remain separated at the tip of the firing pin transferred into the firing pin impression as a single bar code structure that was twice as wide as the rest. Since only one large structure was legible, instead of two narrower structures, it was counted as one line. The data and images for the Colt 1911 45 ACP results are illustrated in Appendix H.

Colt AR-15, .223 Semi-Automatic Rifle

Out of the 760 rounds of ammunitions test fired with the AR-15 firing pin only 77 of them had multiple strikes within the same firing pin impression. Golden Bear and Remington ammunitions caused shallow firing pin impressions. This reduction in firing pin impression depth was observed both times each ammunition was tested. Trends for the transfer rates of all three types of encoding structures were noticed following similar patterns specific to the brand of ammunition being tested.

The alphanumeric characters had an observed overall average transfer rate of 88%. The transfer rate for any one cartridge case ranged from no transfer (0%) to complete transfer (100%). A decreasing trend in the transfer rate of the alphanumeric characters was seen over the course of test firing.

The gear code structures on this firing pin transferred with great success. This can be attributed to the lack of firing pin drag and few instances of multiple strikes within the same impression. The overall average transfer rate for the gear code structures was 100%, ranging for any one cartridge case from 75% to 100%.

The transfer rates for the radial bar code structures varied greatly between each brand of ammunition tested. Upon repeated testing, the transfer rate observed for each brand of ammunition was seen to be the same. The overall average transfer rate for the radial bar code structures was 45%. The transfer rate for any one cartridge case ranged from 0% to 92%. The two brands of ammunition that caused shallow firing pin impression showed the lowest transfer rates for the radial bar code structures. The data and images for the Colt AR-15 results are illustrated in Appendix I.

Norinco AK-Series, 7.62x39mm Semi-Automatic Rifle

Without the incorporation of radial bar code structures, the Norinco AK firing pin was evaluated based on the transfer rates of the alphanumeric and gear code structures. This firearm demonstrated the most severe instances of multiple firing pin strikes in the same firing pin impression. Every cartridge case collected had been stuck multiple times by the firing pin. The severity of these multiple strike situations were enhanced due to the change in direction of each impression. Each time the firing pin struck the primer, during one cycle of the firearm, the orientation of the encoding structures was different. This made the identification of the encoding structures impression extremely difficult.

The alphanumeric characters had an overall average transfer rate of 41%. The transfer rate for any one cartridge case ranged from 0% to 100%. These characters showed a decreasing trend in transfer rate through continued test firing. Each brand of ammunition provided a different transfer rate between the first and second test firing, except for the foreign steel case ammunition. The foreign steel case ammunition showed very similar transfer rates between the first and second test firing. The degradation that was noticed on the firing pin was transferred to the quality of its impression. In many of the impressions, the deformed "D" looked like a "0" or "O" in the impression. The other degraded alphanumeric characters increased the difficulty of interpreting the impression. It was not apparent if the deposition of foreign material on the firing pin affected the transfer

of the characters into the firing pin impression, due to the severity of the multiple strikes of the firing pin.

The gear code structures followed the same decreasing transfer rate trend and ammunition dependent transfer rates as that of the alphanumeric characters. The overall average transfer rate was 52%, ranging from 0% to 100%. The effects of the foreign material deposits that were seen in the gear code structures could not be identified, once again due to the affects of the multiple strikes of the firing pin. Each additional strike of the firing pin made the identification of the gear code structures very difficult, and in many cases their orientation unknown. The data and images for the Norinco AK results are illustrated in Appendix J.

Mossberg 500A, 12 gauge Pump Action Shotgun

The impressions created from the Mossberg firing pin showed a decreasing trend in the transfer rate in two of the encoding structures: the alphanumeric and gear code structures. These two encoding structures followed similar decreasing patterns. No correlations between transfer rate and the brand of ammunition can be drawn, as each brand of ammunition was only fired once: the first 300 rounds of ammunition fired. The remaining 552 rounds of ammunition fired can only provide individual and overall transfer rates, as the ammunition utilized was of mixed brands and the order of firing was random. One further issue facing the legible transfer of the encoding structures was the presence of oxidation on the surface of some of the primers. The oxidation filled many of the impressions preventing the impressed characters from being identified: the oxidation also hindered the viewing of the impression with cross-polarized light. Throughout test firing 172 of the 852 rounds of ammunition fired showed signs of multiple firing pin strikes. Shallow firing pin impressions were also seen in roughly 100 of the shot shells collected.

The alphanumeric characters transferred at an overall average rate of 50%, ranging from 0% to 100% for any one shot shell. The degradation and flattening of the characters seen on the firing pin was also observed in the impressions. Beginning at around 150-200 rounds of ammunition fired the quality of the impressed characters began to rapidly decrease. The transfer rate for the alphanumeric characters in the first fifty rounds of ammunition fired was 98%, decreasing to a transfer rate of 16% for the last 50 rounds of ammunition fired.

The overall average transfer rate for the gear code structures was 67%. The transfer rate for any one shot shell ranged from 0% to 100%. The transfer rate of the gear code structures decreased with increased test firing; this can be correlated

to the identified degradation of these structures and deposition of foreign material with in them.

The transfer of the radial bar code structures to the primer provided no increasing or decreasing trend. The average overall transfer rate for these structures was 63%, ranging from 0% to 100% for any one shot shell. Instances of shallow firing pin impression depth directly affected the percent transfer of the radial bar code structures. See Appendix K for data and images supporting the Mossberg 500A results.

Micro-Character Defacement/Obliteration

Due to the location of the firing pins within the firearms, defacement of the microcharacters while the firing pin is in the firearm will be extremely difficult. The two micro-machined firing pins that were defaced in this study were removed from the firearm.

The time and tools required for the removal of a firing pin varies between firearms. Table 4 lists the time and tools required to remove and immediately replace the firing pin in all of the firearms utilized in this study.

Table 4 Time and Tools Required to Remove and Replace Firing Pins		
Firearm	Tool Required to Change Firing Pin	Time
Ruger, .22 LR	3/32" punch	4 min., 30 sec.
SeeCamp, .25 ACP	1/16" punch, needle nose plies	3 min.
AMT, .380 Auto	1/8" roll pin punch, hammer, bench block	1 min
Sig P229, .40 S&W	3/32" punch, hammer, bench block	3 min.
Colt 1911, .45 ACP	1/8" punch	30 sec.
Colt AR-15, .223 caliber	No tools required	1 min.
Norinco AK,	1/16" punch, hammer, bench	1 min., 15
7.62x39mm	block	sec.
Mossberg 500A, 12 gauge	1/16" punch, 1/8" punch, hammer, bench block	3 min.

AMT "Backup", .380 Auto Semi-Automatic Pistol

The AMT firing pin was chosen for the defacement test due to the overall shallow firing pin impressions precluding the transfer of the radial bar code structures. One of the intentions of ID Dynamics for machining the radial bar code onto the firing pins was to allow for the transfer of potentially identifying characters in the event that the characters on the face of the firing pin were damaged or intentionally removed. The method of defacement for this firing pin was chosen to test when the alphanumeric characters and gear code structures were removed, whether or not the radial bar code structures would be transferred into the firing pin impression.

The rubbing of the firing pin for 30 seconds on the sharpening stone completely removed the alphanumeric and gear code structures while leaving the radial bar code structures intact. Of the ten rounds of ammunition test fired none of the impressions contained any of the encoding structures, except for one. Cartridge case number seven had two out of the nine radial bar code structures transfer, however they were very faint.

The defacement method was successful and it was documented that even with the removal of the encoding structures from the face of the firing pin the firing pin impressions were too shallow to allow for the transfer of the radial bar code structures. The transfer data and images of the defaced AMT 380 Auto firing pin and cartridge cases are illustrated in Appendix L.

Sig Sauer P229, .40 S&W Semi-Automatic Pistol

The Sig firing pin was chosen for defacement because the majority of the cartridge cases in the legibility study contained impressions of all three encoding structures. The method chosen for the obliteration of the encoding structures on this firing pin was intended to observe the transfer rate upon defacement of all three encoding formats.

The light peening of the encoding structures, for an overall time of 30 seconds, was a successful method of defacement. Through ten rounds of ammunition test fired, no alphanumeric characters were legible in the firing pin impressions. The gear code structures transferred with an average rate of 21%. At least one gear code structure was visible in each impression. Five out of the ten firing pin impressions contained 1 out of the eight radial bar code structures. The transfer data and images of the defaced Sig Sauer firing pin and cartridge cases are illustrated in Appendix L.



Blind Test of Impressed Character Legibility

All character legibility and character transfer data for this study was collected by this author. The author having knowledge of exactly what characters and number of encoding structures were present on each firing pin prior to the observation of their subsequent impressions, analyses of a select number of cartridge cases by impartial parties were conducted to remove any biased conclusions. To conduct this blind test, two cartridge cases were chosen from each of the firearms tested in this study (except for the Smith and Wesson Model 4006 firearms tested at the CHP Academy) for a total of 16 cartridge cases. Table 5 seen below lists the cartridge case number selected for each of the firearms.

Table 5 List of Cartridge Case Numbers Chosen for Blind Test		
Firearm	Cartridge Case Number	
Ruger	53,93	
SeeCamp	76, 177	
AMT	4, 104	
Sig Sauer	9, 70	
Colt 1911	29, 215	
Norinco	126, 130	
Colt AR	24, 183	
Mossberg	51, 680	

The cartridge cases selected for this test were chosen to demonstrate different quality and quantity of micro-character legibility.

Prior to analysis, each of the test participants were provided with a general description of the geometry of the different types of micro-characters that were machined on the second-generation firing pins. A variable magnification stereomicroscope equipped with a ring light and polarizing filter was used for the analyses. The participants were instructed to view each cartridge case and record the number of characters from each encoding format that were legible. This data was then directly compared to the transfer data obtained by this author for each of the sixteen cartridge cases used in this test.

The results obtained from this test varied by participant. The results obtained by this author and those obtained by the two participants in this test were placed into

bar graphs so as a direct comparison of transfer results for each encoding format from each cartridge case analyzed could made. The analysis of these comparisons shows variability in the interpretation of the impressed characters. For the sixteen cartridge cases forty-eight comparisons were made. In only nine of the forty-eight comparisons did the results obtained by the two test participants, match those obtained by this author. In the remainder of the comparisons at least one of the sets of results differed, with fourteen comparisons in which all three sets of transfer data differed. The comparisons of these results are illustrated in appendix M.

This blind test demonstrates the occurrence of variability in the transfer data results obtained through visual analysis of the micro-characters' impressions. Each individual that analyzes these cartridge cases will potentially obtain different results. This is due to each individual's interpretation of the "legibility" of the encoding structures and alphanumeric characters.

The concept of laser-machined micro-characters on firing pins explored by ID Dynamics can be a feasible technology. Overall, the alphanumeric characters and the gear code structures proved to be capable of withstanding repeated firing, however, some degradation of the structures was seen with specific firearms. Since varying amounts of degradation of the micro characters was observed between all of the firearms tested, a determination of what constitutes an acceptable lifespan for these characters needs to be developed. Further research and development are required for the use of this technology on rimfire firing pins.

The dot code structures tested on the Smith and Wesson firing pins were determined to be an unsuitable form of encoding structure for this technology. Due to their relatively small dimensions (in comparison to the other encoding structures) they suffered severe degradation as well as severe deposition of foreign material making them illegible on the firing pin. These same issues were realized by the manufacture and were the reasons for the change to the gear code structures on the second-generation firing pins.

The radial bar code structures withstood repeated test firing overall, however issues with specific firearms were noted. The flattening/obliteration of a portion of the radial bar code structures by the continual contact with the firing pin aperture was observed on eight out of the fourteen firing pins tested: the SeeCamp 25 ACP, AMT 380 Auto and all six of the Smith & Wesson Model 4006. Since a limited number of firearms were tested in this study, it is unknown how many different firearms will produce this same result. A second issue facing the radial bar code structures on the Sig Sauer firing pin. It was unknown if this degradation was a result of these separating structures being machined too narrow,

or if it was due to the material from which the firing pin was manufactured. This degradation will directly affect the width of the radial bar code structures as well as their impressions, thereby directly affecting the legibility and potential decoding.

The quality and legibility of the impressions of the three encoding formats were firearm and ammunition brand specific. Each firearm demonstrated a different transfer pattern. The function and design of each firearm affected the manner in which the firing pin struck the primer or rim of the cartridge case, thereby controlling the depth of the firing pin impression and the presence or absence of firing pin drag, multiple strikes of the firing pin and flowback.

Three of the firearms tested showed signs of decreasing overall transfer rates throughout test firing, however the transfer rates for each of the encoding formats was seen to be directly dependent upon the brand of ammunition tested. Each brand of ammunition provided a different transfer rate that can be seen in the "Encoding Structures Transfer Trend" graphs locate in the appendix for each firearm. In most all instances the transfer rate for each brand of ammunition was constant upon repeated test firing. The testing of such a wide array of ammunition brands demonstrated that the brand of ammunition utilized plays a direct role in the percent transfer and legibility of the micro-characters. Unfortunately, the brands of ammunition available to the public are most likely uncontrollable.

It was demonstrated that the encoding structures on the firing pin can be damaged or obliterated with relative ease once the firing pin is removed from the firearm.

The alphanumeric encoding format is currently the only one of the three encoding structures utilized on the second-generation firing pins that will allow for the potential identification of a firearm. ID Dynamics could provide no information regarding the reading and decoding the impressed radial bar code and gear code structures. This lack of information precludes the analysis, assessment and viability of these two encoding formats.. Without decoding protocols, it is unknown what factors and quantity of degradation will negate a positive identification of a firearm from these two encoding formats. The results provided in the text above and in the appendices only provide the quantity of the radial bar code and gear code structures that were transferred into each firing pin impression. No data was collected regarding changes in the dimensions and or spacing of the structures for these two encoding formats. In order for the radial bar code and gear code formats to be utilized as a method of individual firearm identification from micro-serialized firing pins, the methods for reading and decoding these two encoding formats must be obtained from the manufacturer and tested.

Estimated Costs for Firing Pin Fabrication

We developed cost estimations based upon two scenarios. The cost estimates assume a large production effort and serialization of numerous firing pins. The details of the cost estimate and the source of the data is listed in <u>Appendix N Estimated Cost for Equipment Setup and the Machining of Micro-Serialized Firing Pins</u>. These costs assume full-scale production of serial firing pin for all new handgun sold in California. If micro-serial requirement applies only to a few selected new models, one can logically expect a dramatic increase in manufacturer production costs which would invalidate the cost efficiencies we used in our estimate.

Scenario 1:

Stand alone processing station capable of engraving 100-200 firing pins per day. First year cost per engraved firing pin - \$7.87

Scenario 2:

Fully automated processing station, capable of engraving 1000 plus firing pins per day. First year cost per engraved firing pin <u>-\$6.72</u>

These costs are very conservative costs and can be much higher. In fact, <u>if additional</u> <u>processing steps are added such as deburring, etching, and diamond coating</u>, then the end cost can be much more than what has been calculated in Appendix N

External Review of the Micro-Serial Number Report.

The initial report submitted to the CPRC was reviewed by three external reviewers; Lucian Haag, a well known independent firearms expert, and former president of the Association of Firearms and Toolmark Examiners (AFTE) and Simon A. Cole and George Tita from the UC Irvine Department of Criminology, Law & Society, School of Social Ecology. These unedited reviews and the responses to some of the suggestions appear in <u>Appendix O. External Review of the Micro-Serialized Report</u>.

In summary Mr. Haag said: "The research presented not only fulfills the general objectives stated in the Report but goes beyond in that it also addresses the second generation micro-serialization---" "The authors clearly understand forensic science and forensic firearms evidence. Their appendices also demonstrate skilled use of stereo microscopes and scanning electron microscopes. Other forensic scientists should have no difficulty in reaching similar conclusions from a detailed inspection of the data and illustrations in this Report".

Professor Cole said: "This is a comprehensive and informative report. The research was performed appropriately and competently, and the report clearly and coherently reports the results of the research". "The investigators have appropriately performed the research they set out to do. They have also addressed some important issues that I do not recall from the original proposal (e.g., Recommendation #3, which is excellent and insightful".

Professor Tita said: "I have found the research report to be written in a clear and concise manner ----. The authors have also done a solid job in fulfilling the stated purpose of the originally funded research proposal. It is my opinion that the report provides extremely valuable information with regards to the pending legislation regarding the implementation of a micro-imagine process for firing pins on all guns sold in California (Assembly Bill 1471). The research findings and recommendations, all of which are supported by the careful and compelling analyses conducted by the authors, clearly demonstrate that funding such a program would be wasteful without further research".

POLICY IMPLICATIONS AND RECOMMENDATIONS FOR FURTHER RESEARCH

The finding of this study have direct implications for the *Crime Gun Identification* Act of 2007's (AB 1471's) proposed application of second-generation microserialized firing to all semiautomatic handguns sold in the state of California. As shown, while micro-stamping technology works with some firearms, it does not perform equally well for every encoding format or in every semiautomatic handgun. As only a limited number of firing pins, encoding sequences, and firearms were tested in this study, it is unknown how this emerging technology would function across the board in relation to all the different makes and models of semiautomatic handguns sold in California each year. Given this uncertainty this research suggests that is this technologies current stage of development it is likely inadequate to provide the satisfactory transfer of the micro-character from all firearms currently on the California Safe Handgun List. To determine if any other firearms equipped with this technology will inadequately provide a satisfactory transfer of the micro-characters, one of every make and model of semi-automatic handgun sold in the state of California would have to be tested. This would implicate that over 2000 different firearms would have to be equipped with micro-serialized firing pins and thoroughly tested.

Furthermore, it must be determined if the current placement of an eight-digit alphanumeric code (consisting of two lines of four characters) on the face of the firing pin will accurately allow for the inclusion of sufficient information to create a searchable database associating this encoding format with the "make, model and serial number of the pistol" as required by AB 1471 (and by AB 352. At the present time, therefore, because its forensic potential has yet been fully assessed, a mandate for the implementation of this technology in all semiautomatic handguns sold in the state of California is counter-indicated. Further testing, analysis, and evaluation are required.

Several areas calling for further research recommend themselves, including:

1. Criteria to determine the transfer rate required for identification



The data collected for each cartridge case in this study only provides the transfer rate of each encoding format. In order for this information to be useful, criteria need to be set stipulating exactly what transfer rates (for each encoding format) constitute a sufficient quantity of characters to allow for the potential identification of the firing pin that produced them. These criteria should be created in conjunction with practicing firearms examiners, the state of California and the personnel responsible for the creation of the database for this technology.

2. Decoding protocols for properly interpreting radial bar and gear codes

At the current time no protocols have been provided regarding the proper interpretation of the radial bar codes and gear codes. Without such protocols the impressions of these encoding structures are nothing more than that: impressions. Decoding conventions need to be obtained from ID Dynamics for these two encoding formats to be interpretable. Once this information is obtained, testing will need to be conducted to determine what factors affect their interpretation, such as changes in width and spacing. Without these instructions the radial bar codes and gear codes are rendered mute, unable to provide any identifying information.

3. Firearm-related crime statistics to be compiled

A survey of crimes committed with semiautomatic handguns needs to be compiled and sorted into two specific categories: crimes committed by the registered owner of the firearm and firearm crimes committed by someone with a firearm not registered to the end user, such as gang related shootings. In the crime laboratory, it is the firearms used in gang related shootings that are of most concern. It is not unusual to link several homicides based on fired cartridge case identifications from the IBIS system. When the responsible handgun is later recovered from a suspect, they are unable to charge the suspects with the prior homicides because the gang participants pass the handguns between their fellow members. Bv looking at the source/history of these recovered handguns we can estimate whether or not the issue of firing pin serialization would have a significant effect on linked the suspect to the actual homicide. This information will aid considerably in determining the potential benefit this technology will provide to the law enforcement community for the identification of possible suspects and potential leads to the identification of individuals responsible in firearm-related crimes.

4. Implementation strategies to be developed collaboratively

The development of a viable commercial implementation strategy for this technology is a necessity. This must be completed in collaboration with officials from the state of California, firearms manufacturers and ID Dynamics. Many different implementation strategies for this technology may be possible. The laser micro-machining could be conducted by the state, each individual firearm manufacture, a combined effort of the two, or by another private entity. These and other scenarios should be prototyped and evaluated prior to the legislative and commercial implementation of this technology.

5. Technology implementation prototype to be piloted

Prior to implementing this technology statewide, a smaller-scale prototype should be piloted. The ideal scenario for testing such a prototype would be a group of selected law enforcement agencies equipped with about 3,000 semiautomatic This number provides an incentive for vendors with firing pin handguns. engraving technology to come up with competitive bids to manufacture such serialized firing pins, which would have unique serial numbers. It would also expand the study by providing for a mix of different handgun and calibers for those that we have not tested. This number of firearms equipped with micromachined firing pins should be sufficient to allow for a more accurate evaluation of this technology. This study would provide beneficial information as to the time required and cost incurred for the laser machining of micro-characters onto firing pins. It would also address the suitability of such micro-numbers in handguns other than the CHP Smith and Wesson firearms. As an example, Glock firing pins are substantially different and have different dynamics. Furthermore if radial and gear code technology is to be contemplated, we need to test the coding structure with realistic serial numbers.

6. Relevance to Current Firearms

The firearms and firing pins used in this study are relevant to current firearms and most of their future model changes. The manufacture of firearms is a traditional and incremental process and any changes happen over a long period of time. Many model variations of firearms involve only incremental change to that particular firearm. The CHP Smith and Wesson pistols used in this study were new pistols purchased by the CHP. The Colt 1911 design pistol is still produced both in the traditional design and new model variation with interchangeable parts. Thus our expectation is that the results of the firing pins used in this study will be relevant to the current models we tested and the future derivatives.



What Micro Serialized Firing Pins Can Add to Firearm Identification in Forensic Science: How Viable are Micro-Marked Firing Pin Impressions as Evidence?

APPENDICES

Appendix A thru Appendix O are listed in a separate PDF document.

ROB BONTA Attorney General State of California DEPARTMENT OF JUSTICE



DIVISION OF LAW ENFORCEMENT BUREAU OF FIREARMS P O BOX 160487 SACRAMENTO, CA 95816-0487 Telephone: (916) 210-2377 E-Mail Address: bofregulations@doj.ca.gov

December 23, 2022

Firearms Manufacturers and Interested Parties

Re: <u>Invitation for Preliminary Comments on Proposed Rulemaking</u> Regarding Firearm Microstamping

Background

Since 2001, California's Unsafe Handgun Act has established baseline safety and certification standards for handguns. The Act places restrictions on the manufacture, sale or importation of "unsafe handguns" that do not meet these minimum standards. Over a decade ago, California lawmakers expanded these restrictions by enacting the Crime Gun Identification Act, the nation's first law mandating that newly developed semiautomatic pistols incorporate microstamping technology to assist law enforcement in solving gun crimes. This technology transfers a microscopic array of characters ("microstamp") from the firearm to the ammunition cartridge when the firearm is fired. Law enforcement could then use the microstamped cartridge to identify the handgun that fired the ammunition.

Previously, California Penal Code section 31910 had required the microstamp to be imprinted in two or more places on the internal working parts of the handgun. Effective July 1, 2022, Assembly Bill (AB) No. 2847 revised the criteria by requiring the microstamp to be imprinted in only one place on the interior of the handgun. This change was made to encourage manufacturers to equip handguns with a microstamping mechanism.

Invitation for Comments

Existing regulations implementing the law do not require the unique microstamp on each handgun to be transmitted to and recorded by the Department of Justice (Department). Without a record of this information, law enforcement is unable to use the microstamp to identify firearms that are used in criminal activity.

In accordance with California Government Code sections 11346, subdivision (b), and 11346.45, the Department seeks input from stakeholders in developing a procedure for each handgun's unique microstamp to be transmitted to the Department so that it can be recorded for future reference.

Comments on the following topics will assist the Department in developing new regulations to achieve the law's objectives in the most effective manner:

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Firearms Manufacturers and Interested Parties December 23, 2022 Page 2

- Who is best suited to provide the microstamp to the Department? Is it manufacturers, U.S. distributors, a U.S. regional distribution location, or dealers?
- When should the microstamp be provided to the Department? For example, manufacturers could be required to report the microstamp to the Department prior to the firearm being offered for sale in California, or manufacturers could be required to report the microstamp to the Department shortly after the sale of each microstamp-equipped handgun.
- How should the microstamp be provided to the Department? For example, the microstamp could be transmitted via an Excel document through a secure transfer protocol.
- If the firearm part that creates the microstamp imprint needs to be replaced (e.g., a firing pin is broken), should the regulated replacement part have the same microstamp as the original part, or should the manufacturer be able to provide a replacement part with a different microscopic array?

The public is invited to submit comments related to any issue regarding the implementation of this procedure.

Commenters are encouraged to review the short "Tips for Submitting Effective Comments" guide for help formulating and submitting effective comments, found here:

https://oag.ca.gov/sites/all/files/agweb/pdfs/meeting/tips-effective-comments.pdf

This invitation for comments is not a proposed rulemaking action under Government Code section 11346. This invitation for comments is part of the Department's preliminary rulemaking activities under Government Code section 11346, subdivision (b). The public will have the opportunity to provide additional comments on any proposed regulations or modifications when the Department proceeds with a notice of proposed rulemaking action.

Time for Comments

The Department invites interested parties to submit comments by 5 p.m., February 1, 2023.

How to Submit Comments

Comments may be submitted by email or mail:

- E-mail: <u>bofregulations@doj.ca.gov</u> Please include "Microstamp" in the subject line.
- Mail written comments: Kelan Lowney Department of Justice P.O. Box 160487 Sacramento, CA 95816

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Please note that comments submitted to the Department are public records.

Further Information

Information regarding the rulemaking will be posted to <u>https://oag.ca.gov/firearms/regs</u>. To receive email notifications of future rulemaking activities, please e-mail: <u>bofregulations@doj.ca.gov</u>.

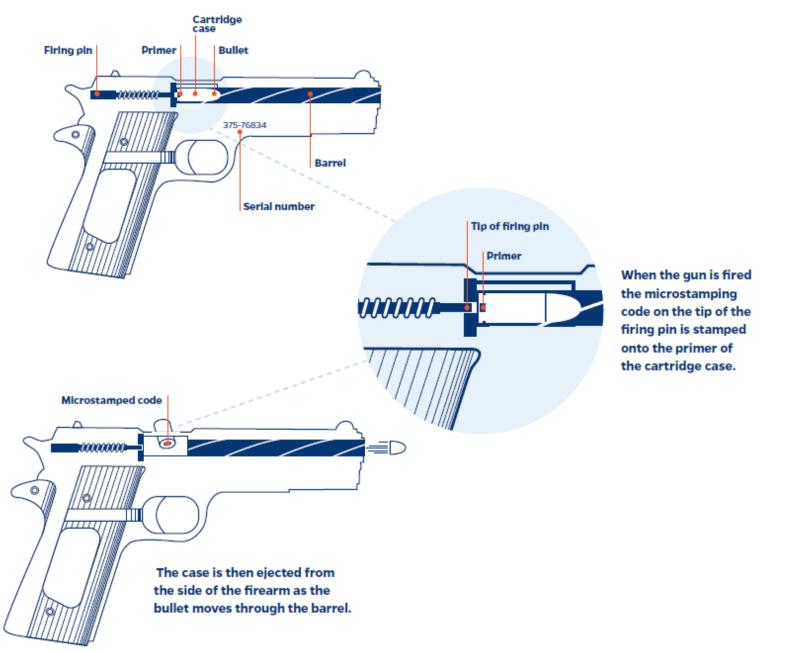
Sincerely,

allian Mendaz

ALLISON MENDOZA, Acting Director Bureau of Firearms

For ROB BONTA Attorney General

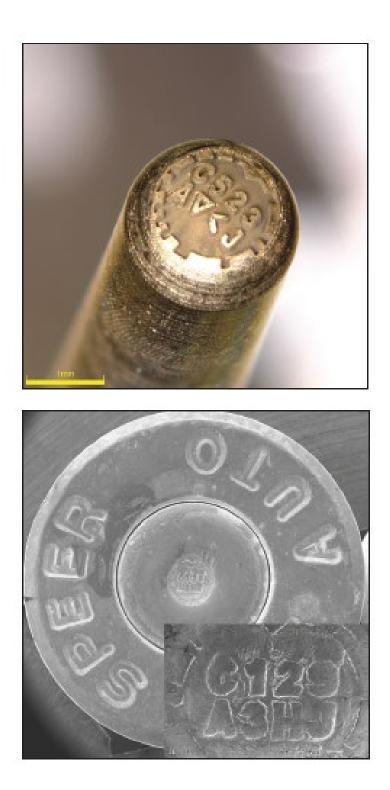
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Source: *Microstamping: A Tool to Identify Crime Guns, Solve Shootings, and Hold Gun Traffickers Accountable*, Johns Hopkins Bloomberg School of Public Health, Center for Gun Violence Solutions, 2 (2022), https://publichealth.jhu.edu/sites/default/files/2022-11/johns-hopkins-center-for-gun-violence-solutions-microstamping-memo-11-2022.pdf

DEFENDANT'S DEMONSTRATIVE EXHIBIT 1

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Source: *Microstamping: A Tool to Identify Crime Guns, Solve Shootings, and Hold Gun Traffickers Accountable*, Johns Hopkins Bloomberg School of Public Health, Center for Gun Violence Solutions, 2 (2022), https://publichealth.jhu.edu/sites/default/files/2022-11/johns-hopkins-center-for-gun-violence-solutions-microstamping-memo-11-2022.pdf

DEFENDANT'S DEMONSTRATIVE EXHIBIT 2