



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

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BY ELECTRONIC FILING

Maria R. Hamilton
Clerk of Court
U.S. Court of Appeals for the First Circuit
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

Re: *Granata v. Campbell*, No. 22-1478

Dear Ms. Hamilton:

Massachusetts hereby responds to appellees' Rule 28(j) letters concerning two decisions enjoining California's Unsafe Handgun Act. *Renna v. Bonta*, No. 20-cv-2190-DMS-DEB (S.D. Cal. Mar. 31, 2023); *Boland v. Bonta*, ___ F. Supp. 3d ___, 2023 WL 2588565 (C.D. Cal. Mar. 20, 2023). For reasons addressed in Massachusetts's brief, Br. 25-33, 33-37, 37-51, Massachusetts submits these decisions are incorrect, particularly in concluding that California's law implicates the text of the Second Amendment, does not constitute a presumptively lawful regulation of the commercial sale of arms, and is not consistent with the Nation's historical tradition of firearm regulation. Massachusetts writes to highlight important factual distinctions between California's law and Massachusetts's handgun-safety regulations.

First, California requires "microstamping" of all handgun ammunition: placing microscopic characters on each round's shell casing to identify the make, model, and serial number of the firing weapon. *Boland*, 2023 WL 2588565, at *1. Because microstamping is currently "not technologically feasible and commercially practical," no new handgun has been added to California's roster since 2013. *Id.* Massachusetts has no such requirement, and 76 new handgun models have been added to Massachusetts's roster since 2019.¹

Second, California requires that, for every semi-automatic handgun added to its roster, three "grandfathered" weapons be removed. *Renna*, slip op. at 6. California also levies an annual fee to keep a weapon on the roster. *Id.* Accordingly, California's roster has shrunk significantly, from almost 1,300 weapons in 2013 to only 815 in October 2022. *Id.* at 7.

¹ See <https://www.mass.gov/doc/approved-firearms-roster-10/download> (listing 1,114 approved handguns as of March 2023 roster).

Massachusetts has no analogous requirements, and no weapon has been removed from its roster under the governing regulations, 501 Code Mass. Regs. §§ 7.03-7.07.

Third, California requires that semi-automatic handguns have *both* a chamber load indicator *and* a magazine-safety disconnect to be placed on the roster. In contrast, Massachusetts's regulations require that a semi-automatic handgun have *either* a load indicator *or* a magazine-safety disconnect to be approved for sale. 940 Code Mass. Regs. § 16.05(4).

Both because of these important factual distinctions, and because of these decisions' flawed reasoning, Massachusetts urges the Court not to follow them.

Respectfully submitted,

/s/ Timothy J. Casey

Counsel for Massachusetts