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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
12 CIVIL DIVISION  
13

14 **KIM RHODE et al.,**

15 Plaintiffs,

16 v.

17 **ROB BONTA, in his official capacity**  
18 **as Attorney General of the State of**  
19 **California, et al.,**

20 Defendant.

3:18-cv-00802-BEN-JLB

**FIFTH SUPPLEMENTAL  
DECLARATION OF MAYRA G.  
MORALES IN RESPONSE TO  
THE COURT'S ORDER ENTERED  
ON JULY 18, 2023**

Courtroom: 5A  
Judge: Hon. Roger T. Benitez  
Action Filed: May 17, 2017

**FIFTH SUPPLEMENTAL DECLARATION OF MAYRA G. MORALES**

I, MAYRA G. MORALES, declare:

1. I am an Assistant Director for the California Department of Justice, Bureau of Firearms (hereafter generally referred to together as the “Department”). I make this declaration of my own personal knowledge and experience and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. To date, I have prepared five declarations for submission to the Court:

- The August 5, 2019 Declaration of Mayra G. Morales in Support of Defendant Xavier Becerra’s Opposition to Plaintiffs’ Motion for Preliminary Injunction, ECF No. 34-1;
- The September 27, 2019 Supplemental Declaration of Mayra G. Morales in Support of Defendant Xavier Becerra’s Opposition to Plaintiffs’ Motion for Preliminary Injunction, ECF No. 42;
- The November 18, 2019 Second Supplemental Declaration of Mayra G. Morales in Support of Defendant Xavier Becerra’s Opposition to Plaintiffs’ Motion for Preliminary Injunction, ECF No. 48;
- The February 28, 2020 Third Supplemental Declaration of Mayra G. Morales in Support of Defendant Xavier Becerra’s Opposition to Plaintiffs’ Motion for Preliminary Injunction, ECF No. 53; and
- The April 10, 2020 Fourth Supplemental Declaration of Mayra G. Morales in Support of Defendant Xavier Becerra’s Opposition to Plaintiffs’ Motion for Preliminary Injunction, ECF No. 59.

3. In accordance with this Court’s order, entered on July 18, 2023, *see* ECF No. 90, this fifth supplemental declaration provides additional data for the tables in my February 28, 2020 Third Supplemental Declaration for the past six months—

1 January 2023 through June 2023. To aid in readability, the tables are presented  
2 following my signature.

3 4. Section I provides a narrative summary of information on Standard  
4 Ammunition Eligibility Checks based on purchaser information in the Automated  
5 Firearms System (AFS) (which I will refer to as “AFS Checks”) for January 1,  
6 2023, through June 30, 2023. The data underlying this summary appears in Tables  
7 1.1 through 1.4. As discussed below, 99.2% of all ammunition eligibility checks  
8 were AFS Checks, and most AFS Checks were completed (approved, denied, or  
9 rejected) in a matter of seconds.

10 5. Section II of this declaration provides a narrative summary of the  
11 information on Basic Ammunition Eligibility Check (which I will refer to as “Basic  
12 Checks”) from January 1, 2023, through June 30, 2023. The data underlying this  
13 summary appears in Tables 2.1 through 2.3.

14 6. Section III provides a narrative summary of information on Certificate of  
15 Eligibility Ammunition Verification Checks (which I will refer to as “COE  
16 Checks”) for January 1, 2023 through June 30, 2023. The data underlying this  
17 summary appears in Table 3.

18 7. Section IV of this declaration updates information about purchasers who  
19 had been denied as prohibited, but who, upon additional review, were determined to  
20 be not prohibited. From January 2023 through June 2023, the Department reviewed  
21 200 transactions where a purchaser was denied as prohibited, and it has determined  
22 that 6 of those purchasers were in fact eligible (3%).

23 **I. AFS CHECK (STANDARD AMMUNITION ELIGIBILITY CHECK)**  
24 **INFORMATION FOR JANUARY 2023 THROUGH JUNE 2023**

25 8. This section of my declaration provides the information that the  
26 Department has collected as of June 30, 2023, regarding AFS Check rejections.  
27 The AFS Check was described previously in my September 27, 2019 Supplemental  
28 Declaration. Suppl. Decl. ¶¶ 19-25, 28-31, ECF No. 42. The regulation outlining

1 the AFS Check is located in California Code of Regulations, title 11, section 4282  
2 (renumbered from section 4302).

3 9. Section I.A of this declaration provides the data on AFS Checks for  
4 January 1, 2023, through June 30, 2023. Section I.B sets forth the reasons for AFS  
5 Check rejections in those months. Subsection I.B.1 discusses small discrepancies  
6 in the data reporting the reasons for the rejections (but not the actual reasons  
7 themselves) that have arisen, or will likely arise, as that data is re-tabulated over  
8 time. Section I.C provides information on purchasers who were rejected in an AFS  
9 Check, but who later purchased ammunition on or before June 30, 2023.

10 **A. AFS Check Approvals, Denials, and Rejections for January**  
11 **2023 Through June 2023**

12 10. Table 1.1 sets forth the AFS Check approvals, denials, and rejections for  
13 January 1, 2023, through June 30, 2023. As noted in my September 27, 2019  
14 Supplemental Declaration, Suppl. Decl. ¶ 27, ECF No. 42, denials occur when  
15 official records identify the purchaser as a prohibited person who cannot lawfully  
16 possess a firearm or ammunition. *See also* 2d Suppl. Decl. ¶ 21, ECF No. 48.  
17 Rejections occur when the purchaser's information does not match an AFS record.

18 11. From January 1, 2023, through June 30, 2023, the Department processed  
19 538,359 AFS Checks, which is roughly 99.2% of all ammunition eligibility checks  
20 during this time.<sup>1</sup> It approved 480,131 (89%), rejected 58,087 (11%) because the  
21 information submitted by the purchaser did not match an AFS entry, and denied  
22 141 (0.03%) because the Department's information showed the purchaser to be on  
23 the Armed Prohibited Persons System (APPS) list.

24 12. From January 1, 2023, through June 30, 2023, AFS Checks were  
25 completed within 170.7 seconds on average.

26 \_\_\_\_\_  
27 <sup>1</sup> The percentage of ammunition eligibility checks processed through AFS  
28 from July 2019 through January 2020 was roughly 97%. *See* 3d Suppl. Decl.  
Tables 1.1 and 2.1, ECF No. 53.

13. From January 1, 2023, through June 30, 2023, taking into account all types of ammunition eligibility checks—AFS Checks, Basic Checks, and COE Checks—more than 99% of all ammunition eligibility checks were completed in less than one minute, and more than 88% of all ammunition eligibility checks were approved in less than one minute.

14. The monthly rate of AFS Check rejections is set forth in the following chart:

Month	Rejections as Percent of Total AFS Checks by Month
January 2023	10.8%
February 2023	10.8%
March 2023	10.5%
April 2023	11.1%
May 2023	10.6%
June 2023	10.9%

15. Table 1.4 charts the weekly rejection rate from January 1, 2023 through the week ending June 30, 2023. As the table in the previous paragraph and Table 1.4 show, the rejection rate has remained steady at approximately 10.8% over the past six months.

**B. Information on AFS Check Rejections for January 2023 Through June 2023**

16. To recap from my September 27, 2019 Supplemental Declaration and November 18, 2019 Second Supplemental Declaration, AFS Checks are streamlined eligibility checks that rely on the purchaser already having undergone a firearms background check and being subject to inclusion in APPS, in the event

1 they later become prohibited. By definition, an AFS Check will work only for  
 2 those who have an AFS record, and whose record is up to date. A purchaser  
 3 without an AFS record, or with an AFS record that is not current, will not be able to  
 4 obtain an eligibility determination; the system will reject that submission. Suppl.  
 5 Decl. ¶ 28, ECF No. 42; 2d Suppl. Decl. ¶ 24, ECF No. 48.

6 17. It again bears noting that an AFS Check rejection, due to the purchaser's  
 7 information not matching a record in AFS, is not a determination that the purchaser  
 8 is ineligible to purchase ammunition. It means that the purchaser cannot avail  
 9 themselves of that streamlined eligibility check. They may still use a Basic Check,  
 10 or, in certain situations, a Certificate of Eligibility Verification Check (California  
 11 Code of Regulations, title 11, section 4285 (renumbered from section 4305)) or  
 12 Firearms Eligibility Check (California Code of Regulations, title 11, section 4284  
 13 (renumbered from section 4304)). *See also* Suppl. Decl. ¶¶ 21-25, ECF No. 42; 2d  
 14 Suppl. Decl. ¶ 25, ECF No. 48.

15 18. An AFS Check will be rejected if the purchaser's name, address, date of  
 16 birth, or ID number, or some combination of that information, does not match an  
 17 AFS record. Suppl. Decl. ¶ 30, ECF No. 42; 2d Suppl. Decl. ¶ 26, ECF No. 48.

18 19. Table 1.2 summarizes the reasons for the AFS Check rejections for  
 19 January 1, 2023, through June 30, 2023. Table 1.2 also accounts for any  
 20 misallocation of some rejections resulting from a prospective ammunition purchaser  
 21 having transferred the firearm associated with their AFS record or a law  
 22 enforcement event pertaining to the firearm associated with their AFS records being  
 23 entered.

#### 24 **1. Potential for slight discrepancies in data.**

25 20. As noted in my previous declarations, the systems that the Department  
 26 uses to tabulate the reasons for rejections are dynamic, not static. New events or  
 27 entries are added to AFS records on a daily basis. Modifications to AFS records  
 28

1 also occur on a daily basis. This means that if, for instance, data sets are run on the  
2 reasons for the rejections in February 2023 six different times spread out over a  
3 year, they may change slightly because individual AFS records have changed over  
4 that time.

5 21. A hypothetical example shows one way that this could play out: a person  
6 has an AFS entry associated with a firearm, and the name, date of birth, and address  
7 on their ID all match the AFS record, but the ID number does not match. On  
8 February 1, 2023, the person attempts to purchase ammunition using an AFS Check  
9 and is rejected because of the ID number. If the Department tabulates data on  
10 rejections for February on April 1, 2023, the reason for that rejection would be  
11 reported as an “ID number mismatch” in Table 1.2. But if the record is modified to  
12 update the ID number on April 15, 2023, and the Department re-tabulates the data  
13 on May 1, 2023, the reason for the rejection may be reported differently in a later  
14 version of Table 1.2. This difference would not change the fact that the February 1,  
15 2023, AFS Check was rejected because of an ID number mismatch.

16 22. Potential discrepancies like the one in the hypothetical are likely to affect  
17 reported reasons for rejections of a small number of transactions.

18 23. As with the correction described above, the potential for slight  
19 discrepancies in the reported reasons for rejections in Table 1.2 does not change the  
20 total number of rejections reported in Table 1.1 or the actual reason for any  
21 rejection. Nor is it likely to prevent a Department analyst from ascertaining the  
22 actual reason for a rejection of a specific transaction.

## 23 **2. Reasons for AFS Check rejections.**

24 24. Having made these observations, the percentage breakdown of the  
25 reasons for the rejections across the six months from January 1, 2023, through June  
26 30, 2023 remain generally consistent with what was previously reported for July  
27 2019 through January 2020. *See* Suppl. Decl. ¶¶ 31-34 & Table 2.2, ECF No. 42;  
28 2d Suppl. Decl. ¶¶ 27-33 & Table 2.2, ECF No. 48; 3d Suppl. Decl. ¶¶ 39-42 &



1 Table 2.2, ECF No. 53. Across all reported time periods, the most common reason  
 2 AFS Checks were rejected was that the purchaser's address did not match the  
 3 address in an AFS record. These purchasers' name, ID number, and date of birth  
 4 matched an entry, but their address did not match an entry. This accounted for  
 5 about 41% of the rejections over the most recent six-month period.

6 25. The next most common reason AFS Checks were rejected was where the  
 7 name did not match an entry. Across the most recent six months, about 27% of  
 8 AFS Checks were rejected for this reason.

9 26. Another significant source of rejections occurred when the purchaser  
 10 could not be associated with an AFS entry at all. In most cases, this likely occurred  
 11 because either the purchaser or the ammunition vendor mistakenly chose to run an  
 12 AFS Check where the purchaser did not have an AFS record. This accounted for  
 13 roughly 16% of all AFS Check rejections from January 1, 2023, through June 30,  
 14 2023.

15 27. These three reasons for rejections—address mismatches, no apparent  
 16 AFS entry, and name mismatches—accounted for about 85% of all rejections. The  
 17 remaining 15% or so of rejections occurred for various other reasons listed in  
 18 Table 1.2.

19 **C. Information on Purchasers Rejected in an AFS Check Who**  
 20 **Later Purchased Ammunition on or before June 30, 2023**

21 28. At the Court's request, my September 27, 2019 Supplemental  
 22 Declaration included information on whether purchasers who were rejected in an  
 23 AFS Check had subsequently purchased ammunition. Suppl. Decl. ¶¶ 36-39, ECF  
 24 No. 42.

25 29. Table 1.3 lists information on purchasers who were rejected who later  
 26 purchased ammunition by month.

27 30. As explained in my September 27, 2019 Supplemental Declaration, there  
 28 is a difference between the total number of rejections each month and the unique



1 individuals rejected. Suppl. Decl. ¶ 38, ECF No. 42; *see also* 2d Suppl. Decl. ¶ 34,  
 2 ECF No. 48. I understand that the primary difference between rejections and  
 3 denials and unique ID numbers is largely because some individual purchasers  
 4 attempted to use the AFS Check procedure more than once and were rejected or  
 5 denied on more than one occasion.

6 31. Of the 7,342 individuals who had an AFS Check rejected in January,  
 7 4,620 (62.9%) had purchased ammunition by June 30, 2023.

8 32. Of the 7,222 individuals who had an AFS Check rejected in February,  
 9 4,601 (63.7%) had purchased ammunition by June 30, 2023.

10 33. Of the 7,941 individuals who had an AFS Check rejected in March, 5,105  
 11 (64.3%) had purchased ammunition by June 30, 2023.

12 34. Of the 8,139 individuals who had an AFS Check rejected in April, 4,937  
 13 (60.7%) had purchased ammunition by June 30, 2023.

14 35. Of the 6,950 individuals who had an AFS Check rejected in May, 4,080  
 15 (58.7%) had purchased ammunition by June 30, 2023.

16 36. And of the 7,410 individuals who had an AFS Check rejected in June,  
 17 3,905 (52.7%) had purchased ammunition by June 30, 2023.

18 **II. BASIC AMMUNITION ELIGIBILITY CHECK INFORMATION FOR JANUARY**  
 19 **2023 THROUGH JUNE 2023**

20 37. As discussed in my previous declarations, the Basic Check is described in  
 21 California Code of Regulations, title 11, section 4283 (renumbered from section  
 22 4303). This check can be used irrespective of whether a purchaser or transferee (I  
 23 will generally refer to these together as “purchaser”) can take advantage of one of  
 24 the other eligibility checks. As discussed above, most ammunition eligibility  
 25 checks do not utilize the Basic Check, but rather are processed through the Standard  
 26 Check using existing records in the AFS—only 0.5% of ammunition eligibility  
 27 checks from January 2023 to June 2023 were processed using the Basic Check.  
 28

1       38. Under section 4283(b), a Basic Check costs \$19 and entails submitting  
2 identifying information, including the purchaser's name, date of birth, current  
3 address, and ID number, to the Department's Dealer Record of Sale (DROS) Entry  
4 System (DES). The process proceeds in two steps. First, the Department  
5 automatically checks the person's ID or driver license number (I will generally  
6 refer to IDs and driver licenses as "IDs"), name, and date of birth, against DMV  
7 records to confirm the information submitted matches a DMV record and that the  
8 ID is valid. If the information matches, then the submitted information is  
9 automatically run through four state databases: (1) Automated Criminal History  
10 Record System (ACHS); (2) Mental Health Firearms Prohibition System (MHFPS);  
11 (3) California Restraining and Protective Order System (CARPOS); and (4) Wanted  
12 Persons System (WPS).

13       39. If a purchaser's information results in no hits in the system, the Basic  
14 Check is processed automatically, meaning that Department employees are not  
15 directly involved in the process. If the purchaser's information results in a hit in  
16 one of the four systems, the eligibility check will require manual review by a  
17 Department analyst. A manual review can take anywhere from a few minutes to  
18 days or weeks depending on the nature of the hit in the database. For instance, if  
19 the ACHS shows the purchaser was charged with a felony, but does not have a  
20 disposition of that felony, the manual check would entail tracking down the  
21 disposition, which can take at least several business days.

22       40. Table 2.1 lists the Basic Check approvals, rejections, and denials for  
23 January 1, 2023, through June 30, 2023.

24       41. From January 1, 2023, through June 30, 2023, the Department processed  
25 2,828 Basic Checks. Of those, 92% have been approved and about 3.18% have  
26 been rejected because the purchaser's information does not match Department of  
27 Motor Vehicle records or the records used to make a determination were  
28

1 incomplete, thereby preventing Department analysts from ascertaining whether the  
2 purchaser was prohibited.

3 42. Over 130 people, or 4.8% of the total processed, have been denied  
4 because the Department's records show them to be prohibited persons.

5 43. Table 2.2 sets forth the average processing times for Basic Checks that  
6 were submitted to the Department, by month, from January 2023 through June 2023  
7 that had eligibility determinations made on or before June 30, 2023. A Basic Check  
8 can be delayed for many reasons, most often it is because a Department analyst  
9 must conduct additional research on an arrest cycle for a prohibiting event with  
10 missing disposition. The Department will do its due diligence to obtain the  
11 necessary information. However, if the Department is unable to obtain the  
12 information, it will ultimately reject the transaction because an eligibility  
13 determination could not be made.

14 44. For the typical purchaser, the Basic Check processing time takes an  
15 average of five to six days. In January 2023, it took 4 days and 13 hours for the  
16 typical purchaser. In June 2023, the processing time was about 6 days and 4 hours.

17 45. Another way to assess the experience of ammunition purchasers who  
18 utilize the Basic Check option is to look at the median processing time for Basic  
19 Checks—the processing time at which 50% of the transactions in the month took  
20 less time and 50% took more time. The median will provide additional information  
21 on how long the majority of the transactions are actually taking. Table 2.2 now  
22 includes the median processing time for Basic Checks. For example, for January  
23 2023 Basic Checks all decisions average (mean) time was 109 hours but the median  
24 of those decisions is 42 hours. That gives a sense of how much the outlier cases  
25 affect the average.

26 46. Table 2.3 lists the average processing times for Basic Checks that were  
27 approved manually and automatically for the months of January 2023 through June  
28 2023. These numbers are a subset of the Basic Checks that were submitted during

1 those months and that had eligibility determinations made on or before June 30,  
2 2023. This table also lists median processing times.

3 47. Just under one-quarter of the approved Basic Checks were processed  
4 automatically. The average processing time was about 2 hours.

5 48. Just over three-quarters of the approved Basic Checks were processed  
6 manually. Subject to the observation above that some outliers affected the average,  
7 the typical approved Basic Check that is manually processed takes about five  
8 business days.

9 **III. CERTIFICATE OF ELIGIBILITY AMMUNITION VERIFICATION CHECK**  
10 **INFORMATION FOR JANUARY 2023 THROUGH JUNE 2023**

11 49. As noted earlier, in certain situations, a purchaser may use a COE Check  
12 as described in California Code of Regulations, title 11, section 4285 (renumbered  
13 from section 4305). This check can be used by purchasers who have a current  
14 Certificate of Eligibility issued by the Department. A Certificate of Eligibility  
15 certifies that the Department has checked its records and determined the recipient is  
16 not prohibited from acquiring or possessing firearms at the time the firearms  
17 eligibility criminal background check was performed.

18 50. A Certificate of Eligibility is a licensing/permit requirement for various  
19 firearms-related employment and activities. To obtain a Certificate of Eligibility,  
20 an individual must submit fingerprint impressions through a livescan operator and  
21 pay a \$71 fee. Thereafter, the individual must submit an application through the  
22 California Firearms Application Reporting System. Once issued, a Certificate of  
23 Eligibility may be renewed annually for \$22.

24 51. Under section 4285(b), a COE Check costs \$1. Less than 0.3% of  
25 ammunition eligibility checks from January 2023 to June 2023 were processed  
26 using a COE Check. On average, a COE Check took 6 seconds to complete.

27 52. As explained in my prior declaration, to determine whether a purchaser  
28 has a current Certificate of Eligibility, the Department, through an automated

1 process in DES, cross-references the Certificate of Eligibility database. If the  
2 purchaser does not have a current Certificate of Eligibility, the transaction will be  
3 rejected.

4 53. Table 3 sets forth the COE Checks processed, approvals, and rejections  
5 for January 1, 2023, through June 30, 2023. During that time, the Department  
6 processed 1,323 COE Checks. It approved 1,208 (91%) and rejected 115 (9%)  
7 because personal information provided to the ammunition vendor and entered into  
8 DES did not match the information in the Certificate of Eligibility database; the  
9 Certificate of Eligibility number provided to the ammunition vendor, and entered in  
10 the DES did not match the information in the Certificate of Eligibility database; or  
11 the Certificate of Eligibility for the purchaser was not current.

12 **IV. PERSONS PREVENTED FROM PURCHASING AMMUNITION AND**  
13 **SUBSEQUENTLY DEEMED ELIGIBLE**

14 54. In my September 27, 2019 Supplemental Declaration, I provided  
15 information in response to the Court's inquiry about purchasers who had been  
16 denied approval to purchase ammunition because they were prohibited, but who  
17 were later determined to not be prohibited. Suppl. Decl. ¶ 40, ECF No. 42.

18 55. From January 1, 2023, through June 30, 2023, a total of two purchasers  
19 were denied on the grounds of a prohibiting offense, mental health commitment, or  
20 restraining order, but were, based on the face of the official records, subsequently  
21 determined to have been eligible to purchase ammunition at the time of purchase.  
22 A total of four purchasers who were ineligible to purchase ammunition on the face  
23 of their official records, were later determined to be eligible after Department staff  
24 investigated the matter.

25 56. To summarize, the Department reviewed 200 transactions that were  
26 submitted from January 2023 to June 2023, where the purchaser was denied as  
27 prohibited. Of those 200 denials, 6 of the purchasers who were denied as  
28 prohibited persons have since been determined to be eligible.

1  
2  
3 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing  
4 is true and correct.  
5

6 Executed on: August 16, 2023  
7

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9 MAYRA G. MORALES  
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**TABLE 1 – AFS Eligibility Checks**

**TABLE 1 – AFS CHECKS (STANDARD AMMUNITION ELIGIBILITY CHECKS)**



**TABLE 1 – AFS Eligibility Checks**

<b>Table 1.1: AFS Checks — Approvals, Denials, &amp; Rejections</b>							
	<b>January 2023</b>	<b>February 2023</b>	<b>March 2023</b>	<b>April 2023</b>	<b>May 2023</b>	<b>June 2023</b>	<b>Total</b>
AFS Checks Processed	86,669	85,989	98,533	95,031	83,593	88,544	538,359
Approved	77,264	76,682	88,182	84,422	74,693	78,888	480,131
Denied (Prohibited Persons)	17	19	16	22	30	37	141
Rejected (no match with AFS records)	9,388	9,288	10,335	10,587	8,870	9,619	58,087
Average Processing Time	3.4 sec.	1.4 sec	998.7 sec <sup>2</sup>	1.0 sec	10.6 sec	9.4 sec	170.7 sec (overall average)

<sup>2</sup> Longer average processing time in March 2023 was due to an internal program anomaly that delayed the processing of several AFS checks during that month. Consequently, the average processing time for March was significantly skewed, dramatically increasing the average processing time from January 2023 through June 2023.

**TABLE 1 – AFS Eligibility Checks**

<b>Table 1.2: AFS Checks — Reasons for Rejections as of June 30, 2023</b>												
	January 2023		February 2023		March 2023		April 2023		May 2023		June 2023	
<b>Total Rejected</b>	9,388		9,288		10,335		10,587		8,870		9,619	
<b>Address Mismatch (name, date of birth, and ID number match)</b>	3,806	40.54%	3,774	40.63%	4,239	41.02%	4,289	40.51%	3,641	41.05%	3,872	40.25%
<b>No Identifiable AFS Entry (purchaser not eligible for AFS Check)</b>	1,589	16.93%	1,441	15.51%	1,584	15.33%	1,775	16.77%	1,429	16.11%	1,535	15.96%
<b>Name Mismatch (date of birth, address, and ID number match)</b>	2,566	27.33%	2,592	27.91%	2,858	27.65%	2,838	26.81%	2,422	27.31%	2,683	27.89%
<b>Name and ID Number Mismatch (date of birth and address match)</b>	178	1.90%	198	2.13%	197	1.91%	235	2.22%	164	1.85%	193	2.01%
<b>AFS Entry No Longer Valid (Name, Date of Birth, ID)</b>	300	3.20%	336	3.62%	349	3.38%	351	3.32%	305	3.44%	275	2.86%

**TABLE 1 – AFS Eligibility Checks**

<b>Table 1.2: AFS Checks — Reasons for Rejections as of June 30, 2023</b>												
	January 2023		February 2023		March 2023		April 2023		May 2023		June 2023	
<b>Number, and Address Match)</b>												
<b>Name and Address Mismatch (date of birth and ID number match)</b>	355	3.78%	375	4.04%	451	4.36%	427	4.03%	360	4.06%	432	4.49%
<b>AFS Entry No Longer Valid (Partially Matched on a combination of Name, Date of Birth, ID, Address)</b>	204	2.17%	158	1.70%	206	1.99%	218	2.06%	168	1.89%	196	2.04%
<b>ID Number and Address Mismatch (name and date of birth match)</b>	103	1.10%	108	1.16%	100	0.97%	105	0.99%	99	1.12%	103	1.07%
<b>ID Number Mismatch (name, date of birth, and address match)</b>	115	1.22%	136	1.46%	159	1.54%	178	1.68%	128	1.44%	166	1.73%

**TABLE 1 – AFS Eligibility Checks**

<b>Table 1.2: AFS Checks — Reasons for Rejections as of June 30, 2023</b>												
	January 2023		February 2023		March 2023		April 2023		May 2023		June 2023	
<b>Date of Birth Mismatch (name, address, and ID number match)</b>	108	1.15%	110	1.18%	123	1.19%	100	0.94%	93	1.05%	112	1.16%
<b>Date of Birth and ID Number Mismatch (name and address match)</b>	34	0.36%	25	0.27%	38	0.37%	45	0.43%	36	0.41%	27	0.28%
<b>Date of Birth and Address Mismatch (name and ID number match)</b>	19	0.20%	21	0.23%	14	0.14%	10	0.09%	11	0.12%	17	0.18%
<b>Name and Date of Birth Mismatch (address and ID number match)</b>	7	0.07%	12	0.13%	9	0.09%	13	0.12%	11	0.12%	5	0.05%
<b>Name, Date of Birth, and Address Mismatch (ID number match)</b>	4	0.04%	2	0.02%	8	0.08%	3	0.03%	3	0.03%	3	0.03%

**TABLE 1 – AFS Eligibility Checks**

<b>Table 1.3: Purchasers Who were Rejected on an AFS Check and Subsequently Purchased Ammunition on or before June 30, 2023</b>						
	<b>January 2023</b>	<b>February 2023</b>	<b>March 2023</b>	<b>April 2023</b>	<b>May 2023</b>	<b>June 2023</b>
Individuals Rejected in AFS Checks	7,342	7,222	7,941	8,139	6,950	7,410
Number Who Purchased Ammunition on or before June 30, 2023, after an AFS Check Rejection	4,620	4,601	5,105	4,937	4,080	3,905

**TABLE 1 – AFS Eligibility Checks**

<b>Table 1.4: AFS Check Rejection Rate by Week – January 2, 2023, through July 2, 2023</b>			
<b>Week</b>	<b>Total AFS Checks Submitted</b>	<b>AFS Check Rejections</b>	<b>Percent</b>
January 2-8, 2023	21,866	2,423	11.08%
January 9-15, 2023	18,558	2,024	10.91%
January 16-22, 2023	19,533	2,091	10.70%
January 23-29, 2023	21,409	2,268	10.59%
January 30 – February 5, 2023	21,040	2,303	10.95%
February 6-12, 2023	19,761	2,103	10.64%
February 13-19, 2023	24,655	2,681	10.87%
February 20-26, 2023	20,457	2,204	10.77%
February 27 – March 5, 2023	20,538	2,129	10.37%
March 6-12, 2023	20,232	2,107	10.41%
March 13-19, 2023	22,829	2,392	10.48%
March 20-26, 2023	23,845	2,559	10.73%
March 27 – April 2, 2023	23,248	2,501	10.76%
April 3-9, 2023	21,644	2,244	10.37%
April 10-16, 2023	23,134	2,584	11.17%
April 17-23, 2023	22,226	2,517	11.32%
April 24-30, 2023	20,218	2,357	11.66%

**TABLE 1 – AFS Eligibility Checks**

<b>Table 1.4: AFS Check Rejection Rate by Week – January 2, 2023, through July 2, 2023</b>			
<b>Week</b>	<b>Total AFS Checks Submitted</b>	<b>AFS Check Rejections</b>	<b>Percent</b>
May 1-7, 2023	19,986	2,046	10.24%
May 8-14, 2023	17,181	1,917	11.16%
May 15-21, 2023	18,740	1,981	10.57%
May 22-28, 2023	21,130	2,240	10.60%
May 29 – June 4, 2023	19,521	2,159	11.06%
June 5-11, 2023	19,411	2,053	10.58%
June 12-18, 2023	23,256	2,512	10.80%
June 19-25, 2023	19,422	2,068	10.65%
June 26, 2023 – July 2, 2023	19,994	2,197	10.99%
<b>Total</b>	<b>543,834</b>	<b>58,660</b>	<b>10.79%</b>



**TABLE 2 – BASIC AMMUNITION ELIGIBILITY CHECKS**

**TABLE 2 – Basic Eligibility Checks**

<b>Table 2.1: Basic Checks — Approvals, Denials, &amp; Rejections as of June 30, 2023<sup>3</sup></b>							
	<b>January 2023</b>	<b>February 2023</b>	<b>March 2023</b>	<b>April 2023</b>	<b>May 2023</b>	<b>June 2023</b>	<b>Total</b>
Basic Checks <sup>4</sup> Received	486	452	544	513	505	533	3,033
Basic Checks Processed	478	452	541	507	493	357	2,828
Approved <sup>5</sup>	433	417	488	465	463	336	2,602
Denied (Prohibited Persons)	28	16	33	25	21	13	136
Rejected (no match with DMV records)	6	5	3	3	3	3	23
Rejected (incomplete history)	11	14	17	14	6	5	67

<sup>3</sup> This table is based on data available on June 30, 2023, and provides additional numbers for the last six months to Table 1.1 in my February 28, 2020 Third Supplemental Declaration. *See* 3d Suppl. Decl. at p. 9, Table 1.1, ECF No. 53.

<sup>4</sup> As of June 30, 2023, a limited number of Basic Checks (the difference between the Basic Checks received and the Basic Checks processed) had been delayed, or the Basic Checks received in June 2023 had not yet been processed as of June 30, 2023. For example, checks received on June 30, 2023, likely would not have been processed by the time I collected data for this declaration.

<sup>5</sup> Transactions that were initially denied, but later approved, are treated as approved for purposes of this table.

**TABLE 2 – Basic Eligibility Checks**

<b>Table 2.2: Basic Checks — Processing Times as of June 30, 2023</b>						
	<b>January 2023</b>	<b>February 2023</b>	<b>March 2023</b>	<b>April 2023</b>	<b>May 2023</b>	<b>June 2023</b>
Average Time <sup>6</sup>	4 days, 13 hrs., 33 mins.	5 days, 17 hrs., 31 mins.	6 days, 10 hrs., 23 mins.	5 days, 21 hrs., 59 mins.	5 days, 1 hr., 53 mins.	6 days, 4 hrs., 54 mins.
Median Time	1 day, 18 hrs., 59 mins.	3 days, 21 hrs., 51 mins.	4 days, 15 hrs., 55 mins.	4 days, 12 hrs., 29 mins.	4 days, 2 hrs., 19 mins.	4 days, 0 hrs., 4 mins.

<sup>6</sup> As noted in my November 18, 2019 Second Supplemental Declaration, not all Basic Check transactions receive a determination in the month the transaction is submitted. *See* 2d Suppl. Decl. at p. 10, Table 1.2, n.3, ECF No. 48. A small number of transactions each month require a substantial amount of processing time. This relatively small number of transactions can significantly increase the average, explaining the longer average processing time for months further in the past.

**TABLE 2 – Basic Eligibility Checks**

<b>Table 2.3: Approved Basic Checks — Processing Times</b>						
	<b>January 2023</b>	<b>February 2023</b>	<b>March 2023</b>	<b>April 2023</b>	<b>May 2023</b>	<b>June 2023</b>
Automatically Processed	98	90	111	93	100	105
Average Time	2 hrs., 11 mins.	2 hrs., 56 mins.	3 hrs., 0 mins.	4 hrs., 15 mins.	1 hr., 23 mins.	2 hrs., 45 mins.
Median Time	8 mins.	9 mins.	9 mins.	13 mins.	7 mins.	7 mins.
Manually Processed	335	327	377	372	363	231
Average Time	3 days, 16 hrs., 3 mins.	6 days, 8 hrs., 13 mins.	6 days, 20 hrs., 21 mins.	6 days, 4 hrs., 30 mins.	5 days, 17 hrs., 42 mins.	8 days, 18 hrs., 44 mins.
Median Time	1 day, 23 hrs., 42 mins.	4 days, 23 hrs., 18 mins.	4 days, 20 hrs., 22 mins.	4 days, 23 hrs., 42 mins.	4 days, 17 hrs., 21 mins.	9 days, 5 hrs., 56 mins.

**TABLE 3 –Certificate of Eligibility Ammunition Verification Checks**

**TABLE 3 – CERTIFICATE OF ELIGIBILITY AMMUNITION VERIFICATION CHECKS**

**TABLE 3 –Certificate of Eligibility Ammunition Verification Checks**

<b>Table 3: Certificate of Eligibility Verifications</b>							
	<b>January 2023</b>	<b>February 2023</b>	<b>March 2023</b>	<b>April 2023</b>	<b>May 2023</b>	<b>June 2023</b>	<b>Total</b>
Certificate of Eligibility Verifications Received	190	183	264	221	249	216	1,323
Approved	174	170	238	203	229	194	1,208
Rejected	16	13	26	18	20	22	115
Average Processing Time	0.9 sec	0.4 sec	0.6 sec	0.3 sec	0.6 sec	0.8 sec	0.6 sec (overall average)