

No. 24-542

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KIM RHODE; GARY BRENNAN; CORY HENRY; EDWARD JOHNSON; SCOTT LINDEMUTH; RICHARD RICKS; DENISE WELVANG; ABLE'S SPORTING, INC., A TEXAS CORPORATION; AMDEP HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY D/B/A AMMUNITION DEPOT; R & S FIREARMS, INC., AN ARIZONA CORPORATION D/B/A SAM'S SHOOTERS EMPORIUM; CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED, A CALIFORNIA CORPORATION,
Plaintiffs-Appellees,

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE STATE OF CALIFORNIA
Defendant-Appellant.

**On Appeal from the United States District Court
for the Southern District of California**
No. 3:18-cv-00802-BEN-JLB
The Honorable Roger T. Benitez, Judge

**DECLARATION OF CHRISTINA R.B. LÓPEZ
IN SUPPORT OF EMERGENCY MOTION UNDER CIRCUIT RULE 27-3
FOR AN IMMEDIATE ADMINISTRATIVE STAY AND A STAY
PENDING APPEAL**

IMMEDIATE RELIEF REQUESTED

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January 31, 2024

DECLARATION OF CHRISTINA R.B. LÓPEZ

I, Christina R.B. López, declare:

1. I am a Deputy Attorney General with the California Department of Justice and serve as counsel to Defendant-Appellant Rob Bonta, in his official capacity as Attorney General of the State of California, in the above-captioned matter. I make this declaration in support of defendant's Emergency Motion under Circuit Rule 27-3 for an immediate administrative stay and a stay pending appeal. Because the district court refused to issue any stay that would allow time for the Attorney General to seek relief from this Court, immediate relief is requested. Except as otherwise stated herein, I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently as to those facts.

2. This case is an appeal from the district court's decision and judgment, dated January 30, 2024, and entered on January 31, 2024, declaring certain provisions of California's ammunition laws unconstitutional under the Second Amendment and enjoining their enforcement. Dist. Ct. Dkts. 105 (decision), 106 (judgment). Attached hereto as **Exhibits 1 and 2** are true and correct copies of the decision and judgment, respectively.

3. On April 26, 2018, the initial complaint was filed in this case, asserting (among other causes of action) a Second Amendment challenge to

provisions of California law that require that (1) ammunition transactions take place in a face-to-face interaction at a licensed ammunition vendor, (2) purchasers submit to a background check before the ammunition sale or transfer may be completed, (3) purchasers demonstrate proof of lawful presence in this country, and (4) ammunition vendors report certain information to the California Department of Justice. California Penal Code sections 30312(a), 30312(b), 30314(a), 30370, and 30352(a)-(d) (the “Ammunition Laws”). Dist. Ct. Dkt. 1.

4. On July 22, 2019, Plaintiffs filed a Motion for Preliminary Injunction, Dist. Ct. Dkt. 32, seeking to enjoin enforcement of California Penal Code sections 30312(a), 30312(b), 30314(a), 30370, and 30352(a)-(d).

5. On August 5, 2019, the Attorney General filed an Opposition to Plaintiffs’ Motion for Preliminary Injunction. Dist. Ct. Dkt. 46-4.

6. Attached hereto as **Exhibit 3** is a true and correct copy of the Declaration Mayra G. Morales in Support of Defendant Xavier Becerra’s Opposition to Plaintiffs’ Motion for Preliminary Injunction, dated August 2, 2019. Dist. Ct. Dkt. 34-1.

7. Attached hereto as **Exhibit 4** is a true and correct copy of the Supplemental Declaration Mayra G. Morales in Support of Defendant Xavier Becerra’s Opposition to Plaintiffs’ Motion for Preliminary Injunction, dated September 27, 2019, which was submitted in response to the district court’s

requests for additional information at the preliminary injunction hearing. Dist. Ct. Dkt. 42.

8. Attached hereto as **Exhibit 5** is a true and correct copy of the Second Supplemental Declaration Mayra G. Morales in Support of Defendant Xavier Becerra's Opposition to Plaintiffs' Motion for Preliminary Injunction, dated November 18, 2019, which was submitted in response to the district court's requests for additional information at a status conference. Dist. Ct. Dkt. 48.

9. Attached hereto as **Exhibit 6** is a true and correct copy of the Third Supplemental Declaration Mayra G. Morales in Support of Defendant Xavier Becerra's Opposition to Plaintiffs' Motion for Preliminary Injunction, dated February 28, 2020, which was submitted at the district court's request. Dist. Ct. Dkt. 53.

10. Attached hereto as **Exhibit 7** is a true and correct copy of the Fourth Supplemental Declaration Mayra G. Morales in Support of Defendant Xavier Becerra's Opposition to Plaintiffs' Motion for Preliminary Injunction, dated April 10, 2020, which was submitted in response to the district court's question at a status conference. Dist. Ct. Dkt. 59.

11. On April 23, 2020, the district court issued an Order Granting Plaintiffs' Motion for Preliminary Injunction. Dist. Ct. Dkt. 60.

12. On April 24, 2020, the Attorney General filed in the district court a Motion to Stay Order Granting Preliminary Injunction to Allow for Interlocutory Appeal. Dist. Ct. Dkt. 61.

13. On April 24, 2020, the district court issued its Order Denying Ex Parte Motion for Stay. Dist. Ct. Dkt. 62.

14. On April 24, 2020, Defendant appealed the injunction order, Dist. Ct. Dkt. 64, and moved for a stay of the injunction pending appeal and an interim administrative stay, 9th Cir. No. 20-55437, Dkt. 3. This Court granted the request for an immediate administrative stay the same day. 9th Cir. No. 20-55437, Dkt. 4.

15. On May 14, 2020, this Court granted Defendant's motion for a stay of the injunction pending appeal. 9th Cir. No. 20-55437, Dkt. 13-1.

16. On March 19, 2021, this Court issued an order staying the district court's injunction order pending resolution of en banc proceedings in *Duncan v. Bonta*, 9th Cir. Case No. 19-55376, and the issuance of the *Duncan* mandate. 9th Cir. No. 20-55437, Dkt. 82.

17. The en banc Court issued its opinion in *Duncan* on November 30, 2021, 9th Cir. No. 19-55376, Dkt. 191-1 (9th Cir. Nov. 30, 2021) (en banc), and stayed the issuance of the mandate for 150 days or until final disposition of the case if the plaintiffs filed a petition for a writ of certiorari, 9th Cir. No. 19-55376, Dkt. 169 (9th Cir. Dec. 20, 2021) (en banc). The *Duncan* plaintiffs then filed a

petition for writ of certiorari with the U.S. Supreme Court on February 28, 2022. U.S. No. 21-1194, Dkt. 1.

18. On June 23, 2022, the U.S. Supreme Court issued its decision in *New York State Rifle and Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022).

19. On June 24, 2022, this Court vacated its prior order holding this appeal in abeyance pending issuance of the mandate in *Duncan*, and ordered supplemental briefing in light of *Bruen*. 9th Cir. No. 20-55437, Dkt. 87.

20. After the supplemental briefing was filed, on November 17, 2022, this Court vacated the preliminary injunction order in this case and “remanded to the district court for further proceedings consistent with the United States Supreme Court’s decision in [*Bruen*].” 9th Cir. No. 20-55437, Dkt. 110.

21. On November 7, 2022, the district court scheduled hearings for December 12, 2022, in three separate cases raising Second Amendment challenges to other California laws. Notice, *Miller v. Bonta*, No. 3:19-cv-1537-BEN-JLB (Nov. 7, 2022), ECF No. 159 (challenge to California’s 30-year-old Assault Weapons Control Act); Notice, *Duncan v. Bonta*, No. 3:17-cv-1017-BEN-JLB, (Nov. 7, 2022), ECF No. 116 (challenge to large-capacity magazine restrictions); *Fouts v. Bonta*, 3:19-cv-1662-BEN-JLB, (Nov. 7, 2022), ECF No. 50 (challenge to restrictions on billy clubs). The court ordered all attorneys to appear. *Ibid.*

22. On December 12, 2022, the district court held a consolidated hearing in this matter and the three other Second Amendment cases pending before the court in which the Attorney General is a defendant (*Miller, Duncan, and Fouts*). Attached hereto as **Exhibit 8** is a true and correct copy of the transcript of the December 12 hearing.

23. During the December 12 hearing, counsel for the Attorney General requested time to conduct expert discovery in support of the historical analysis required by *Bruen*. Ex. 8 at 12. The court denied the Attorney General’s request and ordered the Attorney General to prepare spreadsheets or surveys of relevant historical laws within 30 days. *Id.* at 38. The court ordered the Attorney General to prepare a survey of laws “in effect at the time the Second Amendment was adopted” through the year 1888 (20 years after ratification of the Fourteenth Amendment to the United States Constitution). *Id.* at 29–30. The court noted that this cut-off was “an arbitrary and capricious number.” *Id.* at 30. The court also permitted the Attorney General to prepare a second survey of laws enacted after 1888. *Id.* at 32–33. The court also ordered the parties to file simultaneous briefs regarding the surveys. *Id.* at 38. This order was issued in all four cases heard during the December 12 hearing.

24. On December 15, 2022, the court entered the same order in all four Second Amendment cases before the court at the consolidated hearing. This order

required the Attorney General to “create, and the plaintiffs shall meet and confer regarding, a survey or spreadsheet of relevant statutes, laws, or regulations in chronological order” that shall “begin at the time of the adoption of the Second Amendment and continue through twenty years after the Fourteenth Amendment.” Dist. Ct. Dkt. 77. The order permitted Defendants to create a second survey “covering a time period following that of the first list.” *Id.* The order also memorialized a simultaneous briefing schedule on the surveys of laws, the first of which were to be filed February 10. *Id.*

25. On January 11, 2023, Defendant filed two surveys of hundreds of relevant state, territorial, and local laws, ordinances, regulations, and authorities that Defendant views as relevantly similar analogues to the challenged Ammunition Laws: one survey of laws enacted from the pre-founding period to 1888 and a separate survey from 1889 through the 1930s. Dist. Ct. Dkt. 79. Attached hereto as **Exhibit 9** is a true and correct copy of the Declaration of John D. Echeverria re Submission of Surveys and the two annexed surveys of relevant laws assembled by Defendant.

26. On February 7, 2023, the district court issued an order requiring Defendant to file an additional brief identifying “the best historical regulation that is a proper analogue and relevantly similar to a statewide prohibition on possession

of a firearm with listed features.” Dist. Ct. Dkt. 80. This additional brief was to be filed on February 10, 2023, three days after entry of the order.

27. On February 10, 2023, the parties filed their first supplemental briefs since remand. Dist. Ct. Dkts. 81, 83.

28. On February 10, 2023, Defendant also filed a brief in compliance with the district court’s February 7 order. Dist. Ct. Dkt. 82. This brief explained that Defendant does not rely on any single analogue to defend the constitutionality of the challenged ammunition provision and that conditions on ammunition purchases are presumptively lawful under *Bruen*. *Id.* at 1–3. As required by the district court’s order, the brief focused on one analogue among other relevantly similar analogues—namely, the background check requirements approved by the Supreme Court in *Bruen*. *Id.* at 3–5.

29. On February 21, 2023, the parties filed supplemental responsive briefs. Dist. Ct. Dkts. 85, 86.

30. On June 30, 2023, the district court set a hearing on Plaintiffs’ Motion for Preliminary Injunction, scheduled for July 17, 2023, and stated that the district court intended to consolidate the hearing on the Motion for Preliminary Injunction with a trial on the merits. The district court asked that the parties be prepared to address, at or prior to the hearing: (1) the Plaintiffs’ continuing Article III standing; (2) whether Plaintiffs’ conduct is covered by the text of the Second

Amendment; (3) relevant historical analogues; (4) applicability of footnote 9 in *Bruen*; (5) the dormant Commerce Clause (First Claim for Relief); (6) preemption by 18 U.S.C. § 926A (Ninth Claim for Relief); (7) whether judicial deference is owed to laws produced by ballot measure Proposition 63; and (8) whether additional discovery is necessary, and if so, the specific discovery needed. Dist. Ct. Dkt. 88.

31. On July 17, 2023, the district court held a hearing, after which it ordered: (1) Plaintiffs to file declarations regarding their Article III standing; (2) Defendant to file expert reports or declarations regarding the American history and tradition of background checks; and (3) Plaintiffs to file a brief or expert declarations in response. Dist. Ct. Dkt. 90. The district court also ordered Defendant to file an updated declaration regarding ammunition background check acceptance/rejection rates and processing times, as well as to report on “persons who underwent background checks and were identified as prohibited persons and indicate whether such persons were prosecuted and whether firearms were located and seized from such persons.” *Id.*

32. On August 16, 2023, in response to the district court’s order, Defendant filed expert reports from three experts: Robert Spitzer, Michael Vorenberg, and Jennifer McCutchen. Dist. Ct. Dkt. 92.

33. Dr. Robert Spitzer, a Distinguished Service Professor of Political Science Emeritus at the State University of New York at Cortland, submitted a declaration on the history and tradition of background checks and related restrictions in the United States. Dist. Ct. Dkt. 92-1. A true and correct copy of the declaration of Robert Spitzer is attached hereto as **Exhibit 10**.

34. Dr. Michael Vorenberg, an associate professor of history at Brown University, submitted a declaration on the history and tradition of background checks for guns and ammunition during the period of the U.S. Civil War and Reconstruction. Dist. Ct. Dkt. 92-7. A true and correct copy of the declaration of Michael Vorenberg is attached hereto as **Exhibit 11**.

35. Dr. Jennifer McCutchen, an Assistant Professor of History at the University of St. Thomas in St. Paul, Minnesota, submitted a declaration on the history of firearm and gunpowder restrictions applicable to certain groups, particularly Native peoples during the colonial and Early Republic eras. Dist. Ct. Dkt. 92-9. A true and correct copy of the declaration of Jennifer McCutchen is attached hereto as **Exhibit 12**.

36. On August 16, 2023, Defendant also filed the Fifth Supplemental Declaration of Mayra G. Morales in Response to the Court's Order Entered on July 18, 2023, a true and correct copy of which is attached hereto as **Exhibit 13**. Dist. Ct. Dkt. 92-11.

37. On August 16, 2023, Defendant also filed the Declaration of Sidney Jones, a true and correct copy of which is attached hereto as **Exhibit 14**. Dist. Ct. Dkt. 92-12. Agent Jones addressed the district court's request for information regarding persons who underwent background checks and were identified as prohibited persons, and on the seizure of firearms and ammunition from, arrests of, and case dispositions for such persons. *Id.* ¶ 3.

38. On October 2, 2023, Plaintiffs filed both a brief in response to Defendant's expert declaration and an expert declaration. Dist. Ct. Dkt. 95. Defendant objected and requested an opportunity to respond to Plaintiffs' brief, which the district court granted. Dist. Ct. Dkts. 96, 98. On November 2, 2023, Defendant filed a reply to Plaintiffs' brief. Dist. Ct. Dkt. 100.

39. On November 13, 2023, the district court held a status conference, during which it ordered the parties to submit, within 30 days, omnibus briefs addressing all remaining claims and issues in the case. Dist. Ct. Dkt. 101.

40. On December 13, 2023, Defendant submitted an Omnibus Brief, arguing that the Ammunition Laws do not violate the Second Amendment or dormant Commerce Clause, nor are they preempted by federal law. Dist. Ct. Dkt. 103.

41. In a decision dated January 30, 2024 but issued on January 31, the district court concluded that the challenged provisions of the Ammunition Laws

violate the Second Amendment and the dormant Commerce Clause and that one provision is preempted by federal law, and enjoined enforcement of each of the challenged laws. Ex. 1. The clerk of the Court entered judgment the same day. Ex. 2.

42. Within hours of being served with the decision and judgment, Defendant renewed his request for the district court to stay the decision. Dist. Ct. Dkt. 107. The request was denied. Dist. Ct. Dkt. 109.

43. Defendant also immediately filed a Notice of Appeal. Dist. Ct. Dkt. 108.

44. On January 31, counsel for Defendant informed Plaintiffs' counsel, Sean Brady, by telephone that Defendant was planning to seek a stay pending appeal from this Court and asked whether Plaintiffs' would consent to such a stay. Plaintiffs' counsel did not consent.

45. Defendant seeks an immediate stay of the decision and judgment pending appeal to preserve the status quo of the Ammunition Laws remaining in full force and effect. An immediate stay is needed to prevent irreparable harm to Defendant that would result if the challenged provisions of the Ammunition Laws were enjoined during this appeal; if the judgment is ultimately reversed on appeal, it would be nearly impossible to reverse the ammunition transactions that took place during the appeal, and extremely difficult to identify those prohibited persons

who purchased ammunition during the appeal, in violation of the Ammunition Laws. A stay pending appeal to preserve enforcement of a vital public safety measure that has been in effect for years is also in the public interest.

46. One of the ways prohibited persons acquire firearms is by purchasing “ghost guns.” Ghost guns are self-assembled fully-functional firearms that are typically made from user-friendly kits purchased online. 87 Fed. Reg. at 24662. And they are typically assembled without a background check to confirm that the person is not a prohibited person. In February, the Los Angeles Times reported that 42 of the 82 firearms recovered in a gang-related raid were ghost guns. A true and correct copy of Richard Winton, *Eastside Wilmas Armed Gang Members With Ghost Guns In L.A. Harbor Area, Authorities Say*, L.A. Times, Feb. 27, 2023, available at <https://www.latimes.com/california/story/2023-02-27/eastside-wilmas-ghost-guns-atf-lapd-investigation> (last visited January 31, 2024), is attached to this declaration as **Exhibit 15**.

47. The Ammunition Laws serve as a backstop to the acquisition of firearms by prohibited persons. As confirmed by Mayra Morales, Staff Services Manager III for the California Department of Justice, Bureau of Firearms, over 750 prohibited persons had been prevented from purchasing ammunition from the time the ammunition background check laws went into effect on July 1, 2019, through January 31, 2020. Ex. 6 ¶ 6.

48. In its annual Armed and Prohibited Persons System (APPS) report to the California Legislature, the California Department of Justice reported that 298 armed and prohibited individuals who attempted to purchase ammunition were denied through the ammunition eligibility check process in 2020. A true and correct copy of Cal. Dep't of Justice, Armed and Prohibited Persons System (APPS) 2020, *available at* <https://oag.ca.gov/system/files/attachments/press-docs/2020-apps-report.pdf> (last visited January 31, 2024), is attached to this declaration as **Exhibit 16**.

49. The APPS report for 2021 identified 195 armed and prohibited individuals who attempted to purchase ammunition and were denied through the ammunition eligibility check process. A true and correct copy of Cal. Dep't of Justice, Armed and Prohibited Persons System 2021, *available at* <https://oag.ca.gov/system/files/media/2021-apps-report.pdf> (last visited January 31, 2024), is attached to this declaration as **Exhibit 17**.

50. Again in 2022, the APPS report noted that the Bureau of Firearms received reports of 194 armed and prohibited individuals who attempted to purchase ammunition and were denied through the ammunition eligibility check process. A true and correct copy of Cal. Dep't of Justice, Armed and Prohibited Persons System Report 2022, *available at* oag.ca.gov/system/files/media/2022-

[apps-report.pdf](#) (last visited January 31, 2024), is attached to this declaration as

Exhibit 18.

51. Defendant's concerns are substantiated by the actions of one of the ammunition vendor plaintiffs, Ammunition Depot, when the district court initially granted the preliminary injunction in April 2020. Within hours of the district court's decision, Ammunition Depot took to Twitter and invited customers to purchase ammunition online. A true and correct screen shot of the tweet is attached to this declaration as **Exhibit 19**. I obtained this document from <https://twitter.com/AmmunitionDepot/status/1253465990400270336> (last visited January 31, 2024).

52. Ammunition Depot did the same when the district court's decision was issued today, as did another ammunition dealer, Fenix Ammunition. True and correct screen shots of these January 31 tweets are attached to this declaration as **Exhibits 20 and 21**. I obtained these screen shorts from <https://twitter.com/AmmunitionDepot/status/1752776535268823141> and <https://twitter.com/FenixAmmunition/status/1752742998616490068>, respectively (last visited January 31, 2024).

53. Defendant's concerns are further substantiated by what transpired in 2019 in the wake of the district court's judgment in one of the other Second Amendment cases, *Duncan*, concerning large-capacity ammunition magazines. In

Duncan, the district court issued a permanent injunction of California's two-decade old restrictions on large-capacity magazines, codified at California Penal Code section 32310, without any stay of enforcement of the judgment. *Duncan v. Becerra*, 366 F. Supp. 3d 1131 (S.D. Cal. 2019), *aff'd*, 970 F.3d 1133 (9th Cir. 2020), *reh'g en banc granted*, 988 F.3d 1209 (2021), *rev'd*, 19 F.4th 1087, 1104 (9th Cir. 2021) (en banc), *cert. granted, judgment vacated*, 142 S. Ct. 2895 (2022), *vacated and remanded*, 49 F.4th 1228 (9th Cir. 2022). While the Attorney General promptly applied to the district court *ex parte* for an immediate stay pending appeal and a temporary stay pending disposition of the stay application, the district court did not issue a stay pending appeal until four days later, making the stay effective the following day and permitting anyone who acquired a large-capacity magazine during the interim following the entry of judgment to keep them during the appeal. *Duncan v. Becerra*, No. 17-cv-1017-BEN-JLB, 2019 WL 1510340, at *3 (S.D. Cal. Apr. 4, 2019). During the period between the entry of judgment on March 29, 2019, and the eventual stay pending appeal on April 4, 2019, over one million large-capacity magazines reportedly flooded into the State, where they remain to this day. A true and correct copy of Matthew Green, *Gun Groups: More than a Million High-Capacity Magazines Flooded California During Weeklong Ban Suspension*, KQED.org, Apr. 12, 2019, available at <https://bit.ly/3wfinEU> (last visited January 31, 2024), is attached hereto as **Exhibit 22**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 31, 2024, at Los Angeles, California.

s/ *Christina R.B. López*

Christina R.B. López

INDEX OF EXHIBITS

Exhibit	Document Description
1	Decision, dated January 30, 2024 (Dist. Ct. Dkt. 105)
2	Judgment, dated January 30, 2024 (Dist. Ct. Dkt. 106)
3	Declaration Mayra G. Morales in Support of Defendant Xavier Becerra's Opposition to Plaintiffs' Motion for Preliminary Injunction, dated August 2, 2019 (Dist. Ct. Dkt. 34-1)
4	Supplemental Declaration Mayra G. Morales in Support of Defendant Xavier Becerra's Opposition to Plaintiffs' Motion for Preliminary Injunction, dated September 27, 2019 (Dist. Ct. Dkt. 42)
5	Second Supplemental Declaration Mayra G. Morales in Support of Defendant Xavier Becerra's Opposition to Plaintiffs' Motion for Preliminary Injunction, dated November 18, 2019 (Dist. Ct. Dkt. 48)
6	Third Supplemental Declaration Mayra G. Morales in Support of Defendant Xavier Becerra's Opposition to Plaintiffs' Motion for Preliminary Injunction, dated February 28, 2020 (Dist. Ct. Dkt. 53)
7	Fourth Supplemental Declaration Mayra G. Morales in Support of Defendant Xavier Becerra's Opposition to Plaintiffs' Motion for Preliminary Injunction, dated April 10, 2020 (Dist. Ct. Dkt. 59)
8	Reporter Transcript of the December 12, 2022 Consolidated Hearing, <i>Duncan v. Bonta</i> , No. 3:17-cv-01017-BEN-JLB (S.D. Cal.); <i>Miller v. Bonta</i> , No. 3:19-cv-1537-BEN-JLB (S.D. Cal.); <i>Rhode v. Bonta</i> , No. 3:18-cv-00802-BEN-JLB (S.D. Cal.); and <i>Fouts v. Bonta</i> , No. 3:19-cv-01662-BEN-JLB (S.D. Cal.)
9	Declaration of John D. Echeverria re Submission of Surveys, dated January 11, 2023 (Dist. Ct. Dkt. 79)

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Exhibit	Document Description
10	Declaration of Robert Spitzer, dated August 15, 2023 (Dist. Ct. Dkt. 92-1)
11	Declaration of Dr. Michael Vorenberg, dated August 15, 2023 (Dist. Ct. Dkt. 92-7)
12	Declaration of Jennifer M. McCutchen, dated August 16, 2023 (Dist. Ct. Dkt. 92-9)
13	Fifth Supplemental Declaration of Mayra G. Morales in Response to the Court's Order Entered on July 18, 2023, dated August 16, 2023 (Dist. Ct. Dkt. 92-11)
14	Declaration of Sidney Jones, dated August 15, 2023 (Dist. Ct. Dkt. 92-12)
15	Richard Winton, <i>Eastside Wilmas Armed Gang Members With Ghost Guns In L.A. Harbor Area, Authorities Say</i> , L.A. Times, Feb. 27, 2023, https://www.latimes.com/california/story/2023-02-27/eastside-wilmas-ghost-guns-atf-lapd-investigation
16	Cal. Dep't of Justice, Armed and Prohibited Persons System (APPS) 2020
17	Cal. Dep't of Justice, Armed and Prohibited Persons System (APPS) Report 2021
18	Cal. Dep't of Justice, Armed and Prohibited Persons System (APPS) Report 2022
19	Ammunition Depot Tweet, dated April 23, 2020, https://twitter.com/AmmunitionDepot/status/1253465990400270336

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Exhibit	Document Description
20	Ammunition Depot Tweet, dated January 31, 2024, https://twitter.com/AmmunitionDepot/status/1752776535268823141
21	Fenix Ammunition Tweet, dated January 31, 2024, https://twitter.com/FenixAmmunition/status/1752742998616490068
22	Matthew Green, <i>Gun Groups: More than a Million High-Capacity Magazines Flooded California During Weeklong Ban Suspension</i> , KQED.org, Apr. 12, 2019, https://bit.ly/3wfinEU

EXHIBIT 1

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KIM RHODE, et al.,
Plaintiffs,

v.

ROB BONTA, in his official capacity as
Attorney General of the State of
California,
Defendant.

Case No.: 18-cv-802-BEN (JLB)

DECISION

I. INTRODUCTION

In 2016, California voters approved a statewide ballot measure known as Proposition 63. Proposition 63 created a background check system for the purchasing of ammunition. The voters approved a system where gun owners would apply for an ammunition purchase permit. The permit would cost \$50 and it would be good for four years. The permit would be renewable and revocable upon a disqualifying event. Under the Proposition 63 approach, when a gun owner wanted to purchase ammunition, he

1 would submit his ammunition purchase permit to a licensed vendor and the permit would
2 be checked with the State for current validity.¹

3
4
5
6 ¹ Proposition 63 (November 8, 2016), Article 4, Ammunition Purchase
7 Authorizations provided, *inter alia*,

8 30370. (a) (1) Commencing on January 1, 2019, any person who is 18 years of age
9 or older may apply to the Department of Justice for an ammunition purchase
10 authorization.

11 (2) The ammunition purchase authorization may be used by the authorized person
12 to purchase or otherwise seek the transfer of ownership of ammunition from an
13 ammunition vendor, as that term is defined in Section 16151, and shall have no other
14 force or effect.

15 (3) The ammunition purchase authorization shall be valid for four years from July
16 1, 2019, or the date of issuance, whichever is later, unless it is revoked by the department
17 pursuant to subdivision (b).

18 (b) The ammunition purchase authorization shall be promptly revoked by the
19 department upon the occurrence of any event which would have disqualified the holder
20 from being issued the ammunition purchase authorization pursuant to this section. If an
21 authorization is revoked, the department shall upon the written request of the holder state
22 the reasons for doing so and provide the holder an appeal process to challenge that
23 revocation.

24 (c) The department shall create and maintain an internal centralized list of all
25 persons who are authorized to purchase ammunition and shall promptly remove from the
26 list any persons whose authorization was revoked by the department pursuant to this
27 section. The department shall provide access to the list by ammunition vendors for
28 purposes of conducting ammunition sales or other transfers, and shall provide access to
the list by law enforcement agencies for law enforcement purposes.

(d) The department shall issue an ammunition purchase authorization to the
applicant if all of the following conditions are met:

(1) The applicant is 18 years of age or older.

(2) The applicant is not prohibited from acquiring or possessing ammunition under
subdivision (a) of Section 30305 or federal law.

(3) The applicant pays the fees set forth in subdivision (g).

(e) (1) Upon receipt of an initial or renewal application, the department shall
examine its records, and the records it is authorized to request from the State Department
of State Hospitals, pursuant to Section 8104 of the Welfare and Institutions Code, and if
authorized, the National Instant Criminal Background Check System, as described in
Section 922(t) of Title 18 of the United States Code, in order to determine if the applicant

1 However, before election day the state legislature enacted Senate Bill 1235.
2 Senate Bill 1235 “prospectively amended” aspects of Proposition 63 -- including the
3 ammunition purchase permit program. Instead of creating a system using an ammunition
4 purchase permit that was valid for four years, Senate Bill 1235 requires residents to
5 submit to an automated background check every time they need to buy ammunition.²

6 The new requirement went into effect on July 1, 2019. It is Senate Bill 1235’s
7 requirement of a background check *for every purchase* that is challenged here. Why the
8

9
10 is prohibited from possessing or acquiring ammunition under subdivision (a) of Section
11 30305 or federal law.

12 (2) The applicant shall be approved or denied within 30 days of the date of the
13 submission of the application to the department. If the application is denied, the
14 department shall state the reasons for doing so and provide the applicant an appeal
15 process to challenge that denial.

16 (3) If the department is unable to ascertain the final disposition of the application
17 within 30 days of the applicant’s submission, the department shall grant authorization to
18 the applicant.

19 (4) The ammunition purchase authorization number shall be the same as the
20 number on the document presented by the person as bona fide evidence of identity.

21 (f) The department shall renew a person’s ammunition purchase authorization
22 before its expiration, provided that the department determines that the person is not
23 prohibited from acquiring or possessing ammunition under subdivision (a) of Section
24 30305 or federal law, and provided the applicant timely pays the renewal fee set forth in
25 subdivision (g).

26 (g) The department may charge a reasonable fee not to exceed fifty dollars (\$50)
27 per person for the issuance of an ammunition purchase authorization or the issuance of a
28 renewal authorization, however, the department shall not set these fees any higher than
29 necessary to recover the reasonable, estimated costs to fund the ammunition authorization
30 program provided for in this section and Section 30352, including the enforcement of this
31 program and maintenance of any data systems associated with this program.

32 ² The resulting “pre-amendments” by Senate Bill 1235 created a curious and
33 complicated patchwork quilt of new Penal Code provisions covering ammunition sales,
34 purchases, and background checks. Some provisions spring from SB 1235; others flow
35 from Proposition 63. Senate Bill 1235 §19(a) anticipated the passage of Proposition 63
36 with the following language: “. . . if the Safety for All Act of 2016 is enacted by the
37 voters at the November 8, 2016, statewide general election and becomes effective . . .
38 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 14 shall not become operative.”

1 legislature eliminated the voter-approved 4-year permit system in favor of an every-
2 purchase background check scheme is not apparent.³ Without prejudging the discarded
3 4-year permit system envisioned by the voters of California, such a system would clearly
4 be a more reasonable constitutional approach than the current scheme.

5 Today, a person may choose to submit to a full credit check to buy an automobile.
6 But he is not required to pass the same credit check every time he needs to refill his car
7 with gas or recharge his battery at a charging station. And the Constitution does not
8 mention a right to own automobiles (or carriages or horses). Similarly, when a person
9 chooses to buy a firearm, he is required to undergo a full background check. However,
10 until now, he was not required to also go through a background check every time he
11 needs to refill his gun with ammunition. And the Bill of Rights commands that the right
12 to keep and bear arms shall not be infringed. With the recently enacted ammunition
13 background check laws, gun owners in California undergo background checks more than
14 one million times each year simply to buy ammunition. They are not allowed to buy
15 ammunition from out-of-state vendors and have it delivered to their homes. They are not
16 allowed to buy ammunition in Arizona or Nevada and bring it with them back into
17 California. Though they are citizens entitled to enjoy all of the constitutional rights,
18 Californians are denied the Second Amendment right to buy ammunition for self-defense
19 at least 11% of the time because of problems with the background check system.

20 In earlier proceedings, this Court found the background check and anti-importation
21 provisions likely violate both the Second Amendment and the dormant Commerce Clause
22 and entered a preliminary injunction. *See Rhode v. Becerra*, 445 F. Supp. 3d 902 (S.D.
23 Cal. 2020). That Order was appealed. The Court of Appeals remanded the case for
24

25
26 ³ The text of SB 1235 does not state the reason or offer a justification for the
27 change. For many years, ammunition control has been unsuccessfully proposed as a
28 more effective approach for gun control. *See e.g.*, Brendan J. Healey, *Plugging the Bullet
Holes in U.S. Gun Law: An Ammunition-Based Proposal for Tightening Gun Control*, 32
J. Marshall L. Rev. 1 (1998).

1 further proceedings consistent with *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*,
2 597 U.S. 1 (2022).⁴ After remand and pursuant to F.R.C.P. 65(a)(2), the Court
3 consolidated a hearing on the renewed motion for preliminary injunction with a trial on
4 the merits.

5 **II. THE CHALLENGED STATE LAW PROVISIONS**

6 Ammunition sales in California must now be conducted by a state-licensed
7 ammunition vendor in a face-to-face transaction. Cal. Penal Code § 30312(a)-(b). A
8 California resident who seeks to buy firearm ammunition must first pay for and pass an
9 electronic background check each time he or she wishes to make a purchase. The buyer
10 must prove he is a Citizen of the United States and a California resident in order to
11 submit to the background check. The background check must report that the buyer is not
12 a prohibited person, or more specifically, that the buyer is an “authorized” person. Cal.
13 Penal Code § 30370. In the language of the statute, to buy ammunition one must be: “A
14 person authorized to purchase ammunition pursuant to Section 30370.” Cal Penal Code §
15 30352(c)(1). “[T]he ammunition vendor shall verify with the department, in a manner
16 prescribed by the department, that the person is authorized to purchase ammunition. If
17 the person is not listed as an authorized ammunition purchaser, the vendor shall deny the
18 sale or transfer.” Cal. Penal Code § 30352(d).

19 The law provides an exception for ammunition purchased at a commercial target
20 range, but the ammunition must not leave the range. Cal. Penal Code § 30312(c)(9).
21 There is also an exception for purchasing ammunition from a spouse, registered domestic
22 partner, or immediate family member. Cal. Penal Code § 30312(c)(10). However,
23 without a spouse, partner, or family member to buy from, there is nowhere else in
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25
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27

28 ⁴ Appeal No. 20-55437, Order (filed Nov. 17, 2022).

1 California one may go to buy ammunition for defense of self, defense of family, defense
2 of property, use in a militia, hunting, or recreational shooting.⁵

3 A person who needs to buy ammunition has four paths to seek authorization: two
4 types of background checks, a certificate of eligibility verification check, and a firearm
5 purchase check. Today, the cost of submitting to a background check varies between \$1
6 for the “standard check” and \$19 for the “basic check.” The certificate of eligibility
7 verification check requires first obtaining a current certificate of eligibility which
8 demands one go through a time-consuming and expensive process. The fees for a firearm
9 purchase check (and any ammunition at the same time) are currently \$37.19.⁶ Whichever
10 path is taken, the background check cost is the same to buy one round or one thousand
11 rounds. A person in California may not purchase from vendors outside of California
12 unless the ammunition is delivered directly to an in-state, California-licensed ammunition
13 vendor, whereupon the buyer must then pass the background check in a face-to-face
14 transaction. *See* Cal. Penal Code §§ 30312, 30314, 30370, and 30385. All of this was
15 described in detail in the earlier Order.

16 **III. THE PLAINTIFFS’ CONTINUING ARTICLE III STANDING**

17 This Court previously found that Plaintiffs had Article III standing at the outset of
18 this case. Defendant continues to challenge the plaintiffs’ Article III standing. Now that
19 all of the evidence has been received,⁷ Plaintiffs’ standing may be considered again. “To
20 satisfy Article III standing, a plaintiff must show: (1) an injury in fact that is concrete and
21 particularized and actual or imminent, not conjectural or hypothetical; (2) a causal
22 connection between the injury and the challenged action of the defendant; and (3) that it
23

24
25 ⁵ There are the usual exceptions for law enforcement officers. *See* Cal. Penal Code
26 §§ 30312, 30314.

27 ⁶ The fees include the Dealer’s Record of Sale Fee of \$31.19, the Firearm Safety
28 Fee of \$1, and the Firearms Safety Enforcement Fee of \$5.

⁷ *See e.g.*, Declarations of Plaintiffs gathered in Plaintiffs’ Resp. to Order Entered
on July 18, 2023, Dkt. 93.

1 is likely, as opposed to merely speculative, that the injury will be redressed by a
2 favorable decision.” *Teter v. Lopez*, 76 F.4th 938, 943 (9th Cir. 2023) (quoting *Jackson*
3 *v. City & County of San Francisco*, 746 F.3d 953, 967 (9th Cir. 2014) (cleaned up)).
4 Under this standard, which is the same standard applied previously, Plaintiffs have
5 proven that they continue to suffer injuries in fact that are actual and ongoing, that the
6 injuries are directly traceable to the Defendant who is the official responsible for
7 enforcement of the ammunition laws and that the injuries would be redressed by an
8 injunction against enforcement – a remedy this court can provide. Therefore, Plaintiffs
9 continue to have Article III standing.

10 **IV. DISCUSSION**

11 Plaintiffs claim the ammunition background check laws are invalid for three main
12 reasons. *First*, the ammunition background check scheme violates the Second
13 Amendment to the U.S. Constitution. *Second*, the anti-importation aspect of the
14 ammunition laws violates the Article 1, § 8, clause 3 of the Constitution, known as the
15 dormant Commerce Clause. *Third*, the anti-importation provision for individuals is
16 preempted by 18 U.S.C. § 926A. This Court agrees.

17 **A. The Second Amendment**

18 *A well regulated Militia, being necessary to the security of a free State, the right of*
19 *the people to keep and bear Arms, shall not be infringed.* U.S. Const. amend. II.

20 In the earlier Order, it was determined that the state background check laws were
21 likely to violate Second Amendment rights because they failed the multi-step
22 intermediate scrutiny test adopted after *District of Columbia v. Heller*, 554 U. S. 570
23 (2008) and *McDonald v. Chicago*, 561 U. S. 742 (2010) in *United States v. Chovan*, 735
24 F.3d 1127, 1136 (9th Cir. 2013). In *Bruen*, the Supreme Court rejected the old approach
25 of using different levels of scrutiny, holding instead that,

26 when the Second Amendment’s plain text covers an
27 individual’s conduct, the Constitution presumptively protects
28 that conduct. To justify its regulation, the government may not
simply posit that the regulation promotes an important interest.

1 Rather, the government must demonstrate that the regulation is
2 consistent with this Nation’s historical tradition of firearm
3 regulation. Only if a firearm regulation is consistent with this
4 Nation’s historical tradition may a court conclude that the
5 individual’s conduct falls outside the Second Amendment’s
6 “unqualified command.”

7 597 U.S. at 17 (cleaned up). Applying *Bruen*’s new lesson, this Court’s conclusion
8 remains the same: the California ammunition background check laws violate a citizen’s
9 right to bear arms. Once it becomes clear that acquiring ammunition is conduct covered
10 by the plain text of the Second Amendment, it should be no surprise to discover that the
11 government is *unable* to do that which it must now do: demonstrate that California’s first-
12 of-its-kind sweeping statewide restriction on buying firearm ammunition is consistent
13 with this Nation’s historical tradition of firearm regulation. Because these laws are not
14 consistent with the Nation’s history and tradition, they must yield to the Constitution.

15 All agree that the ammunition necessary to use a gun is covered by the Second
16 Amendment’s protection for keeping and bearing arms. The Attorney General correctly
17 concedes that, “[e]ven though the Second Amendment does not reference a right to
18 acquire or purchase Arms or mention ammunition, it ‘protects ancillary rights necessary
19 to the realization of the core right to possess a firearm for self-defense.’”⁸ The Attorney
20 General agrees that the core right to possess a firearm for self-defense, “would include a
21 ‘corresponding right’ to ‘obtain bullets necessary to use’ firearms for self-defense.”⁹
22 *Teixeira* makes it perfectly clear. “We recognized in *Jackson* that, although the Second
23 Amendment ‘does not explicitly protect ammunition . . . , without bullets, the right to
24 bear arms would be meaningless.’ *Jackson* thus held that ‘the right to possess firearms
25 for protection implies a corresponding right’ to obtain the bullets necessary to use them.”

26 ⁸ Def.’s Omnibus Brief, Dkt. 103 at 3-4 (quoting *Teixeira v. County of Alameda*,
27 873 F.3d 670, 677 (9th Cir. 2017).

28 ⁹ *Id.* at 4 (quoting *Jackson v. City & County of San Francisco*, 746 F.3d 953, 967
 (9th Cir. 2014)).

1 *Teixeira*, 873 F.3d at 677. This is the historically traditional view. *Teixeira* pointed out
2 that only three years after the Fourteenth Amendment was adopted, “[t]he Tennessee
3 Supreme Court cogently observed in 1871, interpreting that state’s constitution, that ‘the
4 right to keep arms, necessarily involves the right to purchase them, to keep them in a state
5 of efficiency for use, *and to purchase and provide ammunition suitable for such arms,*
6 *and to keep them in repair.’* *Teixeira*, 873 F.3d at, 678 (quoting *Andrews v. State*, 50
7 Tenn. (3 Heisk.) 165, 178 (1871)) (emphasis added). After all, and as *Jackson* observed,
8 “[a] regulation eliminating a person’s ability to obtain or use ammunition could thereby
9 make it impossible to use firearms for their core purpose,” and “*Heller* did not
10 differentiate between regulations governing ammunition and regulations governing the
11 firearms themselves.” *Jackson*, 746 F.3d at 967. Plaintiffs assert that this is enough to
12 shift the burden to the government to demonstrate a history and tradition of ammunition
13 background checks.

14 In contrast, the Attorney General makes two arguments to end the case here, at the
15 textual level, before he has to shoulder the burden of demonstrating a history and
16 tradition of constitutional ammunition background checks. First, he retreats and says that
17 purchasing ammunition without a background check is not *really* covered by the plain
18 text of the Second Amendment or any ancillary right.¹⁰ Second, he says that the
19 background check laws are simply “presumptively lawful regulatory measures.”¹¹
20 Neither argument is persuasive. The first argument employs a rhetorical device to over-
21 describe in detail the asserted constitutional wrong. Having over-described the alleged
22 constitutional right, it is then argued that the detailed description of the asserted right is
23 not covered by the plain text of the Constitution. This is an example:

24 Here, Plaintiffs wish to purchase ammunition without passing a
25 background check. They also wish to purchase ammunition
26 without having to complete a face-to-face transaction at a

27 ¹⁰ *Id.*

28 ¹¹ *Id.* at 4-7.

1 licensed firearms dealer, and without the dealer retaining
2 records of the transaction. This conduct is not covered by the
3 plain text of the Second Amendment.¹²

4 The flaw in this approach is that it focuses on the details of the constitutional
5 wrong and then asserts that these details are not covered by the text of the Constitution.
6 For example, suppose a plaintiff described the wrong like this: having been threatened
7 by lawless rioting two blocks from home and with more threatened violence anticipated,
8 plaintiff desires to buy ammunition for his firearm today so as to be able to defend
9 himself and his household tonight, but is unable to do so because the background check
10 system erroneously reports that he is not an authorized purchaser. The government
11 would then say that the wrong, as described, is not covered by the plain text of the
12 Second Amendment. But all a plaintiff needs to allege is that by preventing him from
13 buying ammunition, the government's background check system infringed his right to
14 bear arms for self-defense. That is what is done here. For example, the Plaintiffs allege
15 that "[f]or those who do not have access to a nearby ammunition vendor or FFL, Section
16 30312 bans and criminalizes the only method by which those affected persons can obtain
17 ammunition for self-defense."¹³ The Court finds that Plaintiffs' allegations of
18 constitutional wrong are covered by the plain text.

19 The Attorney General's second argument relies on an old justification while at the
20 same time avoiding *Jackson*. He points out that the Supreme Court presumes that
21 conditions and qualifications on the commercial sale of arms are lawful, citing *Heller*,
22 554 U.S. at 626-27 & n.26 ("[N]othing in our opinion should be taken to cast doubt on
23 longstanding prohibitions and . . . laws imposing conditions and qualifications on the
24 commercial sale of arms."). The Attorney General then claims that the ammunition
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26
27 ¹² Def.'s Brief in Resp. to the Court's Order, Dkt. 81 at 16

28 ¹³ Amended Complaint, Dkt. 9 at ¶94 (Second Claim for Relief).

1 background check laws are no more than “conditions and qualifications on the
2 commercial” buying of ammunition that are presumptively lawful.

3 *Heller* did not decide that conditions and qualifications on the commercial buying
4 of ammunition -- erected and stacked to the extent that would-be lawful purchasers are
5 delayed and denied -- would be presumptively lawful. *Heller* did not say that every
6 condition or qualification a government could impose on buying a firearm or ammunition
7 is beyond constitutional review. *Heller* answered a different question holding that the
8 Second Amendment protects an individual right and that a complete prohibition on
9 possession of a handgun and requiring the inoperability of a gun in the home violates the
10 Second Amendment. *Id.* at 635. When *Heller* was decided, no state in the nation had
11 ever required a background check for ammunition.

12 Whatever firearm regulations may be thought of as presumptively lawful under
13 *Heller*, ammunition regulations are not among them. This is not a question of first
14 impression. It was already decided in *Jackson*. *Jackson* said unambiguously that,
15 “*Heller* does not include ammunition regulations in the list of ‘presumptively lawful’
16 regulations.” 746 F.3d at 968. And *Jackson* said, “[c]onducting our historical review, we
17 conclude that prohibitions on the sale of ammunition do not fall outside ‘the historical
18 understanding of the scope of the Second Amendment right.’” *Id.* (quoting *Heller*, 554
19 U.S. at 625).

20 Because ammunition sale prohibitions and regulations are covered by the Second
21 Amendment, the presumption is that such restrictions are infringements. The State may
22 overcome the presumption, but it needs to do so as *Bruen* teaches. In other words, “the
23 government must demonstrate that the regulation is consistent with this Nation’s
24 historical tradition of firearm regulation.” *Bruen*, 597 U.S. at 17; *Atkinson v. Garland*, 70
25 F.4th 1018, 1020 (7th Cir. 2023) (“Accordingly, when the Second Amendment’s ‘plain
26 text’ covers the regulated conduct, the government has only one way to defend the
27 regulation—by proving that it is ‘consistent with this Nation’s historical tradition of
28 firearm regulation.’”).

1 The Attorney General also relies on a footnote in *Bruen* to argue that background
2 checks are permissible. *Bruen*'s footnote nine says:

3 To be clear, nothing in our analysis should be interpreted to
4 suggest the unconstitutionality of the 43 States' "shall-issue"
5 licensing regimes, under which "a general desire for self-
6 defense is sufficient to obtain a permit." Because these
7 licensing regimes do not require applicants to show an atypical
8 need for armed self-defense, they do not necessarily prevent
9 "law-abiding, responsible citizens" from exercising their
10 Second Amendment right to public carry. Rather, it appears
11 that these shall-issue regimes, which often require applicants to
12 undergo a background check or pass a firearms safety course,
13 are designed to ensure only that those bearing arms in the
14 jurisdiction are, in fact, "law-abiding, responsible citizens."
15 And they likewise appear to contain only "narrow, objective,
16 and definite standards" guiding licensing officials, rather than
17 requiring the "appraisal of facts, the exercise of judgment, and
18 the formation of an opinion,"—features that typify proper-cause
19 standards like New York's. That said, *because any permitting
20 scheme can be put toward abusive ends, we do not rule out
21 constitutional challenges to shall-issue regimes where, for
22 example, lengthy wait times in processing license applications
23 or exorbitant fees deny ordinary citizens their right to public
24 carry.*

18 597 U.S. at 38 and n.9 (citations omitted) (emphasis added). The Attorney General posits
19 that footnote nine provides constitutional approval of the background check laws. He
20 does not acknowledge that the California architecture may be that abusive permitting
21 scheme which footnote nine describes as constitutionally suspect: "regimes where, for
22 example, lengthy wait times in processing license applications or exorbitant fees deny
23 ordinary citizens their right to public carry." *Id.* This lawsuit is that constitutional
24 challenge to an ammunition purchase authorization regime where record data
25 mismatches, lengthy and occasionally infinite wait times, and sometimes exorbitant fees,
26 are currently denying ordinary citizens their right to public carry.
27
28

1 In the earlier Order, the cumbersome and byzantine background check system was
2 described in detail and need not be repeated here. In 2019, the laws were new and the
3 procedures and systems were being put in place for the first time. The evidence proved
4 that during the first seven months of operation, 101,047 law-abiding gun owners who
5 established their citizenship and underwent background checks were nevertheless
6 rejected. The 2019 rejection rate was 16%. Overwhelmingly, the rejections were either
7 because the state had no record of gun ownership or because of personal identifier
8 mismatches. *Rhode*, 445 F. Supp. 3d at 917-918.

9 One would expect problems and errors in a new system as extensive and ungainly
10 as California's unprecedented ammunition background check system. Unfortunately,
11 today the background check rejection rate is lower at 11%, but it is still too high.¹⁴ In the
12 first six months of 2023, there were 538,359 background checks. Of those, 58,087
13 individuals were rejected because of a failure to match an AFS record.¹⁵ These are
14 citizens with Second Amendment rights to protect themselves who were blocked from
15 buying ammunition. The Attorney General says that technical rejections are fixable.
16 Yet, evidencing the difficulty of overcoming system rejections, of the 7,342 people who
17 were rejected by a Standard background check in January of last year, 2,722 individuals
18 (37%) had still not successfully purchased ammunition six months later.¹⁶ Some have
19 likely given up trying.¹⁷

22 ¹⁴ Even those who have gone through the complicated and time-consuming process
23 of obtaining a current California Certificate of Eligibility were rejected 9% of the time.
24 *See* Fifth Supplemental Declaration of Morales, Dkt. 92-11 at ¶53.

25 ¹⁵ Three reasons for rejections (address mismatches; no apparent AFS record; name
26 mismatches) accounted for about 85% of all rejections in 2023. *See* Fifth Supplemental
27 Declaration of Morales, Dkt. 92-11 at ¶27.

28 ¹⁶ *See* Fifth Supplemental Declaration of Morales, Dkt. 92-11 at ¶31.

¹⁷ The State estimated (before the laws were implemented) that there would be
thirteen million ammunition background checks per year. Since then, there has been
something closer to only one million background checks each year. One explanation

1 Ostensibly, the entire reason for the implementation of California's sweeping
2 ammunition purchase background check is to prevent dangerous prohibited persons from
3 acquiring bullets for their guns. Of those same 583,359 persons who submitted to
4 ammunition background checks in the first half of 2023, only .03% (141 individuals)
5 were denied because they were found on the Armed Prohibited Person System list.¹⁸
6 The Court asked the Attorney General to provide information about the ultimate
7 resolution of cases where persons who wanted to buy ammunition were reported to be
8 prohibited persons. Special Agent Sidney Jones¹⁹ provided case dispositions for
9 prohibited persons denied the purchase of ammunition between July 1, 2019 and January
10 31, 2020.²⁰ During those seven months, 770 ammunition buyers were rejected as
11 prohibited persons.²¹ At least sixteen of the 770 persons rejected were later determined
12 to have been incorrectly identified as prohibited persons and should have been authorized
13 to purchase ammunition. *See Rhode*, 445 F. Supp. 3d at 924. Agent Jones states that
14 those 770 background check rejections prompted 51 investigations that resulted in
15 firearms, magazines, or ammunition seizures.²² From those 51 investigations, 15
16 individuals were arrested.²³ In the end, the government obtained four felony and two
17 misdemeanor convictions.²⁴ To sum up, approximately 635,000 residents were required
18 to undergo background checks in the last half of 2019, the denials of which prompted the
19 arrests of 15 individuals which led to six criminal convictions.

20 _____
21
22 could be that the onerous and inescapable burden of the present system are chilling the
23 rights of law-abiding gun owners. *See Rhode*, 445 F. Supp. 3d at 924 and nn.27 and 28.

24 ¹⁸ *See* Fifth Supplemental Declaration of Morales, Dkt. 92-11 at ¶11.

25 ¹⁹ Special Agent in Charge for the California Department of Justice, Bureau of
26 Firearms.

27 ²⁰ *See* Declaration of Sidney Jones, Dkt. 92-12 at ¶22.

28 ²¹ *See* Third Supp. Morales Declaration, Dkt. 53, at ¶6.

²² *See* Declaration of Sidney Jones, Dkt. 92-12 at ¶27.

²³ *Id.* at ¶28.

²⁴ *Id.* at ¶28. Jones notes the disposition of the majority of charges is unknown to him and some cases may still be ongoing.

1 In the first half of last year, 589,087 individuals traveled to an ammunition vendor
2 to buy ammunition. They proved their citizenship and residency with identification
3 documents and paid for a background check. The State's computers rejected 58,087 or
4 11% of them. This is an average of 322 individuals rejected every day. How many of
5 the 58,087 needed ammunition to defend themselves against an impending criminal threat
6 and how many were simply preparing for a sporting event, we will never know. What is
7 known is that in almost all cases, the 322 individuals that are rejected each day are being
8 denied permission to freely exercise their Second Amendment right -- a right which our
9 Founders instructed shall not be infringed.

10 The Fifteenth Amendment directs that the right to vote shall not be denied or
11 abridged. A state law requiring identification before voting, where 4.5% of all voters
12 lacked the requisite identification documents to vote, was struck down because the
13 excessive burden abridged the constitutional right, and more specifically for violating the
14 Voting Rights Act (legislation that flows from the Fifteenth Amendment).²⁵ If a state
15 identification requirement for voting which burdens 4.5% of registered voters is an
16

17
18 ²⁵ See *Veasey v. Abbott*, 830 F.3d 216, 250 (5th Cir. 2016), *cert. denied*, 580 U.S.
19 1104 (2017) ("The district court found that 608,470 registered voters, or 4.5% of all
20 registered voters in Texas, lack SB 14 ID."). The *Veasey* court noted the kinds of
21 burdens for obtaining identification documents to vote. They are the same kinds of
22 burdens that Plaintiffs face in this case in order to be eligible for the ammunition
23 background check. *Id.* at 254 ("The district court found that 'the Plaintiffs demonstrated
24 the impact' of SB 14 along several axes, including: (1) the difficulty of obtaining an EIC
25 and voting with the proper ID because of Texas's poor implementation of this program;
26 (2) the cost of underlying documents necessary to obtain an EIC or other SB 14 ID; (3)
27 difficulties with delayed, nonexistent, out-of-state, or amended birth certificates due to
28 nontraditional births and errors on birth certificates; (4) long distances and other travel
issues that made getting to a registrar and DPS office problematic for many Plaintiffs; (5)
a strict disability exemption; and (6) a burdensome alternative of voting absentee. Some
of the Plaintiffs faced difficulties along multiple axes in attempting to get SB 14 ID and
vote in person.").

1 unconstitutional burden on the Fifteenth Amendment, surely a state identification
2 requirement that blocks an untold number of gun owners from undergoing an ammunition
3 background check and then rejects 11% of those who are checked, is likewise an
4 unconstitutional burden on the Second Amendment. “The constitutional right to bear
5 arms in public for self-defense is not ‘a second-class right, subject to an entirely different
6 body of rules than the other Bill of Rights guarantees.’” *Bruen*, 597 U.S. at 70 (quoting
7 *McDonald*, 561 U.S. at 780).

8 If any background check system satisfies *Bruen*’s footnote nine description of a
9 scheme put to abusive ends, as opposed to the system originally approved by the voters,
10 this may be it. In other words, assuming *arguendo* that there is a presumption in favor of
11 a background check condition or qualification on the buying of ammunition, the
12 presumption has been overcome. Consequently, the burden is now on the government to
13 demonstrate a history and tradition of regulation similar to the ammunition background
14 check laws challenged here.

15 **1. History and Tradition of Background Checks**

16 For conducting the historical inquiry, *Bruen* identifies a number of guidelines. The
17 first, and perhaps the most important for this case, is that “when a challenged regulation
18 addresses a general societal problem that has persisted since the 18th century, the lack of
19 a distinctly similar historical regulation addressing that problem is relevant evidence that
20 the challenged regulation is inconsistent with the Second Amendment.” *Bruen*, 597 U.S.
21 at 26. Also, “if earlier generations addressed the societal problem, but did so through
22 materially different means, that also could be evidence that a modern regulation is
23 unconstitutional.” *Id.* at 26-27. “[C]ases implicating unprecedented societal concerns or
24 dramatic technological changes may require a more nuanced approach,” and analogical
25 reasoning. *Id.* at 27. “Determining whether a historical regulation is a proper analogue
26 for a distinctly modern firearm regulation requires a determination of whether the two
27 regulations are ‘relevantly similar.’” *Id.* at 28-29. *Bruen* notes,

28 analogical reasoning under the Second Amendment is neither a

1 regulatory straitjacket nor a regulatory blank check. On the one
2 hand, courts should not “uphold every modern law that
3 remotely resembles a historical analogue,” because doing so
4 “risks endorsing outliers that our ancestors would never have
5 accepted.” On the other hand, analogical reasoning requires
6 only that the government identify a well-established and
7 representative historical analogue, not a historical twin. So
8 even if a modern-day regulation is not a dead ringer for
9 historical precursors, it still may be analogous enough to pass
10 constitutional muster.

11 *Id.* at 30.

12 **2. 1791 to 1868**

13 *Bruen* teaches the most significant historical evidence comes from the years 1791
14 to 1868 with emphasis placed on the earlier time period. *Id.* at 34-38. *Bruen* says, “[T]he
15 scope of the protection applicable to the Federal Government and States is pegged to the
16 public understanding of the right when the Bill of Rights was adopted in 1791.” *Id.* at 37.
17 Among those, courts afford greater weight to historical analogues more contemporaneous
18 to the Second Amendment’s ratification. *United States v. Rahimi*, 61 F.4th 443, 456 (5th
19 Cir. 2023), *cert granted*, 143 S. Ct. 2688 (2023). British sources pre-dating the
20 Constitution are not particularly instructive because the American Revolution was a
21 rejection of British rule. Sources post-enactment are also less helpful. *Bruen*, 597 U.S. at
22 36 (“Similarly, we must also guard against giving postenactment history more weight
23 than it can rightly bear.”). “[T]o the extent later history contradicts what the text says,
24 the text controls Thus, post-ratification adoption or acceptance of laws that are
25 inconsistent with the original meaning of the constitutional text obviously cannot
26 overcome or alter that text.” *Id.* (citations omitted) (cleaned up). Late nineteenth century
27 evidence is not particularly instructive: “because post-Civil War discussions of the right
28 to keep and bear arms ‘took place 75 years after the ratification of the Second
Amendment, they do not provide as much insight into its original meaning as earlier
sources.’” *Id.* (quoting *Heller*, 554 U.S. at 614).

1 There is little reason to rely on laws from the later part of the 1800’s or the 1900’s
2 rather than ones put into effect at the time of the founding. *See Worth v. Harrington*, No.
3 21-CV-1348 (KMM/LIB), 2023 WL 2745673, at *12 (D. Minn. Mar. 31, 2023) (“But the
4 Commissioner offers no persuasive reason why this Court should rely upon laws from the
5 second half of the nineteenth century to the exclusion of those in effect at the time of the
6 founding in light of *Bruen*’s warnings not to give post-Civil War history more weight
7 than it can rightly bear.”); *Firearms Policy Coalition, Inc. v. McCraw*, No. 4:21-CV-
8 1245-P, 2022 WL 3656996, at *11 (N.D. Tex. Aug. 25, 2022); *United States v. Harrison*,
9 No. CR-22-00328-PRW, 2023 WL 1771138, at *8 (W.D. Okla. Feb. 3, 2023) (quoting
10 *Bruen*, 597 U.S. at 83 (Barrett, J., concurring) “[T]oday’s decision should not be
11 understood to endorse freewheeling reliance on historical practice from the mid-to-late
12 19th century to establish the original meaning of the Bill of Rights.”); *but see Hanson v.*
13 *D.C.*, No. CV 22-2256 (RC), 2023 WL 3019777, at *16 (D.D.C. Apr. 20, 2023) (“In this
14 case, it is appropriate to apply 20th century history to the regulation at issue.”).

15 **3. The State’s List of Relevant Laws**

16 Because it is the government’s burden to justify its laws with a national “historical
17 tradition of firearm regulation,” the State was directed to create a list of relevant laws
18 regulating arms dating from the time of the Second Amendment to twenty years after the
19 Fourteenth Amendment. The State went far beyond. The State produced a list of 148
20 laws covering 535 years -- from 1403 to 1938.²⁶ Many of the entries are not particularly
21 relevant because they came much earlier, or much later than the most significant time
22 period of 1791-1868. The first 54 laws by the Attorney General pre-date the adoption of
23 the Second Amendment. The last 40 laws on the list post-date the adoption of the
24 Fourteenth Amendment; 38 of the 40 post-Fourteenth Amendment laws date from the
25 twentieth century.

26 _____
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28 ²⁶ *See* Def.’s Survey of Relevant Statutes, Dkt. 79, Exhibit 1 & 2 (citations to these
entries herein are indicated by brackets [--]).

4. No Historical Twins; No Dead Ringers

The Attorney General has put together a list of 50 laws dating from the most important historical time period. Among these 50 are 15 territorial regulations which are not particularly helpful in establishing a tradition.²⁷ There are no historical twins and no dead ringers among the State's 50. The Attorney General has not identified a single historical law that required a citizen to pass a background check in order to purchase ammunition. Citizens were free in every state to buy ammunition at any time and without qualification.

Certainly, since the Founding, some citizens were dangerous and presented a risk of armed violence to others. To borrow Plaintiffs' words, "[t]here may be some things new under the sun, but the commercial availability of ammunition and the risk that dangerous individuals might avail themselves of it is not one of them."²⁸ The Attorney

²⁷ *Bruen* has already considered such territorial regulations and found that they are not particularly helpful. "First, the bare existence of these localized restrictions cannot overcome the overwhelming evidence of an otherwise enduring American tradition" *Bruen*, 597 U.S. at 67. "These territorial 'legislative improvisations,' which conflict with the Nation's earlier approach to firearm regulation, are most unlikely to reflect 'the origins and continuing significance of the Second Amendment' and we do not consider them 'instructive.'" *Id.* (quoting *Heller*, 554 U.S. at 614). "Second, because these territorial laws were rarely subject to judicial scrutiny, we do not know the basis of their perceived legality." *Id.* at 68. "[W]e fail to see how they inform 'the origins and continuing significance of the Amendment.'" *Id.* (quoting *Heller*, 554 U.S. at 592). "Finally, these territorial restrictions deserve little weight because they were — consistent with the transitory nature of territorial government — short lived Thus, they appear more as passing regulatory efforts by not-yet-mature jurisdictions on the way to statehood, rather than part of an enduring American tradition of state regulation." *Id.* at 69 (citations omitted). One commentator disagrees and argues that territorial regulations should enjoy more Second Amendment significance because they were adopted with consideration for the Bill of Rights. See *Andrew Willinger, The Territories Under Text, History, and Tradition (2023)*, (<https://ssrn.com/abstract=4372185>). Even so, they suggest an absence regulation on buying ammunition during the most important historical period.

²⁸ Plaintiffs' Response to Def.'s Brief, Dkt. 85 at 5.

1 General has not identified a historical law that required every citizen, as California’s laws
2 do, to receive permission before buying ammunition. No such tradition has been
3 established or suggested. States could have addressed the problem of dangerous armed
4 citizens in this way, but they did not. Based on the historical record prepared by the
5 Attorney General, when states addressed the concern at all, they addressed it by later
6 seizing firearms from the individual rather than preventing ahead of time the acquisition
7 of ammunition by all individuals.

8 The Attorney General asks to be excused from identifying historical laws similar to
9 the laws challenged here because of the internet and ghost guns.²⁹ The internet and
10 computers have made it possible to run rapid background checks. So, the type of
11 background check now required by the ammunition laws was not possible during the
12 Founding or Reconstruction era. Because of the technological advancement, a more
13 nuanced approach to the historical analysis is required, argues the Attorney General.

14 While the methods and means of running a background check have changed and
15 improved, the flaw in the government’s argument is that there are no historical laws that
16 have been identified that required ammunition background checks by any means,
17 however slow or imperfect they might have been. Background checks in some form must
18 have been performed in the many nineteenth century cases where licenses were required
19 for carrying concealed firearms.³⁰ As one court said of such nineteenth century firearm
20 licensing schemes, “[t]here are a lot of them.” *Antonyuk v. Chiumento*, 2023 U.S. App.
21 LEXIS 32492, *80 (2d Cir. Dec. 8, 2023) (collecting numerous firearm licensing
22 schemes from the years immediately following ratification of the Fourteenth Amendment
23 that authorized a local official to issue permits in his limited discretion). It is difficult to

24
25 ²⁹ Def.’s Omnibus Brief, Dkt. 103 at 8 & n.5.

26 ³⁰ Even today, California state law delegates to local county sheriffs the task of
27 conducting background checks on concealed carry applicants. *See* Cal. Penal Code §
28 26150(a).

1 see how the existence of the internet requires the more nuanced approach of analogical
2 reasoning. Even if the advent of government database searching *via* the internet justified
3 a prohibited persons clearance check, such a check could be accomplished with the more
4 reasonable 4-year purchase permit card that the voters approved in Proposition 63.

5 Guns made without serial numbers, or “ghost guns” as the government refers to
6 them, have been in existence throughout the eighteenth and nineteenth centuries. *United*
7 *States v. Price*, 635 F. Supp. 3d 455, 464 (S.D. W.V. 2022) (“A firearm without a serial
8 number in 1791 was certainly not considered dangerous or unusual compared to other
9 firearms because serial numbers were not required or even commonly used at that
10 time.”). Until the mid-twentieth century, the requirement of a serial number on a firearm
11 was unknown. “Serial numbers were not broadly required for all firearms manufactured
12 and imported in the United States until the passage of the Gun Control Act of 1968.” *Id.*
13 at 462. Even if one argued that a prohibited person with a ghost gun could be blocked
14 with a background check, the check could be accomplished with the more reasonable
15 4-year purchase permit card that the voters approved in Proposition 63. While not
16 judging the ultimate constitutionality of an ammunition permit card approach, certainly
17 the 4-year ammunition permit system voted for by Californians would be a more
18 reasonable way of conducting background checks.

19 In the end, neither of these asserted technological advances justify using a more
20 nuanced approach of considering historical analogues. Quite the opposite. This is the
21 type of case *Bruen* contemplated when it said, “when a challenged regulation addresses a
22 general societal problem that has persisted since the 18th century, the lack of a distinctly
23 similar historical regulation addressing that problem is relevant evidence that the
24 challenged regulation is inconsistent with the Second Amendment.” *Bruen*, 597 U.S. at
25 26. Consequently, the absence of a distinctly similar historical ammunition background
26 check regime is evidence of its inconsistency with Second Amendment rights.

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28

5. A More Nuanced Approach – Looking for Historical Analogues

The Attorney General asks for leeway to use the more nuanced approach of looking for relevant historical analogues, as described by *Bruen*. This Court is not persuaded that a more nuanced approach is justified. Nevertheless, it does not matter because neither has the Attorney General identified a relevant historical analogue. Instead, it points to twentieth century background check laws and says that they are lineal descendants of laws. According to the Attorney General, “Despite appearing in the 20th century, these restrictions and requirements are “‘lineal descendants’ of historical laws banning dangerous people from possessing guns.”³¹ The logic is opaque.

What are the 50 historical laws dating from 1789 to 1868 that the Attorney General has compiled as potential historical analogues? One would expect to find laws or ordinances that required a gunsmith to check with the local sheriff before selling a firearm. Or one might expect to find laws that restricted gunsmiths from selling to any customer who was a stranger in his community. Or perhaps there would be historical laws uncovered requiring a customer’s proof of citizenship before a merchant was allowed to sell him gunpowder. These could be apt analogues to demonstrate a related historical tradition of constitutional regulation.

Nothing like this appears in the State’s compilation of laws.

The State’s compilation lists 48 laws which made it a crime to possess a gun and ammunition by Negroes, Mulattos, slaves, or persons of color, and two laws that prohibited sales to Indians.³² For example, the Attorney General lists a 1798 Kentucky law which prohibited any “Negro, mulatto, or Indian” from possessing any gun or ammunition. [57] An 1846 North Carolina law offers another example wherein it was prohibited to sell or deliver firearms to “any slave.” [92] This is the third time the

³¹ Def.’s Brief in Resp., Dkt. 82 at 4 (quoting *Kanter v. Barr*, 919 F.3d 437, at 464 (7th Cir. 2019) (Barrett, J., dissenting)).

³² See Def.’s Survey of Relevant Statutes, Dkt. 79, Exhibit 1 & 2, [55] to [105].

1 Attorney General has cited these laws in support for its laws and restrictions implicating
2 the Second Amendment. These fifty laws identified by the Attorney General constitute a
3 long, embarrassing, disgusting, insidious, reprehensible list of examples of government
4 tyranny towards our own people.³³

5 The government took a similar legal position before the Fifth Circuit Court of
6 Appeals in *Rahimi*. That court found that such laws were not relevantly similar to the
7 modern law at issue:

8 The Government next points to laws in several colonies and
9 states that disarmed classes of people considered to be
10 dangerous, specifically including those unwilling to take an
11 oath of allegiance, slaves, and Native Americans. These laws
12 disarmed people thought to pose a threat to the security of the
13 state due to their perceived lack of loyalty or societal status.
14 "While public safety was a concern, most disarmament efforts
15 were meant to prevent armed rebellions. The early Americans
16 adopted much of that tradition in the colonies."
17 But we question at a threshold level whether colonial and state
18 laws disarming categories of "disloyal" or "unacceptable"
19 people present tenable analogues to § 922(g)(8). Laws that
20 disarmed slaves, Native Americans, and disloyal people may
21 well have been targeted at groups excluded from the political
22 community—i.e., written out of "the people" altogether—as
23 much as they were about curtailing violence or ensuring the
24 security of the state. Their utility as historical analogues are
25 therefore dubious, at best. In any event, these laws fail on
26 substance as analogues to § 922(g)(8), because out of the gate,
27 why they disarmed people was different. The purpose of laws
28 disarming "disloyal" or "unacceptable" groups was ostensibly
the preservation of political and social order, not the protection
of an identified person from the threat of "domestic gun abuse,"
posed by another individual. Thus, laws disarming "dangerous"

26 ³³ The Attorney General notes that "the listing of such racist and discriminatory
27 statutes should in no way be construed as an endorsement of such laws by the Attorney
28 General or his counsel in this matter." See Def.'s Survey of Relevant Statutes, Dkt. 79,
Exhibit 1, n.2.

1 classes of people are not "relevantly similar" to § 922(g)(8)
2 such that they can serve as historical analogues.

3 *United States v. Rahimi*, 61 F.4th 443, 456-57 (5th Cir. 2023), *cert granted*, 143 S. Ct.
4 2688 (2023). Much the same can be said in this case. These laws that disarmed slaves
5 and Indians were targeted at groups excluded from the political community — “i.e.,
6 written out of ‘the people’ altogether.” At the time these laws existed, neither people of
7 color, nor native Americans were considered citizens of the United States. So, it makes
8 little sense to argue, as the Attorney General implicitly does, that historical restrictions
9 placed on non-citizens, who were not accorded constitutional protections, now justify
10 placing similar modern restrictions on citizens who do enjoy constitutional rights.³⁴

11 The Attorney General may complain that his list has 100 more laws to consider.
12 They do not help his case. The 38 later laws that date from the twentieth century cannot
13 confirm an earlier tradition of constitutional regulation that simply did not exist. The 54
14 laws that predate the adoption of the Second Amendment are much of the same sort that
15 come thereafter. They are restrictions on ammunition possession by slaves [17, 27, 28,
16 29, 30, 31, 34, 36, 37, 38, 43, 44], negroes [6, 28, 29, 30, 31, 35, 36, 37], mulattos [28,
17 29, 37], Indians [2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 16, 18, 21, 22, 23, 24, 29, 32, 33, 41,
18 42, 46], Catholics [26, 40], Acadians [39], Dutch and Frenchmen [19]. For the same
19 reasons stated earlier, these repugnant historical examples of prejudice and bigotry will
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22 ³⁴ *C.f. Range v. A.G. United States*, 69 F.4th 96, 104-105 (3rd. Cir. 2023) (*en banc*)
23 (“The Government’s attempt to identify older historical analogues also fails. The
24 Government argues that ‘legislatures traditionally used status-based restrictions’ to disarm
25 certain groups of people. Apart from the fact that those restrictions based on race and
26 religion now would be unconstitutional under the First and Fourteenth Amendments, the
27 Government does not successfully analogize those groups to Range and his individual
28 circumstances. That Founding-era governments disarmed groups they distrusted like
Loyalists, Native Americans, Quakers, Catholics, and Blacks does nothing to prove that
Range is part of a similar group today. And any such analogy would be ‘far too
broad.’”).

1 not be used to justify the State’s current infringement on the constitutional rights of
2 citizens.

3 Lastly, the Attorney General argues that its ammunition background check laws
4 have a historical analogue in loyalty oaths that were required for a short time by some of
5 the newly created United States.³⁵ At the time of the American war of independence,
6 there were newly formed states that required residents to declare their allegiance to the
7 new nation. For example, Pennsylvania gave itself the power to disarm any of its people
8 who were “disaffected to the liberty and independence” of the Commonwealth in 1779.
9 [52, 53] But such laws served to distinguish among the people within a new state. These
10 types of laws were necessary to differentiate between those who were willing to swear an
11 oath of allegiance to be part of the new nation and those who still considered themselves
12 subjects of King George with no interest in becoming new citizens. In essence,
13 individuals who refused to pledge their allegiance were considered non-citizens and
14 therefore would not enjoy the rights and privileges (or obligations) of a new citizen.
15 Disarming those loyal to the enemy was also a good military strategy.

16 Today, it makes little sense to argue that disarmament laws targeting non-citizens
17 who were not entitled to constitutional protections now justify placing similar modern
18 restrictions on citizens who do enjoy constitutional rights. Note that it is already
19 generally unlawful for a non-citizen to purchase or possess a firearm or ammunition.
20 Title 18 U.S.C. § 922(g)(5). *Heller* explained that “the people” as used in the
21 Constitution refers to all citizens. Because the Second Amendment right presumptively
22 belongs to all Americans, analogues to antiquated laws mistreating slaves and Native
23 Americans are improper analogues. *Range v. A.G. United States*, 69 F.4th 96, 101 (3rd.
24 Cir. 2023) (*en banc*) (“But *Heller* said more; it explained that ‘the people’ as used
25 throughout the Constitution ‘unambiguously refers to all members of the political
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28 ³⁵ See Def.’s Omnibus Brief at 9.

1 community, not an unspecified subset.’ So, the Second Amendment right, *Heller* said,
2 presumptively ‘belongs to all Americans.’”) (quoting *Heller*, 554 U.S. at 580-81).

3 The state’s ammunition background check regime turns that constitutional
4 presumption the wrong way around. It treats all citizens as if they do not enjoy a right to
5 buy ammunition. It forces Americans to entreat and supplicate the state for permission.

6 Only when the State is satisfied that a citizen has proven that they meet the qualifications
7 – only then – does the state issue its stamp of authorization. *See* Cal. Penal Code §
8 30352(d) (“[T]he ammunition vendor shall verify with the department, in a manner
9 prescribed by the department, that the person is authorized to purchase ammunition.”).

10 This is not the language of a right; this is the language of a government license or grant of
11 a privilege.

12 In the end, the State has failed to carry its burden to demonstrate that the
13 ammunition background check laws “are consistent with this Nation’s historical tradition
14 of firearm regulation,” as required by *Bruen*. *Bruen* cautions, “courts should not ‘uphold
15 every modern law that remotely resembles a historical analogue,’ because doing so ‘risks
16 endorsing outliers that our ancestors would never have accepted.’” 597 U.S. at 30. A
17 sweeping background check requirement imposed every time a citizen needs to buy
18 ammunition is an outlier that our ancestors would have never accepted for a citizen.
19 Therefore, California’s ammunition background check system laws are unconstitutional
20 and shall not be enforced.

21 **B. The Dormant Commerce Clause**

22 Plaintiffs also claim that the anti-importation provisions of the ammunition laws,
23 California Penal Code §§ 30312, 30314, 30370, and 30385, violate the dormant
24 Commerce Clause because they favor businesses in California by erecting a barrier to
25 ammunition sellers in other states. As this Court explained in its previous order, Article
26 I, § 8, clause 3 of the Constitution, gives Congress the power “[t]o regulate commerce ...
27 among the several states.” This affirmative grant of power to Congress includes a
28 negative implication, which restricts the ability of states to regulate and interfere with

1 interstate commerce. *Tenn. Wine & Spirits Retailers Ass’n v. Thomas*, 139 S. Ct. 2449,
2 2459 (2019); *Camps Newfound/Owatonna, Inc. v. Town of Harrison, Maine*, 520 U.S.
3 564, 571 (1997). That restriction upon the states, coined the dormant Commerce Clause,
4 prohibits economic protectionism. “[R]egulatory measures designed to benefit in-state
5 economic interests by burdening out-of-state competitors” are impermissible. *Fulton*
6 *Corp. v. Faulkner*, 516 U.S. 325, 330 (1996) (“This reading effectuates the Framers’
7 purpose to ‘prevent a State from retreating into economic isolation or jeopardizing the
8 welfare of the Nation as a whole, as it would do if it were free to place burdens on the
9 flow of commerce across its borders that commerce wholly within those borders would
10 not bear.’”).

11 Previously, this Court found the anti-importation provisions of the ammunition
12 sales laws likely violate the dormant Commerce Clause. California’s anti-importation of
13 ammunition restrictions are much like the case of *Granholm v Heald*, 544 U.S. 460, 465-
14 66 (2005), which invalidated state laws regulating the sale of wine from out-of-state
15 wineries to consumers in Michigan and New York. “[T]he object and effect of the laws
16 are the same: to allow in-state wineries to sell wine directly to consumers in that State but
17 to prohibit out-of-state wineries from doing so, or, at the least, to make direct sales
18 impractical from an economic standpoint.”³⁶ The Court re-adopts its conclusions set out
19 more fully at *Rhode*, 445 F. Supp. 3d at 948-953.

20 Since that time, the Supreme Court has decided *Nat’l Pork Producers Council v.*
21 *Ross*, 143 S. Ct. 1142 (2023). *National Pork* reminds courts that “extreme caution”
22 should be used when considering dormant Commerce Clause claims. *Id.* at 1165. The
23 Supreme Court said, “[p]reventing state officials from enforcing a democratically
24 adopted state law in the name of the dormant Commerce Clause is a matter of ‘extreme
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27 ³⁶ See also *Dean Milk Co. v. Madison*, 340 U.S. 349 (1950). This Court previously
28 suggested a number of steps out-of-state ammunition vendors could take to protect
California’s interest in preventing sales to prohibited persons.

1 delicacy,’ something courts should do only ‘where the infraction is clear.’” *Id.* While
2 mindful of this cautionary instruction, this Court concludes that California’s ammunition
3 anti-importation laws are exactly the kind of laws where the infraction is clear. The
4 Attorney General has pointed to no other laws in the nation that erect a similar barrier to
5 this one, keeping away out-of-state ammunition sellers and guaranteeing all sales
6 originate with, or flow through, only in-state ammunition sellers. It is precisely such
7 purposeful discrimination that lies at the core of the Supreme Court’s dormant Commerce
8 Clause concerns. *Nat’l Pork*, 143 S. Ct. at 1153 (“Today, this antidiscrimination
9 principle lies at the ‘very core’ of our dormant Commerce Clause jurisprudence.”)
10 (Citation omitted). “State laws that discriminate against interstate commerce face ‘a
11 virtually per se rule of invalidity.’” *Granholm*, 544 U.S. at 476 (quoting *Philadelphia v.*
12 *New Jersey*, 437 U.S. 617, 624 (1978)). The solution, for the benefit of the nation as a
13 whole, is to enjoin enforcement of these protectionist laws and permit out-of-state
14 businesses to sell directly to California’s residents.

15 **C. Preemption by 18 U.S.C. § 926A**

16 Plaintiffs claim that 18 U.S.C. § 926A preempts the ammunition provisions in
17 California Penal Code § 30314 that prohibit a resident from bringing ammunition back
18 into the state. The claim was not part of the earlier preliminary injunction; the claim was
19 considered on the initial motion to dismiss.³⁷ Title 18 U.S.C. § 926A is part of what is
20 known as the federal Firearm Owners Protection Act and ensures that a person may carry
21 a firearm “from any place where he may lawfully possess and carry such firearm to any
22 other place where he may lawfully possess and carry such firearm,” provided the person
23 properly stores the firearm. This law expressly contemplates that ammunition will be
24 transported with a firearm. The Plaintiffs argue that the California ammunition anti-
25 importation laws, specifically California Penal Code § 30314, conflict with and stand as
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28 ³⁷ See Order (filed Oct. 17, 2018), Dkt. 16 at 8-11.

1 an obstacle to the accomplishment of 18 U.S.C. § 926A’s purposes, which include the
2 free transport of firearms and ammunition across state lines.

3 The California statute says, “a resident of this state shall not bring or transport into
4 this state any ammunition that he or she purchased or otherwise obtained from outside of
5 this state unless he or she first has that ammunition delivered to a licensed ammunition
6 vendor for delivery to that resident pursuant to the procedures set forth in Section
7 30312.” Cal. Pen. Code § 30314(a). There are some exceptions which do not save the
8 statute.³⁸ Subsection (c) makes a violation an infraction for the first offense and either an
9 infraction or a misdemeanor for subsequent offenses. In contrast, 18 U.S.C. § 926A
10 provides,

11 Notwithstanding any other provision of any law or any rule or
12 regulation of a State or any political subdivision thereof, any
13 person who is not otherwise prohibited by this chapter from
14 transporting, shipping, or receiving a firearm shall be entitled to
15 transport a firearm for any lawful purpose from any place where
16 he may lawfully possess and carry such firearm to any other
17 place where he may lawfully possess and carry such firearm if,
18 during such transportation the firearm is unloaded, and neither
19 the firearm nor any *ammunition* being transported is readily
20 accessible or is directly accessible from the passenger
21 compartment of such transporting vehicle: *Provided*, That in the
22 case of a vehicle without a compartment separate from the
23 driver’s compartment the firearm or *ammunition* shall be
24 contained in a locked container other than the glove
25 compartment or console.

26 (Emphasis added.)

27 There appears to be a direct conflict between the two statutes. When a law-abiding
28 California resident buys ammunition outside of the state and brings it back into

29 ³⁸ Section 30314(b) provides a list of exceptions of which only one is pertinent
30 here. Subsection (b)(6) exempts “A person who acquired the ammunition from a spouse,
31 registered domestic partner, or immediate family member as defined in Section 16720.”
32 The statute does not claim to apply to non-residents bringing ammunition into the state.

1 California, § 30314 prohibits the conduct. This is the case even if the resident complies
2 with § 926A’s condition keeping the ammunition in a place not accessible from the
3 passenger compartment of the transporting vehicle and the firearm unloaded. In what is
4 likely an otherwise common occurrence with hunters and motorhome travelers, § 30314
5 criminalizes that which § 926A immunizes. It is difficult to read the two statutes
6 otherwise. There is a direct and positive conflict between the two provisions and the two
7 cannot be reconciled. In such cases, the federal statute preempts the state statute. *See* 18
8 U.S.C. § 927 (“No provision of this chapter shall be construed as indicating an intent on
9 the part of the Congress to occupy the field in which such provision operates to the
10 exclusion of the law of any State on the same subject matter, unless there is a direct and
11 positive conflict between such provision and the law of the State so that the two cannot
12 be reconciled or consistently stand together.”).

13 The Attorney General argues that § 926A does not apply to ammunition although
14 the statute mentions ammunition twice. The Attorney General says that § 926A does not
15 apply to ammunition because the definition of a firearm in § 921 does not include
16 ammunition, thus, the safe harbor provision is only for transporting a firearm. But the
17 statute clearly anticipates a person traveling with both a firearm and ammunition. While
18 the Attorney General sees this as an expansion of the safe harbor, the simplest reading of
19 the statute is that a person may lawfully transport both his firearm and his ammunition, so
20 long as it is done as prescribed. The Attorney General then contends that the legislative
21 history shows that Congress intended to ensure safe passage for a firearm – not its
22 ammunition. However, statutory text is clear on its face and resort to legislative history
23 in such a case is unwarranted. Next, the Attorney General contends that its residents can
24 enjoy the safe harbor of § 926A while complying with § 30314 by simply traveling
25 without ammunition.³⁹ That requires a strained reading of the federal statute. The plain
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28 ³⁹ Def.’s Omnibus Brief at 23.

1 reading of § 926A provides a safe harbor for travelling with both a firearm and
2 ammunition. For California residents travelling home with newly acquired ammunition
3 for their firearm, the metaphorical harbor is anything but safe.

4 In a final push, the Attorney General maintains that even if § 926A does cover
5 ammunition, § 30314 is still not preempted.⁴⁰ The argument hinges on an unorthodox
6 view that since California residents cannot legally bring ammunition into the state, then
7 they cannot legally possess the ammunition they brought in. And if they cannot legally
8 possess the ammunition they brought in, then they do not qualify under § 926A's second
9 proviso, *i.e.*, that the person transporting the firearm and ammunition be "entitled by law
10 to possess it in the place to which it is being transported." That notion hangs on a
11 cramped view of a citizen's federal constitutional right to keep and bear arms, which is a
12 right a citizen enjoys everywhere in the country. Here, it is the case that California Penal
13 Code § 30314(a) directly conflicts with 18 U.S.C. § 926A and is therefore preempted to
14 the extent that it criminalizes a resident who transports a firearm and ammunition in
15 compliance with the requirements of § 926A, and state enforcement is enjoined.

16 V. CONCLUSION

17 The ammunition background checks laws have no historical pedigree and operate
18 in such a way that they violate the Second Amendment right of citizens to keep and bear
19 arms. The anti-importation components violate the dormant Commerce Clause and to the
20 extent applicable to individuals travelling into California are preempted by 18 U.S.C. §
21 926A. Perhaps the simpler, 4-year and \$50 ammunition purchase permit approved by the
22 voters in Proposition 63, would have fared better.

23 Accordingly, the Court permanently enjoins the State of California from enforcing
24 the ammunition sales background check provisions found in California Penal Code §§
25 30352 and 30370(a) through (e), and the ammunition anti-importation provisions found
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28 ⁴⁰ *Id.* at 24.

1 in §§ 30312(a) and (b) and 30314(a). Criminal enforcement of California Penal Code §§
2 30312(d), 30314(c), and 30365(a) by the Attorney General and all other law enforcement
3 defendants is permanently enjoined.

4 **Therefore, IT IS HEREBY ORDERED that:**

- 5 1. Defendant Attorney General Rob Bonta, and his officers, agents, servants,
6 employees, and attorneys, and those persons in active concert or participation
7 with him, and those duly sworn state peace officers and federal law enforcement
8 officers who gain knowledge of this injunction order or know of the existence of
9 this injunction order, are enjoined from implementing or enforcing the
10 ammunition sales background check provisions found in California Penal Code
11 §§ 30352 and 30370(a) through (e), and the ammunition anti-importation
12 provisions found in §§ 30312(a) and (b) and 30314(a), as well as the criminal
13 enforcement of California Penal Code §§ 30312(d), 30314(c), and 30365(a).
14 2. Defendant Attorney General Rob Bonta shall provide forthwith, by personal
15 service or otherwise, actual notice of this order to all law enforcement personnel
16 who are responsible for implementing or enforcing the enjoined statutes.

17
18 DATED: January 30, 2024

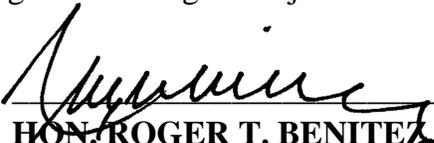
19 
20 **HON. ROGER T. BENITEZ**
21 United States District Judge
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EXHIBIT 2



United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

Kim Rhode; Gary Brennan; Cory Henry; Edward Johnson; Scott Lindemuth; Richard Ricks; Denise Welvang; Able's Sporting, Inc., a Texas corporation; AMDEP Holdings, LLC, a Florida limited liability company doing business as, Ammunition Depot; R&S Firearms, Inc., an Arizona corporation doing business as Sam's Shooters Emporium; California Rifle & Pistol Association, Incorporated a California corporation

Plaintiff,

V.

Xavier Becerra, in his official capacity as Attorney General of the State of California

Defendant.

Civil Action No. 18-cv-00802-BEN-JLB

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED:

Defendant Attorney General Rob Bonta, and his officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with him, and those duly sworn state peace officers and federal law enforcement officers who gain knowledge of this injunction order or know of the existence of this injunction order, are enjoined from implementing or enforcing the ammunition sales background check provisions found in California Penal Code §§ 30352 and 30370(a) through (e), and the ammunition anti-importation provisions found in §§ 30312(a) and (b) and 30314(a), as well as the criminal enforcement of California Penal Code §§ 30312(d), 30314(c), and 30365(a). Defendant Attorney General Rob Bonta shall provide forthwith, by personal service or otherwise, actual notice of this order to all law enforcement personnel who are responsible for implementing or enforcing the enjoined statutes. Case is closed.

Date: 1/30/24

CLERK OF COURT
JOHN MORRILL, Clerk of Court
By: s/ D.Frank

D.Frank, Deputy

EXHIBIT 3

1 XAVIER BECERRA
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 9 Xavier Becerra

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 **Kim Rhode et al.,**

15 Plaintiffs,

16 v.

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

20 Defendants.

3:18-cv-00802-BEN-JLB

**DECLARATION OF MAYRA G.
 MORALES IN SUPPORT OF
 DEFENDANT XAVIER
 BECERRA'S OPPOSITION TO
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

Date: August 19, 2019
 Time: 10:30 a.m.
 Dept: 5A
 Judge: Hon. Roger T. Benitez
 Action Filed: 4/27/2018

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DECLARATION OF MAYRA G. MORALES

I, MAYRA G. MORALES, declare:

1. I am a Staff Services Manager III for the California Department of Justice, Bureau of Firearms. 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.

BACKGROUND

2. I possess a Bachelor of Science Degree in Speech Pathology. I have been with the Department of Justice (Department) for over 18 years, of which 11 years have been with the Bureau of Firearms. Over that time, I have held various positions. In 2014, I became a Staff Services Manager within the Administration and Special Projects Section where I oversaw all administrative functions of the Bureau of Firearms including legislation, regulations, budgets, facilities, personnel, telecommunication, procurement, and contracts. In April of 2016, I was promoted to a Department of Justice Administrator II within the Regulatory Program Section of the Bureau of Firearms. In this capacity I planned, organized, directed and provided leadership to several programs.

3. I have served as a Staff Services Manager III over the Special Assignment Section since April 2018.

4. My primary role in this capacity has been to oversee the Reporting and Quality Assurance Section and provide oversight of the implementation of the Ammunition Purchase Authorization Program. Under the direction of the Assistant Bureau Director, I was responsible for the implementation of the Ammunition Purchase Authorization Program that was established by Proposition 63, "Safety for All Act," as amended by Senate Bill 1235. In this capacity, I was a subject-matter generalist for all regulatory sections of the Bureau of Firearms.

1 **I. THE CALIFORNIA DEPARTMENT OF JUSTICE'S REGULATIONS**
2 **GOVERNING AMMUNITION PURCHASES AND TRANSFERS**

3 5. Proposition 63 was passed by California voters on November 8, 2016.

4 6. In January 2018, the Bureau of Firearms adopted Ammunition Vendor
5 Licensing regulations, which are codified in title 11 of the California Code of
6 Regulations at sections 4260-4264. These regulations establish the process for an
7 ammunition vendor to obtain a license to sell ammunition and set the fee an
8 ammunition vendor is authorized to charge the purchaser for processing an
9 ammunition sale between two private, non-vendor parties.

10 7. As of July 31, 2019, there were 2,040 vendors licensed to sell
11 ammunition in California. Of that number, 1,760 were licensed to sell firearms and
12 ammunition and 280 were licensed to sell ammunition only.

13 8. In December 2018, the Department issued an Initial Statement of
14 Reasons outlining proposed regulations governing the purchase and transfer of
15 ammunition. A copy of that notice is attached to this declaration as Exhibit 1.

16 9. The Bureau of Firearms held a public comment period beginning on
17 December 14, 2018, and closing on January 31, 2019. (Often referenced as the 45-
18 day comment period—per the Administrative Procedure Act, the requirement is a
19 minimum of 45 days.) During this comment period, the Bureau of Firearms
20 received 219 different comments from 566 members of the public. The comments
21 and the Summary and Response to Comments are part of the rulemaking file, which
22 is publically available.

23 10. The Bureau of Firearms also held two public hearings for these
24 regulations during the comment period. The first was held on January 29, 2019, in
25 Los Angeles, and the second was held on January 31, 2019, in Sacramento. I was
26 the hearing officer at both hearings. Transcripts of both are included in the final
27 rulemaking file, which is publicly available.

28

1 11. The Bureau of Firearms held an additional public comment period
2 beginning on April 18, 2019, and closing on May 8, 2019. (Often referenced as a
3 15-day comment period—per the Administrative Procedure Act, the requirement
4 for notice of modifications is a minimum of 15 days.) The documents provided for
5 this additional comment period were a Notice of Modification, an Updated Notice
6 of Modification (correcting an incorrect e-mail address and extending the comment
7 period), modifications to the Text of Proposed Regulations, an Initial Statement of
8 Reasons Addendum, and a revised Economic and Fiscal Impact Statement (Std.
9 399). During this comment period, the Bureau of Firearms received 32 different
10 comments from 139 members of the public. The comments and the Summary and
11 Response to Comments, are all part of the rulemaking file, which is publically
12 available.

13 12. In May 2019, the Department submitted a Final Statement of Reasons to
14 the Office of Administrative Law. A copy of that final statement of reasons is
15 attached to this declaration as Exhibit 2.

16 13. The regulations were approved by the California Office of
17 Administrative Law on June 24, 2019 and went into effect on July 1, 2019.

18 14. The regulations outline the process for three eligibility checks: (1) the
19 Standard Ammunition Eligibility Check; (2) the Certificate of Eligibility
20 Verification Check; and (3) the Basic Ammunition Eligibility Check. (The
21 regulations also contemplate a fourth Firearms Eligibility Check that permits a
22 person to purchase a firearm and ammunition at the same time.)

23 15. The Standard Ammunition Eligibility Check and the Certificate of
24 Eligibility Verification Check rely on the Department's Dealer Record of Sale
25 (DROS) Entry System (DES). DES is a web-based application used by California
26 firearms dealers to submit firearm background checks to the Department to
27 determine if an individual is eligible to purchase, loan, or transfer a handgun or
28

1 long gun—and now ammunition—and subsequently receive background and
2 eligibility check determinations.

3 **A. Standard Ammunition Eligibility Checks**

4 16. Section 4302 of title 11 of the California Code of Regulations governs
5 Standard Ammunition Eligibility Checks.

6 17. To determine whether a purchaser or transferee (I will generally refer to
7 these together as “purchaser”) is eligible to purchase or possess (I will generally
8 refer to these together as “purchase”) ammunition under a Standard Ammunition
9 Eligibility Check, the Department, through an automated process in DES, cross-
10 references the purchaser’s name, date of birth, current address, and driver license or
11 other government identification number with the information maintained in the
12 Department’s Automated Firearms System.

13 18. If the purchaser’s information does not match an Automated Firearms
14 System entry, the transaction will be rejected. This usually occurs for one of two
15 reasons: (1) the purchaser’s name, date of birth, current address, driver license or
16 other identification number does not match an entry in the Automated Firearms
17 System and therefore the transaction is rejected; or (2) the purchaser does not have
18 a record in the Automated Firearms System.

19 19. If the purchaser’s information matches an Automated Firearms System
20 entry, the Department determines if the purchaser falls within a class of persons
21 who are prohibited from owning or possessing firearms and ammunition by cross-
22 referencing the Prohibited Armed Persons File (also known as the Armed
23 Prohibited Persons System). If the purchaser is prohibited from owning or
24 possessing firearms and ammunition, the transaction will be denied.

25 20. Purchasers who are rejected on a Standard Ammunition Eligibility Check
26 have the ability to electronically update one or more Automated Firearms System
27 records through the California Firearms Application Reporting System, which is
28 available on the Department’s website at: <https://cfars.doj.ca.gov>. People wishing

1 to correct their records will need to create a California Firearms Application
2 Reporting System account (if they do not already have one), log in, select the
3 “Automated Firearm System Personal Information Update” link, and then enter
4 their current personal information, firearm information, and personal information at
5 time of firearm purchase.

6 21. Address changes are systematically processed. I am informed and
7 believe that, once the application is submitted, and if a match is found in the
8 Automated Firearms System, the time it takes to update one’s address on the system
9 may take less than 10 minutes, but depending on the number of pending
10 applications, may take longer.

11 22. Name changes, identification number changes, and date of birth changes
12 require additional documentation be uploaded in order for an analyst to review and
13 validate the change. I am informed and believe that because an analyst must
14 validate the change, these transaction may take a few hours, but depending on
15 Department workload, can take several days (excluding weekends) to process and
16 subsequently update the record (assuming a match is found in the Automated
17 Firearms System).

18 23. If a person does not know the personal information that was used at the
19 time of purchase of the firearm, they can request to obtain information on all
20 firearms for which they are listed as the purchaser, transferee, or owner in the State
21 of California Automated Firearms System database by submitting an Automated
22 Firearms System Request for Firearm Records (BOF 053) application to the Bureau
23 of Firearms. That form is available on the Department’s website at: [https://oag.ca.
24 gov/firearms/forms](https://oag.ca.gov/firearms/forms).

25 24. Once the application is received by the Bureau of Firearms, the Bureau of
26 Firearms will conduct a diligent search of the Automated Firearms System for their
27 records and will provide the individual with the listing of their firearms records via
28 U.S. mail. The individual can then reference the listing (which notes their personal

1 information at time of purchase or transfer) and use it to submit an Automated
2 Firearm System Personal Information Update application to update their records.

3 **B. Basic Ammunition Eligibility Checks**

4 25. Section 4303 of title 11 of the California Code of Regulations governs
5 Basic Ammunition Eligibility Checks.

6 26. The Department was required by law to develop a procedure in which a
7 person who is not prohibited from purchasing or possessing ammunition may be
8 approved for a single ammunition transaction or purchase. In order to meet this
9 requirement, the Department developed the Basic Ammunition Eligibility Check
10 which closely mirrored the current background check for firearms (without
11 checking federal databases), thereby ensuring consistency in the eligibility checks.
12 A Department analyst manually reviews a purchaser or transferee's records to
13 ascertain the purchaser or transferor is not prohibited from owning or possessing
14 ammunition due to a felony or violent misdemeanor conviction or warrant,
15 domestic violence restraining order, mental health issue, or some combination of
16 these factors.

17 **C. COE Verification Checks**

18 27. Section 4305 of title 11 of the California Code of Regulations governs
19 Certificate of Eligibility Verification Checks.

20 28. To qualify for this type of check, a purchaser must have a current
21 Certificate of Eligibility issued by the Department. To determine if the purchaser
22 or transferee has a current Certificate of Eligibility, the Department, through an
23 automated process in DES, cross-references the Certificate of Eligibility database.
24 If the purchaser does not have a current Certificate of Eligibility, the transaction
25 will be rejected.

26 29. A Certificate of Eligibility Verification Check (COE Verification
27 Checks) may be rejected for the following reasons: (1) personal information
28 provided to the ammunition vendor and entered into DES does not match the

1 information in the Certificate of Eligibility database; (2) the Certificate of
2 Eligibility number provided to the ammunition vendor, and entered into DES does
3 not match the information in the Certificate of Eligibility database; or (3) the
4 Certificate of Eligibility for the purchaser is not current.

5 **II. THE CALIFORNIA DEPARTMENT OF JUSTICE UPGRADES THE DEALER**
6 **RECORD OF SALE ENTRY SYSTEM (DES) TO PROCESS AMMUNITION**
7 **SALES AND TRANSFERS**

8 30. Starting July 1, 2019, California ammunition vendors had access to DES
9 to submit ammunition eligibility checks to the Department, and subsequently
10 receive eligibility determinations through the system. DES also enables
11 ammunition vendors to report information relative to the sale or transfer of
12 ammunition to the Department, at the time of delivery, resulting in a systematic
13 update of the Ammunition Purchase Records File.

14 31. The Department took several steps in the lead-up to the July 1, 2019
15 implementation date. A number of updates were made to DES to implement the
16 new law. The user-facing side of these updates, and how to use them, were
17 described to licensed ammunition vendors in a series of notices and guides.

18 32. On June 7, 2019, the Bureau of Firearms distributed a notice entitled
19 “Ammunition Purchase Authorization Program.” The notice advised dealers that
20 effective July 1, 2019, ammunition vendor licensees would be prohibited from
21 providing a purchaser with ammunition without approval from the Department of
22 Justice, except as otherwise specified. It also advised that the “Ammunition
23 Purchases and Transfers” regulations were being finalized, what equipment would
24 be needed to process transactions through DES, how to enroll in DES, when full
25 access to DES would be available for licensed ammunition vendors, what
26 enhancements were made to DES, that the Department would be updating the DES
27 User Guide and creating an Ammunition Vendor User Guide and both would be
28 released at a later date, and it provided Customer Support Center hours of operation
as well as the contact number. Included with the notice was a Quick Reference

1 Guide that outlined how to create an account in DES (for licensed ammunition
2 vendors) and how to add new ammunition permissions to current users. A copy of
3 that notification and reference guides are attached to this declaration as Exhibit 3.

4 33. On June 28, 2019, the Bureau of Firearms distributed a notice entitled
5 “California Department of Justice Notification Regarding Regulations for
6 Ammunition Purchase or Transfers and Automated Firearms System Information
7 Updates.” The notice advised licensed ammunition vendors and firearms dealers
8 that effective July 1, 2019, persons seeking to purchase or transfer ammunition
9 would have to undergo an eligibility check, and be approved by the Department,
10 prior to the sale or transfer, except as otherwise specified. It also advised that
11 effective July 1, 2019, persons with an outdated Automated Firearms System record
12 would have the ability to correct or update personal information on their Automated
13 Firearms System record via the California Firearms Application Reporting System.
14 The notice provided information on where to locate the relevant regulations as well
15 as contact information for the Customer Support Center. A copy of that notice is
16 attached to this declaration as Exhibit 4.

17 34. On the same day, the Bureau of Firearms distributed a notice entitled
18 “Regarding Availability of Instructional User Guides Related to Upcoming
19 Ammunition Sale Requirements,” and a quick reference guide that provided
20 instructions on how to submit ammunition transactions. A copy of that notice and
21 quick reference guide is attached to this declaration as Exhibit 5.

22 35. Also on the same day, the Bureau of Firearms posted on its website
23 updated and new DES user guides relating to the ammunition sales requirements.
24 The user guides provide an overview of the DES functions and provide direction on
25 how to use the system in relation to ammunition transactions. Copies of those user
26 guides are attached to this declaration as Exhibits 6 and 7.

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1 **III. THE CALIFORNIA DEPARTMENT OF JUSTICE'S EMERGENCY**
2 **REGULATIONS GOVERNING THE IDENTIFICATION REQUIREMENTS FOR**
3 **FIREARMS AND AMMUNITION PURCHASES AND TRANSFERS**

4 36. As a result of my job duties, I am aware that in 2015, the California
5 Department of Motor Vehicles started issuing driver licenses and identification
6 cards with the notation "FEDERAL LIMITS APPLY" printed on the front under
7 California State Assembly Bill (AB) 60 (AB 60), Stats. 2013, Ch. 524.

8 37. I am also aware that, as of January 22, 2018 California driver licenses
9 and identification cards with the words "FEDERAL LIMITS APPLY" on the front
10 are now issued to both: (1) persons applying under AB 60; and (2) persons who are
11 able to submit satisfactory proof that their presence in the United States is
12 authorized under federal law, but choose not to apply for a "REAL ID" driver
13 license or identification card. REAL ID driver licenses comply with minimum
14 requirements for various official federal purposes, and do not bear the "FEDERAL
15 LIMITS APPLY" disclaimer.

16 38. As a result of my job duties, I have learned that some firearms dealers
17 refused to accept "FEDERAL LIMITS APPLY" licenses issued on or after January
18 22, 2018, because they have been advised by their attorneys or have heard from
19 advocacy groups that such licenses are being issued to AB 60 applicants.

20 39. For purchasers with "FEDERAL LIMITS APPLY" driver licenses issued
21 before January 22, 2018, it should be readily apparent from the face of the license
22 whether the applicant is an AB 60 license holder. For those applicants with
23 "FEDERAL LIMITS APPLY" licenses issued after January 22, 2018, however,
24 there is no practical way to determine from the face of the license whether the
25 applicant is an AB 60 license holder.

26 40. In response to these concerns, the Department issued a Finding of
27 Emergency on June 7, 2019, stating the need to promulgate an emergency
28 regulation addressing the identification requirements for firearms and ammunition

1 purchases and eligibility checks. A copy of that Finding of Emergency is attached
2 to this declaration as Exhibit 8.

3 41. The Finding of Emergency references a document titled “National Rifle
4 Association Institute for Legislative Action, California Special Alert: Update
5 Regarding Use of Non-REAL IDs for Firearm Purchases,” March 22, 2018 (NRA
6 Update). That document is part of the rulemaking file, to which I have access. A
7 true and correct copy of the NRA Update is attached to this declaration as
8 Exhibit 9.

9 42. The Finding of Emergency also references a document titled “U.S.
10 Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives,
11 Open Letter to All California Federal Firearms Licensees,” which was incorrectly
12 listed as being dated June 30, 2018. The correct date of the letter is June 30, 2016
13 (ATF June 2016 Letter). That document is part of the rulemaking file, to which I
14 have access. A true and correct copy of the ATF June 2016 Letter is attached to
15 this declaration as Exhibit 10.

16 43. Department records, to which I have access, also contain an April 9, 2018
17 letter from Michel & Associates, P.C. to Attorney General Xavier Becerra
18 regarding a Pre-Litigation Demand to Rescind Policy Prohibiting Purchase of
19 Firearms Using Non-Real IDs (Michel Letter). A true and correct copy of the
20 Michel Letter is attached to this declaration as Exhibit 11.

21 44. The Emergency Regulation was codified in the California Code of
22 Regulations at title 11, section 4045.1. It went into effect on June 27, 2019.

23 45. The same day, the Department issued an notice titled “California
24 Department of Justice Update Regarding the Use of ‘Federal Limits Apply’ Driver
25 License and Identification Cards to Perform Eligibility Checks.” A true and correct
26 copy of the notice is attached to this declaration as Exhibit 12.

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1 **IV. THE AMMUNITION ELIGIBILITY CHECK SYSTEM AND RULES GO INTO**
2 **EFFECT ON JULY 1, 2019.**

3 46. The ammunition eligibility check system went live the morning of July 1,
4 2019.

5 47. As part of my job duties, I can request data from the Department's
6 Application Development Bureau regarding ammunition eligibility transactions. I
7 have obtained data for the period starting July 1 and ending July 31, 2019—the first
8 calendar month that the ammunition eligibility check process was in place.

9 48. Total number of ammunition transactions processed, including
10 transactions that were rejected or where the purchaser was denied: 62,083.

11 49. At least 106 transactions were denied because prohibited persons had
12 attempted to purchase ammunition.

13 50. Standard Ammunition Eligibility Checks: 57,553.

14 a. Standard Ammunition Eligibility Check approvals: 46,702.

15 b. Standard Ammunition Eligibility Check rejections: 10,837.

16 c. Standard Ammunition Eligibility Check denials: 14.

17 51. COE Verification Checks: 880.

18 a. COE Verification Check approvals: 768.

19 b. COE Verification Check rejections: 112 (this number may
20 include denials).

21 52. Basic Ammunition Eligibility Checks: 3,798.

22 a. Basic Ammunition Eligibility Check approvals: 3,536.

23 b. Basic Ammunition Eligibility Check denials: 92.

24 c. Basic Ammunition Eligibility Check rejections: 22.

25 53. Average time to check a purchaser's eligibility in a Standard
26 Ammunition Eligibility Check: 1 second.

27 54. Average time check a purchaser's eligibility in a COE Verification
28 Check: 1 second.

1 55. Average time, in Standard Ammunition Eligibility Check, from when the
2 dealer submits the eligibility check to DES through when the dealer hits the
3 “Deliver” button at the end of the Submit Ammunition Purchase process (ending
4 the transaction in DES): 4 minutes, 57 seconds.

5 56. Average time, in COE Verification Check, from when the dealer submits
6 the eligibility check to DES through when the dealer hits the “Deliver” button at the
7 end of the Submit Ammunition Purchase process (ending the transaction in DES):
8 11 minutes, 5 seconds.

9 57. Based on my knowledge of DES and the ammunition eligibility check
10 process, I understand that these numbers provide a good estimate of how long the
11 average Standard Ammunition Eligibility Check and COE Verification Check take,
12 once the personal information field in DES is populated (most of which is done by
13 magnetic swipe), and excluding the time it takes to print and sign the Dealer Record
14 of Sale.

15 58. The COE Verification Check average is likely higher than the Standard
16 Ammunition Eligibility Check average because there are fewer COE Verification
17 Checks overall, and some outliers may have affected the average—e.g., transactions
18 where the eligibility check was submitted and the customer left the store and
19 returned the next day, creating a gap of several hours in the transaction.

20 59. I am aware that a number of nonparty ammunition vendors submitted
21 declarations in this matter representing the length of time it takes them to process
22 ammunition transactions. For each of these vendors, I requested and obtained data
23 from July 1 to and including July 31, 2019, showing the average time, in Standard
24 Ammunition Eligibility Check and COE Verification Checks, from when the dealer
25 submits the eligibility check to DES through when the dealer hits the “Deliver”
26 button at the end process (ending the transaction in DES).

27 60. Bill Ortiz and Turner’s Outdoorsman: 5 minutes, 17 seconds.

28 61. David Burwell and Norco Armory: 4 minutes, 31 seconds.

1 62. Chris Puehse and Foothill Ammo, Inc.: 2 minutes, 42 seconds.

2 63. Travis Morgan and Guns, Fishing and Other Stuff: 3 minutes,
3 46 seconds.

4 64. Ethan Bartel and Royal Loan: 3 minutes, 12 seconds.

5 65. Myra Lowder and Mosquito Creek Outfitters: 3 minutes, 38 seconds.

6 66. Daniel Gray and Discount Gun Mart: 6 minutes, 3 seconds.

7 67. I am also aware that Plaintiff Denise Welvang submitted a declaration in
8 this matter representing the amount of time it took to process an ammunition
9 transaction at Gun World in Burbank, California, on July 13, 2019. I requested
10 records involving Ms. Welvang be pulled for that day.

11 68. The records show that she engaged in a Standard Ammunition Eligibility
12 Check at Gun World on the afternoon of July 13. In that transaction, the time from
13 when the vendor submitted the eligibility check through when the dealer hit the
14 “Deliver” button at the end process (ending the transaction in DES) took less than a
15 minute.

16 69. The records also show that before Ms. Welvang went to Gun World she
17 purchased ammunition at American Gun Works. In that transaction, the time from
18 when the vendor submitted the eligibility check through when the dealer hit the
19 “Deliver” button at the end process (ending the transaction in DES) took just over a
20 minute.

21 **V. REPORTED ISSUES WITH THE AMMUNITION ELIGIBILITY CHECK**
22 **SYSTEM.**

23 70. Since the July 1, 2019 rollout of the ammunition eligibility check process
24 on DES, the Department has received feedback and inquiries from the public.

25 71. The Department operates a Customer Support Center, which fields calls
26 from hotlines for licensed firearms dealers and ammunition vendors, law
27 enforcement agencies, Department certified instructors, and the public. The hotline
28 for licensed firearms dealers and ammunition vendors is called the DES Customer

1 Support Center, and is available daily, 8:00 a.m. to 9:00 p.m. The center is
2 specifically intended to assist licensed firearms dealers and ammunition vendors
3 with their business needs. Firearms dealers and ammunition vendors may call the
4 center with technical questions.

5 72. During the first week of July, there was a spike in the number of calls per
6 day fielded by all members of the Customer Support Center. Most of those calls
7 related to ammunition purchases. For that first week, callers may have had to wait
8 or call back due to the high volume of calls. Since then, however, the number of
9 calls per day has dropped significantly, but remains above the monthly average.
10 The Bureau of Firearms anticipates a general increase in calls moving forward as a
11 new program has been implemented and that will continue to generate calls.

12 73. Since the ammunition eligibility check process has been in effect, the
13 Department has received notice of technical issues with DES and ammunition
14 eligibility checks. I am aware of some of the issues that have been raised, and the
15 steps that have been taken to address them. I will describe two examples of these
16 issues.

17 74. First, the week of July 1, the Department received notices that a few
18 Standard Ammunition Eligibility Checks were delayed due to the system not
19 accommodating people who have more than two first names. A fix was
20 implemented on July 25, 2019.

21 75. Second, there have been reports that the “Caliber” dropdown menu in the
22 “Transaction and Ammunition Information” step does not contain all calibers of
23 ammunition. I have been informed that the Department is currently researching
24 whether any calibers are missing and anticipates implementing a fix, if one is
25 necessary.

26 76. I am aware that a number of nonparty ammunition vendors submitted
27 declarations stating that they have been unsuccessful in having their magnetic card
28 readers populate the “gender, hair color, eye color, height, weight, place of birth,

1 and telephone number” fields in DES. Place of birth and telephone number are not
2 included on California driver licenses or identification cards, and therefore cannot
3 be populated using the magnetic card reader. With regard to the other fields, the
4 Department has not received any calls regarding the magnetic card reader not
5 populating gender, hair color, eye color, height, or weight. At this time, the
6 Department has no reason to believe that DES is preventing that information from
7 being populated by magnetic swipe.

8 77. I am aware that a number of nonparty ammunition vendors submitted
9 declarations suggesting that they cannot process ammunition transactions for
10 customers whose driver licenses or identification cards list a P.O. Box as their
11 address. I am also aware that these nonparty ammunition vendors have stated that
12 they believe that California law and Department regulations do not allow
13 ammunition vendors to manually edit a customer’s address as reflected on their
14 driver license or identification.

15 78. If the identification card or driver license has a P.O. Box listed, the dealer
16 can manually enter the current address into the “Personal Information” field in the
17 Standard Ammunition Eligibility Check. It is recommended, however, that dealers
18 obtain documentation from the purchaser with the purchaser’s current address to
19 verify what they are entering on the transaction is accurate. The Department is not
20 aware of any regulation or Penal Code that states ammunition vendors cannot
21 manually input or edit a customer’s address. The Department has issued guidance
22 regarding P.O. boxes on the Bureau of Firearms Frequently Asked Questions
23 website at: <https://oag.ca.gov/firearms/apfaqs>.

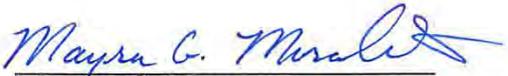
1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
2 is true and correct.

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4 Executed on: August 2, 2019

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MAYRA G. MORALES

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CERTIFICATE OF SERVICE

Case Name: **Rhode v. Becerra** No. **3:18-cv-00802-BEN-JLB**

I hereby certify that on August 5, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DECLARATION OF MAYRA G. MORALES IN SUPPORT OF DEFENDANT XAVIER BECERRA'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 5, 2019, at Sacramento, California.

Tracie L. Campbell

Declarant

/s/ *Tracie Campbell*

Signature

SA2018101286
13985041.docx

EXHIBIT 1

NOTICE OF PROPOSED RULEMAKING

Notice to be published on December 14, 2018

Proposition 63 (The Safety for All Act of 2016) and Senate Bill (SB) 1235 (2016) are newly enacted laws that regulate the sale or transfer of ammunition in California as of July 1, 2019. The Department of Justice (Department) proposes to adopt sections 4300 – 4309, of Title 11, Division 5, Chapter 11, of the California Code of Regulations. These regulations will explain the process that must be followed to purchase or transfer ammunition, what to do if an attempted purchase or transfer is denied, and will clarify what is needed to be exempt from certain parts of the process. In brief, these regulations will provide the public and ammunition vendors with directives that will guide both in the ammunition sale and transfer process.

These processes will allow the Department to determine if an individual is lawfully eligible to possess ammunition.

PUBLIC HEARING

The Department will hold two public hearings to receive public comments on the proposed regulatory action. The hearings will be held at the following dates, times and locations:

January 29, 2019, 10:00 am – 12:00 pm
Ronald Reagan State Building
300 S. Spring Street
Los Angeles, CA 90013

January 31, 2019, 1:00 pm – 3:00 pm
Resources Building Auditorium
1416 9th Street
Sacramento, California

Each location is wheelchair accessible.

At each hearing, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons making oral comments at each hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on January 31, 2019. Only comments received by that time will be considered. Written comments must be submitted to:

Jessie Romine
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-4217
Email: Ammoregs@doj.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 30352, and 30370, Penal Code.

Reference: Sections 16150, 16151, 26710, 28180, 28220, 30300, 30305, 30312, 30314, 30342, 30352, 30370, 30385, 30390, and 30395, Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Prior to the passage of Proposition 63 of 2016 (The Safety for All Act) and SB 1235 (2016), the sale or transfer of ammunition was not regulated by existing law. Penal Code section 30305 had established that an individual who is prohibited from owning or possessing a firearm is also prohibited from owning or possessing ammunition. Both Proposition 63 and SB 1235 (2016) authorize the Department to complete an ammunition eligibility check or to verify that an individual's Certificate of Eligibility (COE) is valid when the individual purchases or transfers ammunition from or through an ammunition vendor. Prior to voter approval of The Safety for All Act and the enactment of SB 1235 (2016), the Department had no mechanism to regulate the sale of ammunition, meaning the Department could not stop a prohibited individual from purchasing or receiving ammunition.

The Legislature enacted SB 1235 (2016) and the voters approved The Safety for All Act, delegating the authority to the Department to write regulations to interpret, and make specific certain Penal Code sections regulating the sale and transfer of ammunition. These regulations are beneficial as they create a process for the Department to make a determination to either approve or reject an ammunition purchase or transfer that is conducted by or processed through an ammunition vendor. The Department will make a determination to either approve or reject each ammunition purchase or transfer conducted by or processed through an ammunition vendor unless the individual is exempt from the Department's approval pursuant to Penal Code section 30352, subdivision (e).

These regulations explain that an ammunition vendor is responsible for facilitating an ammunition purchase or transfer by submitting the ammunition purchaser's or transferee's personal information to the Department, or by verifying the individual's COE status.

These regulations will benefit the state of California because an individual who is prohibited by either state or federal law to possess ammunition will be unable to obtain Department approval for an ammunition purchase or transfer from or through an ammunition vendor.

California Code of Regulations, Title 11, Division 5, Chapter 11 interprets and details the specifics of these regulations as follows:

Section 4300 specifies the scope of the new chapter, the regulation of an ammunition purchase or transfer from or through an ammunition vendor. This chapter provides guidance for an individual to purchase or transfer ammunition commencing July 1, 2019.

Section 4301 defines all firearm-related words throughout this new chapter so that the Department and members of the public can apply the same definitions to the firearm-related terminology used in the regulations to understand what the Department requires of them.

Section 4302 establishes the process for an individual to purchase or transfer ammunition as prescribed by Penal Code section 30370, subdivision (b).

Section 4303 establishes the process for one-time ammunition purchases or transfers.

Section 4304 establishes the process for an individual to purchase a firearm and ammunition within the same transaction.

Section 4305 establishes the process for an individual with a COE to purchase or transfer ammunition.

Section 4306 establishes the process for an exempted individual to purchase or transfer ammunition.

Section 4307 establishes the application process for an ammunition vendor to acquire telephonic access to the Department, which will allow the Department to complete an ammunition eligibility check or verify that an individual's COE is valid, as a result of the ammunition vendor being unable to electronically submit information to the Department's DES website.

Section 4308 specifies that the ammunition vendor can only deliver ammunition after the ammunition purchase or transfer is approved.

Section 4309 explains that an ammunition vendor will collect the fee for the ammunition eligibility check or COE verification, from the purchaser or transferee, and transfer the funds to the Department.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

An ammunition purchase or transfer completed in the state of California must be conducted through an ammunition vendor unless otherwise exempted. Prior to the sale or transfer, an ammunition vendor will initiate an eligibility check to ensure the purchaser or transferee is not prohibited from possessing ammunition. These proposed regulations will benefit public safety because they create a process which will ensure an individual prohibited by either state or federal law from possessing ammunition will be unable to purchase or transfer ammunition.

These regulations will explain the process that must be followed to purchase or transfer ammunition, what to do if an attempted purchase or transfer is denied, and will clarify what is needed to be exempt from certain parts of the process. In brief, these regulations will provide the public and ammunition vendors with directives that will guide both in the ammunition sale and transfer process.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Pursuant to Government Code section 11346.5, subdivision (a)(3)(D), the Department shall evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to firearms within California Code of Regulations (“CCR”) Title 11, Division 5, and determined that these proposed regulations are not inconsistent or incompatible. This determination is based on the fact that the proposed regulations clarify and provide further detail for existing Penal Code sections.

COMPARABLE FEDERAL REGULATIONS

The proposed regulations are not mandated by federal statute or regulation.

INCORPORATED BY REFERENCE

The following form is Incorporated by Reference: Application for Telephonic Vendor Approval, BOF 1020 (Orig. 05/2018)

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which shall be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Business report requirement: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Assessment regarding effect on jobs/businesses: Adoption of the proposed regulation will create permanent jobs within the Department. Adoption of the proposed regulations will not:

- (1) Create or eliminate jobs within California, with the exception of the Department's permanent positions needed to conduct tasks associated with ammunition eligibility checks and COE verifications;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department has made the determination on items (1) through (3) based on the fact that the fee for an ammunition eligibility check or the COE verification process is minimal and will not deter an individual from purchasing or transferring ammunition in California. Therefore, an individual will still purchase or transfer ammunition from an ammunition vendor, and an ammunition vendor will not be losing business from these regulations.

The Department has also made this determination after considering implied costs to ammunition vendors and ammunition purchasers for the processing time of a Standard Ammunition Eligibility Check. The Department estimates that it will take approximately two minutes for a Standard Ammunition Eligibility Check to be processed, so the implied costs for an ammunition vendor can be derived from taking the two-minute processing time and multiplying it by the 13 million transactions while valuing ammunition vendor staff and ammunition purchaser time at \$11 per hour. In total, the annual implied cost that comes from the Department's processing time for these transactions is \$9,533,334, and this cost independently applies to ammunition vendors (\$4,766,667) and ammunition purchasers (\$4,766,667). Although ammunition vendors and ammunition purchasers have implied costs attributed to the time it takes to process a transaction, ammunition vendors have the ability to process multiple transactions simultaneously and ammunition purchasers are still able to shop and be productive while waiting for their transaction to be processed. Therefore, the Department's processing time for the Standard Ammunition Eligibility Check will not be burdensome for ammunition vendors nor restrict ammunition purchasers in their leisurely activity of shopping.

(4) Benefits of the Proposed Regulations: These proposed regulations are beneficial to the health and welfare of California's residents because they create a process which will ensure an individual prohibited by either state or federal law to possess ammunition will be unable to purchase or transfer ammunition. An ammunition purchase or transfer completed in California must be conducted by or processed through an ammunition vendor unless otherwise exempted. An ammunition vendor is required to submit an ammunition purchaser's or transferee's personal information directly to the Department, to allow the Department to complete an ammunition eligibility check or verify that the individual has a valid COE prior to approving an ammunition purchase or transfer. Furthermore, these regulations will benefit the welfare of California residents because the Department shall only approve an ammunition purchase or transfer for an

individual who is not prohibited by either state or federal law from possessing ammunition. These regulations minimize the likelihood of a dangerous prohibited individual taking possession of ammunition.

Cost impacts on a Private Person or Business:

The Department has determined that the cost to a private individual would be either the \$1.00 fee for the Department's Standard Ammunition Eligibility Check, the \$1.00 fee for the Department to verify that a COE is valid, or the \$19.00 fee for the Department's Basic Ammunition Eligibility Check. The actual cost to the individual depends on the number of times an individual attempts to purchase or transfer ammunition. The Department is unable to determine how many times an individual will attempt to purchase or transfer ammunition. As mentioned above, ammunition purchasers and ammunition vendors will have an annual implied cost of \$4,766,667 each that comes from the Department's processing time for a Standard Ammunition Eligibility Check.

The Department determines that these regulations will not have a significant impact on the creation or elimination of private sector jobs within the state of California. The estimated impact on businesses considers the implied costs that stem from the processing time for a Standard Ammunition Eligibility Check. The processing time for a Standard Ammunition Eligibility Check does not limit the amount of ammunition transactions that an ammunition vendor can initiate, and therefore, ammunition vendors will not lose business as a result.

Small business determination: The Department has determined that the proposed regulation will not affect the creation or elimination of businesses because the effects from these regulations will be minimal. The estimated impact on small businesses considers the implied costs that come from the processing time for a Standard Ammunition Eligibility Check. The processing time for a Standard Ammunition Eligibility Check does not limit the amount of ammunition transactions that an ammunition vendor that is a small business can initiate, and therefore, these ammunition vendors will not lose business as a result.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to:

Jessie Romine
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: (916) 227-4217
Email: Ammoregs@doj.ca.gov

The back-up contact person for these inquiries is:

Kelan Lowney
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: (916) 227-7614
Email: Ammoregs@doj.ca.gov

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the “express terms”), the initial statement of reasons, and the information upon which the proposed rulemaking is based are available at the Department’s website at <http://oag.ca.gov/firearms/regs>. Copies may also be obtained by contacting Jessie Romine.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before the Department adopts the regulations. Copies of any modified text will be available on the Department’s website at <http://oag.ca.gov/firearms/regs>. A written copy of any modified text may be obtained by contacting Jessie Romine.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the final statement of reasons will be available on the Department’s website at <http://oag.ca.gov/firearms/regs>. You may also obtain a written copy of the final statement of reasons by contacting Jessie Romine.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format, as well as the Final Statement of Reasons once completed, are available on the Department's website at <http://oag.ca.gov/firearms/regs>.

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

Proposition 63 (The Safety for All Act of 2016) and Senate Bill 1235 (2016) are newly enacted laws that regulate the sale or transfer of ammunition in California. Proposition 63, section 2, paragraphs 6 and 7 state:

“6. We know background checks work. Federal background checks have already prevented more than 2.4 million gun sales to convicted criminals and other illegal purchasers in America. In 2012 alone, background checks blocked 192,043 sales of firearms to illegal purchasers including 82,000 attempted purchases by felons. That means background checks stopped roughly 225 felons from buying firearms every day. Yet California law only requires background checks for people who purchase firearms, not for people who purchase ammunition. We should close that loophole.

7. Right now, any violent felon or dangerously mentally ill person can walk into a sporting goods store or gun shop in California and buy ammunition, no questions asked. That should change. We should require background checks for ammunition sales just like gun sales, and stop both from getting into the hands of dangerous individuals.”

Proposition 63 and Senate Bill 1235 (2016) authorize the Department of Justice (Department) to adopt these regulations to interpret, and make specific the Penal Code sections that implement a background check for the purchase and transfer of ammunition.

ANTICIPATED BENEFITS

These regulations will benefit public safety by various means, including regulating the sale of ammunition to prevent the acquisition by convicted felons, the dangerously mentally ill and other persons who are prohibited from possessing firearms and ammunition.

These regulations will explain the process that must be followed to purchase or transfer ammunition, or what to do if an attempted purchase or transfer is denied, and will clarify what is needed to be exempt from Department approval to purchase or transfer ammunition. In brief, these regulations will provide the public and ammunition vendors with the directives that will guide both in the ammunition sale and transfer process.

PURPOSE & NECESSITY

§ 4300. Title and Scope.

This regulation identifies the scope of the new chapter - Chapter 11, “The Department of Justice Regulations for Ammunition Purchases or Transfers.” This regulation is necessary to identify the title and explain the scope of the regulations.

§ 4301. Definition of Key Terms.

Subdivisions (a) through (p) of this regulation define firearm-related words used throughout this chapter. This section is necessary because it clarifies commonly used firearm-related terms. The Department and members of the public can apply the same definitions to the firearm-related terminology used in this chapter; therefore, it will help to eliminate any misunderstandings between the Department and the public.

§ 4302. Standard Ammunition Eligibility Check.

This section establishes the fee for conducting a Standard Ammunition Eligibility Check and explains the process for an individual to purchase or transfer ammunition pursuant to Penal Code section 30370, subdivision (b).

Subdivision (a) establishes the fee for a Standard Ammunition Eligibility Check as \$1.00. The fees collected from the Standard Ammunition Eligibility Check will be used to repay the loan for start up costs including consultant and payment processing contract fees, software and hardware purchases, and personnel. (See Penal Code section 30371.) The fees also will provide for ongoing system maintenance (including recordkeeping and storage), and salaries of the 73 permanent employees. The Department will repay the loan on an ongoing basis as revenues from the Standard Ammunition Eligibility Check are collected. This subdivision is necessary to specify the fee assessed pursuant to Penal Code section 30370, subdivision (e) and to recover the total cost of implementation.

Subdivision (b) specifies the personal information that is to be collected from the purchaser or transferee, and outlines the submission process. This subdivision is necessary because an ammunition vendor needs to know what personal information to collect and submit in order for the Department to complete a Standard Ammunition Eligibility Check.

Subdivisions (c) through (d) specify that the Department shall approve or reject an ammunition purchase or transfer and outlines the process if a purchase or transfer is rejected. These subdivisions are necessary to explain that the Department will approve or reject ammunition purchases or transfers and provides the purchaser or transferee with the ability to understand why their transaction was rejected.

§ 4303. One-Time Ammunition Transactions.

This regulation establishes the process for one-time ammunition purchases or transfers. This regulation is necessary because an individual may have to request to undergo a Basic Ammunition Eligibility Check from the Department for a one-time ammunition purchase or transfer.

Subdivision (a) establishes the fee for a Basic Ammunition Eligibility Check as \$19.00. The \$19.00 fee allows the Department to recover the cost of processing the Basic Ammunition Eligibility Check, and is consistent with the fee paid for a firearms eligibility check. The Basic Ammunition Eligibility Check is essentially the same background check as a firearms eligibility

check. This subdivision is necessary to specify what the purchaser or transferee will need to pay for a Basic Ammunition Eligibility Check, as authorized by Penal Code section 30370, subdivision (c).

Subdivision (b) specifies the information an ammunition vendor must collect and submit into the Dealer Record of Sale Entry System (DES) website. This subdivision is necessary because an ammunition vendor needs to know what personal information to collect and submit in order for the Department to complete a Basic Ammunition Eligibility Check.

Subdivision (c) establishes that an ammunition vendor will provide the purchaser or transferee with an Ammunition Transaction Number (ATN), which may be used to check the status of the Basic Ammunition Eligibility Check on the Department's California Firearms Application Reporting System (CFARS) website. This subdivision is necessary to inform an individual how to use an ATN to obtain the status for the Basic Ammunition Eligibility Check from the Department.

Subdivisions (c)(1) through (2) establish that an approved Basic Ammunition Eligibility Check can be used for one ammunition purchase or transfer, and expires 30 days after issuance, and if a Basic Ammunition Eligibility Check is denied, the Department will provide the reason for the denial via U.S. Mail. These subdivisions are necessary to explain the limitations of a Basic Ammunition Eligibility Check, and its expiration period, and to explain the denial notification process.

Subdivision (d) explains that upon completion of the Basic Ammunition Eligibility Check, the transaction status will be updated in DES. This subdivision is necessary because the DES transaction status change is an indication to the ammunition vendor that the Department has completed the Basic Ammunition Eligibility Check, and upon approval, the ammunition vendor may then proceed with the ammunition sale or transfer.

§ 4304. Firearms Eligibility Check.

As authorized pursuant to Penal Code section 30352, subdivision (c), an individual that has been approved to purchase or transfer a firearm shall also be approved to purchase or transfer ammunition within the same transaction. This regulation establishes the process for an individual to purchase or transfer one or more firearms and ammunition in the same transaction.

Subdivision (a) explains that, except as provided in subdivision (b), an individual purchasing or transferring one or more firearms and ammunition within the same transaction shall only pay the fee prescribed by the California Code of Regulations, Title 11, section 4001, for a firearms eligibility check. This subdivision is necessary because both the firearms dealer and the individual need to understand the fee to be collected when one or more firearms and ammunition are purchased or transferred in the same transaction.

Subdivision (b) specifies two scenarios when a California resident may receive ammunition prior to the completion of the firearms eligibility check. Purchasers may take possession of the ammunition if they pay the \$1.00 fee for either the Standard Ammunition Eligibility Check or

the Certificate of Eligibility (COE) verification process, and are approved by the Department. This subdivision is necessary to explain to a firearms dealer that when ammunition is purchased or transferred within the same transaction as a firearm, ammunition can only be delivered prior to the firearms eligibility check if the individual has been approved following the completion of either the Standard Ammunition Eligibility Check or the COE verification.

§ 4305. COE Verification Process.

This regulation explains the process for the Department to process a COE holder's ammunition purchase or transfer. Pursuant to Penal Code section 30370, subdivision (a), the Department has the authority to process a COE holder's ammunition purchase or transfer. This regulation is necessary to establish a process for a COE holder to be approved by the Department to purchase or transfer ammunition.

Subdivision (a) establishes the fee for a COE verification as \$1.00. The fees collected from the COE verification will contribute toward start up costs and ongoing system maintenance, including employee salaries. This subdivision is necessary to specify the fee for a COE verification.

Subdivision (b) specifies what information the ammunition vendor will collect from the COE holder for the Department to verify the status of his or her COE in order to approve a purchase or transfer of ammunition. The ammunition vendor is required to submit the COE holder's personal information along with the COE number to the DES website. This subdivision is necessary to explain to an ammunition vendor how to process a COE holder's purchase or transfer.

Subdivision (c) specifies that the Department will approve or reject a COE holder's ammunition purchase or transfer and inform the ammunition vendor of the determination. If the Department determines the individual has a valid COE, the ammunition purchase or transfer shall be approved, but if the Department determines the individual's COE is not valid, the Department shall reject the ammunition purchase or transfer. This subdivision is necessary to ensure the ammunition vendor understands the Department must approve or reject the ammunition purchase or transfer.

§ 4306. Ammunition Purchases or Transfers for Exempted Individuals.

Subdivisions (a)(1) through (5) specify the types of identification that will identify an individual who is exempt from Department approval to purchase or transfer ammunition. These subdivisions are necessary because an ammunition vendor will need to verify exempted individuals' identities before processing an ammunition purchase or transfer without Department approval.

Subdivision (b) specifies that an ammunition vendor shall keep copies of the identification that identify sworn state or local peace officers or federal law enforcement officers and the original verifiable written certification from the head of the agency, and these records are to be made available to the Department upon request. Pursuant to Penal Code section 30352, subdivision

(e)(8)(iii), an ammunition vendor is required to keep the certification with the record of sale for ammunition transactions processed for sworn state or local peace officers or federal law enforcement officers. This subdivision is necessary to explain how this information must be recorded and reported to the Department.

Subdivision (c) clarifies that once an ammunition vendor has verified that an individual is exempt from Department approval for an ammunition purchase or transfer, the ammunition vendor may provide possession of the ammunition to the exempt individual. This subdivision is necessary because the ammunition vendor can only provide ammunition to an individual after it has verified that individual is exempt from the Department's ammunition eligibility check or the COE verification process.

§ 4307. Telephonic Access for Ammunition Vendors.

This regulation explains the process for an ammunition vendor to obtain telephonic access to the Department for the purposes of processing the sale or transfer of ammunition, which will allow the Department to manually determine if an individual can possess ammunition. If the ammunition vendor is able to demonstrate it does not have access to Internet service, the ammunition vendor will be able to obtain telephonic access to the Department. This regulation is necessary because an ammunition vendor needs a mechanism to apply for telephonic access to the Department, and the Department is required to process each ammunition purchase or transfer that is conducted by or processed through an ammunition vendor on a telephone line. Telephonic access for an ammunition vendor will allow the Department to manually verify that an individual is eligible to possess ammunition following the completion of a Standard Ammunition Eligibility Check, Basic Ammunition Eligibility Check, or the COE verification process.

Subdivisions (a) and (b) explain what document(s) an ammunition vendor can submit to prove that the service provider in their area does not offer Internet service at the ammunition vendor's place of business. This document is required to be mailed with the Ammunition Vendor (Non-Firearms Dealer) Application for Telephonic Approval, Form BOF 1020 (Orig. 05/2018) to apply for telephonic access to the Department. This subdivision is necessary because an ammunition vendor needs to understand the requirement to show it needs telephonic access because it cannot obtain Internet access. Telephonic access is the only mechanism for an ammunition vendor to submit an ammunition purchaser's or transferee's personal information to the Department when it does not have Internet service.

Penal Code section 30370 provides that it is important that this form be signed under penalty of perjury because the vendor is attempting to utilize a service the Legislature has made available only under specified conditions. By signing under penalty of perjury, the vendor confirms for the Department that it is aware of the restrictions and meets them.

Subdivision (c) clarifies that the Department shall either approve or deny the ammunition vendor's application for telephonic access. This subdivision is necessary because the Department shall approve telephonic access before an ammunition vendor can utilize the

Department's telephone line to submit an ammunition purchaser's or transferee's personal information to the Department.

§ 4308. Delivery of Ammunition Following DES Submission.

Subdivision (a) specifies that when the Department approves an ammunition purchase or transfer, the DES transaction record will change from "Pending" to "Approved." The DES transaction record indicates the Department's determination for the ammunition purchase or transfer. This subdivision is necessary because the ammunition vendor can only deliver ammunition to a purchaser or transferee if the DES transaction record shows as "Approved." Subdivision (b) specifies that ammunition may only be delivered if the status of the DES transaction record is approved. This subdivision is necessary to let ammunition vendors know when ammunition can be delivered to a purchaser or transferee.

Subdivision (c) requires that when an ammunition vendor delivers ammunition to a purchaser or transferee, the ammunition vendor shall submit the ammunition sale information to the Department. This subdivision is necessary because this records the ammunition transaction information as required pursuant to Penal Code section 30352, subdivision (b).

§ 4309. Billing, Payment, and Suspension for Non-Payment.

Subdivision (a) explains how an ammunition vendor is billed by the Department for the completion of ammunition eligibility checks and COE verifications. This subdivision is necessary because the ammunition vendor is required to collect fees for ammunition eligibility checks and COE verifications and these fees need to be paid to the Department.

Subdivision (b) specifies that an ammunition vendor shall pay the Department via a major credit card or debit card, and that this payment is due within 30-days of the billing statement date. This subdivision is necessary, so the ammunition vendor can both understand how to pay the bill and when specifically the bill is due.

Subdivision (c) explains that if the ammunition vendor does not pay the bill for the ammunition eligibility check and COE verification activity to the Department, the ammunition vendor's access to DES will be suspended until full payment for the past due amount is received. This subdivision is necessary because it explains the consequence for not paying this bill to the Department. If the ammunition vendor does not pay this bill to the Department, the ammunition vendor will be unable to facilitate an ammunition eligibility check or COE verification because the Department will suspend its access to DES.

Subdivision (d) clarifies that when an ammunition vendor's access to DES is suspended, the ammunition vendor will be unable to process or conduct an ammunition purchase or transfer for an individual that needs to undergo an ammunition eligibility check or COE verification. While an ammunition vendor's access to DES is suspended, the ammunition vendor shall still maintain its status as an ammunition vendor licensee. This subdivision is necessary to explain that if an ammunition vendor loses access to DES, its ammunition vendor license status will not be affected.

AUTHORITY AND REFERENCE

Authority: Sections 30352, and 30370, Penal Code.

Reference: Sections 16150, 16151, 26710, 28180, 28220, 30300, 30305, 30312, 30314, 30342, 30352, 30370, 30385, 30390, and 30395, Penal Code.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

Department staff relied upon their experience, expertise, and the following sources when writing these proposed regulations:

Popken, Ben, Consumer News and Business Channel, "America's Gun Business, By the Numbers" <https://www.cnbc.com/2015/10/02/americas-gun-business-by-the-numbers.html>, published on October 2, 2015.

Henderson, Peter and Daniel Trotta, Reuters, "What's missing in U.S. gun control scramble? Bullets" <https://www.reuters.com/article/us-usa-guns-ammunition/whats-missing-in-u-s-gun-control-scramble-bullets-idUSBRE90J02K20130120>, published on January 20, 2013.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Purpose

The Department proposes to adopt California Code of Regulations Title 11, sections 4300 through 4309 to interpret, and make specific the Penal Code sections that implement an eligibility check for the purchase and transfer of ammunition.

The Department estimates there will be approximately 13 million ammunition purchases or transfers conducted each year with a Standard Ammunition Eligibility Check. This calculation was based on the fact that in 2014, California residents accounted for just 931,037 firearms background checks, which is just 4.44 percent of the 20,968,273 firearms background checks that were completed nationally in the United States.¹ Additionally, U.S. residents purchase around 12 billion rounds annually.² If this rate of firearm background checks is an indicator of approximate overall gun ownership, and in turn ammunition usage, then this equates to approximately 13.2 million boxes of ammunition per year. For this calculation, the Department has assumed that 4.44 percent of 12 billion is 528 million, and 528 million divided by 40 (40 being the amount of rounds in each box ammunition) ultimately totals approximately 13.2 million boxes of ammunition purchased by California residents each year.

¹ Ben Popken, "America's Gun Business, By The Numbers," Consumer News and Business Channel (CNBC), published October 2, 2015, <https://www.cnbc.com/2015/10/02/americas-gun-business-by-the-numbers.html>.

² Peter Henderson and Daniel Trotta, "What's missing in the U.S. gun control scramble? Bullets," Reuters, published on January 20, 2013, <https://www.reuters.com/article/us-usa-guns-ammunition/whats-missing-in-u-s-gun-control-scramble-bullets-idUSBRE90J02K20130120>.

The Department translated the 13.2 million boxes of ammunition to the estimated 13 million ammunition transactions (conducted with a Standard Ammunition Eligibility Check) after careful consideration of mitigating factors which include ammunition purchased at the same time of a firearm, multiple boxes of ammunition purchased in the same transaction, and individuals transitioning to reloading their own ammunition.

Private Sector

The Department determines that these regulations will not have a significant impact on the creation or elimination of private sector jobs within the state of California. The estimated impact on businesses stems from the implied cost for ammunition vendors to process ammunition transactions. The Department estimates that it will take approximately two minutes to process a Standard Ammunition Eligibility Check, so the implied costs for an ammunition vendor can be derived from taking the approximate two-minute processing time and multiplying it by the estimated 13 million transactions, while valuing ammunition vendor staff time at \$11 per hour. In total, the annual direct cost for ammunition vendors to process these transactions is \$4,766,667. Ammunition purchasers will also have the same annual implied cost of \$4,766,667 since they have to wait for the transaction to be processed and their time is valued at \$11 per hour. An ammunition vendor can initiate a Standard Ammunition Eligibility Check, and even when the Department is processing the transaction, the ammunition vendor can still initiate additional ammunition transactions while ammunition purchasers continue to shop and likely purchase other items.

The Department has determined that these regulations will not have a significant impact on the creation of new businesses or elimination of businesses within California or affect the expansion of businesses currently doing business in California because the effects of these regulations will be minimal. The costs for a business to comply with these regulations are minimal because although it takes time for the Department to process an ammunition eligibility check, ammunition purchasers will be shopping for other products in the store, allowing the ammunition vendor to sell more items to the public.

Public Sector

The Department determines that these regulations will not have a significant impact on the creation or elimination of public sector jobs within the state of California. The Department anticipates hiring personnel to develop the systems and manage ongoing ammunition sales and transfers. The revenue to pay for these employees is derived from the following fees. The Department is authorized to charge a \$1.00 fee for a Standard Ammunition Eligibility Check, a \$19.00 fee for a Basic Ammunition Eligibility Check, and a \$1.00 fee for the verification of a COE. The Department expects to collect \$13 million per year in revenue from the Standard Ammunition Eligibility Check and COE verification process (based on 13 million ammunition transactions per year). The Department expects to collect \$950,000 per year from the Basic Ammunition Eligibility Check (based on approximately 50,000 Basic Ammunition Eligibility Checks conducted per year). From this revenue, the Department will repay a \$25 million loan to the General Fund used for the start-up costs (that include consultant and payment processing contracts, software and hardware purchases, and personnel) of the implementation of

Penal Code sections 30352 and 30370, and ongoing employee salaries, system maintenance, and payment processing contracts.

The Department has made these determinations based on the fact that the fee for an ammunition eligibility check or the COE verification process is minimal and will not deter an individual from purchasing or transferring ammunition in California. Therefore, an individual will still purchase or transfer ammunition from an ammunition vendor, and an ammunition vendor will not be losing business from these regulations.

The proposed regulations are beneficial to the health and welfare of California's residents because they create a process which will ensure an individual prohibited by either state or federal law to possess ammunition will be unable to purchase or transfer ammunition. An ammunition purchase or transfer completed in California must be conducted by or processed through an ammunition vendor unless otherwise exempted. An ammunition vendor is required to submit an ammunition purchaser's or transferee's personal information directly to the Department, so the Department can complete an ammunition eligibility check or verify that the individual has a valid COE prior to approving an ammunition purchase or transfer to take place. Furthermore, these regulations will benefit the welfare of California residents because the Department shall only approve an ammunition purchase or transfer for an individual who is not prohibited by either state or federal law to possess ammunition. These regulations minimize the likelihood of a dangerous prohibited individual taking possession of ammunition.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The primary evidence supporting the Department's determination that these regulations will not result in adverse economic impact directly affecting business is that despite there being direct and implied costs to ammunition vendors and ammunition purchasers for the time it takes the Department to process a Standard Ammunition Eligibility Check, there is no evidence that these regulations will deter ammunition sales or be a significant burden to ammunition purchasers. Ammunition purchases are considered a leisurely activity, and oftentimes done while out shopping for other items or browsing for future purchases, which is beneficial to both parties.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other reasonable alternatives were presented to, or considered by, the Department that would be either more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES, AND THE AGENCY'S REASONS FOR REJECTING THEM

No other reasonable alternatives were presented to, or considered by, the Department that would be either more effective in carrying out the purpose for which the action is proposed, or would be

as effective and less burdensome.

DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS

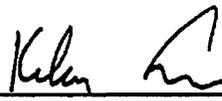
The proposed regulations are not mandated by federal law or regulations.

STATEMENT OF MAILING NOTICE

(Section 86 of Title 1 of the California Code of Regulations)

The Department of Justice has complied with the provisions of Government Code Section 11346.4, subdivision (a)(1) through (4), regarding the mailing of the notice of proposed regulatory action. The notice was mailed on December 14, 2018, over 45 days prior to the close of the public comment period on January 31, 2019.

Dated: 2/26/2019



Kelan Lowney

Associate Governmental
Program Analyst

EXHIBIT 2

FINAL STATEMENT OF REASONS
California Code of Regulations
Title 11, Division 5
Chapter 11: Ammunition Purchases or Transfers

UPDATE OF INITIAL STATEMENT OF REASONS

The Department modified the initially proposed text of the regulations such that the numbering of the subdivisions has changed. This Final Statement of Reasons refers to the subdivision numbers as they appear in the final proposed text of the regulations.

§ 4300. Title and Scope

The Department amended the authority and reference sections to delete unnecessary commas. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

§ 4301. Definition of Key Terms

The Department deleted the definition of “AFS record,” because that term does not appear in the regulations and therefore was not necessary to define.

The Department added the term “ammunition vendor,” as those persons or entities licensed pursuant to Penal Code section 30385. This is necessary because only those vendors are required by Penal Code sections 30352 and 30370, which these regulations implement, to follow the procedure enacted by these proposed regulations.

The Department added the term “Automated Firearms System” and its definition. The proposed definition explains the term by referencing the Penal Code section that authorizes the establishment and maintenance of that system. This was necessary because sections 4301(b) and 4302(a) refer to the Automated Firearms System, and the Department determined that a definition of the term would clarify the regulations by providing a simple description of the system and providing a citation that allows for further reference.

The Department amended the definition of “Basic Ammunition Eligibility Check” to mirror the language used in Penal Code section 30370, subdivision (c), which authorizes the process that the Department has named the “Basic Ammunition Eligibility Check.” Using the same language in the regulations as in statute will provide greater clarity on the definition of the “Basic Ammunition Eligibility Check.”

The Department amended the definition of “Certificate of Eligibility or COE” to directly refer to the statute that authorizes a COE, and to delete the additional references that describe what is checked before a COE may be granted and why a COE may be granted. The Department

determined that the deleted information reduced the clarity of the definition by presenting too much information. The regulation is made clearer by providing a simple description of the certificate and providing a citation that allows for further reference.

The Department further amended the definition to add punctuation that clearly indicate that the terms “Certificate of Eligibility” and “COE” are separate, yet interchangeable, terms. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the definition of “Dealer Record of Sale Entry System” or “DES” to add punctuation that clearly indicate that the terms “Dealer Record of Sale Entry System” and “DES” are separate, yet interchangeable, terms. The Department further amended the definition to delete the parentheses surrounding the web address. The parentheses were not necessary to demarcate the web address, and may have led to confusion as to how to type the web address. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the definition of “Firearms eligibility check” to make a grammatical change. The “check,” as a process, is a noun, and the sentence requires a verb (“conducted”). This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department deleted the definition of “One-Time Ammunition Transaction” because that term is no longer the title of section 4303. The term also differed from the statutory language (“single ammunition transaction or purchase”) in Penal Code section 30370, subdivision (c), and the Department determined that it was both confusing and not necessary.

The Department added the term “Prohibited Armed Persons File” and its definition. This term is used in section 4302(a) and in the statute that that proposed regulation implements, Penal Code section 30370, subdivision (b). The proposed definition explains the term by reference to the Penal Code section that authorizes the establishment and maintenance of the File.

The Department amended subdivision (o) of this section to correct a grammatical error. The word “subdivision” should be singular, not plural. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the definition of the term “Sworn federal law enforcement officer” to delete a citation to the California Penal Code. The Department determined that it is not necessary to cite the Penal Code, because although federal law enforcement officers are discussed by that Code (e.g. section 830.8), they are not defined therein.

The Department amended the authority and reference sections to delete unnecessary commas. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the reference section to include Penal Code sections 11106 and 30385, which are newly referenced in the definitions of “Automated Firearms System” and “ammunition vendor,” respectively. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

§ 4302. Standard Ammunition Eligibility Check (AFS Match).

The Department has amended the title of this section from “Standard Ammunition Eligibility Check” to “Standard Ammunition Eligibility Check (AFS Match)”. This is necessary to provide greater clarity, as the title will now immediately inform the public that the Standard Ammunition Eligibility Check is the ammunition eligibility check that implements Penal Code section 30370, subdivisions (a)(1) and (b), the defining feature of which is that the purchaser or transferee’s information “matches an entry in the Automated Firearms System (AFS)”.

The Department has added subdivision (a), which introduces the section by interpreting Penal Code section 30370, subdivisions (a), (a)(1) and (b). This is necessary to introduce the purpose of section 4302 and to provide clarity regarding that section of Penal Code.

The Department has added subdivision (a)(1) to further interpret Penal Code section 30370 and to provide a name for the eligibility check authorized by that section. Because a purchase or transfer is initiated by a purchaser or transferee, the Department has clarified that it is the purchaser or transferee who initiates the Standard Ammunition Eligibility Check. Because Penal Code section 30370, subdivision (d) prohibits an ammunition vendor from selling or transferring ammunition without the Department’s approval, and section 30352, subdivision (d) mandates ammunition vendors to verify with the Department that a person is authorized to purchase ammunition, the Department has clarified that the purchaser or transferee is to request the Standard Ammunition Eligibility Check through an ammunition vendor. In conjunction with section 4302, subdivisions (c) and (d), subdivision (a)(1) makes clear the roles of the Department, the ammunition vendor, and the purchaser or transferee.

The Department has amended subdivision (d) to clarify when the Department will instruct the ammunition vendor to approve or reject the purchase or transfer, and the manner by which the Department will communicate its determination. This change is necessary to specify how the ammunition vendor will be able to comply with Penal Code section 30370, subdivision (d), which prohibits an ammunition vendor from selling or transferring ammunition without the Department’s approval, and section 30352, subdivision (d), which mandates ammunition vendors to verify with the Department that a person is authorized to purchase ammunition. This amendment also aligns the Standard Ammunition Eligibility Check process with the Basic

Ammunition Eligibility Check process, as described by section 4303(e) and the amended COE Verification process, as implemented in section 4305(d).

The Department has amended subdivision (e) to specify that the ATN can be used by accessing the Department's CFARS website. Prior to this change, it was unclear how, specifically, the attempted purchaser or transferee would use the ATN. This change also aligns the Standard Ammunition Eligibility Check process with the Basic Ammunition Eligibility Check process, as implemented in section 4303(d).

The Department further amended this section to make nonsubstantial changes to punctuation and grammar. For example, although the California Department of Motor Vehicles refers to a "driver license," the statutes that are implemented by this regulation refer to that document as a "driver's license." The Department has amended the regulation to follow the statutory language. This, and the other punctuation and grammatical changes are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the authority section to include Penal Code section 30352. That section provides partial authority for the requirement in subdivision (c) for the Standard Ammunition Eligibility Check to require that the purchaser or transferee provide a telephone number.

The Department amended the reference section to delete an unnecessary comma. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

§ 4303. Basic Ammunition Eligibility Check (Single Transaction or Purchase).

The Department amended the title of this section from "One-Time Ammunition Transactions" to "Basic Ammunition Eligibility Check (Single Transaction or Purchase)," to provide greater clarity. Title now introduces the name of the eligibility check, and aligns with the titles of the other sections that provide methods of verifying authorization to purchase or transfer ammunition. The parenthetical phrase mirrors language used in Penal Code section 30370, subdivisions (a)(3) and (c), and will immediately inform the public that the Basic Ammunition Eligibility Check is the ammunition eligibility check that implements those provisions. Although each ammunition transaction must be approved by the Department prior to purchase or transfer, regardless of the method of obtaining authorization, per Penal Code section 30370, or exemption from the requirement to obtain authorization, per Penal Code 30352, the Department determined that the intent of the legislature in using "single transaction or purchase" to repeatedly describe the eligibility check that the Department has named the "Basic Ammunition Eligibility Check" was because the defining feature of the subdivisions implemented by the Basic Ammunition Eligibility Check is that the purchaser or transferee has neither an entry in the AFS nor a Certificate of Eligibility, nor belongs to one of those classes of persons exempt from needing to obtain authorization, and so the purchase of ammunition is presumed to be a rare, or

singular event. This comports with the Department's estimate that fewer than 2% of eligibility checks will be conducted by means of a Basic Ammunition Eligibility Check.

The Department has added subdivision (a), which introduces the section by interpreting Penal Code section 30370, subdivisions (a), (a)(3) and (c). This is necessary to introduce the purpose of section 4303 and to provide clarity regarding that section of Penal Code. Any person who is not prohibited, broadly speaking, may be authorized in any number of ways. Conversely, any person who is prohibited will not be authorized, as the prohibiting event will be revealed during the manual Basic Ammunition Eligibility Check; the prohibiting event will result in an entry into the Prohibited Armed Persons File and so lead to a denial of a Standard Ammunition Eligibility Check; and the prohibiting event will result in the termination of a Certificate of Eligibility and so lead to a denial of a COE Verification. Of these three, the Basic Ammunition Eligibility Check is potentially applicable to the greatest number of people — per Penal Code section 30370, subdivision (c), this includes any person who is not prohibited. By contrast, as stated in the ISOR Addendum, there are 22,000 COE holders who would be authorized subsequent to a COE verification, and 4.5 million people with distinct entries in the Automated Firearms System (still, the Department estimates that 98% of eligibility checks will be requested by such persons, who possess or are otherwise involved in activities related to firearms, and who thus would be authorized to purchase ammunition subsequent to a Standard Ammunition Eligibility Check or COE verification). Subdivision (a)(2) will provide greater clarity as to which method of obtaining authorization may best apply to a purchaser or transferee who may qualify for the more narrowly-defined paths to authorization (or exemption from authorization).

The Department has added subdivision (a)(1) to further interpret Penal Code section 30370 and to provide a name for the eligibility check authorized by that section. Because a purchase or transfer is initiated by a purchaser or transferee, the Department has clarified that it is the purchaser or transferee who initiates the Basic Ammunition Eligibility Check. Because Penal Code section 30370, subdivision (d) prohibits an ammunition vendor from selling or transferring ammunition without the Department's approval, and section 30352, subdivision (d) mandates ammunition vendors to verify with the Department that a person is authorized to purchase ammunition, the Department has clarified that the purchaser or transferee is to request the Basic Ammunition Eligibility Check through an ammunition vendor. In conjunction with section 4303, subdivisions (c), (d) and (e), subdivision (a)(1) makes clear the roles of the Department, the ammunition vendor, and the purchaser or transferee.

The Department has added subdivision (a)(2) to further clarify the interpretation in subdivision (a) that persons are authorized to purchase ammunition if they are not prohibited, subsequent to affirmation by the Department. In light of the fact that the Department does not have the authority to mandate which procedure a purchaser or transferee uses to seek authorization to purchase ammunition, the Department determined that the most effective way of clarifying the multiple ways of gaining authorization, as provided by statute, is to clearly present each process and its attendant requirements. Persons who are not prohibited may request a determination pursuant to (a)(1), but those persons may also seek authorization by following the alternative procedures, as applicable.

The Department has amended subdivision (c) to include a hyphen between the capital letter “I” and the number “94.” This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (c) to include the word “and” at the end of the list of information that must be collected for a Basic Ammunition Eligibility Check. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department has amended subdivision (e) to delete the requirement that the ammunition vendor only deliver the ammunition if the status of the Basic Ammunition Eligibility Check is “approved.” The Department determined that it was not necessary to include here because the same requirement is already provided in section 4308(b), and duplicating that provision made the regulation less clear.

The Department further amended this section to make nonsubstantial changes to punctuation and grammar. For example, although the California Department of Motor Vehicles refers to a “driver license,” the statutes that are implemented by this regulation refer to that document as a “driver’s license.” The Department has amended the regulation to follow the statutory language. This, and the other punctuation and grammatical changes are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the authority section to include Penal Code section 30352. That section provides partial authority for the interpretation of the statute in subdivision (a), and it provides the authority for the requirement in subdivision (c) for the Basic Ammunition Eligibility Check to require that the purchaser or transferee provide a telephone number.

The Department further amended the authority section to delete an unnecessary comma at the end of the sentence. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the reference section to include Section 922, Title 18 of the United States Code, because that section provides information regarding federal prohibitions on ammunition that are relevant to understanding why the Department requires the information collected in subdivision (c).

The Department further amended the reference section to delete a comma, to add a semicolon, and to capitalize the words “Section” and “Title.” These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

§4304. Firearms Eligibility Check.

The Department amended subdivision (a) to add a number to what had been the prefatory text, as originally noticed. This change allows for subdivision (a) to be easily referenced. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (a) to include the relevant provision of Penal Code section 30352(c) under the condition provided by (c)(2) – specifically, that the *ammunition* shall not be delivered without proper authorization. This is necessary to provide clarity to the regulations and to accurately interpret that section of Penal Code.

The Department amended subdivision (c) to make clear that a person who wishes to take possession of ammunition prior to the completion of a firearms eligibility check must conduct a separate transaction following one of the alternative procedures of obtaining authorization, or qualifying for an exemption, as applicable. Any one of the alternatives is available to the purchaser or transferee, not just the Standard Ammunition Eligibility Check or the Basic Ammunition Eligibility Check, as might have been interpreted from the text as initially proposed. This change is necessary to provide clarity to the regulation.

The Department amended the reference section to delete a comma and to add the word “and” between the final two citations. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

§ 4305. COE Verification Process.

The Department deleted the prefatory text, as this text is no longer necessary.

The Department has added subdivision (a), which introduces the section by interpreting Penal Code section 30370, subdivision (a)(2). This is necessary to introduce the purpose of section 4305 and to implement and provide clarity regarding that section of Penal Code.

The Department has added subdivision (a)(1) to further interpret Penal Code section 30370 and to provide a name for the verification process that is authorized by that section. Because a purchase or transfer is initiated by a purchaser or transferee, the Department has clarified that it is the purchaser or transferee who initiates the COE Verification. Because Penal Code section 30370, subdivision (d) prohibits an ammunition vendor from selling or transferring ammunition without the Department’s approval, and section 30352, subdivision (d) mandates ammunition vendors to verify with the Department that a person is authorized to purchase ammunition, the Department has clarified that the purchaser or transferee is to request the COE Verification through an ammunition vendor. In conjunction with section 4305, subdivisions (c) and (d), subdivision (a)(1) makes clear the roles of the Department, the ammunition vendor, and the purchaser or transferee.

The Department amended subdivision (b) to correct the citation of the authority for the regulation. The correct citation is to Penal Code section 30370, subdivision (e), not subdivision (c), as originally noticed. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (c) to require that the purchaser or transferee provide a telephone number. The purchaser or transferee's telephone number is required by Penal Code section 30352, subdivision (a)(6), at the time of the delivery of the ammunition. Rather than request personal information from the purchaser or transferee at two separate times, the Department determined that it would be most efficient to request all of the purchaser or transferee's personal information required to complete an ammunition purchase or transfer at this stage of the process, so that no new personal information will need to be requested at a second stage of the process. This will streamline the delivery of ammunition as soon as it is approved. The Department has also determined that gathering the purchaser or transferee's phone number at the time of the eligibility check will allow the Department to verify the purchaser's identity, if necessary, and to communicate with the purchaser or transferee, if necessary.

The Department has amended subdivision (d) to clarify when the Department will instruct the ammunition vendor to approve or reject the purchase or transfer, and the manner by which the Department will communicate its determination. Because Penal Code section 30370, subdivision (d) prohibits an ammunition vendor from selling or transferring ammunition without the Department's approval, and section 30352, subdivision (d) mandates ammunition vendors to verify with the Department that a person is authorized to purchase ammunition, the Department has clarified that the purchaser or transferee is to request the COE Verification through an ammunition vendor, and aligns the COE Verification process with the Basic Ammunition Eligibility Check process, as implemented in section 4303(e), and the amended Standard Ammunition Eligibility Check process, as implemented in section 4302(d).

The Department further amended this section to make nonsubstantial changes to punctuation and grammar. For example, although the California Department of Motor Vehicles refers to a "driver license," the statutes that are implemented by this regulation refer to that document as a "driver's license." The Department has amended the regulation to follow the statutory language. This, and the other punctuation and grammatical changes are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the authority section to include Penal Code section 30352. That section provides partial authority for the requirement in subdivision (c) for the COE Verification to require that the purchaser or transferee provide a telephone number.

The Department amended the reference section to include Penal Code sections 26710 and 28180. Section 26710 pertains to Certificates of Eligibility. Section 28180 pertains to the method of obtaining information as implemented by section 4305(c). The Department further amended the reference section to pluralize the word "Sections," because more than one section is referenced.

These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

§ 4306. Ammunition Purchases of Transfers for Exempted Individuals.

The Department has amended subdivision (a) to indicate that the types of identification documents that follow are deemed “proper” documents for the purpose of identifying persons who are exempt from Department approval to purchase or transfer ammunition, pursuant to Penal Code section 30352, subdivision (e). This is necessary to provide clarity as to the purpose of subdivisions (a)(1) through (a)(10), which implement the requirement in Penal Code section 30352, subdivision (e) that exempted individuals only qualify for the exemption “if properly identified.” Without the specification provided by subdivisions (a)(1) through (a)(10), ammunition vendors would lack clear guidance as to how to properly identify an exempted individual.

The Department has deleted subdivisions (a)(1) through (a)(5) as initially proposed. The Department determined, in response to public comments, that those subdivisions were unclear and so did not effectively specify the identification requirements necessary to implement Penal Code section 30352, subdivision (e)(1) through (8). In their place, the Department has added the following sufficiently-related specifications.

The Department has added subdivision (a)(1) to specify the type of identification document that will “properly” identify an ammunition vendor, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(1), from certain requirements of the ammunition authorization program. The Department determined that a valid Ammunition Vendor License issued pursuant to Penal Code section 30385 is the best document to properly identify an ammunition vendor for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). There is no other identification document that specifically identifies an ammunition vendor.

The Department has added subdivision (a)(2) to specify the type of identification document that will “properly” identify a person on the centralized list of exempted federal firearms licensees maintained by the Department, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(2), from certain requirements of the ammunition purchasing program. The Department determined that a Department-issued Listing Acknowledgement Letter indicating the individual is currently on the centralized list of exempted federal firearms licensees is the best document to properly identify an ammunition vendor for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). There is no other identification document that specifically identifies a person on the centralized list of exempted federal firearms licensees maintained by the Department.

The Department has added subdivision (a)(3) to specify the type of identification document that will “properly” identify a gunsmith, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(4), from certain requirements of the ammunition authorization program.

The Department determined that a valid Type 01 FFL is the best document to properly identify a gunsmith for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). A “gunsmith” is defined by Penal Code section 16630 as a person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, who is engaged primarily in the business of repairing firearms, or making or fitting special barrels, stocks, or trigger mechanisms to firearms, or the agent or employee of that person. Pursuant to that United States Code and the regulations issued pursuant thereto, to provide the services of a gunsmith, a person must apply for and be granted a Type 01 FFL. There is no other identification document that identifies a gunsmith. However, a Type 01 FFL does not exclusively identify gunsmiths—a Type 01 FFL may also be granted to other types of persons licensed to deal in firearms. The Department determined that this ambiguity does not pose a problem because, pursuant to Penal Code section 30385, subdivision (d), most firearms dealers are also authorized ammunition vendors. Therefore, any person presenting a Type 01 FFL would be exempt pursuant to either Penal Code section 30352, subdivision (e)(1) or subdivision (e)(4). Because there is no other identification document that identifies a gunsmith, and because allowing a Type 01 FFL to identify a gunsmith would not frustrate the purpose of the ammunition authorization program, the Department determined that it is the best document to properly identify a gunsmith.

The Department has added subdivision (a)(4) to specify the type of identification document that will “properly” identify a wholesaler of firearms, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(5), from certain requirements of the ammunition authorization program. The Department determined that a valid Type 01 Federal Firearms License is the best document to properly identify a wholesaler for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). A “wholesaler” is defined by Penal Code section 17340 as a person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are licensed as manufacturers, importers, or gunsmiths pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, or persons licensed pursuant to Sections 26700 to 26915, inclusive, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms in furtherance of that purpose. Pursuant to that United States Code and the regulations issued pursuant thereto, to be licensed as a dealer, a person must apply for and be granted a Type 01 (FFL). There is no other identification document that identifies a wholesaler. However, a Type 01 FFL does not exclusively identify wholesaler—a Type 01 FFL may also be granted to other types of persons licensed to deal in firearms. The Department determined that this ambiguity does not pose a problem because, pursuant to Penal Code section 30385, subdivision (d), most non-wholesaler firearms dealers are also authorized ammunition vendors. Therefore, any person presenting a Type 01 FFL would be exempt pursuant to either Penal Code section 30352, subdivision (e)(1) or subdivision (e)(5). Because there is no other identification document that identifies a wholesaler of firearms, and because allowing a Type 01 FFL to identify a wholesaler would not frustrate the purpose of the ammunition authorization program, the Department determined that it is the best document to properly identify a wholesaler.

The Department has added subdivision (a)(5) to specify the type of identification document that will “properly” identify a manufacturer of firearms, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(6), from certain requirements of the ammunition authorization program. The Department determined that a valid Type 07 FFL is the best document to properly identify a manufacturer of firearms for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). The type of “manufacturer of firearms” that would qualify for the exemption provided by Penal Code section 30352, subdivision (e) and therefore would need to be “properly identified” as proposed by section 4306(a), is specified by Penal Code section 30352, subdivision (e)(6) as “a manufacturer [...] of firearms or ammunition licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.” Pursuant to that United States Code and the regulations issued pursuant thereto, to be licensed as a manufacturer of firearms, a person must apply for and be granted a Type 07 FFL. Since Penal Code section 30352(e)(6) specifies that the manufacturer is defined by its federal licensure, the Department has adopted the federal license as the appropriate identifying document.

The Department has added subdivision (a)(6) to specify the type of identification document that will “properly” identify an importer of firearms or ammunition, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(6), from certain requirements of the ammunition authorization program. The Department determined that a valid Type 08 FFL is the best document to properly identify an importer of firearms or ammunition for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). The type of “importer of firearms or ammunition” that would qualify for the exemption provided by Penal Code section 30352, subdivision (e) and therefore would need to be “properly identified” as proposed by section 4306(a), is specified by Penal Code section 30352, subdivision (e)(6) as an “[...] importer of firearms or ammunition licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.” Pursuant to that United States Code and the regulations issued pursuant thereto, to be licensed as an importer of firearms or ammunition, a person must apply for and be granted a Type 08 FFL. Since Penal Code section 30352(e)(6) specifies that the importer is defined by its federal licensure, the Department has adopted the federal license as the appropriate identifying document.

The Department has added subdivision (a)(7) to specify the type of identification document that will “properly” identify a manufacturer of ammunition, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(6), from certain requirements of the ammunition authorization program. The Department determined that a valid Type 06 FFL is the best document to properly identify a manufacturer of ammunition for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). The type of manufacturer of ammunition that would qualify for the exemption provided by Penal Code section 30352, subdivision (e) and therefore would need to be “properly identified” as proposed by section 4306(a), is specified by Penal Code section 30352, subdivision (e)(6) as a “manufacturer [...] of [...] ammunition licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.” Pursuant to that United States Code and the regulations issued pursuant thereto, to be licensed as an manufacturer of ammunition, a person must apply for and be granted a Type 06 FFL. Since Penal Code section

30352(e)(6) specifies that the manufacturer of ammunition is defined by its federal licensure, the Department has adopted the federal license as the appropriate identifying document.

The Department has added subdivision (a)(8) to specify the type of identification document that will “properly” identify an authorized law enforcement representative of a city, county, city and county, or state or federal government, which, as specified, is a class of persons exempted by Penal Code section 30352, subdivision (e)(7), from certain requirements of the ammunition authorization program. The Department determined that a written authorization from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(7), is the best document to properly identify an authorized law enforcement representative for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). That section of Penal Code specifies the document that is to be used to provide “proper written authorization.” Since Penal Code section 30352(e)(7) specifies that the law enforcement representative is authorized by means of this written authorization, the Department has adopted the written authorization as the appropriate identifying document. The Department determined that no further interpretation is necessary to implement that statute. The requirement is being duplicated here to provide clarity to the regulations by presenting all documents that will “properly” identify all persons exempted from certain ammunition authorization program requirements by Penal Code section 30352, subdivision (e).

The Department has added subdivision (a)(9), including (a)(9)(A) and (B) to specify the type of identification documents that will “properly” identify a sworn peace officer, which, as specified, is a class of persons exempted by Penal Code section 30352, subdivision (e)(8), from certain requirements of the ammunition authorization program. The Department determined that the sworn officer’s credential, along with a written certification from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(8)(B)(i), are the best documents to properly identify a sworn peace officer for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). The Department determined that a written certification from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(8)(B)(i), is one such document to properly identify an authorized law enforcement representative. That section of Penal Code specifies the document that is to be used to provide “proper written authorization.” Since Penal Code section 30352(e)(8) specifies that the sworn peace officer is authorized by means of this written certification, the Department has adopted the written certification as one of the appropriate identifying documents. Unlike section 4306(a)(8), which concerns a representative of a government who is purchasing or transferring ammunition for the exclusive use by the government agency, 4306(a)(9) concerns the use of ammunition by a particular individual – the sworn peace officer. As such, the Department determined that “proper” identification requires identifying the individual officer. A “sworn state or local peace officer’s credential” is defined in section 4301(q) as identification indicating an individual is a sworn state or local peace officer pursuant to Part 2, Chapter 4.5 of the Penal Code. Because such identification can take many forms, depending on the jurisdiction, the Department determined that this definition provides the most effective manner in carrying out the purpose for which the regulation is proposed. The officer’s credential, together with the written certification from the head of the agency, will “properly” identify a sworn peace officer, as defined, who are

exempted from certain ammunition authorization program requirements by Penal Code section 30352, subdivision (e)(8).

Additionally, the Department added to section 4306(a)(9)(B) a provision that had been provided in subdivision (b) of the text as originally noticed, that limits the time for which the written certification is valid. The Department determined that the certification should only be valid for 30 days after issuance, to ensure that the officer's head of agency is aware of and authorizes all ammunition purchases, and to ensure that the officer is still a full-time paid peace officer at the time of the purchase or transfer of ammunition.

The Department has added subdivision (a)(10), including (a)(10)(A) and (B), to specify the type of identification document that will "properly" identify a federal law enforcement officer, which, as specified, is a class of persons exempted by Penal Code section 30352, subdivision (e)(8), from certain requirements of the ammunition authorization program. The Department determined that the federal law enforcement officer's credential, along with a written certification from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(8)(B)(i), are the best documents to properly identify a federal law enforcement officer for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). The Department determined that a written certification from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(8)(B)(i), is one such document to properly identify a federal law enforcement officer. That section of Penal Code specifies the document that is to be used to provide "proper written authorization." Since Penal Code section 30352(e)(8)(B)(i) specifies that the federal law enforcement officer is authorized by means of this written certification, the Department has adopted the written certification as one of the appropriate identifying documents. Unlike section 4306(a)(8), which concerns a representative of a government who is purchasing or transferring ammunition for the exclusive use by the government agency, 4306(a)(9) concerns the use of ammunition by a particular individual – the federal law enforcement officer. As such, the Department determined that "proper" identification requires identifying the individual officer. A "sworn federal law enforcement officer's credential" is defined in section 4301(p) as identification indicating an individual is a sworn federal law enforcement officer. Because such identification can take many forms, depending on the jurisdiction, the Department determined that this definition provides the most effective manner in carrying out the purpose for which the regulation is proposed. The officer's credential, together with the written certification from the head of the agency, will "properly" identify a sworn peace officer, as defined, who are exempted from certain ammunition authorization program requirements by Penal Code section 30352, subdivision (e)(8).

Additionally, the Department added a provision to section 4306(a)(10)(B) that had been provided in subdivision (b) of the text as originally noticed, that limits the time for which the written certification is valid. The Department determined that the certification should only be valid for a 30 days after issuance, to ensure that the officer's head of agency is aware of and authorizes all ammunition purchases, and to ensure that the officer is still a full-time paid peace officer at the time of the purchase or transfer of ammunition.

The Department added subdivision (b) to specify certain record keeping requirements for ammunition vendors. Penal Code section 30352, subdivision (e)(8)(B)(iii) requires the ammunition vendor to keep, with the record of sale, the verifiable written certification from the head of agency, and to submit that certification to the Department. The Department interprets the purpose of this requirement as allowing the Department to verify that the ammunition vendor has complied with Penal Code section 30352, subdivision (e)(8). However, the certification, by itself, would not verify compliance. The Department determined that it would also need to be able to inspect the related identifying documents, as specified in section 4306, subdivisions (a)(9) or (a)(10), and (c), to determine whether the person who purchased or received the transfer of ammunition was a credentialed officer, and was the person identified in the written certification.

The Department added subdivision (b)(1) to provide the ammunition vendor with an alternative method of recordkeeping that will allow the Department to verify compliance with Penal Code section 30352, subdivision (e)(8), in the event that the law enforcement agency does not allow photocopies to be made of the officer's credential. The Department is aware that certain statutes, regulations and policies of federal, state, or local law enforcement agencies prohibit the photocopying of official identification cards (e.g. Title 18, US Code Part I, Chapter 33, Section 701). In such a circumstance, the Department determined that the interest in being able to verify that the person who purchased or received the transfer of ammunition was the person identified in the written certification would best be accomplished by requiring the ammunition vendor to retain another document that would be commonly available to a sworn peace officer or sworn federal law enforcement officer. The Department determined that a business card meets this requirement, so long as the ammunition vendor also personally views the credential.

The Department added subdivision (c) to specify a step that must be conducted at the time of delivery. Subdivision (c) implements Penal Code section 30352, subdivision (c), which requires that an ammunition vendor shall require "bona fide evidence of identity" from the purchaser or transferee, to verify that the person who is receiving delivery of the ammunition is exempted from the requirement to provide authorization. The persons exempted from certain requirements of the ammunition authorization program by Penal Code section 30352, subdivision (e), which is implemented by this section, must still comply with the requirement of Penal Code section 30352, subdivision (c). The term "bona fide evidence of identity" is defined by Penal Code section 16300, a reference to which is provided here for ease of reference. The requirement to provide this evidence of identity is being duplicated here to provide clarity to the regulations by presenting, in this section, all of the requirements for completing a purchase or transfer that is exempt from Penal Code section 30352, subdivisions (a) and (d).

The Department has determined that the person who verifies the bona fide evidence of identity does not have to be the ammunition vendor COE holder, but may also be an authorized associate or salesperson. This mirrors language in section 4308(c), for consistency, as well as proposed changes to title 11, section 4210(a) in a separate rulemaking (see OAL File No. Z-2018-1127-05, currently under review at the California Office of Administrative Law). Currently, section 4210 refers to firearms dealers and "their employees." The Department is replacing the term "employee" with "authorized associate or salesperson." As noted in the Initial Statement of Reasons for that rulemaking, "This change is necessary, as a dealer may not have employees. A

dealer may only have independent contractors who perform DROS transactions on its behalf, and anyone who works for a dealer, in any capacity, and will be using the DES needs to have his or her own account for accurate tracking and accountability.” Conforming language has been used in this rulemaking, and for the same reasons.

The Department further amended this section to make nonsubstantial changes to punctuation and grammar. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

§ 4307. Telephonic Access for Ammunition Vendors.

The Department amended subdivision (a) to add a number to what had been the prefatory text, as originally noticed. This change allows for subdivision (a) to be easily referenced. The remainder of the section has been renumbered accordingly, including the cross-reference to subdivision (b) in subdivision (c). These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department further amended subdivision (a) to make nonsubstantial changes to punctuation and grammar. For example, the Department replaced the phrase “not being able to provide” with “inability to provide,” which is more clear. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (c) to add the zip code to the address to which an ammunition vendor shall mail an “Ammunition Vendor (Non-Firearms Dealer) Application for Telephonic Approval,” form BOF 1020, as applicable. The zip code had been inadvertently omitted in the text originally made available to the public. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department further amended subdivision (c) to make nonsubstantial changes to punctuation, and to refer to the cross-reference as a “subdivision” and not a “paragraph.” These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

§4308. Delivery of Ammunition Following DES Submission.

The Department amended subdivision (a) to specify that the DES transaction record will change for transactions conducted pursuant to sections 4302, 4303 or 4305. This amendment removes sections 4304, 4306 and 4307 from the sections affected by 4308(a). Section 4304(a) already

provides for when the purchaser or transferee may take possession of the ammunition under the stated condition. An ammunition transaction conducted pursuant to section 4306 does not require approval, and so will not have a DES transaction record that could change from “Pending” to “Approved.” Section 4307 describes a condition where DES, an electronic system accessed via an internet connection, is not accessible to an ammunition vendor, and therefore will not have a DES transaction record that could change from “Pending” to “Approved.”

The Department amended subdivision (c) to specify additional steps that must be conducted at the time of delivery. Subdivision (c)(1) implements Penal Code section 30352, subdivision (c), which requires that an ammunition vendor shall require bona fide evidence of identity from the purchaser or transferee, to verify that the person who is receiving delivery of the ammunition is authorized to do so. The term “bona fide evidence of identity” is defined by Penal Code section 16300, a reference to which is provided here for ease of reference.

Subdivision (c)(2) implements Penal Code section 30352, subdivision (a), which requires an ammunition vendor to record, at the time of delivery, certain specified information. That section of Penal Code provides that the information shall be recorded “on a form to be prescribed by the Department of Justice.” The DES website is the established portal through which ammunition vendors communicate purchasers’ or transferees’ personal information to the Department for the purpose of the ammunition eligibility checks and the COE verification process. It would be unduly burdensome for ammunition vendors, and unnecessarily expensive for the Department to develop and require use of a separate method of communicating purchasers’ or transferees’ personal information to the Department for the specific purpose of complying with Penal Code section 30352, subdivision (a). The Department has deleted the portion of the text as initially proposed that indicated that the purpose of the submission was “to record the time and date the ammunition is delivered.” The information required by Penal Code section 30352, subdivision (a) includes the date of the sale or transfer, but does not include the time of delivery. By amending the text to refer directly to the information required by Penal Code section 30352, subdivision (a), the regulation now directly implements that section. Both 4308(c)(1) and (c)(2) provide clarity to the public as to what information is required by statute upon delivery of ammunition. The statutory requirements are being duplicated here to provide clarity to the regulations by presenting, in this section, all of the requirements for completing a purchase or transfer conducted pursuant to sections 4302, 4303 or 4305.

The Department amended the authority section to include Penal Code section 30352. That section provides authority for the requirements in subdivision (c).

§ 4309. Billing, Payment, and Suspension for Non-Payment.

The Department amended subdivision (b) to remove a hyphen from between the number “30” and the word “day.” This change is solely grammatical in nature. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department also amended subdivision (b) to remove a parenthetical clause that was intended to clarify the regulation by reiterating the day of the month, as provided in subdivision (a), but instead provided potential for confusion. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (c) to make clear that the parenthetical identifies persons who are included in the suspension of access to DES, as specified. This meaning was already indicated by the parenthetical, but adding the word “including” makes the meaning more straightforward. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (d) to make a grammatical change. The Department has replaced the definite article “the” with the possessive “their,” to clarify that the ammunition vendor possesses the “status.” This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the reference section to remove an unnecessary comma. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

All other information provided in the Initial Statement of Reasons (inclusive of the addendum) is accurate and current.

(Note: subsequent to submission of the rulemaking file to the Office of Administrative Law for review, the Department made changes to this Final Statement of Reasons, and non-substantial changes to the regulation text, such as changes to grammar and punctuation, as identified herein.)

DOCUMENTS INCORPORATED BY REFERENCE

Proposed section 4308 incorporates by reference form BOF 1020, “Ammunition Vendor (Non-Firearms Dealer) Application for Telephonic Approval (Orig. 05/2018).” It would be cumbersome, unduly expensive, or otherwise impractical to publish this entire form in the California Code of Regulations. As indicated in the Notice of Proposed Action, the document was available upon request directly from the agency, and was reasonably available to the affected public on the Department’s rulemaking website. No change has been made to this document subsequent to the notice.

LOCAL MANDATE DETERMINATION

The Department determined that this regulatory action will not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The Department has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from this regulatory action. The Department determined that costs associated with implementation of the requirement in Penal Code section 30352, subdivisions (e)(7) and (8) that authorized law enforcement representatives and local law enforcement officers must deliver a verifiable written certification from the head of the agency in order to qualify for the exemption, as provided, do not constitute nondiscretionary costs. It should be noted that authorized law enforcement representatives and local law enforcement officers are expressly exempt, pursuant to Penal Code section 30312, subdivisions (c)(1) and (2), from the requirement that a sale of ammunition shall be conducted by or processed through an ammunition vendor.

SUMMARY AND RESPONSE TO COMMENTS

During the 45-day public comment period (December 14, 2018 through January 31, 2019), the Department received 219 different comments from 566 persons. In addition to receiving written comments, the Department held two public hearings to receive oral testimony on the proposed regulations. During the first hearing, held in Los Angeles on January 29, 2019, the Department heard testimony from four people. Eleven people gave testimony in the second hearing in Sacramento on January 31, 2019.

In order to properly manage the volume of public comment, the Department developed a system consisting of a Comment/Response spreadsheet and Comment Identification Key to assist with public comment organization. During the interpretive analysis of the public comments, a distinct number was assigned to the summaries of each comment, recommendation and objection (aggregated like-comment summaries were assigned the same number), and entered into the Comment/Response spreadsheet. Attachment A (96 pages) is a summary of all comments (written and oral) submitted during the 45-day comment period and the Department's responses. Attachment B is an alphabetical list (24 pages) of the commenters and identifies (by number) the comment(s) made by each person.

The Department noticed the public on April 18, 2019 of modifications to the text of the proposed regulations; an addendum to the Initial Statement of Reasons; and revisions to the Economic and Fiscal Impact Statement. The notice inadvertently provided an email address that was unable to accept incoming mail until April 22, 2019. Upon discovering this error, the Department sent a revised notice on April 23, 2019 that included two functional email addresses, and extended the comment period to May 8, 2019.

During the 15-Day comment period, the Department received 32 different comments from 139 persons. Attachment C (24 pages) is a summary of all comments submitted during the 15-day comment period and the Department's responses. Attachment D is an alphabetical list (6 pages) of the commenters and identifies (by number) the comment(s) made by each person.

Per the Administrative Procedures Act, for the purpose of these regulations, a comment is “irrelevant” if it is not specifically directed at the agency’s proposed action or to the procedures followed by the agency in proposing or adopting the action.

NONDUPLICATION STATEMENT

The proposed regulations partially duplicate or overlap a state statute or regulation which is cited as “authority” and “reference” for the proposed regulations. The duplication or overlap is necessary to satisfy the “clarity” standard of Government Code section 11349.1(a)(3).

ALTERNATIVES DETERMINATION

The Department determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective as and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department’s reasons for rejecting any proposed alternatives are set forth in the responses to comments.

ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The Department determined that no proposed alternative would be more cost effective to affected small businesses and equally effective in implementing the statutory policy or other provision of law. The Department’s reasons for rejecting any proposed alternatives are set forth in the responses to comments.

EXHIBIT 3

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



Bureau of Firearms
P.O. Box 160487
Telephone: (916) 227-2698
Fax: (916) 227-1032
E-Mail Address: CL-AVL@doj.ca.gov

June 7, 2019

California Ammunition Vendor Licensees

Re: Ammunition Purchase Authorization Program

Dear California Ammunition Vendor Licensees:

The purpose of this letter is to advise Ammunition Vendor Licensees that pursuant to Proposition 63, "The Safety for All Act of 2016" (as amended by Senate Bill 1235, Stats. 2016, ch. 55), effective July 1, 2019, Ammunition Vendor Licensees are prohibited from providing a purchaser or transferee ammunition without approval from the Department of Justice (the Department), except as otherwise specified.

As a result of the above mentioned Proposition and Bill, the Department has made enhancements to the Dealer Record of Sale (DROS) Entry System (DES) and is in the process of finalizing regulations that will enable Ammunition Vendor Licensees to submit requests for ammunition eligibility checks to the Department, and subsequently receive eligibility determinations through the system. Furthermore, the DES will enable Ammunition Vendor Licensees to record information, relative to the sale or transfer of ammunition, at the time of delivery.

Equipment

Ammunition Vendor Licensees are encouraged to obtain the necessary equipment to comply with the new Ammunition Authorization Program prior to July 1, 2019. The following equipment is necessary:

- Internet Service Provider
- Computer, laptop, or iPad (etc.) with internet capabilities
- Adobe Acrobat Reader
- A printer
- A magnetic stripe card reader that meets California Department of Motor Vehicle specifications (based on AAMVA standards – card design 2009) which reads 3-tracks of magnetic stripe data, and 2D barcode data.

A magnetic stripe card reader can be purchased from your local electronics retailer or internet electronics retailer. The DES web application is designed to work with most magnetic stripe card readers that meet California Department of Motor Vehicles specifications as noted above.

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DES Enrollment

Access to DES will require enrollment and account set-up. The Department is giving Ammunition Vendor Licensees, and their employees, the opportunity to enroll in DES and set-up their accounts by accessing DES at <https://DES.doj.ca.gov> effective today. It is recommended that Ammunition Vendor Licensees bookmark the DES link at the time of enrollment, as that will facilitate easy access on July 1, 2019.

For your convenience, the Department has included (with this notice) a quick reference guide that covers the following: how to create a DES account, how to approve employee accounts, and how to assign employee permissions.

Please note: Firearm Dealers that were automatically deemed Ammunition Vendor Licensees, and their employees, will *not* have to enroll in DES again – their current accounts will continue to work. Firearm Dealers now have the ability to assign the new ammunition transaction permissions to their employees.

Full Access to DES will be made available to Ammunition Vendor Licensees at 7:00 am on July 1, 2019

Effective July 1, 2019, full access to DES will be available to Ammunition Vendor Licensees who have enrolled in DES. At that time, Ammunition Vendor Licensees and their employees (with the appropriate permissions) will have the ability to submit Ammunition Eligibility Check transactions and record ammunition sales.

The following ammunition transaction capabilities will be made available:

- Submit Eligibility Check
- Search Eligibility Check
- Review Eligibility Notices
- Submit Ammunition Purchase(s)
- Search Frequently Sold Ammunition List
- Add Frequently Sold Ammunition
- Pay Invoices
- View Paid Invoices

Firearm Dealers will see the new ammunition transaction functionalities noted above, and will also have the following new functionalities:

- Add an ammunition sale at the time a firearm is being delivered
- DROS transactions (ammunition and firearms) will now be uploaded to a cart prior to being submitted to the Department.

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DES Firearm Dealer/Ammunition Vendor Licensee User Guides

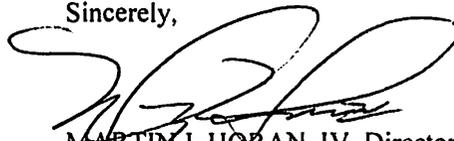
The Department will release an updated DES Firearm Dealer User Guide (which will include all new functionalities) and an Ammunition Vendor Licensee User Guide at a later date.

Customer Support Center

The Customer Support Center is available to provide assistance 7 days a week, from 8:00 am to 9:00 pm. On July 1, 2019, the Customer Support Center will be available from 7:00 am to 9:00 pm. If you have any questions regarding the DES web application, please contact the DES Customer Support Center at 1-855-DOJ-DROS (1-855-365-3767).

Should you have any questions regarding this letter, please contact the Bureau of Firearms at the number listed above.

Sincerely,



MARTIN J. HORAN, IV, Director
Bureau of Firearms

For XAVIER BECERRA
Attorney General



Firearm Dealers DES Quick Reference Guide Adding Permissions

New DES Account Permissions

Firearm dealers will now have additional permissions added to their DES account to process ammunition transactions. Employees of the license holder may need to have their permissions updated to process ammunition transactions.

STEP 1

Go to your internet browser and access the DROS Entry System (DES) by typing the following URL into your URL address bar: <https://des.doj.ca.gov>.



STEP 2

Enter your User Name and Password.

DROS Entry System Log On

Not yet a DES user?
If you are not a DES user [request a DES account](#)

Current DES users [\[New User Name and Password information\]](#)

*User Name *Password

[Forgot User Name?](#) [Forgot Password?](#)

[Forgot User Name and Password?](#)

Please click buttons only once. Multiple clicks will delay processing.

STEP 3

Click the [Manage Employees](#) link under the ADMINISTRATOR section.

- MY ACCOUNT**
- Edit My Profile
- Change My Password
- My Issue Log
- ADMINISTRATOR**
- New Account Requests
- Manage Employees
- Manage Dealerships
- View Paid Invoices
- Pay Invoices

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Firearm Dealers DES Quick Reference Guide Adding Permissions

STEP 4

Select the appropriate employee by clicking on the user's Last Name.

Employees

Dealership Display Option

Last Name	First Name
[Redacted]	JONES
[Redacted]	ROE

STEP 5

Select the appropriate permissions for the user. Once you've selected the appropriate permissions for your employee, click the **Accept** button.

Permissions for this user
 [At least one Permission must remain selected]
 Select All Permissions
 Pay Invoices [Allows user to view and pay invoices]
 Manage Inventory [Allows user to manage ammo inventory]
 Manage Employees [Allows user to add or remove employees]
 Enter Gun Transactions [Allows user to enter DROS and acquisition transactions]
 Enter Ammo Transactions [Allows user to enter ammo transactions]
 Correct or Cancel DROS [Allows user to correct or cancel DROS transactions]
 Remove User

Add Dealership(s) for this user
 [list of active dealerships associated to your COE that are not assigned to this user]

New Account Permissions include:

- Manage Inventory [Allows the user to add, remove, or edit the list of frequently sold ammunition.]
- Enter Ammo Transaction (COE REQUIRED). [Allows the user to submit ammunition eligibility checks and deliver ammunition.]

PLEASE NOTE: The ability to Manage Inventory and Enter Ammo Transactions will not be available until July 1, 2019.



Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

REQUESTING A DES ACCOUNT

To get started you will need:

Information

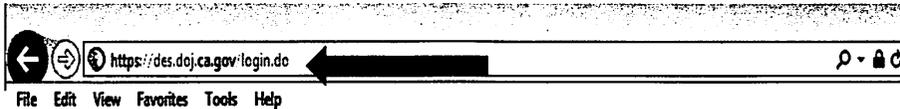
- California Ammunition Vendor (CAV) license number
- DOJ Certificate of Eligibility (COE) number of the license holder/responsible party
- (Optional) Personal DOJ COE number to submit ammunition eligibility checks and deliver ammunition
- Personal driver's license or identification number

Equipment

- Internet Service Provider
- Computer, laptop, or iPad (etc.) with internet capabilities
- Adobe Acrobat Reader
- A printer
- A magnetic stripe card reader that meets California Department of Motor Vehicle specifications (based on AAMVA standards – card design 2009), which reads 3 tracks of magnetic stripe data, and 2D barcode data.

STEP 1

Go to your internet browser and access the DROS Entry System (DES) by typing the following URL into your URL address bar: <https://des.doj.ca.gov>.



STEP 2

Click the "request a DES account" link.

A screenshot of the "DROS Entry System Log On" page. The page has a title "DROS Entry System Log On". Below the title, there are three links: "Not yet a DES user?", "If you are not a DES user request a DES account.", and "Current DES users (View User Name and Password information)". The link "request a DES account" is circled in black. Below the links, there are two input fields: "*User Name" and "*Password". Below these fields are three links: "Forgot User Name?", "Forgot Password?", and "Forgot User Name and Password?". At the bottom of the form, there is a note: "Please click buttons only once. Multiple clicks will delay processing." and two buttons: "Log On" and "Clear Form".



Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

STEP 3

Click the **Continue** button.

DROS Entry System Account Request/Enrollment Guidelines

You will need a combination of the following information to complete account request/enrollment:

- ▶ California Firearms Dealer (CFD) Dealer ID
- ▶ California Ammunition Vendor (CAV) number
- ▶ Dealership Certificate of Eligibility (COE) number
- ▶ Federal Firearms License (FFL) number
- ▶ A unique personal identification number (for example, your driver's license number)

If you have all the required information and are ready to enroll, please press the "Continue" button to proceed, otherwise press the "Cancel" button.



STEP 4

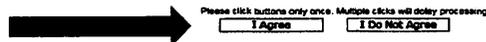
If you agree to the Terms of Use agreement,¹ click the **I Agree** button.

DROS Entry System Terms of Use Agreement

You may want to print and file this agreement page for your records.

Please read the Agreement below. The Terms of Use are subject to change by the Department of Justice (the Department) upon prior notice to you. If you agree, click the "I Agree" button to proceed to the Account Request form. If you do not agree to the terms and conditions, you will be denied access to the Dealers' Record of Sale (DROS) Entry System.

- ▶ **Non-Liability:** The Department of Justice (Department) is not responsible for and will not have liability for hardware, software, information, or other items or any services provided by any persons other than the Department. In no event shall either party be liable to the other or any third party, under any theory of liability, including, but not limited to, any contract or tort claim for any cause whatsoever, for any indirect, incidental, special or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.
- ▶ **Authorization:** I am a licensed firearms dealer Certificate of Eligibility (COE) Holder, authorized associate, authorized account associate, or salesperson of the firearms dealer, or an ammunition vendor, authorized ammunition vendor associate, authorized ammunition vendor account associate, or ammunition vendor salesperson, and am authorized to use DES on behalf of the firearms dealer or ammunition vendor.
- ▶ **Access:** The acquisition and maintenance of the device and software used to access the internet and interface with DES shall be the responsibility of each firearms dealer or ammunition vendor.
Each authorized associate, authorized account associate, or salesperson shall request and use his/her own DES account after the Dealer COE Holder or ammunition vendor has granted authorization. The DES enables the Dealer COE Holder or ammunition vendor to authorize the functions each user is able to access.
- ▶ **Confidentiality and Unauthorized Use:** It is the responsibility of the user and the firearms dealer or ammunition vendor to protect the confidentiality of the individual password selected by each user to access DES.
If a Dealer COE Holder, authorized associate, authorized account associate, or salesperson, or ammunition vendor, authorized ammunition vendor associate, authorized ammunition vendor account associate, or ammunition vendor salesperson becomes aware that an unauthorized user has obtained access to DES, they must notify the Customer Support Center immediately. Contact information is available upon logging into the DES account. Notwithstanding such notification, the Department shall not be liable for transaction charges fraudulently incurred on a DES account. It is the dealer's or ammunition vendor's responsibility to pay these transaction charges.
- ▶ **Transactions Involving Multiple Firearms (Firearms Dealers Only):** A transaction means a single sale, transfer, or loan of any number of firearms to one person at the same time. It is the responsibility of the user to indicate that a transaction consists of more than one firearm while entering Dealer Record of Sale (DROS) information for submission to the Department. If the user does not indicate the transaction consists of more than one firearm prior to submission, another DROS fee will be required for the additional firearms.
Upon submission of a DROS, the fee will be charged to the dealer's account. The Department will not provide refunds after submission and acceptance of a DROS.
- ▶ **True and Accurate Information:** All of the information I submit to the Department through DES shall be true, accurate, and complete to the best of my knowledge.



¹ The effective date of this agreement is July 1, 2019.



Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

STEP 5

Answer the following questions:

- a. Are you the Dealership COE holder?

If you are the business owner/responsible party on the CAV License, select YES. If you are an employee, select NO.

- b. Enter the Dealership COE Number. Enter the COE number of the business owner/responsible party.

If you are the business owner/responsible party on the CAV License, enter your Dealership COE number. If you are an employee, enter the Dealership COE number of the business owner/responsible party on the CAV License. You may need to get this information from the business owner/responsible party.

- c. Enter the CAV License Number.

If you are the business owner/responsible party on the CAV license, enter the number on your CAV license. If you are an employee, enter the number on the CAV license of the business owner/responsible party. You may need to get this information from the business owner/responsible party.

- d. Complete the reCAPTCHA and click **Submit** button.

User Account Request. Part 1

Step 1: Submit Dealer Information for Verification

*Are you a dealership COE Holder?	*Dealership COE Number	*CFD/CAV Number
YES <input type="checkbox"/>	<input type="text"/>	<input type="text"/>

If you have an Employee COE or other COE type, select No.

I'm not a robot 



Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

STEP 6

- a. (Optional) Enter Employee COE Number. If the employee does not have a COE, leave the field blank. Employees are still able to create a DES account with limited permissions.
- b. Enter your Personal ID Number. This will be the number on your driver's license or identification card.
- c. Complete the reCAPTCHA and click **Submit** button.

STEP 7

- a. Enter your Last Name and First Name.
- b. (Optional) Enter and confirm your Business Email Address.
- c. Select and answer three (3) identity verification questions. These will be used to confirm your identity to recover or reset a password.
- d. Enter and re-enter a password for your DES account. Click the [Password Format](#) link for more details on password requirements. (Please make note of your password and store it in a safe place.)
- e. Click the **Submit Request** button.
- f. Confirm your entries. Click **Confirmed, Submit** button



Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

STEP 8

Make note of the provided user name. Employee accounts will need to be confirmed by another user prior to logging onto DES.

DES Account Request - Submission Confirmation

Congratulations, your account has been created.
Your user name is **TEEMPLOY2** Please make a note of this.

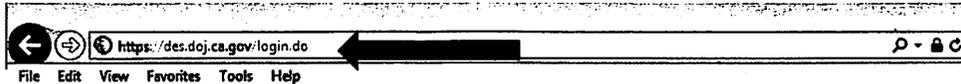
Your account must be set up by your store manager before you can use DES

APPROVING ACCOUNT REQUESTS – BUSINESS OWNER/RESPONSIBLE PARTY

Business Owner/Responsible Parties must approve employee accounts before an employee can gain access to the DES. (Please note: this responsibility can be delegated after the business owner/responsible party creates his/her initial account.)

STEP 1

Go to your internet browser and access the DROS Entry System (DES) by typing the following URL into your URL address bar: <https://des.doj.ca.gov>.



STEP 2

Enter your User Name and Password.

DROS Entry System Log On

Not yet a DES user?
If you are not a DES user request a DES account.

Current DES users

*User Name *Password ←

Forgot User Name? Forgot Password?

Forgot User Name and Password?

Please click buttons only once. Multiple clicks will delay processing.



Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

STEP 3

If you have pending account requests to review, you will see the following message:

You have pending account requests

To review an account request, click the [New Account Requests](#) link under the ADMINISTRATOR section.

MY ACCOUNT

- Edit My Profile
- Change My Password
- My Issue Log

ADMINISTRATOR

- New Account Requests
- Manage Employees
- Manage Dealerships
- View Paid Invoices
- Pay Invoices

Menu located on the left-hand-side of the page.

STEP 4

Select the appropriate request by clicking on the user's Last Name.

Pending Account Requests

Last Name	First Name	Date Submitted
EMPLOYEE	TEST	05/07/2019 11:24 AM

Displaying records 1 to 1 of 1 total records.

Please click buttons only once. Multiple clicks will delay processing.

Main Menu

STEP 5

Select the appropriate permissions for the user. Once you've selected the appropriate permissions for your employee, click the **Accept** button. After you accept, your employee will be able to log on to DES.

Permissions for this user

You must select at least one Permission if approving this request

Select All Permissions

Pay Invoices (Allows user to view and pay Invoices)

Manage Inventory (Allows user to manage ammo Inventory)

Manage Employees (Allows user to add or remove employees)

Enter Ammo Transactions (Allows user to enter ammo transactions)

Please click buttons only once. Multiple clicks will delay processing.

Back Accept Reject



Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

AMMUNITION VENDOR DES USER PERMISSIONS:

- Pay Invoice [Allows the user to view and pay invoices.]
- Manage Inventory [Allows the user to add, remove, or edit the list of frequently sold ammunition.]
- Manage Employees [Allows the user to add, remove, or edit an employee's DES account permissions.]
- Enter Ammo Transaction (**COE REQUIRED**). [Allows the user to submit ammunition eligibility checks and deliver ammunition.]

PLEASE NOTE: The ability to Manage Inventory and Enter Ammo Transactions will not be available until July 1, 2019.

EXHIBIT 4

IMPORTANT NOTICE

**CALIFORNIA DEPARTMENT OF JUSTICE NOTIFICATION REGARDING
REGULATIONS FOR AMMUNITION PURCHASES OR TRANSFERS AND AUTOMATED
FIREARMS SYSTEM INFORMATION UPDATES**

Effective July 1, 2019, persons seeking to purchase or transfer ammunition will have to undergo an eligibility check, and be approved by the Department, prior to the sale or transfer, except as otherwise specified. Departmental approval shall occur electronically through a licensed ammunition vendor. (Beginning with Cal. Code Reg., tit. 11, § 4300)

Effective July 1, 2019, persons with an outdated Automated Firearms System record will have the ability to correct or update personal information (name, date of birth, Identification number/type, and current address) on their Automated Firearm System record via the California Firearms Application Reporting System (also known as CFARS). (Cal. Code Reg., tit. 11, § 4350-4353)

The newly adopted text of these regulations can be found at <https://oag.ca.gov/firearms/regs>

Should you have any questions please contact the Bureau of Firearms, Customer Support Center at (855) 365-3767 or via e-mail at bofdes@doj.ca.gov.

EXHIBIT 5

IMPORTANT NOTICE

Regarding Availability of Instructional User Guides Related to Upcoming Ammunition Sale Requirements

The purpose of this bulletin is to notify firearm dealers and ammunition vendors of the availability of instructional user guides that have been created or updated to reflect enhancements to the Dealer Record of Sale (DROS) Entry System (DES) that allow for the submission of eligibility checks and ammunition purchases. These user guides will be available to access through the Bureau of Firearms website at <https://oag.ca.gov/firearms/forms> listed under "Publications" and subsequently through the DES application.

Firearm Dealers: The DES User Guide was updated to include instructions for ammunition eligibility checks and sales.

Ammunition Vendors: The Ammunition User Guide provides instructions on using DES including submitting ammunition transactions.

The Quick Reference Guide is an instructional document on how to submit an ammunition eligibility check and ammunition purchase and can be found attached to this bulletin.

In preparation for the upcoming changing requirements for the sale of ammunition through DES, it is recommended that all employees of firearm dealers and ammunition vendors review these instructional guides thoroughly.

The ammunition functionality will be available within DES at 7:00 am on Monday July 1, 2019, and the Customer Support Center will be available at this time for any assistance with the system.

Effective July 2, 2019, the DES hours of operation will be 4:00 am to 1:00 am and the Customer Support Center hours will be Monday through Sunday 8:00 am to 9:00 pm unless otherwise notified.

Furthermore, new content has been added to the Bureau of Firearms website under the Ammunition Purchase Authorization Program at oag.ca.gov/firearms/apap. You will find information about the requirements used to determine whether an individual is eligible to purchase ammunition in addition to establishing and updating a record in the Automated Firearms System.

Should you have any questions, please contact the Bureau of Firearms, Customer Support Center at (855) 365-3767 or via e-mail at bofdes@doj.ca.gov.



DROS Entry System Submit Ammunition Transaction Quick Reference Guide

SUBMITTING AN ELIGIBILITY CHECK

To get started you will need:

Information

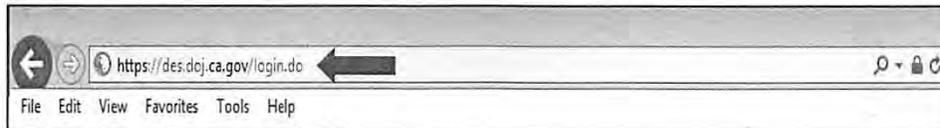
- Purchasers California Driver License or California Identification Card

Equipment

- Internet Service Provider
- Computer or laptop with internet capabilities
- Printer
- Adobe Acrobat Reader (software)
- Magnetic card swipe reader that meets California Department of Motor Vehicle specifications (based on AAMVA standards-card design 2009) which read 3-tracks of magnetic stripe data, and 2D barcode data.

STEP 1

Go to your internet browser and access the DROS Entry System (DES) by typing the following URL into your URL address bar: <https://des.doj.ca.gov>.



STEP 2

Enter your User Name and Password.

DROS Entry System Log On

Not yet a DES user?
If you are not a DES user [request a DES account](#).

Current DES users [\[View User Name and Password information\]](#)

***User Name** ***Password**

[Forgot User Name?](#) [Forgot Password?](#)

[Forgot User Name and Password?](#)

Please click buttons only once. Multiple clicks will delay processing.

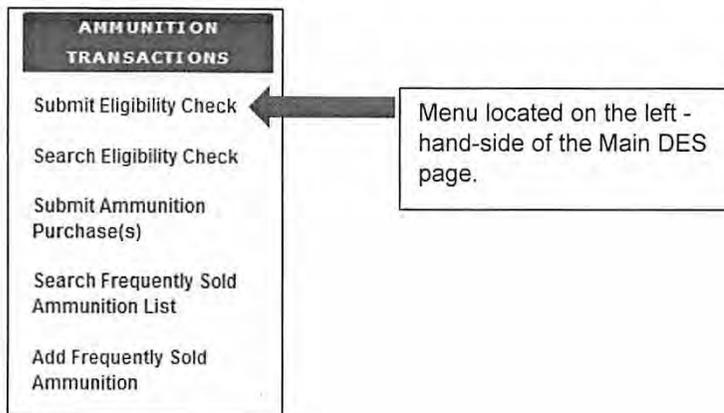
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DROS Entry System Submit Ammunition Transaction Quick Reference Guide

STEP 3

Select **Submit Eligibility Check** from the Ammunition Transaction section.



STEP 4

Select the appropriate Ammunition Eligibility Check for the purchaser.

- Standard Ammunition Eligibility Check (SAEC) **Fee: \$1.00**
- Basic Ammunition Eligibility Check (BAEC) **Fee: \$19.00**
- Certificate of Eligibility (COE) Verification **Fee: \$1.00**

Select Eligibility Check

Purchaser Eligibility Check _____

Standard Ammunition Eligibility Check

Basic Ammunition Eligibility Check

Certificate of Eligibility Verification



DROS Entry System Submit Ammunition Transaction Quick Reference Guide

STEP 5

Swipe the CA driver license or identification card through the magnetic card swipe reader. You must click on the **Populate Fields** button in order for the personal information to be entered into the personal information fields.

Person Information

Swipe CA Driver's License or ID Card

Populate Fields



Standard Ammunition Eligibility Check

Person Information

Swipe CA Driver's License or ID Card

Populate Fields

*First Name Middle Name *Last Name Suffix

*Street Address *Zip Code *City State

Gender Hair Color Eye Color Height (feet/inches) Weight *Date of Birth

*ID Type *ID Number *Race *U.S. Citizen

*Place of Birth *Telephone Number

Alias First Name Alias Middle Name Alias Last Name Alias Suffix

Please click buttons only once. Multiple clicks will delay processing

Confirm the information populated matches the driver license or identification card and that all required fields have been entered and then click **Preview**.

PLEASE NOTE: When processing an Eligibility Check for a COE holder the COE number must be entered.

COE Check

Person Information

Swipe CA Driver's License or ID Card

Populate Fields

*COE Number



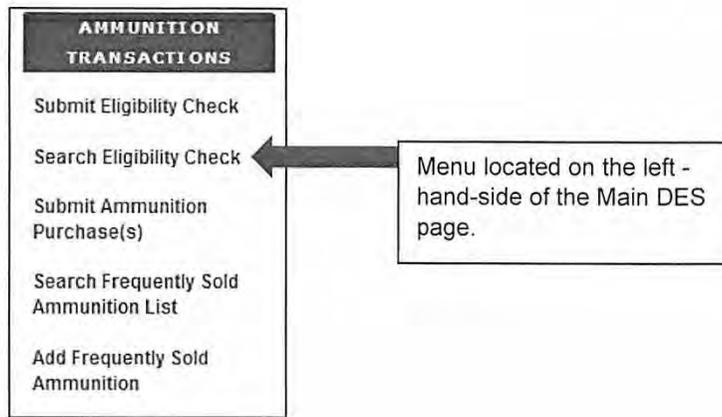


DROS Entry System Submit Ammunition Transaction Quick Reference Guide

SEARCH AMMUNITION ELIGIBILITY CHECK

STEP 1

Once you have submitted an Ammunition Eligibility Check to the Department, you will need to wait for an approved status before the purchaser can purchase ammunition. From the DES Main Page select **Search Eligibility Check** from the Ammunition Transaction section.



STEP 2

The "Ammunition Eligibility Check Results" page will populate. From this page you can search by the purchaser's last name, first name, DROS number, ID number or by decision. Enter the information that you want to search by and then click **Search**. The results will populate in the "Search Results" section.

Ammunition Eligibility Check Results

Decision

Please click buttons only once.

➔ Search Results

DROS Number	Name of Purchaser (First Middle Last)	ID Number	Decision	Type	Expiration Date
	TEST PURCHASER	11111111	DENY/REJECT	Standard Ammunition Eligibility Check	

Displaying records 1 to 1 of 1 total records.

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DROS Entry System Submit Ammunition Transaction Quick Reference Guide

STEP 1

Select **Submit Ammunition Purchase(s)** from the DES Main Page.

The image shows a vertical menu titled "AMMUNITION TRANSACTIONS" with the following items: "Submit Eligibility Check", "Search Eligibility Check", "Submit Ammunition Purchase(s)", "Search Frequently Sold Ammunition List", and "Add Frequently Sold Ammunition". A grey arrow points from a callout box on the right to the "Submit Ammunition Purchase(s)" option. The callout box contains the text: "Menu located on the left - hand-side of the Main DES page."

STEP 2

The "Select Ammunition Purchase Type" page will display. Select the appropriate transaction type.

- a. **Ammunition Sale** – The purchase of ammunition from a licensed California Ammunition Vendor.
- b. **Private Party Ammunition Transfer** – Ammunition transferred from one non-vendor to another non-vendor.

The image shows a web page titled "Select Ammunition Purchase Type". It contains two main sections: "Ammunition Purchase" with sub-options "Ammunition Sale" and "Private Party Ammunition Transfer", and "Pending Purchase(s)" with the text "You have no pending purchases." At the bottom, there is a small grey button labeled "Main Menu" and a note: "Please click buttons only once. Multiple clicks will delay processing."



DROS Entry System Submit Ammunition Transaction Quick Reference Guide

STEP 3

After clicking "Ammunition Sale", you must verify the purchaser information by entering the fifteen digit Eligibility Check DROS number in the "Enter Eligibility Check DROS #" field. Click **Verify** and the purchaser's information will populate based on the information entered while submitting the Eligibility Check.

Submit Ammunition

≡ Purchaser Information

Enter Eligibility Check DROS # Enter the fifteen digit Eligibility Check DROS Number.

Purchaser First Name Purchaser Middle Name Purchaser Last Name Suffix

Purchaser Street Address Zip Code City State

Gender Hair Color Eye Color Height (feet/inches) Weight Date of Birth
ft in

Purchaser ID Type Purchaser ID Number Race U.S. Citizen

Purchaser Place of Birth Telephone Number

Purchaser Alias First Name Purchaser Alias Middle Name Purchaser Alias Last Name Purchaser Alias Suffix

≡ Transaction and Ammunition Information

Inventory Code *Manufacturer *Condition Bullet Type

Bullet Weight Usage Type Casing *Caliber

*Quantity (Rounds) Primer Type Muzzle Velocity Unit Muzzle Energy Unit Cost/Round

Please click buttons only once. Multiple clicks will delay processing.

STEP 4

Enter the "Transaction and Ammunition Information."

≡ Transaction and Ammunition Information

Inventory Code *Manufacturer *Condition Bullet Type

Bullet Weight Usage Type Casing *Caliber

*Quantity (Rounds) Primer Type Muzzle Velocity Unit Muzzle Energy Unit Cost/Round

Please click buttons only once. Multiple clicks will delay processing.

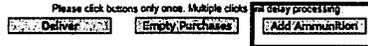
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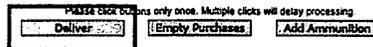
DROS Entry System Submit Ammunition Transaction Quick Reference Guide

STEP 6

If the purchaser would like to add additional ammunition to their purchase, simply click **Add Ammunition** and repeat steps 2-5.



If the purchaser does not want to add additional ammunition to their transaction, simply click **Deliver**.



After Clicking on "Deliver," a dialog box will open. Press "OK" to continue, or "Cancel" to stay on the page.

PLEASE NOTE: If you click "OK", the Ammunition Eligibility Check will be used and the purchase of ammunition will be submitted to the Department. The transaction is complete. Please confirm the purchaser does not want to add additional ammunition prior to clicking "OK." If the purchaser decides they want to purchase more ammunition after you have clicked "OK", they will have to pay for another eligibility check.

Transaction has been successfully uploaded to your pending purchase(s). Click Deliver to submit transaction.

Pending Purchase(s)

Pending Purchase(s) **Total Items: 1**

Name: [REDACTED] DOB: [REDACTED] ID: [REDACTED]

Manufacturer	Caliber	Condition	Quantity (Rounds)
TESTER	12-GAUGE SHOTGUN	NEW	100

Please click buttons only once. Multiple clicks will delay processing.

Clicking 'Deliver' will submit the transaction.
 Press 'OK' to continue, or 'Cancel' to stay on this page. **ATTENTION:** If you proceed with the submission of this transaction, please remember to select 'Print DROS' on the next screen (upper left hand corner) as that will be your only opportunity to generate a printed DROS Ammunition copy for customer signature.



DROS Entry System Submit Ammunition Transaction Quick Reference Guide

STEP 7

After clicking "OK", you will be taken to the final Dealer's Record of Sale of Ammunition. Click the *Print this DROS* link in the upper left hand corner of the page.

PLEASE NOTE: You must select the Print this DROS link (upper left hand corner) as that will be the only opportunity to generate a printed DROS Ammunition copy for customer signature.

Your transaction is complete.
 What would you like to do next?
 Print this DROS (you will remain on this page and still be able to select from the options below)
 Go to the Main Menu

Dealer's Record of Sale of Ammunition

Collect the purchaser and salesperson's signature on the Dealer's Record of Sale of Ammunition printout. Records must be maintained and available for inspection for five (5) years (Pen. Code § 30355).

AMMUNITION INFORMATION			
AMMUNITION MAKE	AMMUNITION MODEL	AMMUNITION CALIBER	AMMUNITION GRAIN WEIGHT
AMMUNITION TYPE	AMMUNITION QUANTITY (COUNT)	AMMUNITION QUANTITY (WEIGHT)	AMMUNITION TYPE (PRINTED OR)
AMMUNITION VELOCITY	AMMUNITION LENGTH	AMMUNITION CASE	AMMUNITION CASE
TRANSACTION INFORMATION			
I have read the list of prohibited officers and nothing would produce me from possession or use. By signing this document, I hereby certify under penalty of perjury that the information provided is true and correct.		Purchaser's Signature	
DEALER: DHD TO GO GUN ADDRESS: 112 MAIN STREET, ROBERTSON PARK, CA 94588 PHONE: (925) 938-1111 LICENSE NO: 00000000		Salesperson's Signature	
By signing this document, I hereby certify under penalty of perjury that the information provided is true and correct.		DEALER'S PHONE TELEPHONE: (925) 938-1111	

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DROS Entry System Submit Ammunition Transaction Quick Reference Guide

FREQUENTLY ASKED QUESTIONS

1. What does an ammunition transaction consist of?

An ammunition transaction consists of two general steps: 1) submitting an eligibility check to the Department, and 2) if the Department determines the individual is eligible to own or possess ammunition, submitting the ammunition purchase to the Department.

2. What if the eligibility check determination (status) comes back as a "Deny/Reject?"

If the Department determines the individual is not eligible to own or possess ammunition, provide the individual with their Ammunition Transaction Number (also known as a DROS number) and advise them to log on to the Department's California Firearms Application Reporting System (<https://cfars.doj.ca.gov/login.do>) for more information regarding the determination.

3. How do I know what type of eligibility check to submit for the individual?

The requirements for each eligibility check are as follows:

1. **Certificate of Eligibility Verification:** You may use this eligibility check if the individual has a current Certificate of Eligibility issued by the Department.
2. **Standard Ammunition Eligibility Check:** You may use this type of eligibility check if the person's information matches an entry in the Automated Firearms System (name, date of birth, current address, and driver license or other government identification) and does not fall within a class of persons who are prohibited from owning or possessing ammunition.

Individual's may have a record in the Automated Firearms System if they have purchased or transferred a firearm through a California licensed firearm dealer, if they have registered an assault weapon during one of the registration periods, or if they have submitted a voluntary report of ownership to the Department. Please note: the individual must still be the owner of the firearm.

If the last long gun purchase was prior to January 1, 2014, there is a possibility they may not have a record in the Automated Firearms System despite having purchased or transferred their firearm through a firearms dealer. The Department was statutorily prohibited from retaining information regarding sales of rifles or shotguns prior to January 1, 2014. As a result, records of rifles and shotguns prior to January 1, 2014, in the Automated Firearms System are limited to assault weapon registrations (Pen. Code, § 30500, et seq.), voluntary reports of ownership, and other records entered by the Department and California law enforcement agencies.

3. **Basic Ammunition Eligibility Check:** You may use this eligibility check if the individual does not have a current entry in the Automated Firearms System or if they do not have a current Certificate of Eligibility. The Department will determine the individual's eligibility based on a comprehensive review of its records (similar to a firearm eligibility check).

4. How do I process a private party transfer (PPT) of ammunition?

When transferring ammunition from one non-vendor to another non-vendor you must obtain an APPROVED eligibility check for the purchaser and then select a **Private Party Ammunition Transfer** to submit the sale of ammunition.

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DROS Entry System Submit Ammunition Transaction Quick Reference Guide

Seller's information is not required when processing a transfer for ammunition. If the purchaser receives a DENY or REJECT, the vendor shall forthwith return the ammunition to the seller.

5. How long does it take to get a determination from the Department for each type of eligibility check?

1. **Certificate of Eligibility Verification Checks** – A determination may be completed in approximately 2 minutes.
2. **Standard Ammunition Eligibility Check** – A determination may be completed in approximately 2 minutes.
3. **Basic Ammunition Eligibility Check** – A determination may take days to complete. Once this type of eligibility check is submitted, please provide the individual with their Ammunition Transaction Number (also known as a DROS Number) and advise them they can check the status of their eligibility check through the Department's California Firearms Application Reporting System (<https://cfars.doj.ca.gov/login.do>). Once their eligibility check is approved, they can return to your location and complete the ammunition purchase transaction.

6. How long are eligibility checks valid?

1. **Certificate of Eligibility Verification Checks** – 18 hours from an Approved determination.
2. **Standard Ammunition Eligibility Check** – 18 hours from an Approved determination.
3. **Basic Ammunition Eligibility Check** – 30 days from an Approved determination.

7. At what point do I have the individual sign ammunition purchase paperwork?

The individual and the store associate/sales person/agent are only required to sign the DROS that is generated once the **ammunition purchase** is submitted to the Department.

8. How long do I have to retain DROS Ammunition Sale records?

You must maintain all ammunition sale records on site for 5 years.

9. Do I have to maintain ammunition sale records in hard copy format?

No, whether ammunition sale records are maintained in hard copy format will be at the discretion of the vendor. However, regardless of how they are maintained, they must be accessible onsite for inspection.

10. If the background check is rejected/denied, what are the retention requirements for the paperwork?

There are no recordkeeping retention requirements at this time.

11. I made a mistake on the eligibility check, how do I correct or cancel it?

You cannot correct or cancel an eligibility check once it has been submitted. You will have to resubmit the eligibility check with the correct information. Upon submission of an eligibility check, the fee will be charged to the dealer's account. The Department will not provide refunds after submission and acceptance of an eligibility check.

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DROS Entry System Submit Ammunition Transaction Quick Reference Guide

12. How do I cancel an ammunition purchase that has already been submitted?

You cannot cancel an ammunition purchase transaction. As such, it is critical associates/sales persons/agents review their submission, and make corrections, prior to submitting the transaction.

13. Is there a limit on how much ammunition an individual can purchase during an ammunition purchase?

No.

14. Does the caliber of the ammunition that is being purchased have to match the firearm information that is on record with the Department?

No.

15. What does it mean if someone is exempt pursuant to Penal Code section 30352 (e)?

If someone is exempt, you do not have to submit an ammunition eligibility check for that individual, and you do not have to submit the ammunition purchase to the Department.

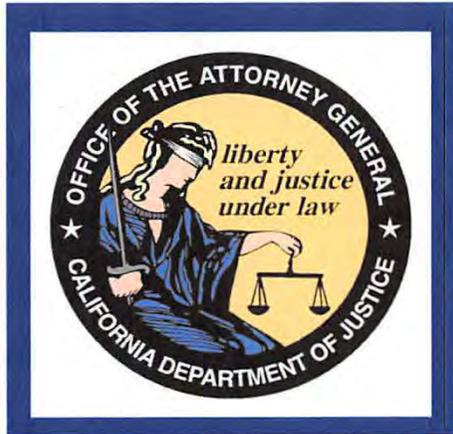
16. Who is considered exempt?

Refer to Penal Code section 30352 (e).

17. How do I verify an individual is exempt pursuant to Penal Code section 30352 (e)?

Refer to the Department's **Ammunition Purchases or Transfers** regulations <https://oag.ca.gov/firearms/regs> for more information.

EXHIBIT 6



**California Department of Justice
Bureau of Firearms
DROS Entry System (DES)
Ammunition Vendor User Guide**

**California Department of Justice
Bureau of Firearms
06/27/2019
Rev. 1**

California Department of Justice
Bureau of Firearms



DES Application – Ammunition Vendor User Guide

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1. INTRODUCTION

OVERVIEW

The DROS Entry System (DES) is a web-based application used by ammunition vendors to submit ammunition eligibility checks to the Department of Justice, Bureau of Firearms and subsequently receive eligibility determinations through the system. Furthermore, DES enables ammunition vendors to report information, relative to the sale or transfer of ammunition, at the time of delivery. The purpose of this document is to provide a step-by-step user guide for accessing and using the DES application.

WEBSITE ADDRESS

The website address for the DES web application is:

<https://DES.doj.ca.gov>

Note: As this is a secure website designed to ensure that DES data is encrypted when transmitted over the internet, be sure to include the entire website address including the prefix **https://** when accessing this website. You can bookmark this page to make accessing this site easier in the future.

DES HOURS

The DROS Entry System is available 4:00 AM – 1:00 AM, Monday through Sunday, unless stated otherwise.

CONTACTING THE BUREAU OF FIREARMS CUSTOMER SUPPORT CENTER

A *Contact Us* link is available on each page of the application, including the log on page. This link opens a window containing information on how to contact the Customer Support Center should you need assistance.



IMAGES PRESENTED WITHIN THIS DOCUMENT

For security reasons, some data appearing on screen images will appear blurred out.

PRINTING

All printing from the DES application will be to your local printer. If you have problems with reports not fitting properly on the printed page, you may need to adjust your settings as follows: From your browser, select **File** then select **Page Setup**. From the Page Setup screen, enter the settings as shown in Figure 1.2 (Internet Explorer) or Figure 1.3 (Firefox).

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Figure 1.2, Internet Explorer Page Setup

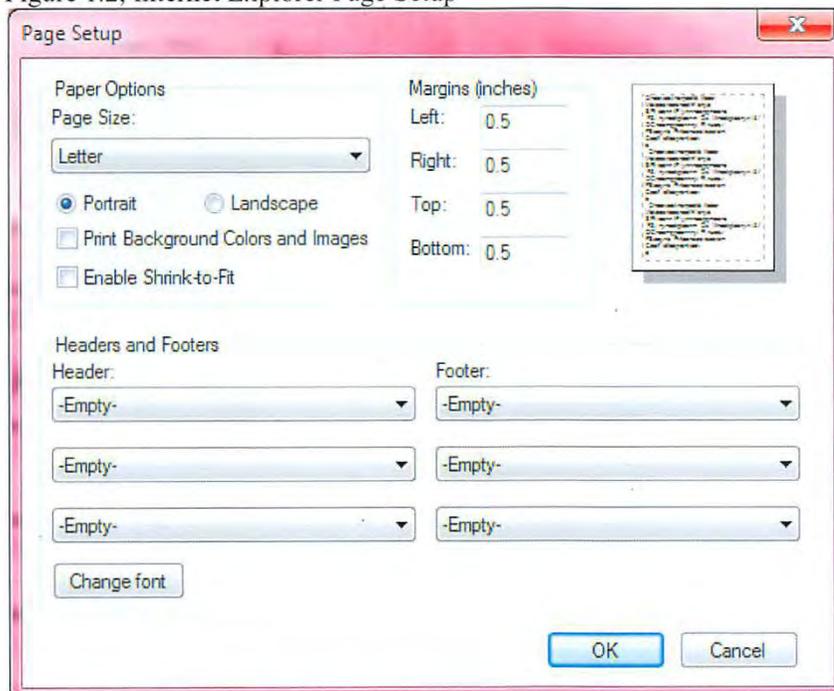
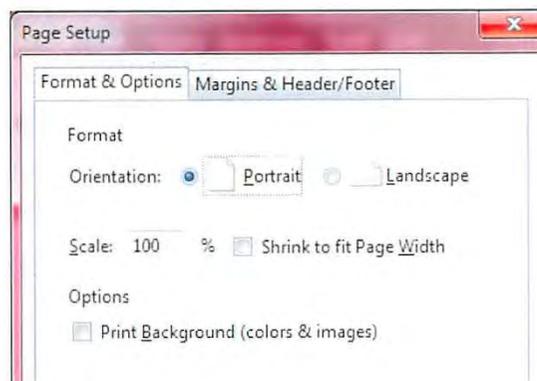


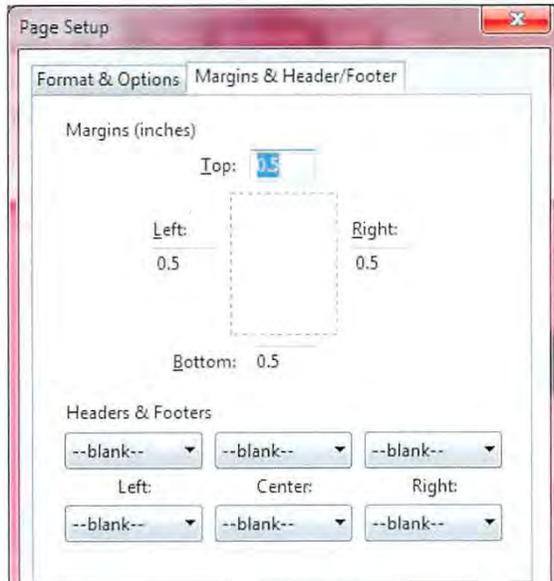
Figure 1.3, Firefox Page Setup



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TECHNICAL REQUIREMENTS

The DES application should work with most common and up-to-date web browsers, and has been tested with the following:

- Mozilla Firefox
- Google Chrome
- Safari (not supported by Windows)
- Internet Explorer 9 and above

Note: System requirements vary for each internet web browser. Please refer to the web browser system requirements to determine compatibility with your computer. Additional browsers might work with DES; however DOJ cannot guarantee that their features will work as expected.

If your web browser blocks pop-up windows, the DES application must be added to the list of sites from which pop-ups are allowed, also known as “Exceptions.” (For Firefox, see *Tools | Options | Content | (Block pop-up windows) Exceptions*. For Internet Explorer, see *Tools | Internet Options | Privacy | (Pop-up blocker) Settings*).

The reports generated by this system will be in the Adobe Portable Document Format (PDF), which will require that you have Adobe Acrobat Reader installed on your computer in order to view, save, or print a report. The latest version of Adobe Acrobat Reader can be obtained from Adobe’s website: <http://get.adobe.com/reader/>.

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DEFINITIONS, ACRONYMS, AND ABBREVIATIONS

Term/Acronym	Definition
AFS	Automated Firearms System
ATN	Ammunition Transaction Number
BAEC	Basic Ammunition Eligibility Check means the Department's ammunition eligibility check as prescribed by Penal Code section 30370, subdivision (c). The Department shall conduct a Basic Ammunition Eligibility Check to authorize a purchaser or transferee who is not prohibited from purchasing or possessing ammunition in a single ammunition transaction or purchase.
BOF	Bureau of Firearms
CAV	California Ammunition Vendor means an individual with a valid ammunition vendor license issued pursuant to Penal Code section 30342.
CFARS	California Firearms Application Reporting System
CFD	California Firearms Dealer
COE	Certificate of Eligibility means a certificate which states that the Department has checked its records and the records available to the Department in the National Instant Criminal Background Check System and determined that the applicant is not prohibited from acquiring or possessing firearms.
COE Holder	A person who obtains a valid Certificate of Eligibility.
COE Verification Process (COE Check)	A purchaser or transferee is authorized to purchase ammunition if they hold a current Certificate of Eligibility, subsequent to verification by the Department.
DES	Dealer Record Of Sale Entry System
DOJ	Department of Justice
DROS	Dealer Record of Sale
Firearms Eligibility Check	A state and federal background check, pursuant to Penal Code section 28220, that is used to determine an individual's eligibility to possess, receive, own, or purchase a firearm.
Head of the Agency	Means the chief of police or the director of public safety for a police department, the sheriff for a county sheriff's office, the head of an agency or their designee for a state law enforcement agency, and the manager in charge of any local field office for a federal law enforcement agency.

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Inventory Code	A customizable setting design by a dealer for specific ammunition type.
PDF	Portable Document Format means the file type used for displaying reports within the DES application.
Pop-up window (pop-ups)	An additional web browser window opened by a main page.
reCAPTCHA	A challenge/response test used to verify that a person, and not another computer, is interacting with a system. The CAPTCHA acronym stands for: C ompletely A utomated P ublic T uring test to tell C omputers and H umans A part.
SAEC	Standard Ammunition Eligibility Check means the Department's ammunition eligibility check as prescribed by Penal Code section 30370, subdivision (b). A purchaser or transferee is authorized to purchase ammunition if their information matches an entry in the Automated Firearm System and does not match an entry in the Prohibited Armed Persons File.

2. USING THE DES APPLICATION

In order to use the DES application, you must request a DES account to obtain a valid user name and password combination (See Section 3, *Enrolling in DES*).

NAVIGATION WITHIN THE DES APPLICATION

The DES application is a web based application. You can navigate the web pages using either your computer mouse or tab button.

There is one important distinction between websites and web applications concerning the use of browser navigation buttons. The browser navigation and refresh buttons, as shown below, should not be used to navigate within the DES application. Instead, you should navigate the DES application using the buttons and/or links that are found on the application's pages.

Do not use the browser buttons to navigate within the DES application.

Use DES application buttons to navigate within the DES application.

Please click buttons only once. Multiple clicks will delay processing

Back Submit Main Menu Clear

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DES Application – Ammunition Vendor User Guide

REQUIRED FIELDS ON FORMS

On all data entry pages, required fields are clearly marked by a red asterisk preceding the field label.

*Current Password

EXITING THE DES APPLICATION

To exit the DES application, select **Log Off**. You will be logged off from the DES application and returned to the **DROS Entry System Log On** page.

Note: Avoid closing the browser window while you are still logged on to the DES. Closing an active window can allow the DES to keep your session open, which could lead to problems logging back on should you attempt this within a short time of closing your browser window.



SESSION TIME OUT

For security reasons, the DES will time out after 30 minutes of inactivity. If this occurs, the system will display a message indicating that your session has timed out. You will need to log on again to use the system.

REPORTING AN ISSUE

If you run into a problem or have a question about using the application, you can report the issue to the Customer Support Center using the **Report an Issue** link which is provided throughout the application.

Note: You must be logged on to the DES application in order to use this feature.



Report an Issue

*Issue Type
Having trouble submitting a DROS transaction

*Comment
Enter additional information concerning the issue. 200 character limit. Characters remaining: 0

Please click buttons only once. Multiple clicks will delay processing.

Submit Clear Main Menu

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To report an issue:

- 1) Select the **Report an Issue** link located at the top of any page within the DES application.
- 2) Select the Issue Type from the drop down list.
- 3) Enter a comment that describes the issue in 200 characters or less.
- 4) Click on **Submit**.
- 5) Once you have submitted your issue, it will be reviewed by a Customer Support Center analyst. Once the Customer Support Center replies to your issue, you will see a message on the *Main Menu* page. The message will display after clicking the **My Issue Log** link on the **My Issue Log** page (See Section 6, *My Account Link, My Issue Log*).

3. ENROLLING IN DES

Enrolling in DES is a two or three step process, depending on whether you are the Ammunition Vendor COE Holder or are enrolling under the authority of the Ammunition Vendor COE Holder.

IMPORTANT: The DES application will not allow employees to enroll until the Ammunition Vendor COE Holder has enrolled.

To enroll in DES:

- 1) Navigate to the **DROS Entry System Log on** page (<https://DES.doj.ca.gov>).
- 2) Click on request a DES account link.

Not yet a DES user?
If you are not a DES user, [request a DES account](#).

Current DES users [\[View User Name and Password information\]](#)

*User Name *Password

[Forgot User Name?](#) [Forgot Password?](#)

[Forgot User Name and Password?](#)

Please click buttons only once. Multiple clicks will delay processing.

- 3) The **DROS Entry System Account Request/Enrollment Guidelines** page, lists the information you will need to create a DES account.

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DES Application – Ammunition Vendor User Guide

DROS Entry System Account Request/Enrollment Guidelines

You will need a combination of the following information to complete account request/enrollment

- ▶ California Firearms Dealer (CFD) Dealer ID
- ▶ California Ammunition Vendor (CAV) number
- ▶ Dealership Certificate of Eligibility (COE) number
- ▶ Federal Firearms License (FFL) number
- ▶ A unique personal identification number (for example, your driver's license number)

If you have all the required information and are ready to enroll, please press the "Continue" button to proceed, otherwise press the "Cancel" button



- 4) If you have all the required information, click on the *Continue* button. The *DROS Entry System Terms of Use Agreement* page displays for your agreement.
- 5) If you agree with the *DROS Entry System Terms of Use Agreement*, click "I Agree." The *User Account Request, Part 1* page will display.

User Account Request, Part 1

Step 1: Submit Dealer Information for Verification

*Are you a dealership COE Holder?	*Dealership COE Number	*CFD/CAV Number
Select <input type="text"/>	<input type="text"/>	<input type="text"/>

If you have an Employee COE or other COE type, select No.

- 6) *User Account Request, Part 1: Step 1: Submit Dealer Information for Verification*
 - a. Are you a dealership COE holder?
 - i. If you are the Main COE holder, select **YES**.
 - ii. If you have an Employee COE or other COE type, select **NO**.
 - b. Enter the Vendor COE number for the license you are enrolling with.
 - c. Enter the CAV number for the vendor that you are enrolling with. If there are multiple vendors under the COE that you will be working with, enter any one of the CAV numbers that apply. Additionally, CAVs can be assigned at a later date or time.

Note: Only answer **YES** to this question if your name is on the California Ammunition Vendor license. Answer **NO** to this question if you have an employee or other non-dealership type of COE number or if you do not have a COE number. If you have questions, please contact the Customer Support Center.

- 7) Select "*I'm not a robot*" to view the reCAPTCHA verification images.

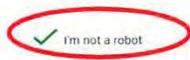
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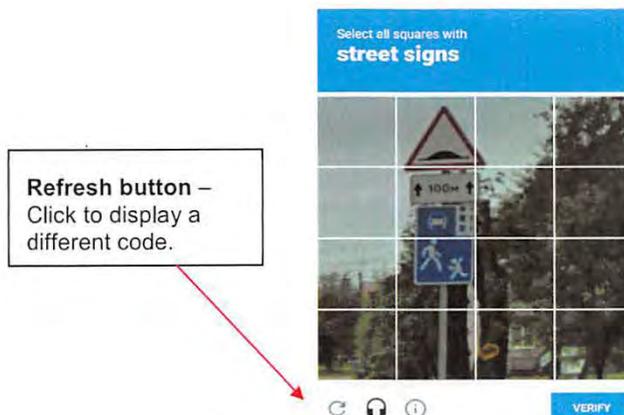
User Account Request, Part 1

Step 1: Submit Dealer Information for Verification
 *Are you a dealership COE Holder? *Dealership COE Number *CFD/CAV Number
 Select
 ⓘ If you have an Employee COE or other COE type, select No



Submit Clear Cancel

- 8) Identify the reCAPTCHA verification images. If you are unable to determine the images in the reCAPTCHA code, click on the refresh icon next to the verification code, and a new code will be displayed. For more details on reCAPTCHA, (See Section 17, *Use of reCAPTCHA*).



- 9) If you selected **YES** in *User Account Request, Part 1*, “*User Account Request, Part 2*” will display.

User Account Request, Part 2

Step 2: Submit Employee Information for Verification

*Dealership COE Number *CAV Number *Personal ID Number

 ⓘ Enter the ID Number on record for your COE. Otherwise, enter government issued ID number.

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10) If you selected **NO** in *Step 1*, the below version of “*User Account Request, Part 2*” will display.

User Account Request, Part 2

Step 2: Submit Employee Information for Verification

*Dealership COE Number	*CAV Number	Employee COE Number	*Personal ID Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
			<p>i Enter the ID Number on record for your COE. Otherwise, enter government issued ID number.</p>

- 11) Enter your CA Driver License or ID number in the Personal ID Number field. The ID number entered must match the ID number on record for your COE.
- 12) Click on **Submit**. If the enrollment information is correct and matches an active account, the system will display the *User Account Request, Part 3* screen.

Note: If there is a problem with the enrollment information, the DES will display a generic error message: *There is a problem with either the information you entered or with the account. Please verify the information and try again.* For security reasons, the message will not state the exact nature of the problem. The following are some possible reasons for the error:

- CAV and/or COE number were entered incorrectly or match an inactive account.
- The COE holder hasn't created their account prior to an employee attempting to create their account.
- The COE holder entered a Personal ID number that does not match the ID number associated to their COE.

13) Enter your user information: **Note:** If you have a dealership, employee, or other non-dealership COE number, your DES User information **must match** your COE information exactly.

- Enter your **Last Name** (may include alphas, hyphens, and spaces).
- Enter your **First Name** (may include alphas and spaces).
- Enter your **Middle Initial**, Optional.
- Select your **Identity Verification Questions** from the drop down list.
- Enter the responses associated with each of the questions. You will need to enter these responses should you forget your password or user name or should you get locked out of the DES application.
- Enter the **Password** that you want to use for the DES. **Note:** Click on the **Password Format** link to view the allowable password format.
- Re-enter your **Password**.

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- Click on **Submit**. Once you have submitted the requested information, the system will present a confirmation page allowing you to review the information that you entered.
- If you discover an error, click on **Edit Request** to go back to the request page and edit the field where you discovered the error.
- If the information is correct, click on **Confirmed, Submit**. A confirmation message will be displayed to confirm submission of the account request.
- If you are the COE Holder and if your COE number is associated to multiple dealerships, the Manage Dealership screen will display (See Section 7, *Manage Dealerships*).
- The system displays the **User Name** that you will use to access the DES application. Please make note of your user name, as you will need to use it each time you access the DES application.

Note: If **you are** the COE Holder, you may immediately log on to the DES application using the user name assigned by DES and the password that you created as part of the enrollment process. If **you are not** the COE Holder, you cannot log on to the DES application until your account has been approved by the COE Holder or store manager (See Section 7, *Assigning permissions*).

4. LOGGING ON TO DES

In order to Log On to the DES application:

- You must first enroll in the application (See Section 3, *Enrolling in DES*).

If you are not a COE Holder, your store manager or COE Holder must approve your account request and setup your permissions before you can log on (See Section 7, *Administrator Links*).

To Log On to the DES application:

- 1) Navigate to the *DROS Entry System Log On* page (<https://DES.doj.ca.gov>).
- 2) Enter your User Name
- 3) Enter your Password
- 4) Click on the **Log On** button

If you enter either an invalid user name or password, the system will display a warning message. If you enter too many unsuccessful user name or password attempts, the system will lock your account, and you will need to contact your store manager to unlock it. (If you are the COE Holder and lock your account, you will need to contact the Customer Support Center (See Section 1, *Contacting the Bureau of Firearms Customer Support Center*).

Forgot Password:

- 1) If you have forgotten your password (prior to locking your account):
- 2) Select the **Forgot Password** option from the *DROS Entry System Log On* page. The *Forgot Password* page displays.

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Forgot Password

*CFD Number *ID Number *User Name

I'm not a robot



Please click buttons only once

- 3) Enter the requested information:
- Any **CAV Number** associated to your account
 - Your Personal **ID Number**
 - Your **User Name**
 - reCAPTCHA** verification image
 - Click on the **Submit** button
 - If a match is found, the system displays two randomly selected identity verification questions that you selected during your DES enrollment.
 - Enter the response to the security questions presented and click on the **Submit** button.
 - If the responses entered are correct, the system will display the **Enter New Password** screen. Enter and re-enter your new password and click on the **Submit** button.
 - If the responses entered are incorrect, the system will display a warning, and you may try again. **Note:** If the responses are entered incorrectly, your account will be locked, and you must contact your store manager to unlock your account. If you cannot remember the answers to your security questions, your manager will have to remove your account, and you will have to re-enroll in DES. If you are the COE holder, you will need to contact the Customer Support Center for assistance.

If you have forgotten your DES User Name:

- Select the **Forgot User Name** option from the **DROS Entry System Log On** page. The **Forgot User Name** page displays.

Forgot User Name

*CFD Number *ID Number *Password *Last Name *First Name

I'm not a robot



Please click buttons only once

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- 2) Enter the requested information:
 - a) Any **CAV Number** associated to your account
 - b) Your Personal **ID Number**
 - c) **Password** (If you cannot remember your password, see *Forgot User Name and Password* below.)
 - d) Your **Last Name**
 - e) Your **First Name**
 - f) **reCAPTCHA** verification image
 - g) Click on the **Submit** button
 - h) If a match is found, the system displays two randomly selected identity verification questions that you selected during your DES enrollment.
 - i) Enter the responses to the security questions presented and select the **Submit** button.
 - 1) If the responses entered are correct, the system will display your **User Name** on the screen.
 - 2) If either of the responses is incorrect, the system will display a warning, and you may try again. **Note:** If the responses are entered incorrectly, your account will be locked, and you must contact your store manager to unlock your account. If you cannot remember the answers to your security questions, your manager will have to remove your account, and you will have to re-enroll in DES. If you are the COE Holder, you will need to contact the Customer Support Center for assistance.

If you have forgotten your DES User Name and Password:

- 1) Select the **Forgot User Name and Password** option from the **DROS Entry System Log On** page. The **Forgot User Name and Password** page displays.

Forgot User Name and Password

*CFD Number *ID Number *Dealership COE Number FFL Number *Last Name

*First Name

I'm not a robot



Please click buttons only once

- 2) Enter the requested information:
 - a) Any **CAV Number** associated to your account
 - b) Your Personal **ID Number**
 - c) The **Dealership COE Number** associated with your CAV license holder



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- d) Ammunition vendors do not require a FFL Number associated to the CAV
- e) Your *Last Name*
- f) Your *First Name*
- g) **reCAPTCHA** verification image
- h) Click on the **Submit** button
- i) If a match is found, the system displays two randomly selected identity verification questions that you selected during your DES enrollment.
- j) Enter the response to the security question presented and click on the **Submit** button.
 - 1) If the responses entered are correct, the system will display your *User Name* on the screen and allow you to enter a new **Password**.
 - 2) If either of the responses is incorrect, the system will display a warning, and you may try again. **Note:** If the responses are entered incorrectly, your account will be locked, and you must contact your store manager to unlock your account. If you cannot remember the answers to your security questions, your manager will have to remove your account, and you will have to re-enroll in DES. If you are the COE holder, you will need to contact the Customer Support Center for assistance.

5. DES MAIN MENU PAGE

OVERVIEW

When you log onto the DES application, the *Main Menu* page is displayed, which allows you to perform a variety of tasks within the DES application. Depending on your assigned permissions and other factors, you may perform some or all of the following from your *Main Menu* page:

- Read system generated messages
- Select the ammunition vendor that you'll be working for during this session (This feature is only available if your account is setup with multiple dealerships.)
- View Information Bulletins issued by the Department
- View urgent ammunition eligibility notices on previously submitted transactions
- View forms issued by the Department
- Submit and Search Ammunition Eligibility Checks
- Submit Ammunition Purchase(s)
- Search and add to the Frequently Sold Ammunition List
- View or edit your DES Profile
- Change your password

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- View or respond to an issue that you had sent to the Customer Support Center
- Select Administrator tasks that you have been given permissions to perform. These tasks include:
 - Process new account requests
 - Manage employee accounts
 - View current and past DES invoices
 - Manage dealerships. (This feature is only available if you are the COE holder and have multiple dealerships associated to your COE number.)
 - Pay your DES invoices
 - View your paid invoices

MESSAGES

The *Main Menu* page displays messages related to your account, typically giving you information regarding tasks that you need to perform. For example, this is where you will receive a reminder that it is time to change your password, that you have information bulletins to read, or that you have Urgent Ammunition Eligibility Notices to read.

- ⚠ You have a new message in your 'My Issue Log'
- ⚠ You have Information Bulletins that must be reviewed
- ⚠ You have pending account requests

6. MY ACCOUNT LINKS

All users have access to the **My Account** links, which include:

- Edit My Profile
- Change My Password
- My Issue Log

EDIT MY PROFILE

The information that you entered when you completed the account request process became part of your DES User Profile. You may edit your user profile once you are logged on to the system, including your name, your personal ID number (unless you are the COE holder), and your identity verification questions and responses.

To edit your profile:

- 1) From your *Main Menu* page, click on the **Edit My Profile** link. The *Edit My Profile* page will display.

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- 2) Modify any editable fields with the new information. (**Note:** If you need to restore the record back to its pre-edited values, click on the **Refresh** button).
- 3) Click on **Submit**. The system will display a confirmation message when you successfully change your profile. Additionally, if you modified your name, the system will generate and display your new DES user name.

CHANGE MY PASSWORD

Passwords are valid for 90 days, but you may change your password at any time by clicking on the **Change My Password** option from the *DES Main Menu* page. Beginning 15 days prior to password expiration, you will be reminded of the pending password expiration each time that you log on to the system.

If your password expires, you will need to use the **Forgot Password** feature to select a new password (See Section 4, *Logging on to DES*).

To change your password:

- 1) From the *DES Main Menu* page, click on the **Change My Password** link. The *Change Password* page will display.

Change Password

*Current Password

*New Password [Password Format](#)

*Re-enter Password

Please click buttons only once.

Click here to view password format requirements.

- 2) From the *Change Password* page, you may elect to view the password format requirements by clicking on the **Password Format** link.
- 3) Enter your **Current Password**.
- 4) Enter and confirm your **New Password**.
- 5) Click on **Submit** button. The password entered will be verified to make sure that it complies with the password format requirements. If any problems are found, an error message identifying the problem will be presented.
- 6) Once the password change has been accepted, a confirmation message will display on the *Main Menu* page.

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MY ISSUE LOG

The My Issue Log allows you to view any issues that you have reported to the Customer Support Center (See Section 2, *Reporting an Issue*).

- 1) To view a previously Reported Issue, select the **My Issue Log** link from the Main Menu. The *My Issues* page will display.

Click here to view the details of the issue.

My Issues

Issue Reported	Date Reported	Select
Other_my issue is not listed	04/26/2013	<input type="checkbox"/>

Displaying records 1 to 1 of 1 total records.

Please click buttons only once. Multiple clicks will delay processing.

Delete Selected
Clear
Main Menu

- 2) To view the original issue that you reported, click on the *Issue Reported* that you would like to view, and the details of your issue will display.
- 3) Once the Customer Support Center replies to your issue, you will see a message on your *Main Menu* page, and the Issue Reported on your *My Issues* page will show a notation indicating **New**.

My Issues

Issue Reported	Date Reported	Select
NEW Other_my issue is not listed	04/26/2013	<input type="checkbox"/>

Displaying records 1 to 1 of 1 total records.

Please click buttons only once. Multiple clicks will delay processing.

Delete Selected
Clear
Main Menu

- 4) Click on the Issue Reported link to view the Customer Support Center response.
- 5) To delete any old Issues, select the box to the right of the *Date Reported* and click the **Delete Selected** button.

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7. ADMINISTRATION LINKS

OVERVIEW

Depending on your permissions, you may have access to one or more Administrator Links. These links include:

- New Account Requests
- Manage Employees
- Manage Dealerships
- View Paid Invoices
- Pay Invoices

NEW ACCOUNT REQUESTS

When an employee's DES enrollment request has been submitted, the request appears on the New Account Requests page. Before the employee can use the DES application, their account must be setup with the appropriate permissions, and, if applicable, setup with any additional dealerships for which they can perform work. Only the COE Holder or another employee who has been given the Manage Employees permission can setup (or reject) accounts.

Employees can be given one or more of the following DES permissions:

- Pay Invoices (Allows user to view and pay invoices)
- Manage Inventory (Allows user to manage ammo inventory)
- Manage Employees (Allows user to add or remove employees)
- Enter Ammo Transactions (Allows user to enter ammo transactions)

☰ Permissions for this user

You must select at least one Permission if Approving this request!

Select All Permissions

Pay Invoices [Allows user to view and pay invoices]

Manage Inventory [Allows user to manage ammo inventory]

Manage Employees [Allows user to add or remove employees]

Enter Ammo Transactions [Allows user to enter ammo transactions]

Note: By default, the COE Holder has all permissions, and can in turn delegate these permissions to other users who enroll under their COE number. If you have the Manage Employees permission, and you have account requests that need to be approved, a message will display on your *Main Menu* page.

You have pending account requests.

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To process account requests:

- 1) Log on to the DES application.
- 2) Select the *New Account Requests* link from the *Main Menu*. The system will display the *Pending Account Requests* page.

Pending Account Requests

Dealership Display Option: All dealerships

Dealership Last Name	First Name	Date Submitted
Baxter	Bob	09/01/2012
Clark	Cathy	09/01/2012

Please click buttons only once. Multiple clicks will delay processing.

- 3) Click on the last name of the user's record that you would like to process. The System will display the account permissions. You must select at least one Permission in order to approve the request.
- 4) If you wish to reject the account request, click on the *Reject* button at the bottom of the page. The "*Are you sure you want to reject this account request?*" message displays, click **OK**.

Please click buttons only once. Multiple clicks will delay processing.

If you wish to approve the account, then you must assign the user the appropriate permissions by checking the box next to each applicable permission.

Note: You can assign one or multiple permissions, but at least one permission must be assigned. If your account is associated with multiple dealerships, you can assign additional dealerships to the user by checking the box next to each applicable dealership.

Add Dealership(s) for this user
 (list of active dealerships associated to your COE that are not assigned to this user)
 Add All Dealerships

Add	Dealer ID	Business Name	Business Physical Address	Business City
<input type="checkbox"/>				
<input type="checkbox"/>				

Once the permissions (and optional dealerships) have been assigned, click on the *Accept* button. The system will display a confirmation message that the account was approved. At this point, the approved user can log on to DES.

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MANAGE EMPLOYEES

If you are the COE holder or if you've been assigned the Manage Employee permission, you can carry out the following tasks:

- View a list of your employees with DES accounts
- Modify an employee's permissions
- Modify an employee's assigned dealership (if applicable)
- Unlock an employee's account
- Remove an Employee's account **Note:** A COE Holder's account cannot be modified. The COE holder by default retains all permissions. If you have the Manage Employee permission, you cannot modify your own account.

VIEW EMPLOYEES

To view a list of the employees who have DES accounts with your dealership:

- 1) Select the **Manage Employees** link from the *Main Menu*. A list of all of the dealership's employees will display. If your account is setup with multiple dealerships, each dealership will be displayed with the assigned employees listed under each dealership's CFD number. If an employee is assigned to multiple dealerships, you will see the employee's name listed under each assigned dealership. You can filter the results to see just the employees from a single dealership.
- 2) To view the details of an employee's record, click on the last name of the employee from the list.

MODIFY AN EMPLOYEE'S ACCOUNT

Change Permissions:

- 1) Click on the last name of an employee from the list (see View Employees above). The User Details will display.
- 2) You can modify the employee's DES permissions by checking or un-checking the boxes next to the applicable permissions. **Note:** At least one permission must be associated to the employee's account.

ASSIGNING ADDITIONAL DEALERSHIPS

If your DES account is associated with multiple dealerships, you can assign additional dealerships to an employee's account, allowing the employee to perform DES activities for any store to which they have been assigned.

- 1) Click on the last name of the applicable employee from your list of employees (see View Employees above). The User Details will display.
- 2) Check the box next to each applicable dealership in the *Add Dealership* section.
- 3) You can remove a dealership by checking the **Remove** box in the *Dealership* section. **Note:** At least one dealership must be associated to the employee's account.

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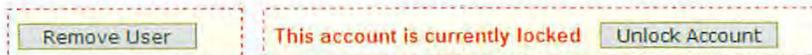
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UNLOCKING AN EMPLOYEE'S ACCOUNT

An employee can lock their DES account by entering an incorrect password, or by incorrectly answering their security questions. An employee with the *Manage Employee* permission can unlock the account as follows:

- 1) Click on the last name of the locked employee from your list of employees (see View Employees above.) The User Details will display.
- 2) Open the Permissions for the User section on the User Detail Page.
- 3) Click on the Unlock Account button. A message will display indicating that the account has been unlocked and that the employee will need to complete the Forgot Password process from the DES Log On page.

Note: The Unlock Account button only displays if the users account is currently locked.



UNLOCKING A COE HOLDER'S ACCOUNT

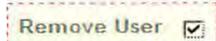
If you are a COE Holder and your account becomes locked, you must contact the Customer Support Center and request to have your account reset. Once your account has been reset, you must go to the *DROS Entry System Log On* page, select the *Request a DES Account* link and enter the requested account information. The DES application will then allow you to create a new password.

REMOVING AN EMPLOYEE FROM THE DES APPLICATION

When an employee no longer has a need to access the DES application, the employee's account must be removed from the DES by the COE Holder. Prompt removal will protect the dealership from fraudulent DROS-related billing activities.

To remove an Employee from the DES:

- 1) Click on the last name of the applicable employee from your list of employees (see View Employees above). The User Details will display.
- 2) Check the *Remove User* box in the Permissions for this User section and click on the *Submit Changes* button.



The system will ask you to verify if you wish to remove the user's account. Click on *OK* if you wish to proceed with the removal of the account.

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MANAGE DEALERSHIPS

In order for employees to enroll in DES and submit Ammunition Eligibility Checks for a particular dealership, the dealership's CAV number must first be associated to the COE Holder's account within the DES application. If the COE Holder has only a single dealership, that dealership is associated to the COE simply by the COE Holder enrolling in DES. If, however, the COE Holder has more than one dealership, the COE Holder must associate any additional dealerships from the *Manage Dealerships* page. The COE Holder may associate additional CAV's during the time of enrollment, or the COE Holder may also use the *Manage Dealerships* function to make the associations at a time other than the enrollment process (for example, when a new dealership is opened).

Note: Only the COE holder has the permission for *Managing Dealerships*, and this permission cannot be delegated. The *Manage Dealerships* page is only available when a user has multiple CAV's associated with their COE number.

TO ASSOCIATE ADDITIONAL DEALERSHIPS

- 1) From the *Main Menu*, select the ***Manage Dealerships*** link (the *Manage Dealerships* page automatically displays as part of the enrollment process if your COE number is associated with multiple dealerships).



- 2) The DES displays those dealerships already associated to your account, as well as additional dealerships that are available to be associated to your account.

IMPORTANT: CAV's do not have a FFL that can be validated therefore they are automatically associated.

Once you are successful in associating a dealership to your account, you can begin assigning employees to that dealership (see *Managing Employees* above).

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8. DES INVOICING

DES FEES AND BILLING CYCLE

Upon submission of an Ammunition Eligibility Check one or more of the following fees will be billed to the dealers account. The Department will not provide refunds after submission and acceptance of an Ammunition Eligibility Check.

Ammunition DROS Fee(s)

- The fee for a Basic Ammunition Eligibility Check is \$19.00
- The fee for a Standard Ammunition Eligibility Check is \$1.00
- The fee for a Certificate of Eligibility Check is \$1.00

At the first of each month, the DOJ will generate DES invoices for each dealership that submitted Ammunition Eligibility Check(s) during the previous month. The COE Holder, or a user who has been given the *Pay Invoices* permission, will have the ability to view and pay invoices. Payments for the Ammunition invoice must be made through the DES application, and must be made using one of the following credit/debit card types:

- American Express
- Discover Card
- Master Card
- Visa

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The DES invoice must be paid within 30 days from the invoice date. Reference the below DES Billing Cycle Chart for billing period, invoicing and suspension details.

Billing Period	Invoice Date	Due By Date	Suspension Date if not paid in full
1/1 - 1/31	2/1	3/2 (3/1 if leap year)	3/3 (3/2 if leap year)
2/1-2/28 (2/29 if leap year)	3/1	3/30	3/31
3/1-3/31	4/1	4/30	5/1
4/1-4/30	5/1	5/30	5/31
5/1-5/31	6/1	6/30	7/1
6/1-6/30	7/1	7/30	7/31
7/1-7/31	8/1	8/30	8/31
8/1-8/31	9/1	9/30	10/1
9/1-9/30	10/1	10/30	10/31
10/1-10/31	11/1	11/30	12/1
11/1-11/30	12/1	12/30	12/31
12/1-12/31	1/1	1/30	1/31

IMPORTANT: An invoice that goes unpaid for more than 30 days from the invoice date will result in the dealership being suspended from performing certain tasks on the DES application. This suspension extends to **all** dealerships that fall under the COE number for which the dealership was setup. Users from a suspended dealership will be prevented from conducting the following DES activities until all past due invoices associated to the COE have been paid in full:

- Submit Ammunition Eligibility Check
- Search Ammunition Eligibility Check
- Search Ammunition Purchase(s)
- Search Frequently Sold Ammunition
- Add Frequently Sold Ammunition

If your dealership is suspended because of a past due invoice, you will still be able to pay the invoice through DES. Once the past due invoice(s) have been paid in full, the dealership(s) DES activities will be restored back to normal.

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VIEWING YOUR CURRENT DES INVOICE

From the *Main Menu*, click on the **Pay Invoices** link located in the Administrator section. (You must have the Pay Invoices permission in order to see this link.)

ADMINISTRATOR

- New Account Requests
- Manage Employees
- View Paid Invoices
- Pay Invoices**

The *Pay Invoices* page will display all billing periods, for each CAV associated to your account, which have a balance due.

Click here to view the Monthly Ammunition Vendor Dealer Invoice Summary report if you have more than one dealership.

Click here to view the payment history for the past twelve months.

Click here to view the Credit Invoice history for the past twelve months.

Pay Invoices

View Paid Invoices View Payment History Credit Invoice History

Pay Total Payable Balance Due (combined total of all balances due)
 Change Payment Amounts

May 2019 Billing Period, 05/01/2019 to 05/31/2019
 Invoice(s) Total: \$ 2256 Amount Paid: \$ 0 Balance Due: \$2256 Suspension Date if not paid in full: 07/01/2019

CFD/CAV	Type	Invoice Date	Amount Invoiced	Amount Paid	Balance Due	Payment Amount
	Firearm	06/01/2019	\$900	\$0	\$900	\$ 900
	Ammunition	06/01/2019	\$312	\$0	\$312	\$ 312
	Firearm	06/01/2019	\$725	\$0	\$725	\$ 725
	Ammunition	06/01/2019	\$319	\$0	\$319	\$ 319

Total Payments Entered: \$ 2256

Click the Invoice Date to view the Invoice Detail report for each specific dealership.

Please click buttons only once. Multiple clicks will delay processing.

- 1) To view a detailed report of each transaction that occurred for your dealership, click on the **Invoice Date** for the CAV number associated to the dealership that you wish to view. The *Monthly Ammunition Vendor Dealer Invoice* report will display.

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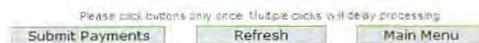
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- 2) If you've made one or more payments for the invoice and wish to view the details of those payments, click on the **Amount Paid** or the **View Payment History** link. The payment details for the past twelve months will display.
- 3) If your account is associated with multiple dealerships, click on the **Invoice(s) Total** amount to view a summary of all of your dealerships' invoices.

PAYING YOUR DES INVOICE

- 1) From the *Main Menu*, click on the **Pay Invoices** link located in the Administrator section. (You must have the Pay Invoices permission in order to see this link.) The *Pay Invoices* page will display all billing periods which have a balance due, and the full balance due dollar amount will display in the Payment Amount field(s) for each dealership associated with your account. There is one type of invoice: Ammunition.
 - a. **Paying Your Total Balance Due** - If you are ready to pay the entire balance due, click on the **Submit Payments** button at the bottom of the screen. The *DROS Entry System Payment* screen will display.

Total Payments Entered: \$ 2256



- b. **Making a Partial Payment** - If you wish to make a partial payment, select the **Change Payment Amounts** option. The **Payment Amount** fields can then be changed to different amounts (however, you can't enter an amount greater than the **Balance due**). DES will allow you to make multiple partial payments for an invoice; however, the balance due must be paid in full within 30 days of the invoice date, or a suspension will occur. Once you have changed the payment amount, click on **Submit Payments** button at the bottom of the screen. The *DROS Entry System Payment* screen will display.

PAYING YOUR PAST DUE DES INVOICE

If you have a past due invoice that has resulted in the suspension of one or more dealerships, you can choose to pay the total balance due, pay just the past due balance, or make a partial payment.

- 1) **Pay Total Payable Balance Due** - Choose this option if you wish to pay the total balance for both past due and current invoices.

- Pay Total Payable Balance Due (combined total of all balances due)
 Change Payment Amounts

- 2) **Change Payment Amounts** – Choose this option if you wish to make a partial payment; however, when you have a past due invoice, you may not pay on a current invoice until

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all past due invoices have been paid in full. You may make a partial payment on just a past due bill; however, the suspension will remain in place until the past due bill has been paid in full.

- a. To change payment amounts select **Change Payment Amounts**. The Payment Amounts will become active.

- Pay Total Payable Balance Due (combined total of all balances due)
 Change Payment Amounts [Clear Payment Amounts](#)

May 2019 Billing Period, 05/01/2019 to 05/31/2019

Invoice(s) Total: \$ 2256 Amount Paid: \$ 0 Balance Due: \$2256 Suspension Date if not paid in full: 07/01/2019

CFD/CAV	Type	Invoice Date	Amount Invoiced	Amount Paid	Balance Due	Payment Amount
	Firearm	06/01/2019	\$900	\$0	\$900	\$ 900
	Ammunition	06/01/2019	\$312	\$0	\$312	\$ 312
	Firearm	06/01/2019	\$725	\$0	\$725	\$ 725
	Ammunition	06/01/2019	\$319	\$0	\$319	\$ 319

Total Payments Entered: \$ 2256

- b. After you enter the desired payment amount, click **Submit**.

Note: Special characters are not accepted in the Payment Amount field. Payment amounts should be entered as a number value.

Invoice(s) Total: \$ 2256 Amount Paid: \$ 0 Balance Due: \$2256 Suspension Date if not paid in full:

CFD/CAV	Type	Invoice Date	Amount Invoiced	Amount Paid	Balance Due	Payment Amount
	Firearm	06/01/2019	\$900	\$0	\$900	\$ 900
	Ammunition	06/01/2019	\$312	\$0	\$312	\$ 0
	Firearm	06/01/2019	\$725	\$0	\$725	\$ 725
	Ammunition	06/01/2019	\$319	\$0	\$319	\$ 0

Total Payments Entered: \$ 1625

- 3) **Pay Past Due Balance** – Choose this option if you wish to pay only the amount that is past due. Any invoices that are not past due will have zero in the payment amount field. Selecting this option will allow you to pay the minimum amount required to remove a suspension caused by a past due invoice. **Note:** **Pay Past Due Balance** will only appear if your account is delinquent.

- Pay Total Payable Balance Due (combined total of all balances due)
 Change Payment Amounts
 Pay Past Due Balance (amount required to resolve past due balance)

- 4) Once you have made your selection and verified the amount you wish to pay, click on the **Submit Payments** button at the bottom of the screen. The **Billing Information** screen will display.

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Billing Information

Payment Amount **\$1625**

*Cardholder Full Name (as it appears on the card):

*Billing Address: *Billing City: *Billing State: *Zip Code:

*Credit/Debit Card Type: *Card Number (no spaces): *Security Code: *Card Expiration Date:

Please click buttons only once. Multiple clicks will delay processing.

ENTERING YOUR CREDIT/DEBIT CARD INFORMATION

Once you have clicked on the **Submit Payments** button, the system will display the **Billing Information** screen with the **Payment Amount** automatically entered from the previous screen. If you would like to change the amount of the payment, click on the **Back** button, and you can make changes from the previous screen.

To submit your credit/debit card payment information:

- 1) Enter your credit/debit card information as follows:
 - a. **Cardholder Full Name** – Enter the cardholder’s name as it appears on the card.
 - b. **Billing Address** – Enter the billing address associated to the card.
 - c. **Billing City** – Enter the city associated to the card.
 - d. **Billing State** – From the drop down list, select the state code associated to the card.
 - e. **Billing Zip Code** – Enter the zip code associated to the card.
 - f. **Credit/Debit Card Type** – From the drop down, select the type of credit/debit card you will be using.
 - g. **Card Number** – Enter the card number from the card. Do not enter spaces.
 - h. **Security Code** – Enter the 3 or 4 digit security code from the front or back of the card.
 - i. **Card Expiration Date** – From the drop down lists, select the month and year of the card’s expiration date.
- 2) Once you have entered the required billing information and are ready to submit payment, click **Submit**.

IMPORTANT: Once you submit payment, a page loading message may display. **DO NOT** click the browser back button or log out of DES. This may result in a resubmission of information.

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Billing Information



Page loading, please wait...

- 3) The credit/debit card transaction is submitted for verification and you will be redirected to the **Pay Invoice** Screen with a notification confirming the amount paid and authorization number.

✔ Your payment of \$1625 has been approved. Your authorization number is ET162088.

Pay Invoices

- a. **Declined** – If the transaction is declined, a message describing the problem will be displayed. Either correct any invalid information and resubmit the transaction, or enter the information using a different credit/debit card.
- b. **Approved** – If the transaction is approved, the system will display a confirmation message along with your Authorization number.

Note: The DOJ does not retain credit/debit card information, with the exception of the last four characters of your card number which is used to display your payment history. Therefore, each time that you make a payment, you will need to re-enter your credit/debit card information.

VIEW PAID INVOICES

The COE Holder, or a user with the Pay Invoices permission, has the ability to view previously paid invoices.

To view a previously paid DES Invoice:

- 1) From the Main Menu, click on the **View Paid Invoices** link located in the Administrator section (you must have the Pay Invoices permission in order to see this link).



- 2) The **Paid Monthly Invoice Report** page displays showing the past twelve months of invoices that have been paid in full. If your account is setup with multiple dealerships, all applicable CAVs will display.

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- 3) To view the invoice that shows a detailed breakdown of the transactions that you were billed for, click on the **Invoice Date** link for the CAV that you wish to view. There is one type of invoice: Ammunition.

Note: It is highly recommended to print the paid invoices report for your records. The system will only allow you to view 12 months of paid invoices.

This list represent the last 12 months of paid invoices

Paid Invoices

View Payment History View Outstanding Invoices / Make Payment Credit Invoice History

CFD/CAV	Type	Billing Period	Invoice Date	Invoice Amount	Date Invoice Paid in Full
	Firearm	05/01/2019 - 05/31/2019	06/01/2019	\$ 0	N/A
	Ammunition	03/01/2019 - 03/31/2019	04/01/2019	\$ 0	N/A

Click here to view a detailed breakdown of all billed transactions.

CREDIT INVOICE HISTORY

The COE Holder, or user with the Pay Invoices permission, has the ability to view credit history. If a credit is applied for a DROS transaction, the credit will be reflected on the invoice generated the following month.

To View Credit History:

- From the Main Menu, click on the **View Paid Invoices** link located in the Administrator section of the *Main Menu*.
- Click Credit Invoice History.

This list represent the last 12 months of paid invoices.

Paid Invoices

View Payment History View Outstanding Invoices / Make Payment **Credit Invoice History**

CFD/CAV	Type	Billing Period	Invoice Date	Invoice Amount	Date Invoice Paid in Full
	Firearm	05/01/2019 - 05/31/2019	06/01/2019	\$ 0	N/A
	Ammunition	03/01/2019 - 03/31/2019	04/01/2019	\$ 0	N/A

- 3) If DROS Credits have been issued, the Credit History will display as pictured below.

This list represent the last 12 months credit invoice history

Credit History

View Paid Invoices View Outstanding Invoices / Make Payment View Payment History

January 2019

Payment Date	CFD/CAV	Type	Billing Period	Invoice Date	Amount Invoiced	Credit Amount
01/30/2019 01:05 PM		Firearm	01/01/2019 - 01/31/2019	01/30/2019	0.0	250.0

Please click buttons only once. Multiple clicks will delay processing.

[Main Menu](#)

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- 4) Clicking on the invoice credit will open a report with details on invoice transaction credits.

INVOICE TRANSACTION CREDIT DETAILS				
DEALER ID	SALE DATE/TIME	TRANSACTION #	CREDIT DATE	COST
	03/21/2019 12:32 PM	001005834	03/21/2019	(25)
	03/21/2019 12:30 PM	001005992	03/21/2019	(25)
	03/21/2019 12:30 PM	001005963	03/21/2019	(25)
	03/21/2019 12:29 PM	001006021	03/21/2019	(25)
	03/21/2019 12:31 PM	001006032	03/21/2019	(25)
	03/21/2019 12:31 PM	001006023	03/21/2019	(25)

9. TRANSACTIONS, NOTICES, BULLETINS

OVERVIEW

The Notices and Bulletins section contains links that allow you to:

- Review Eligibility Notices (must have the Enter Ammunition permission)
- Review Information Bulletins issued by the Bureau of Firearms (any permission)

Some of the above links may be hidden for the following reasons:

- **Dealership hasn't been selected** – If your account is associated to multiple dealerships, you must select the dealership that you wish to be associated with prior to viewing bulletins or notices.
- **Unviewed Information Bulletins** – When the BOF posts an Information Bulletin to DES, at least one user from each dealership must view and acknowledge the bulletin. Until the bulletin is viewed and acknowledged, users will be unable to view/submit Ammunition eligibility checks.
- **Unviewed Urgent Ammunition Eligibility Notices** – When the BOF posts an Ammunition Eligibility Notice, a user from the dealership must acknowledge the notice. Until the notice is acknowledged, users will be unable to view/submit Ammunition eligibility checks.

SELECTING A DEALERSHIP

If your profile has been setup for working with multiple dealerships within a company, you must choose which dealership you are working with.

To select a dealership:

- 1) Click on the **Select Dealership** link from the *Main Menu* (this link only displays if your profile has been associated to more than one dealership within a company).
- 2) Select the name of the dealership that you wish to be associated with during your session.
- 3) Enter the CAV number associated to the dealership name that you selected above.

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- 4) The system will then display the Transactions, Notices, Bulletins and Ammunition transactions section with additional links.
- 5) Once you have selected a dealership, you have the option to then select a different dealership by clicking on the **Select a Different Dealership** link.

REVIEW AMMUNITION ELIGIBILITY NOTICES

If you have any urgent notices, you must review them before you can conduct any other Ammunition eligibility checks. The DES allows you to view BOF notices for an Ammunition Eligibility entered within the past 90 days. The following notices are considered urgent until they are reviewed and acknowledged by a user:

Ammunition Eligibility Notices:

- Approval After Denial Notice
- DMV Reject Notice
- Purchaser Prohibited Notice

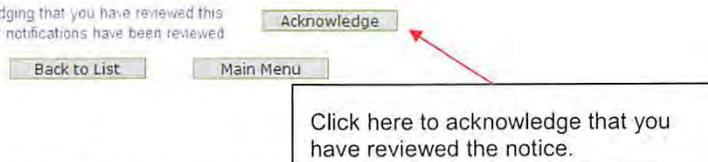
Note: Records with a Pending or Approved status do not require review before other Ammunition eligibility checks can be conducted.

 If you have urgent notices to review, the system will display a message your *Main Menu* page.

To Review your Ammunition Eligibility Notices:

- 1) Log on to the DES application.
- 2) Select your dealership (if applicable).
- 3) From the Main Menu, select the **Review Ammunition Eligibility Notices** link. If you have urgent notices to review, the *Review Urgent Ammunition Eligibility Notices* page will display.
- 4) Click on the status link of the eligibility notice that you wish to view. The notice will display in PDF format.
- 5) You can print a copy of the notice by clicking on the printer icon from the Adobe Reader window.
- 6) Acknowledge that you reviewed the notice by clicking on the **Acknowledge** button.

By clicking on the Acknowledge button you are acknowledging that you have reviewed this notice. You will have limited access to DES until all urgent notifications have been reviewed.



- 7) Once you have reviewed all of your urgent notices, clicking on the *Review Ammunition Eligibility Notices* link will display any acknowledged notices as well as all of the approved records from the past 90 days.

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TYPES OF AMMUNITION ELIGIBILITY CHECK(S)

Approval after Denial Notice

An “Approval after Denial” notice is generated when the Department has received additional information indicating the purchaser is eligible to purchase ammunition. If you receive this notice you may move forward with the transaction should the purchaser choose to do so. Please note, the approval is valid for 30 days from the date of the letter.

DMV Reject Notice

A “DMV Reject” notice is generated when a Basic Ammunition Eligibility Check (BAEC) DROS is being rejected and returned because the driver license/ID card status is not valid and/or the purchaser’s name, driver license/ID card number, and/or date of birth information provided conflict with the files maintained by the Department of Motor Vehicles (DMV). The purchaser must correct their personal information on file with the DMV. Consequently, the BAEC DROS must be resubmitted as a new transaction with applicable fees.

Purchaser Prohibited Notice

A “Purchaser Prohibited” notice is generated when the purchaser is not eligible to own or possess ammunition, therefore, you cannot release the ammunition to the purchaser.

REVIEW INFORMATION BULLETINS

If your dealership has any un-reviewed Information Bulletins, you must review them before you can conduct any other DROS activities. If you have any unread bulletins to review, the system will display a message on your *Main Menu* page.

 You have Information Bulletins that must be reviewed.

To Review Information Bulletins:

- 1) Log on to the DES application.
- 2) From the Main Menu, select the **Review Bulletins** link. The *DES Bulletins* page will display, showing a list of all available Information Bulletins issued by the BOF.
- 3) Clicking on the name of the un-reviewed bulletin will display the bulletin details as a PDF document. If you choose, you may print the bulletin by clicking on the Adobe Reader print icon.

DES Bulletins

Current DES Bulletins

Bulletin Name	Date Posted	Reviewed Date	Reviewed By
bulletin two	05/15/2013		
bulletin four	04/19/2013	05/13/2013	GEORGE SHAW
bulletin three	04/19/2013	05/13/2013	GEORGE SHAW
bulletin two	04/19/2013	05/13/2013	GEORGE SHAW
Test bulletin One	04/09/2013	05/13/2013	GEORGE SHAW

Note: If the bulletin doesn’t automatically display on your screen, you may have to click on the *Download Bulletin to view in Adobe Reader* link. Downloading the most current version of

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Adobe Reader should ensure that the bulletin automatically displays. To download the most current version of Adobe Reader, visit the following website: <http://get.adobe.com/reader/>. Once you have reviewed the bulletin, your name and the date that you reviewed the bulletin will display on the *DES Bulletins* page.

IMPORTANT: The DES message, “You have Information Bulletins that must be reviewed” will only display until the first employee has reviewed and acknowledged the bulletin. Only the first employee must acknowledge the bulletin. Once reviewed, other employees will not be given a DES message to view the bulletin. Thus, it is highly recommended to print out the bulletins and share with other employees. You can reference back to past DES bulletins at any time.

10. AMMUNITION TRANSACTIONS

The Ammunition Transactions section contains links that allow you to:

- **Submit Eligibility Check** (must have the Enter Ammo Transactions permission)
- **Search Eligibility Check** (must have the Enter Ammo Transactions permission)
- **Review Eligibility Notices** (must have the Enter Ammo Transactions permission)
- **Submit Ammunition Purchase(s)** (must have the Enter Ammo Transactions permission)
- **Search Frequently Sold Ammunition List** (must have the Manage Inventory permission)
- **Add Frequently Sold Ammunition** (must have the Manage Inventory permission)

Some of the above links may be hidden for the following reasons:

- **Dealership hasn’t been selected** – If your account is associated to multiple dealerships, you must select the dealership that you wish to be associated with prior to viewing bulletins or notices, or conducting any type of DROS transactions.
- **Unviewed Information Bulletins** – When the BOF posts an Information Bulletin to DES, at least one user from each dealership must view and acknowledge the bulletin. Until the bulletin is viewed and acknowledged, users will be unable to view/submit DROS transactions.
- **Unviewed Urgent Ammunition Eligibility Notices** – When the BOF posts an Ammunition Eligibility Notice for a DROS transaction, a user from the dealership must acknowledge the notice. Until the notice is acknowledged, users will be unable to view/submit DROS transactions.

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11. SUBMIT AMMUNITION ELIGIBILITY CHECK

OVERVIEW

All ammunition eligibility checks require the entry of purchaser information. Purchaser information will be captured by swiping the California Driver License or Identification Card through a magnetic card swipe reader. Any missing or incorrect information will be keyed directly into the appropriate fields.

Entering Purchaser Information:

- 1) Swipe the CA driver license or CA identification card through the magnetic card swipe reader.
- 2) Click on the **Populate Fields** button in the *Swipe CA Driver License or ID Card* area.



- 3) Verify that the data displays correctly. **Note:** If the information will not scan, you must manually enter the information.
- 4) Correct information as necessary.
- 5) Complete all applicable fields.

Tips:

- **Single Name** – If the purchaser or seller has a single name (example: Wasp, Sky, Rebel), enter the single name in the Last Name field and enter an asterisk (*) in the first name field (Suffix and Middle Name fields must be blank).
- **Purchaser's City** – The city will automatically appear based on the zip code; however, if the zip code has more than one city name or variation listed, you will need to select the correct city name from the City drop down list.
- **Citizenship** – If you select **NO** from the **U.S. Citizen** drop down list, the system will display additional fields that must be entered. Select the Country of Citizenship from the drop down list and enter either the Alien Registration number or the I-94 number. **Note:** These numbers can be found on the purchaser or seller's Permanent Resident card (Green Card) or I-94 Arrival/Departure card.
- **Telephone Number** – Is a required field for an ammunition eligibility check.

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12. TYPES OF AMMUNITION ELIGIBILITY CHECK(S)

OVERVIEW

An ammunition purchaser or transferee may request, through an ammunition vendor, the department to conduct a Standard Ammunition Eligibility, Basic Ammunition Eligibility or Certificate of Eligibility Check.

STANDARD AMMUNITION ELIGIBILITY CHECK

A purchaser or transferee is authorized to purchase ammunition if their information matches an entry in the Automated Firearm System and does not match an entry in the Prohibited Armed Person File. Follow the steps below to submit a *Standard Ammunition Eligibility Check*.

- 1) From the *Main Menu* page, select the **Submit Eligibility Check** link.

- 2) Under *Purchaser Eligibility Check* select **Standard Ammunition Eligibility Check** link.
- 3) Enter the Purchaser Information (see **Entering Purchaser Information** on the previous page).
- 4) Once all of the DROS information has been entered, you will preview the DROS report by clicking on the **Preview** button. If any information is missing or entered incorrectly, an error message will display. If the system doesn't detect any problems with the DROS, a preview of the DROS report will display. Verify that the information entered is correct. If you find a mistake, click on the **Back** button, and you will be returned to the form and may correct the transaction. If the DROS preview is correct, you must click on the DROS payment agreement box before proceeding.

You must check this box to see the Submit Final option.

I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$ 1.00 to the Department of Justice. (a)

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- 5) Upon checking the DROS payment agreement box, the **Submit Final** button displays. Clicking on the **Submit Final** button sends the transaction to the DOJ and generates a DROS number.

IMPORTANT: Once the **Submit Final** button has been clicked, your dealership will be charged for the transaction, and the transaction can no longer be edited. The DROS Report containing a DROS number and transaction date and time displays.



BASIC AMMUNITION ELIGIBILITY CHECK

A purchaser or transferee is authorized to purchase ammunition if they are not prohibited from purchasing or possessing ammunition, subsequent to affirmation by the Department. Follow the steps below to submit a Basic Ammunition Eligibility Check.

- 1) From the *Main Menu* page, select the **Submit Eligibility Check** link.
- 2) Under *Purchaser Eligibility Check* select **Basic Ammunition Eligibility Check** link.
- 3) Enter the Purchaser Information (see **Entering Purchaser Information** on the previous page).
- 4) Once all of the DROS information has been entered, you will preview the DROS report by clicking on the **Preview** button. If any information is missing or entered incorrectly, an error message will display. If the system doesn't detect any problems with the DROS, a preview of the DROS report will display. Verify that the information entered is correct. If you find a mistake, click on the **Back** button, and you will be returned to the form and may correct the transaction. If the DROS preview is correct, you must click on the DROS payment agreement box before proceeding.

You must check this box to see the **Submit Final** option.

I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$ 19.00 to the Department of Justice.

- 5) Upon checking the DROS payment agreement box, the **Submit Final** button displays. Clicking on the **Submit Final** button sends the transaction to the DOJ and generates a DROS number.

IMPORTANT: Once the **Submit Final** button has been clicked, your dealership will be charged for the transaction, and the transaction can no longer be edited. The DROS Report containing a DROS number and transaction date and time displays.

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Transaction has been successfully submitted.

What would you like to do next?

- Go to the DROS (You will remain on this page and will not need to re-enter the capture below)
- Go to the Main Menu
- Go to Background Check Menu

DROS NUMBER: 08862-000
TRANSACTION DATE/TIME: 2027-07-17 12:45:47 PM

Basic Ammunition Eligibility Check

STATUS: INPROG

CERTIFICATE OF ELIGIBILITY CHECK

A Purchaser or transferee is authorized to purchase ammunition if they hold a current Certificate of Eligibility, subsequent to verification by the department. Follow the steps below to submit a Certificate of Eligibility Check.

- 1) From the *Main Menu* page, select the **Submit Eligibility Check** link.
- 2) Under *Purchaser Eligibility Check* select **Certificate Eligibility Check** link.
- 3) Enter the Purchaser's Certificate of Eligibility (COE) Number.
- 4) Enter the Purchaser Information (see **Entering Purchaser Information** on the previous page).

COE Check

Person Information

Swipe CA Driver's License or ID Card

*COE Number

*First Name Middle Name *Last Name Suffix (Select)

*Street Address *Zip Code *City State CA

Gender Hair Color Eye Color Height (feet/inches) Weight *Date of Birth (mm/dd/yyyy)

*ID Type *ID Number *Race *U.S. Citizen

*Place of Birth *Telephone Number

Alias First Name Alias Middle Name Alias Last Name Alias Suffix

Please click buttons only once. Multiple clicks will delay processing.

Back Preview Clear

- 5) Once all of the DROS information has been entered, you will preview the DROS report by clicking on the **Preview** button. If any information is missing or entered incorrectly, an error message will display. If the system doesn't detect any problems with the DROS, a preview of the DROS report will display. Verify that the information entered is correct. If you find a mistake, click on the **Back** button, and you will be returned to the form and may correct the transaction. If the DROS preview is correct, you must click on the DROS payment agreement box before proceeding.

You must check this box to see the Submit Final option.

I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$ 1.00 to the Department of Justice.

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- 6) Upon checking the DROS payment agreement box, the **Submit Final** button displays. Clicking on the **Submit Final** button sends the transaction to the DOJ and generates a DROS number.

IMPORTANT: Once the **Submit Final** button has been clicked, your dealership will be charged for the transaction, and the transaction can no longer be edited. The DROS Report containing a DROS number and transaction date and time displays.

13. SEARCH AMMUNITION ELIGIBILITY CHECK

OVERVIEW

Once the Ammunition Eligibility Check has been submitted to the Department, you can use the DES application to view the eligibility check, re-print the eligibility check, and submit delivered ammunition to the purchaser.

To search for a previously submitted Ammunition Eligibility Check:

- 1) From the *Main Menu* page, click on the **Search Eligibility Check** link. The *Ammunition Eligibility Check Results* page displays.
- 2) Enter the information that you want to search:
 - a. Partial or complete Last Name
 - b. Partial or complete First Name
 - c. DROS Number
 - d. ID Number
 - e. Decision status

Note: For the most accurate result, search by DROS number.

- 3) Click on the **Search** button. The system will display a list of all matching records.

Ammunition Eligibility Check Results

Last Name	First Name	DROS Number	ID Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Decision			
Select <input type="text"/>			
<small>Please click buttons only once</small>			
<input type="button" value="Search"/>		<input type="button" value="Clear Form"/>	
<input type="button" value="Main Menu"/>			

Search Results

DROS Number	Name of Purchaser (First Middle Last)	ID Number	Decision	Type	Expiration Date
	TEST PURCHASER		DENY/REJECT	Standard Ammunition Eligibility Check	

Displaying records 1 to 1 of 1 total records.



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- 4) Clicking on the DROS Number from the *Ammunition Eligibility Check Results* will display the selected DROS.
- 5) The DROS will display with a current status indicating whether or not ammunition can be delivered. The ammunition eligibility check status' are:
 - a. **APPROVED** – The Department has determined the individual is eligible to purchase or possess ammunition.
 - b. **DENY/REJECT** – The Department has determined the individual is not eligible to purchase or possess ammunition. The person cannot continue with an ammunition purchase.
 - c. **IN PROGRESS** – Ammunition eligibility check is currently being processed by the Department.
 - d. **USED** – Individual has purchased and received ammunition in association with the eligibility check.
 - e. **EXPIRED** – The eligibility check was approved, but can no longer be used to complete a purchase of ammunition.
- 6) When the eligibility check has an APPROVED status, the **Purchase Ammunition** link will be available at the top of the screen. Clicking the link will allow the purchase of ammunition starting on the *Select Ammunition Purchase Type* page (See Section 14, *Submit Ammunition Purchase(s)*.)

What would you like to do next?

- Print this Eligibility Check (you will remain on this page and still be able to select from the options below)
- Back to Search Result List
- Purchase Ammunition**
- Go to the Main Menu

14. SUBMIT AMMUNITION PURCHASE(S)**OVERVIEW**

All Ammunition Eligibility Checks require an APPROVED status to submit an ammunition purchase. There is no limit to the amount of ammunition that can be delivered using one eligibility check. Once the final delivery of ammunition purchase(s) is made, the eligibility check will change to the USED status.

To submit an Ammunition purchase:

- 1) From the *Main Menu* page, click on the **Submit Ammunition Purchase(s)** link. The *Select Ammunition Purchase Type* page displays.

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Select Ammunition Purchase Type

Ammunition Purchase

Ammunition Sale

Private Party Ammunition Transfer

Pending Purchase(s)

You have no pending purchases

Please click buttons only once. Multiple clicks will delay processing.

Main Menu

- 2) Select either:
 - a. **Ammunition Sale** – Ammunition from the vendor inventory. Ammunition Sale will also cover any ammunition transferred from another California Ammunition Vendor or out of state ammunition retailer.
 - b. **Private Party Ammunition Transfer** – Ammunition transferred from one non-vendor to another non-vendor.
- 3) Verify the purchaser information.
 - a. Enter the fifteen digit Eligibility Check DROS Number. Click the *Verify* button.

OR

- b. Verify the pre-populated purchaser information from the *Search Eligibility Check* link.

Submit Ammunition

Purchaser Information
 Enter Eligibility Check DROS #

Transaction and Ammunition Information
 Inventory Code *Manufacturer *Condition Bullet Type
 Bullet Weight Usage Type Casing *Caliber
 *Quantity (Rounds) Primer Type Muzzle Velocity Unit Muzzle Energy Unit Cost/Round

Please click buttons only once. Multiple clicks will delay processing.

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- 4) Enter the Transaction and Ammunition Information. **Note:** * indicates required field.
- a. **Inventory Code-** Title of frequently sold ammunition
 - b. ***Manufacturer-** Enter the name of the person or company that manufactured the ammunition.
 - c. ***Condition-** Select whether the ammunition is new, reloaded, or used from the *Condition* drop down list.
 - d. **Bullet Type-** Select from the *Bullet Type* drop down list.
 - e. **Bullet Weight-** If applicable, typically measured in units of mass called grains.
 - f. **Usage Type-** Select from the *Usage Type* drop down list.
 - g. **Casing-** Select from the *Casing* drop down list.
 - h. ***Caliber-** Select the caliber of the ammunition from the *Caliber* drop down list.
 - i. ***Quantity (Rounds) -** Enter the quantity amount
 - j. **Primer Type-** Select from the *Primer Type* drop down list.
 - k. **Muzzle Velocity-** If applicable, the speed of the projectile when fired.
 - l. **Unit-** Select 'Feet per Second' or 'Meter per Second' from the *Unit* drop down list.
 - m. **Muzzle Energy-** If applicable, kinetic energy of the projectile when fired.
 - n. **Unit-** Select 'Foot Pound Force' or 'Joule' from the *Unit* drop down list.
 - o. **Cost/Round-** If applicable, cost of each round in USD.
- 5) Once all of the DROS information has been entered, you will preview the DROS report by clicking on the *Preview* button. If any information is missing or entered incorrectly, an error message will display. If the system doesn't detect any problems with the DROS, a preview of the DROS report will display. Verify that the information entered is correct. If you find a mistake, click on the *Back* button, and you will be returned to the form and may correct the transaction. If the DROS preview is correct, you must click on the DROS payment agreement box before proceeding.

You must check this box to see the Submit Final option.

I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$0 to the Department of Justice.

- 6) After clicking on the DROS payment agreement box, the *Add to Pending Purchases* button and the *Print* button appear.
- 7) Click the *Add to Pending Purchases* button to continue.
- 8) The Pending Purchase(s) page will display.
- 9) Click the *Deliver* button to complete the ammunition purchase.
- 10) Click the *Add Ammunition* button to select another ammunition purchase.
- 11) Click the *Empty Purchases* button to clear the cart and return to the Main Menu page.

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Transaction has been successfully uploaded to your pending purchase(s). Click Deliver to submit transaction.

Pending Purchase(s)

Pending Purchase(s) Total Items: 1

Name: [redacted] DOB: [redacted] ID: [redacted]

Manufacturer	Caliber	Condition	Quantity (Rounds)
TESTER	12-GAUGE SHOTGUN	NEW	100

Please click buttons only once. Multiple clicks will delay processing.

12) Click the **OK** button to confirm delivery of the pending purchase(s).

IMPORTANT: If you proceed with the submission of the transaction, please remember to select the **Print DROS** link on the next screen (upper left hand corner) as that will be the only opportunity to generate a printed DROS Ammunition copy for customer signature.

Clicking 'Deliver' will submit the transaction.
Press 'OK' to continue, or 'Cancel' to stay on this page. ATTENTION: If you proceed with the submission of this transaction, please remember to select 'Print DROS' on the next screen (upper left hand corner) as that will be your only opportunity to generate a printed DROS Ammunition copy for customer signature.

13) Click the **Print this DROS** link in the upper left hand corner of the page.

Your transaction is complete.

What would you like to do next?

- Print this DROS** (you will remain on this page and still be able to select from the options below).
- Go to the Main Menu

Dealer's Record of Sale of Ammunition

IMPORTANT: Please remember to select the **Print DROS** link on the upper left hand corner of the DROS screen. This will be the only opportunity to generate a printed DROS Ammunition copy for customer signature. Records must be maintained and available for inspection for five (5) years. (Pen. Code, § 30355).

AMMUNITION INFORMATION				
MANUFACTURER	CONDITION	BULLET TYPE	BULLET WEIGHT	USAGE TYPE
TESTER	NEW	BUCKSHOT		RECREATION
CASING	CALIBER	QUANTITY (ROUNDS)	PRIMER TYPE	
BRASS/PLASTIC	12-GAUGE SHOTGUN	100	CENTERFIRE	
MUZZLE VELOCITY	MUZZLE ENERGY	DOSSHROUD		
TRANSACTION INFORMATION				
TRANSACTION TYPE	DEALER'S SIGNATURE	PURCHASER'S SIGNATURE	DEALER'S TELEPHONE	
REGULAR SALE			(916) 555-1111	
DEALER: END TO END GUN			DOB	
ADDRESS: 123 MAIN STREET, ROCKFORD, ILL., 60001			DOB	
DOB: 01/01/2018			DOB	
DOB: 01/01/2018			DOB	

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15. ADD TO FREQUENTLY SOLD AMMUNITION LIST

OVERVIEW

The Frequently Sold Ammunition List is a tool for processing ammunition purchases. It allows for different ammunitions to be saved to an **Inventory Code** drop down that will be available on all ammunition purchases for the licensed location.

Add Item to Frequently Sold Ammunition List:

- 1) From the *Main Menu* page, click on the *Add Frequently Sold Ammunition* link. The *Ammunition Item Detail* page displays.

Ammunition Item Detail

Inventory Code Test	Manufacturer Maker	Condition NEW	Bullet Type HOLLOW POINT
Bullet Weight	Usage Type PERSONAL DEFENSE	Casing BRASS	Caliber 9mm L/Para/9x18,9x21,9x23/Large 9x19, 9mm rimfire shotgun
Primer Type CENTERFIRE	Muzzle Velocity	Unit Select	Muzzle Energy Unit Select
Cost/Round			

- 2) Enter the information to be saved to the CAV. The following fields are required:
 - a. **Inventory Code** – Type a name to identify saved ammunition. The *Inventory Code* drop down will be available on all ammunition purchases from the CAV.
 - b. **Manufacturer** – Type the name of the person or company that made the ammunition.
 - c. **Condition** – Select whether the ammunition is new, reloaded, or used from the *Condition* drop down list.
 - d. **Caliber** - Select the caliber of the ammunition from the *Caliber* drop down list.

Transaction and Ammunition Information

Inventory Code TEST	Manufacturer TESTER	Condition NEW	Bullet Type BUCKSHOT
Select AMMO TEST	Casing BRASS/PLASTIC	Caliber 12-gauge shotgun	
Quantity (rounds)	Primer type CENTERFIRE	Muzzle Velocity	Unit Select
		Muzzle Energy	Unit Select
		Cost/Round	

Please click buttons only once. Multiple clicks will delay processing.

- 3) Click the *Submit* button. A confirmation banner will display at the top of the *Main Menu* page.

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16. SEARCH FREQUENTLY SOLD AMMUNITION LIST

OVERVIEW

The Search Frequently Sold Ammunition List is a tool to review the ammunition that you added to your Frequently Sold Ammunition List. You will be able to review and maintain frequently sold ammunition from this page.

Search Item on Frequently Sold Ammunition List:

- 1) From the *Main Menu* page, click on the *Search Frequently Sold Ammunition* link. The *Search Ammunition Item List* page displays.

Search Ammunition Item List

Inventory Code Manufacturer

Please click buttons only once.

Search Results

Delete	Inventory Code	Manufacturer	Bullet Type	Caliber
<input checked="" type="checkbox"/>	AMMO	TEST MAKER		9mm L/Para/9x18, 9x21, 9x23/Largo 9x19, 9mm rimfire shotgun
<input checked="" type="checkbox"/>	TEST	TESTER	BUCKSHOT	12-gauge shotgun

Displaying records 1 to 2 of 2 total records.

- 2) Enter the information to search.
 - a. Partial or complete Inventory Code
 - b. Partial or complete Manufacturer
- 3) Click *Search*. The system will display a list of all matching records.
- 4) Clicking on the inventory code name from the *Search Ammunition Item List* will display the selected *Ammunition Item Details* page. Clicking on the *Delete* button next to a record will remove the record entirely.

Ammunition Item Detail

*Inventory Code
 *Manufacturer
 *Condition
 Bullet Type

Bullet Weight
 Usage Type
 Casing
 *Caliber

Primer Type
 Muzzle Velocity
 Unit
 Muzzle Energy
 Unit
 Case/Round

- 5) Make the desired changes to the ammunition item information.
- 6) Click on the *Submit* button to save the changes. Click on the *Delete* button to remove the record entirely. A confirmation banner will display at the top of the *Search Ammunition Item List* page.

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17. USE OF reCAPTCHA

The reCAPTCHA program helps prevent a computer application from being accessed by another computer. reCAPTCHAs are used by many websites to prevent abuse from "bots," or automated programs usually written to generate spam. No computer program can read distorted text as well as humans can, so bots cannot navigate sites protected by reCAPTCHAs. We present a reCAPTCHA challenge on all data submission pages that are available to a user prior to being logged on to the application.



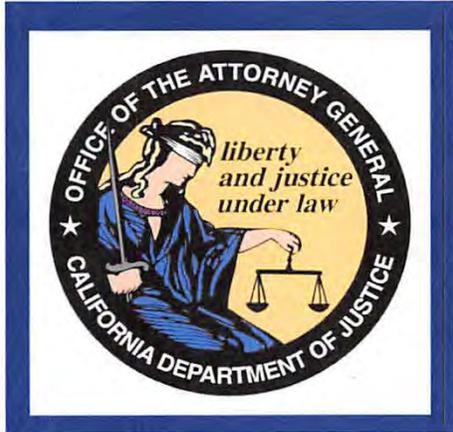
I'm not a robot



I'm not a robot



EXHIBIT 7



**California Department of Justice
Bureau of Firearms
DROS Entry System (DES)
Firearms and Ammunition Dealer User Guide**

**California Department of Justice
Bureau of Firearms
06/27/2019
Rev. 4**

California Department of Justice
Bureau of Firearms



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1. INTRODUCTION

OVERVIEW

The DROS Entry System (DES) is a web-based application used by Firearms Dealers to report the sale, loan, transfer, redemption, and the acquisition of handguns and long guns to the California Department of Justice (DOJ), Bureau of Firearms (BOF). It is also used by ammunition vendors to submit ammunition eligibility checks to the DOJ/BOF, and subsequently receive eligibility determinations through the system. Furthermore, DES enables ammunition vendors to report information, relative to the sale or transfer of ammunition, at the time of delivery. The purpose of this document is to provide a step-by-step user guide for accessing and using the DES application.

WEBSITE ADDRESS

The website address for the DES web application is:

<https://DES.doj.ca.gov>

Note: As this is a secure website designed to ensure that DES data is encrypted when transmitted over the internet, be sure to include the entire website address including the prefix *https://* when accessing this website. You can bookmark this page to make accessing this site easier in the future.

DES HOURS

The DROS Entry System is available 4:00 AM –1:00 AM, Monday through Sunday, unless stated otherwise.

CONTACTING THE BUREAU OF FIREARMS CUSTOMER SUPPORT CENTER

A *Contact Us* link is available on each page of the application, including the log on page. This link opens a window containing information on how to contact the Customer Support Center should you need assistance.



IMAGES PRESENTED WITHIN THIS DOCUMENT

For security reasons, some data appearing on screen images will appear blurred out.

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PRINTING

All printing from the DES application will be to your local printer. If you have problems with reports not fitting properly on the printed page, you may need to adjust your settings as follows:

From your browser, select **File** then select **Page Setup**.

From the Page Setup screen, enter the settings as shown in Figure 1.2 (Internet Explorer) or Figure 1.3 (Firefox).

Figure 1.2, Internet Explorer Page Setup

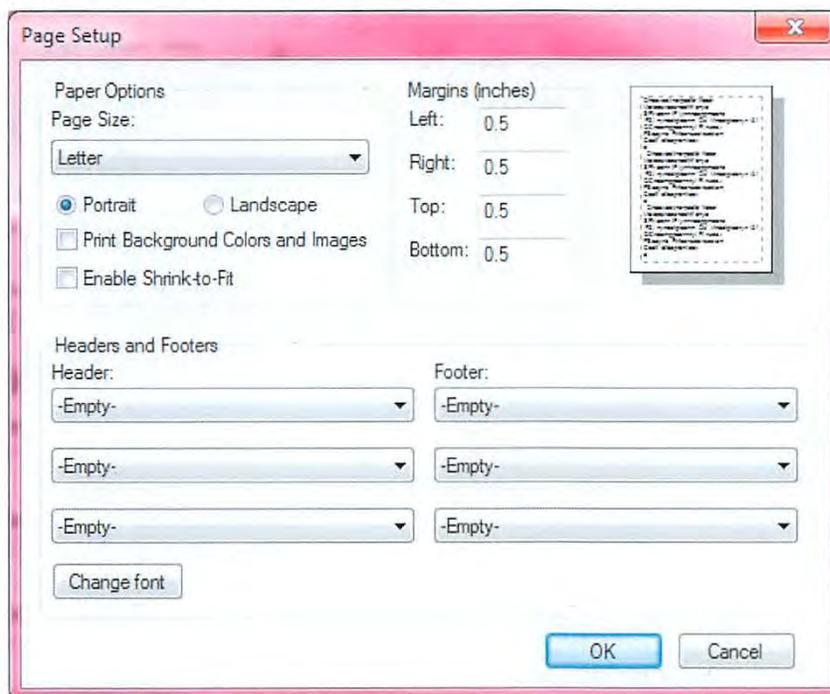
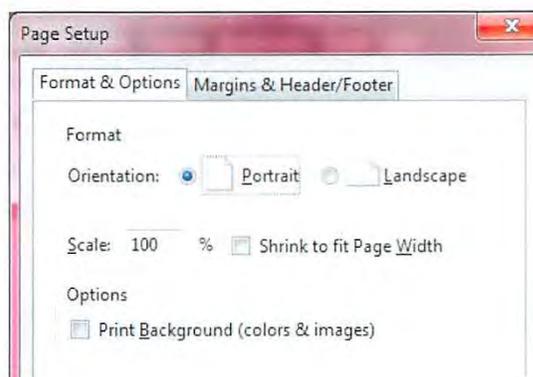


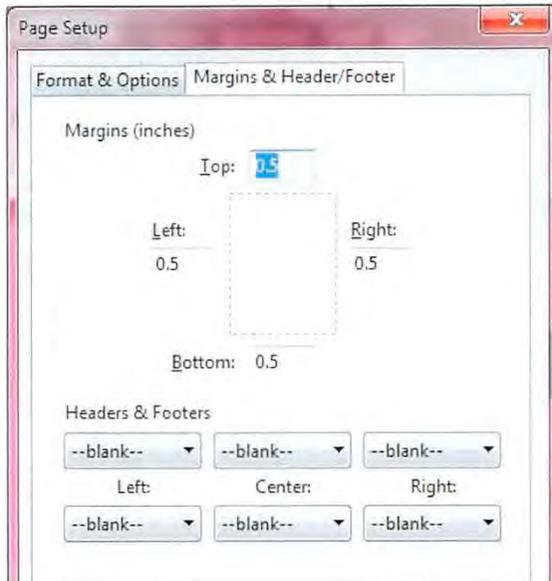
Figure 1.3, Firefox Page Setup



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TECHNICAL REQUIREMENTS

The DES application should work with most common and up-to-date web browsers, and has been tested with the following:

- Mozilla Firefox
- Google Chrome
- Safari (not supported by Windows)
- Internet Explorer 9 and above

Note: System requirements vary for each internet web browser. Please refer to the web browser system requirements to determine compatibility with your computer. Additional browsers might work with DES; however DOJ cannot guarantee that their features will work as expected.

If your web browser blocks pop-up windows, the DES application must be added to the list of sites from which pop-ups are allowed, also known as “Exceptions.” (For Firefox, see *Tools | Options | Content | (Block pop-up windows) Exceptions*. For Internet Explorer, see *Tools | Internet Options | Privacy | (Pop-up blocker) Settings*).

The reports generated by this system will be in the Adobe Portable Document Format (PDF), which will require that you have Adobe Acrobat Reader installed on your computer in order to view, save, or print a report. The latest version of Adobe Acrobat Reader can be obtained from Adobe’s website: <http://get.adobe.com/reader/>.

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ACRONYMS, ABBREVIATIONS AND DEFINITIONS

Term/Acronym	Definition
AFS	Automated Firearms System
ATN	Ammunition Transaction Number
BAEC	Basic Ammunition Eligibility Check means the Department's ammunition eligibility check as prescribed by Penal Code section 30370, subdivision (c). The Department shall conduct a Basic Ammunition Eligibility Check to authorize a purchaser or transferee who is not prohibited from purchasing or possessing ammunition in a single ammunition transaction or purchase.
BOF	Bureau of Firearms
CAV	California Ammunition Vendor means an individual with a valid ammunition vendor license issued pursuant to Penal Code section 30342.
CFARS	California Firearms Application Reporting System
CFD	California Firearms Dealer means a person having a valid license to sell firearms issued pursuant to Penal Code section 26700.
COE	Certificate of Eligibility means a certificate which states that the Department has checked its records and the records available to the Department in the National Instant Criminal Background Check System and determined that the applicant is not prohibited from acquiring or possessing firearms.
COE Holder	A person who obtains a valid Certificate of Eligibility.
COE Verification Process (COE Check)	A purchaser or transferee is authorized to purchase ammunition if they hold a current Certificate of Eligibility, subsequent to verification by the Department.
DES	Dealer Record Of Sale Entry System
DOJ	Department of Justice

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Term/Acronym	Definition
DROS	Dealer Record of Sale
DWP	Dangerous Weapon Permit. Any person who submits the required documentation, proper application forms, and appropriate fees for a dangerous weapons license/permit. The term “dangerous weapons” means machineguns as defined in Penal Code section 16880, destructive devices as defined in Penal Code section 16460, short-barreled shotguns and short-barreled rifles as defined in Penal Code sections 17170 and 17180, and assault weapons as defined in Penal Code sections 30510 and 30515.
FDAS	Firearms Dealer Acquisition System
Firearms Eligibility Check	A state and federal background check, pursuant to Penal Code section 28220, that is used to determine an individual’s eligibility to possess, receive, own, or purchase a firearm.
FSC	Firearms Safety Certificate - Issued by Department of Justice Certified Instructors to potential firearm buyers who successfully pass the Firearm Safety Certificate Test.
FSD Compliance	Firearms Safety Device – The method a firearm buyer uses to comply with the California Firearms Safety Device laws.
Head of the Agency	Means the chief of police or the director of public safety for a police department, the sheriff for a county sheriff’s office, the head of an agency or their designee for a state law enforcement agency, and the manager in charge of any local field office for a federal law enforcement agency.

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Term/Acronym	Definition
HSC	Handgun Safety Certificate – Effective January 1, 2015, the Handgun Safety Certificate was replaced with the Firearm Safety Certificate (FSC). A valid HSC can still be used to purchase/acquire handguns until it expires. For long gun purchases/acquisitions made January 1, 2015, and thereafter, a FSC will be required. Once a FSC is obtained, it can be used for both handgun and long gun purchases/acquisitions.
Inventory Code	A customizable setting design by a dealer for specific ammunition type.
PDF	Portable Document Format means the file type used for displaying reports within the DES application.
Pop-up window (pop-ups)	An additional web browser window opened by a main page.
reCAPTCHA	A challenge/response test used to verify that a person, and not another computer, is interacting with a system. The CAPTCHA acronym stands for: C ompletely A utomated P ublic T uring test to tell C omputers and H umans A part.
SAEC	Standard Ammunition Eligibility Check means the Department’s ammunition eligibility check as prescribed by Penal Code section 30370, subdivision (b). A purchaser or transferee is authorized to purchase ammunition if their information matches an entry in the Automated Firearm System and does not match an entry in the Prohibited Armed Persons File.

2. USING THE DES APPLICATION

In order to use the DES application, you must request a DES account to obtain a valid User Name and Password combination (See Section 3, *Enrolling in DES*).

NAVIGATION WITHIN THE DES APPLICATION

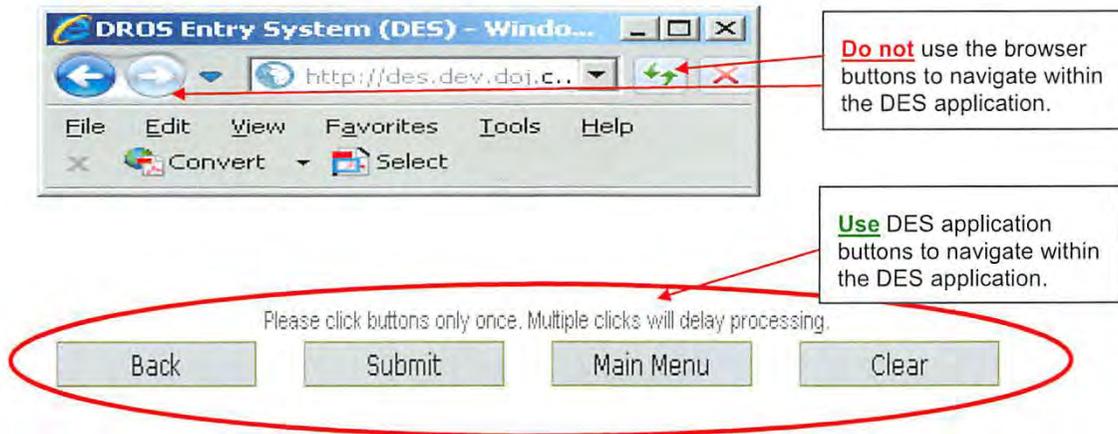
The DES application is a web based application. You can navigate the web pages using either your mouse or your tab button.

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There is one important distinction between websites and web applications concerning the use of browser navigation buttons. The browser navigation and refresh buttons, as shown below, should not be used to navigate within the DES application. Instead, you should navigate the DES application using the buttons and/or links that are found on the application's pages.



REQUIRED FIELDS ON FORMS

On all data entry pages, required fields are clearly marked by a red asterisk preceding the field label.

***Current Password**

EXITING THE DES APPLICATION

To exit the DES application, select **Log Off**. You will be logged off from the DES application and returned to the **DROS Entry System Log On** page.

Note: Avoid closing the browser window while you are still logged on to the DES. Closing an active window can allow the DES to keep your session open, which could lead to problems logging back on should you attempt this within a short time of closing your browser window.

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SESSION TIME OUT

For security reasons, the DES will time out after 30 minutes of inactivity. If this occurs, the system will display a message indicating that your session has timed out. You will need to log on again to use the system.

REPORTING AN ISSUE

If you run into a problem or have a question about using the application, you can report the issue to the Customer Support Center using the **Report an Issue** link which is provided throughout the application.

Note: You must be logged on to the DES application in order to use this feature.

DROS Entry System (DES) 1.1.0.173 (09/10/2013) Contact Us **Report an Issue** User Guide Conditions of Use Log Off

Report an Issue

*Issue Type
Having trouble submitting a DROS transaction

*Comment
Enter additional information concerning the issue. 200 character limit. Characters remaining: _____

Please click buttons only once. Multiple clicks will delay processing.

To report an issue:

- 1) Select the **Report an Issue** link located at the top of any page within the DES application.
- 2) Select the Issue Type from the drop down list.
- 3) Enter a comment that describes the issue in 200 characters or less.
- 4) Click on **Submit**.
- 5) Once you have submitted your issue, it will be reviewed by a Customer Support Center analyst. Once the Customer Support Center replies to your issue, you will see a message on the **Main Menu** page. The message will display after clicking the **My Issue Log** link on the **My Issue Log** page (See Section 6, *My Account Links, My Issue Log*).

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3. ENROLLING IN DES

Enrolling in DES is a two or three step process, depending on whether you are the Dealership COE Holder or are enrolling under the authority of the Dealership COE Holder.

IMPORTANT: The DES application will not allow employees to enroll until the Dealership COE Holder has enrolled.

To enroll in DES:

- 1) Navigate to the *DROS Entry System Log On Page* (<https://DES.doj.ca.gov>).
- 2) Click on request a DES account link.

Not yet a DES user?
If you are not a DES user [request a DES account](#).

Current DES users [\[view User Name and Password information\]](#)

*User Name *Password

[Forgot User Name?](#) [Forgot Password?](#)

[Forgot User Name and Password?](#)

Please click buttons only once. Multiple clicks will delay processing.

- 3) The *DROS Entry System Account Request/Enrollment Guidelines* page, lists the information you will need to create a DES account.

DROS Entry System Account Request Enrollment Guidelines

You will need a combination of the following information to complete account request/enrollment.

- ▶ California Firearms Dealer (CFD) Dealer ID
- ▶ California Ammunition Vendor (CAV) number
- ▶ Dealership Certificate of Eligibility (COE) number
- ▶ Federal Firearms License (FFL) number
- ▶ A unique personal identification number (for example, your driver's license number)

If you have all the required information and are ready to enroll, please press the "Continue" button to proceed, otherwise press the "Cancel" button.

- 4) If you have all the required information, click on the *Continue* button. The *DROS Entry System Terms of Use and Agreement* page displays for your agreement.
- 5) If you agree with the *DROS Entry System Terms of Use Agreement*, click "I Agree." The *User Account Request, Part 1* page will display.

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User Account Request, Part 1

Step 1: Submit Dealer Information for Verification

*Are you a dealership COE Holder? *Dealership COE Number *CFD/CAV Number

Select

If you have an Employee COE or other COE type, select No.

- 6) **User Account Request, Part 1:** Step 1: Submit Dealer Information for Verification
- Are you a dealership COE holder?
 - If you are the Main COE holder, select **YES**.
 - If you have an Employee COE or other COE type, select **NO**.
 - Enter the Dealership COE number for the license you are enrolling with.
 - Enter the CFD number for the dealership that you are enrolling with. If there are multiple dealerships under the COE that you will be working with, enter any one of the CFD numbers that apply. Additionally, CFDs can be assigned at a later date or time.

Note: Only answer **YES** to this question if your name is on the California Firearms Dealer license. Answer **NO** to this question if you have an employee or other non-dealership type of COE number or if you do not have a COE number. If you have questions, please contact the Customer Support Center.

- 7) Select “*I’m not a robot*” to view the reCAPTCHA verification images.

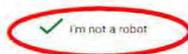
User Account Request, Part 1

Step 1: Submit Dealer Information for Verification

*Are you a dealership COE Holder? *Dealership COE Number *CFD/CAV Number

Select

If you have an Employee COE or other COE type, select No.



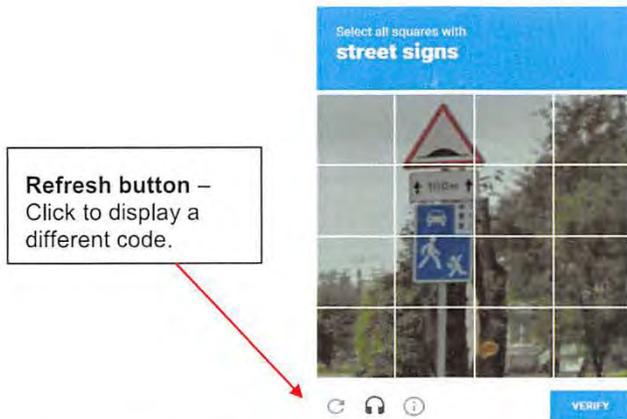
Submit Clear Cancel

- 8) Identify the reCAPTCHA verification images. If you are unable to determine the images in the reCAPTCHA code, click on the refresh icon next to the verification code, and a new code will be displayed. For more details on reCAPTCHA, (See Section 17, *Use of reCAPTCHA*).

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9) If you selected **YES** in *User Account Request, Part 1*, “*User Account Request, Part 2*” will display.

User Account Request, Part 2

Step 2: Submit Dealer Information for Verification

*Dealership COE Number *CFD Number *Federal Firearms License *Personal ID Number

Enter the ID Number on record for your COE. Otherwise, enter government issued ID number.

I'm not a robot
This reCAPTCHA is for testing purposes only. Please report to the site admin if you are seeing this.

Submit Clear Cancel

10) If you selected **NO** in *Step 1*, the below version of “*User Account Request, Part 2*” page below will display.

User Account Request, Part 2

Step 2: Submit Employee Information for Verification

*Dealership COE Number *CFD Number *Federal Firearms License Employee COE Number *Personal ID Number

Enter the ID Number on record for your COE. Otherwise, enter government issued ID number.

I'm not a robot
This reCAPTCHA is for testing purposes only. Please report to the site admin if you are seeing this.

Submit Clear Cancel

11) Enter your CA Driver License or ID number in the Personal ID Number field. The ID number entered must match the ID number on record for your COE.

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12) Click on **Submit**. If the enrollment information is correct and matches an active account, the system will display the **User Account Request, Part 3** screen.

Note: If there is a problem with the enrollment information, the DES will display a generic error message: *There is a problem with either the information you entered or with the account. Please verify the information and try again.* For security reasons, the message will not state the exact nature of the problem. The following are some possible reasons for the error:

- CFD and/or COE number were entered incorrectly or match an inactive account.
- The COE holder hasn't created their account prior to an employee attempting to create their account.
- The COE holder entered a Personal ID number that does not match the ID number associated to their COE.

13) Enter your user information: **Note:** If you have a dealership, employee, or other non-dealership COE number, your DES User information **must match** your COE information ***exactly***.

- Enter your **Last Name** (may include alphas, hyphens, and spaces).
- Enter your **First Name** (may include alphas and spaces).
- Enter your **Middle Initial**, Optional.
- Select your **Identity Verification Questions** from the drop down list.
- Enter the responses associated with each of the questions. You will need to enter these responses should you forget your password or user name or should you get locked out of the DES application.
- Enter the **Password** that you want to use for the DES. **Note:** Click on the **Password Format** link to view the allowable password format.
- Re-enter your **Password**.
- Click on **Submit**. Once you have submitted the requested information, the system will present a confirmation page allowing you to review the information that you entered.
- If you discover an error, click on **Edit Request** to go back to the request page and edit the field where you discovered the error.
- If the information is correct, click on **Confirmed, Submit**. A confirmation message will be displayed to confirm submission of the account request.
- If you are the COE Holder and if your COE number is associated to multiple dealerships, the Manage Dealership screen will display (See Section 7, *Manage Dealerships*).
- The system displays the **User Name** that you will use to access the DES application. Please make note of your user name, as you will need to use it each time you access the DES application.

Note: If **you are** the COE Holder, you may immediately log on to the DES application using the user name assigned by DES and the password that you created as part of the enrollment process. If **you are not** the COE Holder, you cannot log on to the DES application until your account has been approved by the COE Holder or store manager (See Section 7, *Assigning permissions*).

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4. LOGGING ON TO DES

In order to Log On to the DES application:

- You must first enroll in the application (See Section 3, *Enrolling in DES*).

If you are not a COE Holder, your store manager or COE Holder must approve your account request and setup your permissions before you can log on (See Section 7, *Administrator Links*).

To Log On to the DES application:

- Navigate to the *DROS Entry System Log On page* (<https://DES.doj.ca.gov>).
- Enter your User Name
- Enter your Password
- Click on the **Log On** button

If you enter either an invalid user name or password, the system will display a warning message. If you enter too many unsuccessful user name or password attempts, the system will lock your account, and you will need to contact your store manager to unlock it. (If you are the COE Holder and lock your account, you will need to contact the Customer Support Center (See Section 1, *Contacting the Bureau of Firearms Customer Support Center*).

Forgot Password:

If you have forgotten your password (prior to locking your account):

- Select the **Forgot Password** option from the *DROS Entry System Log On page*. The *Forgot Password* page displays.

- Enter the requested information:
 - Any **CFD Number** associated to your account
 - Your Personal **ID Number**
 - Your **User Name**
 - reCAPTCHA** verification image
 - Click on the **Submit** button
 - If a match is found, the system displays two randomly selected identity verification questions that you submitted with your account request.

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- g) Enter the response to the security questions presented and click on the **Submit** button.
- 1) If the responses entered are correct, the system will display the **Enter New Password** screen. Enter and re-enter your new password and click on the **Submit** button.
 - 2) If the responses entered are incorrect, the system will display a warning, and you may try again. **Note:** If the responses are entered incorrectly, your account will be locked, and you must contact your store manager to unlock your account. If you cannot remember the answers to your security questions, your manager will have to remove your account, and you will have to re-enroll in DES. If you are the COE Holder, you will need to contact the Customer Support Center for assistance.

If you have forgotten your DES User Name:

- 1) Select the **Forgot User Name** option from the **DROS Entry System Log On** page. The **Forgot User Name** page displays.

Forgot User Name

*CFD Number *ID Number *Password *Last Name *First Name

I'm not a robot 

Please click buttons only once

- 2) Enter the requested information:
 - a) Any **CFD Number** associated to your account
 - b) Your Personal **ID Number**
 - c) **Password** (If you cannot remember your password, see *Forgot User Name and Password* below.)
 - d) Your **Last Name**
 - e) Your **First Name**
 - f) **reCAPTCHA** verification image
 - g) Click on the **Submit** button
 - h) If a match is found, the system displays two randomly selected identity verification questions that you selected during your DES enrollment.
 - i) Enter the responses to the security questions presented and select the **Submit** button.
 - 1) If the responses entered are correct, the system will display your **User Name** on the screen.
 - 2) If either of the responses is incorrect, the system will display a warning, and you may try again. **Note:** If the responses are entered incorrectly, your account will be

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locked, and you must contact your store manager to unlock your account. If you cannot remember the answers to your security questions, your manager will have to remove your account, and you will have to re-enroll in DES. If you are the COE Holder, you will need to contact the Customer Support Center for assistance.

If you have forgotten both your DES User Name and Password:

- 1) Select the *Forgot User Name and Password* option from the *DRS Entry System Log On* page. The *Forgot User Name and Password* page displays.

- 2) Enter the requested information:
 - a) Any *CFD Number* associated to your account
 - b) Your Personal *ID Number*
 - c) The *Dealership COE Number* associated with your account
 - d) The *FFL Number* associated to the entered CFD number
 - e) Your *Last Name*
 - f) Your *First Name*
 - g) *reCAPTCHA* verification image
 - h) Click on the *Submit* button
 - i) If a match is found, the system displays two randomly selected identity verification questions that you selected during your DES enrollment.
 - j) Enter the response to the security question presented and click on the *Submit* button.
 - (1) If the responses entered are correct, the system will display your *User Name* on the screen and allow you to enter a new *Password*.
 - (2) If either of the responses is incorrect, the system will display a warning, and you may try again. **Note:** If the responses are entered incorrectly, your account will be locked, and you must contact your store manager to unlock your account. If you cannot remember the answers to your security questions, your manager will have to remove your account, and you will have to re-enroll in DES. If you are the COE Holder, you will need to contact the Customer Support Center for assistance.

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5. DES MAIN MENU PAGE

OVERVIEW

When you log onto the DES application, the *Main Menu* page is displayed, which allows you to perform a variety of tasks within the DES application. Depending on your assigned permissions and other factors, you may perform some or all of the following from your *Main Menu* page:

- Read system generated messages
- Select the dealership that you'll be working for during this session (This feature is only available if your account is setup with multiple dealerships.)
- View Information Bulletins issued by the Department
- View Urgent or Non-Urgent Firearms Eligibility notices regarding previously submitted DROS transactions
- Submit, correct, or cancel a Firearm DROS transaction
- Deliver a gun or review DROS transactions
- View or submit an acquisition transaction
- View Forms
- Submit and Search Ammunition Eligibility Checks
- Submit Ammunition Purchase(s)
- Search and add to the Frequently Sold Ammunition List
- View or edit your DES Profile
- Change your Password
- View or respond to an issue that you had sent to the Customer Support Center
- Select Administrator tasks that you have been given permissions to perform. These tasks include:
 - Process new account requests
 - Manage employee accounts
 - View current and past DES invoices
 - Manage dealerships (This feature is only available if you are the COE Holder and you have multiple dealerships associated to your COE number.)
 - Pay your DES invoices
 - View your paid invoices

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MESSAGES

The *Main Menu* page displays messages related to your account, typically giving you information regarding tasks that you need to perform. For example, this is where you will receive a reminder that it is time to change your password, that you have information bulletins to read, or that you have Urgent Firearms and Ammunition Eligibility Notices to read.

- You have a new message in your 'My Issue Log'
- You have Information Bulletins that must be reviewed
- You have pending account requests

6. MY ACCOUNT LINKS

All users have access to the **My Account** links, which include:

- Edit My Profile
- Change My Password
- My Issue Log

EDIT MY PROFILE

The information that you entered when you completed the account request process became part of your DES User Profile. You may edit your user profile once you are logged on to the system, including your name, your personal ID number (unless you are the COE Holder), and your identity verification questions and responses.

To edit your profile:

- 1) From the *Main Menu* page, click on the **Edit My Profile** link. The *Edit My Profile* page will display.
- 2) Modify any editable fields with the new information. (**Note:** If you need to restore the record back to its pre-edited values, click on the **Refresh** button).
- 3) Click on **Submit**. The system will display a confirmation message when you successfully change your profile. Additionally, if you modified your name, the system will generate and display your new DES user name.

CHANGE MY PASSWORD

Passwords are valid for 90 days, but you may change your password at any time by clicking on the **Change My Password** option from the *DES Main Menu* page. Beginning 15 days prior to password expiration, you will be reminded of the pending password expiration each time that you log on to the system.

If your password expires, you will need to use the **Forgot Password** feature to create a new password (See Section 4, *Logging on to DES*).

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To change your password:

- 1) From the *DES Main Menu* page, click on the **Change My Password** link. The *Change Password* page will display.

Please click buttons only once.

- 2) From the *Change Password* page, you may elect to view the password format rules by clicking on the **Password Format** link.
- 3) Enter your **Current Password**.
- 4) Enter and confirm your **New Password**.
- 5) Click on **Submit**. The password entered will be verified to make sure that it complies with the password format rules. If any problems are found, an error message identifying the problem will be presented.
- 6) Once the password change has been accepted, a confirmation message will display on the *Main Menu* page.

MY ISSUE LOG

The My Issue Log allows you to view any issues that you have reported to the Customer Support Center (See Section 2, *Reporting an Issue*).

- 1) To view a previously reported Issue, select the **My Issue Log** link from the Main Menu. The *My Issues* page will display.

Issue Reported	Date Reported	Select
Other_my issue is not listed	04/26/2013	<input type="checkbox"/>

Displaying records 1 to 1 of 1 total records.

Please click buttons only once. Multiple clicks will delay processing.

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- 2) To view the original issue that you reported, click on the *Issue Reported* that you would like to view, and the details of your issue will display.
- 3) Once the Customer Support Center replies to your issue, you will see a message on your Main Menu page, and the Issue Reported on your *My Issues* page will show a notation indicating **New**.

New – indicates that your issue has received a response from the Customer Support Center.

My Issues

Issue Reported	Date Reported	Select
NEW Other my issue is not listed	04/26/2013	<input type="checkbox"/>

Displaying records 1 to 1 of 1 total records.

Please click buttons only once. Multiple clicks will delay processing.

- 4) Click on the Issue Reported link to view the Customer Support Center response.
- 5) To delete any old Issues, select the box to the right of the *Date Reported* and click the *Delete Selected* button.

7. ADMINISTRATOR LINKS

OVERVIEW

Depending on your permissions, you may have access to one or more Administrator Links. These links include:

- New Account Requests
- Manage Employees
- Manage Dealerships
- View Paid Invoices
- Pay Invoices

NEW ACCOUNT REQUESTS

When an employee's DES enrollment request has been submitted, the request appears on the New Account Requests page. Before the employee can use the DES application, their account must be setup with the appropriate permissions, and, if applicable, setup with any additional dealerships for which they can perform work. Only the COE Holder or another employee who has been given the Manage Employees permission can setup (or reject) accounts.

Employees can be given one or more of the following DES permissions:

- Pay Invoices (Allows user to view and pay invoices)
- Manage Inventory (Allows user to manage ammo inventory)

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- Manage Employees (Allows user to add or remove employees)
- Enter Gun Transactions (Allows user to enter DROS and acquisition transactions)
- Enter Ammo Transactions (Allows user to enter ammo transactions)
- Correct or Cancel DROS (Allows user to correct or cancel Firearm DROS transactions)

Permissions for this user

(i) (you must select at least one Permission if approving this request)

Select All Permissions

Pay Invoices [Allows user to view and pay invoices]

Manage Inventory [Allows user to manage ammo inventory]

Manage Employees [Allows user to add or remove employees]

Enter Gun Transactions [Allows user to enter DROS and acquisition transactions]

Enter Ammo Transactions [Allows user to enter ammo transactions]

Correct or Cancel DROS [Allows user to correct or cancel DROS transactions]

Note: By default, the COE Holder has all permissions, and can in turn delegate these permissions to other users who enroll under their COE number. If you have the Manage Employees permission, and you have account requests that need to be approved, a message will appear on your *Main Menu* page.

You have pending account requests.

To process account requests:

- 1) Log on to the DES application.
- 2) Select the **New Account Requests** link from the *Main Menu*. The system will display the *Pending Account Requests* page.

Pending Account Requests

Dealership Display Option: All dealerships

Dealership Last Name	First Name	Date Submitted
Baxter	Bob	09/01/2012
Clarke	Cathy	09/01/2012

Please click buttons only once. Multiple clicks will delay processing.

- 3) Click on the last name of the user's record that you would like to process. The system will display the account permissions. You must select at least one Permission in order to approve the request.
- 4) If you wish to reject the account request, click on the **Reject** button at the bottom of the page. The "**Are you sure you want to reject this account request?**" message displays, click **OK**.

Please click buttons only once. Multiple clicks will delay processing.

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If you wish to approve the account, then you must assign the user the appropriate permissions by checking the box next to each applicable permission.

Note: You can assign one or multiple permissions, but at least one permission must be assigned. If your account is associated with multiple dealerships, you can assign additional dealerships to the user by checking the box next to each applicable dealership.



Once the permissions (and optional dealerships) have been assigned, click on the **Accept** button. The system will display a confirmation message that the account was approved. At this point, the approved user can log on to DES.

MANAGE EMPLOYEES

If you are the COE Holder or if you've been assigned the Manage Employee permission, you can carry out the following tasks:

- View a list of your employees with DES accounts
- Modify an employee's permissions
- Modify an employee's assigned dealership (if applicable)
- Unlock an employee's account
- Remove an Employee's account

Note: A COE Holder's account cannot be modified. The COE holder by default retains all permissions. If you have the Manage Employee permission, you cannot modify your own account.

VIEW EMPLOYEES

To view a list of the employees who have DES accounts with your dealership:

- 1) Select the **Manage Employees** link from the *Main Menu*. A list of all of the dealership's employees will display. If your account is setup with multiple dealerships, each dealership will be displayed with the assigned employees listed under each dealership's CFD number. If an employee is assigned to multiple dealerships, you will see the employee's name listed under each assigned dealership. You can filter the results to see just the employees from a single dealership.
- 2) To view the details of an employee's record, click on the last name of the employee from the list.

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MODIFY AN EMPLOYEE'S ACCOUNT

Change Permissions:

- 1) Click on the last name of an employee from the list (see View Employees above). The User Details will display.
- 2) You can modify the employee's DES permissions by checking or un-checking the boxes next to the applicable permissions. **Note:** At least one permission must be associated to the employee's account.

ASSIGNING ADDITIONAL DEALERSHIPS

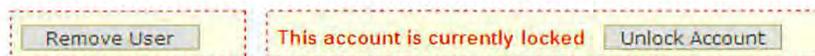
If your DES account is associated with multiple dealerships, you can assign additional dealerships to an employee's account, allowing the employee to perform DES activities for any store to which they have been assigned.

- 1) Click on the last name of the applicable employee from your list of employees (see View Employees above). The User Details will display.
- 2) Check the box next to each applicable dealership in the *Add Dealership* section.
- 3) You can remove a dealership by checking the **Remove** box in the *Dealership* section. **Note:** At least one dealership must be associated to the employee's account.

UNLOCKING AN EMPLOYEE'S ACCOUNT

An employee can lock their DES account by entering an incorrect password, or by incorrectly answering their security questions. An employee with the **Manage Employee** permission can unlock the account as follows:

- 1) Click on the last name of the locked employee from your list of employees (see View Employees above.) The User Details will display.
- 2) Open the Permissions for the User section on the User Detail Page.
- 3) Click on the Unlock Account button. A message will display indicating that the account has been unlocked and that the employee will need to complete the Forgot Password process from the DES Log On page. **Note:** The Unlock Account button only displays if the users account is currently locked.



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UNLOCKING A COE HOLDER'S ACCOUNT

If you are a COE Holder and your account becomes locked, you must contact the Customer Support Center and request to have your account reset. Once your account has been reset, you must go to the *DROS Entry System Log On* page, select the **Request a DES Account** link and enter the requested account information. The DES application will then allow you to create a new password.

REMOVING AN EMPLOYEE FROM THE DES APPLICATION

When an employee no longer has a need to access the DES application, the employee's account must be removed from the DES by the COE Holder. Prompt removal will protect the dealership from fraudulent DROS-related billing activities.

To remove an Employee from the DES:

- 1) Click on the last name of the applicable employee from your list of employees (see View Employees above). The User Details will display.
- 2) Check the **Remove User** box in the Permissions for this User section and click on the **Submit Changes** button.



The system will ask you to verify if you wish to remove the user's account. Click on **OK** if you wish to proceed with the removal of the account.

MANAGE DEALERSHIPS

In order for employees to enroll in DES and submit DROS records for a particular dealership, the dealership's CFD number must first be associated to the COE Holder's account within the DES application. If the COE Holder has only a single dealership, that dealership is associated to the COE simply by the COE Holder enrolling in DES. If, however, the COE Holder has more than one dealership, the COE Holder must associate any additional dealerships from the *Manage Dealerships* page. The COE Holder may associate additional CFDs during the time of enrollment, or the COE Holder may also use the *Manage Dealerships* function to make the associations at a time other than the enrollment process (for example, when a new dealership is opened).

Note: Only the COE holder has the permission for *Managing Dealerships*, and this permission cannot be delegated. The Manage Dealerships page is only available when a user has multiple CFDs associated with their COE number.

TO ASSOCIATE ADDITIONAL DEALERSHIPS

- 1) From the *Main Menu*, select the **Manage Dealerships** link (the *Manage Dealerships* page automatically displays as part of the enrollment process if your COE number is associated with multiple dealerships).

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- 2) The DES displays those dealerships already associated to your account, as well as additional dealerships that are available to be associated to your account.
- 3) For each additional dealership that you wish to associate to your account, enter the FFL number that pertains to that dealership's CFD number, and then click the **Submit** button.

Once you are successful in associating a dealership to your account, you can begin assigning employees to that dealership (see *Managing Employees* above).

8. DES INVOICING

DES FEES AND BILLING CYCLE

Upon submission of a firearm DROS or an Ammunition Eligibility Check one or more of the following fees will be billed to the dealers account. The Department will not provide refunds after submission and acceptance of a DROS or Ammunition Eligibility Checks.

Firearm DROS Fee

- The fee for a Firearm DROS is \$25.00

Ammunition DROS Fee(s)

- The fee for a Basic Ammunition Eligibility Check is \$19.00
- The fee for a Standard Ammunition Eligibility Check is \$1.00
- The fee for a Certificate of Eligibility Check is \$1.00

At the first of each month, the DOJ will generate DES invoices for each dealership that submitted DROS transactions during the previous month. The COE Holder, or a user who has been given the *Pay Invoices* permission, will have the ability to view and pay invoices. Payments for the DROS invoice must be made through the DES application, and must be made using one of the following credit/debit card types:

- American Express
- Discover Card
- Master Card
- Visa

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The DES invoice must be paid within 30 days from the invoice date. Reference the below DES Billing Cycle Chart for billing period, invoicing and suspension details.

Billing Period	Invoice Date	Due By Date	Suspension Date if not paid in full
1/1 - 1/31	2/1	3/2 (3/1 if leap year)	3/3 (3/2 if leap year)
2/1-2/28 (2/29 if leap year)	3/1	3/30	3/31
3/1-3/31	4/1	4/30	5/1
4/1-4/30	5/1	5/30	5/31
5/1-5/31	6/1	6/30	7/1
6/1-6/30	7/1	7/30	7/31
7/1-7/31	8/1	8/30	8/31
8/1-8/31	9/1	9/30	10/1
9/1-9/30	10/1	10/30	10/31
10/1-10/31	11/1	11/30	12/1
11/1-11/30	12/1	12/30	12/31
12/1-12/31	1/1	1/30	1/31

IMPORTANT: An invoice that goes unpaid for more than 30 days from the invoice date will result in the dealership being suspended from performing certain tasks on the DES application. This suspension extends to **all** dealerships that fall under the COE number for which the dealership was setup. Users from a suspended dealership will be prevented from conducting the following DES activities until all past due invoices associated to the COE have been paid in full:

- Review Firearms Eligibility Notices
- Submit a DROS
- Deliver a Gun
- Review a DROS
- Correct a DROS
- Cancel a DROS
- Submit an Acquisition
- View an Acquisition
- Submit Ammunition Eligibility Check
- Search Ammunition Eligibility Check
- Search Ammunition Purchase(s)

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- Search Frequently Sold Ammunition
- Add Frequently Sold Ammunition

If your dealership is suspended because of a past due invoice, you will still be able to pay the invoice through DES. Once the past due invoice(s) have been paid in full, the dealership(s) DES activities will be restored back to normal.

VIEWING YOUR CURRENT DES INVOICE

From the *Main Menu*, click on the **Pay Invoices** link located in the Administrator section. (You must have the Pay Invoices permission in order to see this link.)

ADMINISTRATOR

- New Account Requests
- Manage Employees
- View Paid Invoices
- Pay Invoices**

The *Pay Invoices* page will display all billing periods, for each CFD associated to your account, which have a balance due.

Click here to view the Monthly Firearms Dealer Invoice Summary report if you have more than one dealership

Pay Invoices

Click here to view the payment history for the past twelve months.

Click here to view the Credit Invoice history for the past twelve months.

Pay Total Payable Balance Due (combined total of all balances due)
 Change Payment Amounts

May 2019 Billing Period, 05/01/2019 to 05/31/2019
 Invoice(s) Total: \$ 2256 Amount Paid: \$ 0 Balance Due: \$2256 Suspension Date if not paid in full: 07/01/2019

CFD/CAV	Type	Invoice Date	Amount Invoiced	Amount Paid	Balance Due	Payment Amount
	Firearm	06/01/2019	\$900	\$0	\$900	\$ 900
	Ammunition	06/01/2019	\$312	\$0	\$312	\$ 312
	Firearm	06/01/2019	\$725	\$0	\$725	\$ 725
	Ammunition	06/01/2019	\$319	\$0	\$319	\$ 319

Total Payments Entered: \$ 2256

Please click buttons only once. Multiple clicks will delay processing.

Click the Invoice Date to view the Invoice Detail report for each specific dealership.

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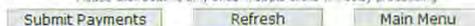
- 1) To view a detailed report of each transaction that occurred for your dealership, click on the **Invoice Date** for the CFD number associated to the dealership that you wish to view. The *Monthly Firearms Dealer Invoice* report will display.
- 2) If you've already made one or more payments for the invoice and wish to view the details of those payments, click on the **Amount Paid** or the **View Payment History** link. The payment details for the past twelve months will display.
- 3) If your account is associated with multiple dealerships, click on the **Invoice(s) Total** amount to view a summary of all of your dealerships' invoices.

PAYING YOUR DES INVOICE

- 1) From the *Main Menu*, click on the **Pay Invoices** link located in the Administrator section. (You must have the Pay Invoices permission in order to see this link.) The *Pay Invoices* page will display all billing periods which have a balance due, and the full balance will appear in the Payment Amount field(s) for each dealership associated with your account. There are two types of invoices: Firearm and Ammunition.
 - a. **Paying Your Total Balance Due** - If you are ready to pay the full balance, click on the **Submit Payments** button at the bottom of the screen. The *DROS Entry System Payment* screen will display.

Total Payments Entered: \$ 2256

Please click buttons only once. Multiple clicks will delay processing.



- b. **Making a Partial Payment** - If you wish to make a partial payment, select the **Change Payment Amounts** option. The **Payment Amount** fields can then be changed to different amounts (however, you can't enter an amount greater than the **Balance due**). DES will allow you to make multiple partial payments for an invoice; however, the balance due must be paid in full within 30 days of the invoice date, or a suspension will occur. Once you have changed the payment amount, click on **Submit Payments** button at the bottom of the screen. The *DROS Entry System Payment* screen will display.

PAYING YOUR PAST DUE INVOICE

If you have a past due invoice that has resulted in the suspension of one or more dealerships, you can choose to pay the total balance due, pay just the past due balance, or make a partial payment.

- 1) **Pay Total Payable Balance Due** - Choose this option if you wish to pay the total balance for both past due and current invoices.

- Pay Total Payable Balance Due (combined total of all balances due)
 Change Payment Amounts

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- 2) **Change Payment Amounts** – Choose this option if you wish to make a partial payment; however, when you have a past due invoice, you may not pay on a current invoice until all past due invoices have been paid in full. You may make a partial payment on just a past due bill; however, the suspension will remain in place until the past due bill has been paid in full.

- a. To change payment amounts select **Change Payment Amounts**. The Payment Amounts will become active.

Pay Total Payable Balance Due (combined total of all balances due)
 Change Payment Amounts [Clear Payment Amounts](#)

May 2019 Billing Period, 05/01/2019 to 05/31/2019
 Invoice(s) Total: \$ 2256 Amount Paid: \$ 0 Balance Due: \$2256 Suspension Date if not paid in full: 07/01/2019

CFD/CAV	Type	Invoice Date	Amount Invoiced	Amount Paid	Balance Due	Payment Amount
	Firearm	06/01/2019	\$900	\$0	\$900	\$ 900
	Ammunition	06/01/2019	\$312	\$0	\$312	\$ 312
	Firearm	06/01/2019	\$725	\$0	\$725	\$ 725
	Ammunition	06/01/2019	\$319	\$0	\$319	\$ 319

Total Payments Entered: \$ 2256

- b. After you enter the desired payment amount, click **Submit**. **Note:** Special characters are not accepted in the Payment Amount field. Payment amounts should be entered as a number value.

Invoice(s) Total: \$ 2256 Amount Paid: \$ 0 Balance Due: \$2256 Suspension Date if not paid in full: 07/01/2019

CFD/CAV	Type	Invoice Date	Amount Invoiced	Amount Paid	Balance Due	Payment Amount
	Firearm	06/01/2019	\$900	\$0	\$900	\$ 900
	Ammunition	06/01/2019	\$312	\$0	\$312	\$ 0
	Firearm	06/01/2019	\$725	\$0	\$725	\$ 725
	Ammunition	06/01/2019	\$319	\$0	\$319	\$ 0

Total Payments Entered: \$ 1625

- 3) **Pay Past Due Balance** – Choose this option if you wish to pay only the amount that is past due. Any invoices that are not past due will have zero in the payment amount field. Selecting this option will allow you to pay the minimum amount required to remove a suspension caused by a past due invoice. **Note:** **Pay Past Due Balance** will only appear if your account is delinquent.

- 4) Once you have made your selection and verified the amount you wish to pay, click on the **Submit Payments** button at the bottom of the screen. The **Billing Information** screen will display.

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Billing Information



Page loading, please wait...

- 3) The credit/debit card transaction is submitted for verification and you will be redirected to the **Pay Invoice** Screen with a notification confirming the amount paid and authorization number.

  Your payment of \$1625 has been approved. Your authorization number is ET162088

Pay Invoices

- a. **Declined** – If the transaction is declined, a message describing the problem will be displayed. Either correct any invalid information and resubmit the transaction, or resubmit using a different credit/debit card.
- b. **Approved** – If the transaction is approved, the system will display a confirmation message along with your Authorization number.

Note: The DOJ does not retain credit/debit card information, with the exception of the last four characters of your card number which is used to display your payment history. Therefore, each time that you make a payment, you will need to re-enter your credit/debit card information.

VIEW PAID INVOICES

The COE Holder, or a user with the Pay Invoices permission, has the ability to view previously paid invoices.

To view a previously paid DES Invoice:

- 1) From the Main Menu, click on the **View Paid Invoices** link located in the Administrator section (you must have the Pay Invoices permission in order to see this link).



- 2) The **Paid Monthly Invoice Report** page displays the past twelve months of invoices that have been paid in full. If your account is setup with multiple dealerships, all applicable CFD/CAVs will display.

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- To view the invoice that shows a detailed breakdown of the transactions that you were billed for, click on the **Invoice Date** link for the CFD/CAV that you wish to view. There are two types of invoices: Firearm and Ammunition.

Note: It is highly recommended to print the paid invoices report for your records. The system will only allow you to view 12 months of paid invoices.

This list represent the last 12 months of paid invoices

Paid Invoices

View Payment History View Outstanding Invoices / Make Payment Credit Invoice History

CFD/CAV	Type	Billing Period	Invoice Date	Invoice Amount	Date Invoice Paid in Full
	Firearm	05/01/2019 - 05/31/2019	06/01/2019	\$ 0	N/A
	Ammunition	03/01/2019 - 03/31/2019	04/01/2019	\$ 0	N/A

Click here to view a detailed breakdown of all billed transactions.

CREDIT INVOICE HISTORY

The COE Holder, or user with the Pay Invoices permission, has the ability to view credit history. If a credit is applied for a DROS transaction the credit will be reflected on the invoice generated the following month.

To View Credit History:

- From the Main Menu, click on the **View Paid Invoices** link located in the Administrator section of the *Main Menu*.
- Click Credit Invoice History.

Paid Invoices

View Payment History View Outstanding Invoices / Make Payment **Credit Invoice History**

CFD/CAV	Type	Billing Period	Invoice Date	Invoice Amount	Date Invoice Paid in Full
	Firearm	05/01/2019 - 05/31/2019	06/01/2019	\$ 0	N/A
	Ammunition	03/01/2019 - 03/31/2019	04/01/2019	\$ 0	N/A

- If DROS Credits have been issued the Credit History will display as pictured below.

This list represent the last 12 months credit invoice history

Credit History

View Paid Invoices View Outstanding Invoices / Make Payment View Payment History

January 2019

Payment Date	CFD/CAV	Type	Billing Period	Invoice Date	Amount Invoiced	Credit Amount
01/30/2019 01:05 PM		Firearm	01/01/2019 - 01/31/2019	01/30/2019	0.0	250.0

Please click buttons only once. Multiple clicks will delay processing.

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- 4) Clicking on the invoice credit will open a report with details on invoice transaction credits.

INVOICE TRANSACTION CREDIT DETAILS

DEALER ID	SALE DATE/TIME	TRANSACTION #	CREDIT DATE	COST
	03/21/2019 12:32 PM	001005824	03/21/2019	(25)
	03/21/2019 12:30 PM	001005992	03/21/2019	(25)
	03/21/2019 12:30 PM	001005993	03/21/2019	(25)
	03/21/2019 12:29 PM	001006021	03/21/2019	(25)
	03/21/2019 12:31 PM	001006022	03/21/2019	(25)
	03/21/2019 12:31 PM	001006023	03/21/2019	(25)

9. TRANSACTIONS, NOTICES, BULLETINS

OVERVIEW

The Transactions, Notices, Bulletins section contains links that allow you to:

- Review Firearms Eligibility Notices (must have the Enter Transactions permission)
- Submit a DROS Transaction (must have the Enter Transactions permission)
- Deliver a Gun/Review a DROS (must have the Enter Transactions permission)
- Correct a DROS (must have the Correct or Cancel DROS permission)
- Cancel a DROS (must have the Correct or Cancel DROS permission)
- Review Information Bulletins issued by the Bureau of Firearms (any permission)
- Submit Acquisition Transactions (must have the Enter Transactions permission)
- View previously submitted Acquisition Transactions (must have the Enter Transactions permission)

Some of the above links may be hidden for the following reasons:

- **Dealership hasn't been selected** – If your account is associated to multiple dealerships, you must select the dealership that you wish to be associated with prior to viewing bulletins or notices, or conducting any type of DROS or Acquisition transaction.
- **Unviewed Information Bulletins** – When the BOF posts an Information Bulletin to DES, at least one user from each dealership must view and acknowledge the bulletin. Until the bulletin is viewed and acknowledged, users will be unable to view/submit DROS or Acquisition transactions or deliver a gun.
- **Unviewed Urgent Firearms/Ammunition Eligibility Notices** – When the BOF posts a Firearm or Ammunition Eligibility Notice for a DROS transaction, a user from the dealership must acknowledge the notice. Until the notice is acknowledged, users will be unable to view/submit DROS/Ammunition or Acquisition transactions or deliver a gun.

SELECTING A DEALERSHIP

If your profile has been setup for working with multiple dealerships within a company, you must choose which dealership you are working with prior to submitting DROS or Acquisition transactions.

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To select a dealership:

- 1) Click on the **Select Dealership** link from the *Main Menu* (this link only displays if your profile has been associated to more than one dealership within a company).
- 2) Select the name of the dealership that you wish to be associated with during your session.
- 3) Enter the CFD number associated to the dealership name that you selected above.
- 4) The system will then display the Transactions, Notices, Bulletins and Ammunition transactions section with additional links.
- 5) Once you have selected a dealership, you have the option to then select a different dealership by clicking on the **Select a Different Dealership** link.

REVIEW FIREARMS AND AMMUNITION ELIGIBILITY NOTICES

If you have any urgent notices, you must review them before you can conduct any other DROS or Acquisition activities. The DES allows you to view BOF notices for a DROS entered within the past 90 days. The following notices are considered urgent until they are reviewed and acknowledged by a User:

Firearm Eligibility Notices:

- Delay DROS Notice
- Deny Notice
- Approval After Deny Notice
- Approval After Delay Notice
- Undetermined Notice
- Deny After Delay Notice
- DMV Reject Notice
- 30-Day Reject Notice

Ammunition Eligibility Notices:

- Approval After Denial Notice
- DMV Reject Notice
- Purchaser Prohibited Notice

Note: Records with a Pending or Approved status do not require review before other DROS or Acquisition activities can be conducted.

 If you have urgent notices to review, the system will display a message your *Main Menu* page.

To Review your Firearms and Ammunition Eligibility Notices:

- 1) Log on to the DES application.
- 2) Select your dealership (if applicable).

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- 3) From the Main Menu, select the **Review Firearms Eligibility Notices** link. If you have urgent notices to review, the *Review Urgent Firearms Eligibility Notices* page will display.
- 4) Click on the status link of the eligibility notice that you wish to view. The Notice will display in PDF format.
- 5) You can print a copy of the notice by clicking on the printer icon from the Adobe Reader window.
- 6) Acknowledge that you reviewed the notice by clicking on the **Acknowledge** button

By clicking on the Acknowledge button, you are acknowledging that you have reviewed this notice. You will have limited access to DES until all urgent notifications have been reviewed.



- 7) Once you have reviewed all of your urgent notices, clicking on the *Review Firearms Eligibility Notices* link will display any acknowledged notices as well as all of the approved records from the past 90 days.

TYPES OF FIREARM AND AMMUNITION DROS NOTICES

FIREARMS DROS NOTICES

Delay DROS Notice

A “Delayed” notice shall be generated when the Department is unable to determine the purchaser’s eligibility within the 10-day waiting period. If you receive a *Delay* notice, you must place the sale on a “temporary hold,” and wait for the final determination from the DOJ. DOJ has up to 30 days to come to a determination. An additional notice will be generated when the purchaser’s eligibility has been determined.

Denial Notice

A “Denied” notice shall be generated when the Department reviews an application to purchase a firearm based on information provided by the applicant (e.g., name, date of birth, etc.) without fingerprint comparison and the applicant information is denied after the Department’s review of matching state and/or federal records. **Do not** release the firearm to the purchaser.

Approval After Denial Notice

An Approval After Denial notice shall be generated as a follow up to a Deny notice, and indicates that the eligibility of the purchaser has been obtained and the firearm may be delivered to the purchaser.

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Approval After Delay Notice

An Approval After Delay notice shall be generated as a follow up to a Delay notice, and indicates that the eligibility of the purchaser has been obtained and the firearm may be delivered to the purchaser.

Undetermined Notice

An “Undetermined Notice” shall be generated when 30 days have passed since the original transaction date and the Department is unable to determine a purchaser's eligibility to own or possess firearms or is unable to determine whether the firearm involved in the sale/transfer/loan is stolen. Delivery of a firearm (sale/transfer/loan) from an “Undetermined” status shall be made at the discretion of the Dealer COE Holder, authorized associate, or salesperson.

Denial After Delay Notice

A “Denial after Delay” notice shall be generated when the Department denies an application to purchase a firearm after identifying a “Delayed” status; **Do not** release the firearm to the purchaser.

DMV Reject Notice

A “DMV Reject” notice shall be generated when an application is submitted with an invalid, suspended, revoked, or expired California Driver License or California Identification card. **Do not** release the firearm to the purchaser. Consequently, the DROS transaction must be resubmitted as a new transaction with applicable fees and waiting period. The purchaser must contact the DMV to make sure your California Driver License or California Identification Card information is up-to-date and correct.

30-Day Reject Notice

A “30-Day Reject” notice shall be generated when an application is submitted to purchase more than one handgun in a 30-day period. The purchaser attempted to purchase more than one handgun in a 30 day period PC 27540 (f). **Do not** release the handgun to the purchaser.

AMMUNITION DROS NOTICES

Approval after Denial Notice

An “Approval after Denial” notice is generated when the Department has received additional information indicating the purchaser is eligible to purchase ammunition. If you receive this notice you may move forward with the transaction should the purchaser choose to do so. Please note, the approval is valid for 30 days from the date of the letter.

DMV Reject Notice

A “DMV Reject” notice is generated when a Basic Ammunition Eligibility Check (BAEC) DROS is being rejected and returned because the driver license/ID card status is not valid and/or the purchaser's name, driver license/ID card number, and/or date of birth information provided conflict with the files maintained by the Department of Motor Vehicles (DMV). The purchaser must correct their personal information on file with the DMV. Consequently, the BAEC DROS must be resubmitted as a new transaction with applicable fees.

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Purchaser Prohibited Notice

A “Purchaser Prohibited” notice is generated when the purchaser is not eligible to own or possess ammunition, therefore, you cannot release the ammunition to the purchaser.

REVIEW INFORMATION BULLETINS

If your dealership has any un-reviewed Information Bulletins, you must review them before you can conduct any other DROS or Acquisition activities. If you have any unread bulletins to review, the system will display a message on your *Main Menu* page.

 You have Information Bulletins that must be reviewed.

To Review Information Bulletins:

- 1) Log on to the DES application.
- 2) From the Main Menu, select the **Review Bulletins** link. The *DES Bulletins* page will display, showing a list of all available Information Bulletins issued by the BOF.
- 3) Clicking on the name of the un-reviewed bulletin will display the bulletin details as a PDF document. If you choose, you may print the bulletin by clicking on the Adobe Reader print icon.

DES Bulletins

Current DES Bulletins

Bulletin Name	Date Posted	Reviewed Date	Reviewed By
iPtwo	05/15/2013		
bulletin four	04/19/2013	05/13/2013	GEORGE SHAW
bulletin three	04/19/2013	05/13/2013	GEORGE SHAW
bulletin two	04/19/2013	05/13/2013	GEORGE SHAW
Test bulletin One	04/09/2013	05/13/2013	GEORGE SHAW

Note: If the bulletin doesn’t automatically display on your screen, you may have to click on the Download Bulletin to view in Adobe Reader link. Downloading the most current version of Adobe Reader should ensure that the bulletin automatically displays. To download the most current version of Adobe Reader, visit the following website: <http://get.adobe.com/reader/>.

Once you have reviewed the bulletin, your name and the date that you reviewed the bulletin will display on the **DES Bulletins** page.

IMPORTANT: The DES message, “You have Information Bulletins that must be reviewed” will only display until the first employee has reviewed and acknowledged the bulletin. Only the first employee must acknowledge the bulletin. Once reviewed, other employees will not be given a DES message to view the bulletin. Thus, it is highly recommended to print out the bulletins and share with other employees. You can reference back to past DES bulletins at any time.

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10. DROS TRANSACTIONS TYPE(S)

OVERVIEW

DROS Transactions are required on the following handgun and long gun transaction types:

Handgun Transactions

- Dealer Handgun Sale
- Private Party Handgun Transfer
- Peace Officer Non-Roster Handgun Sale
- Exempt Handgun Sale
- Pawn/Consignment Handgun Redemption
- Curio/Relic Handgun Sale
- Olympic Pistol Sale
- Handgun Loan

Long Gun Transactions

- Dealer Long Gun Sale
- Private Party Long Gun Transfer
- Pawn/Consignment Long Gun Redemption
- Curio/Relic Long Gun Sale
- Long Gun Loan

To perform a DROS transaction:

- 1) Your account must be setup with the *Enter Transactions* permission (See Section 7, *Administrator Links*).
- 2) If you are associated to more than one dealership, you must select the dealership that you want to be associated with for your DES session before you can submit a DROS.
- 3) You must review any unread bulletins prior to submitting a DROS.
- 4) You must acknowledge any Urgent Firearms Eligibility Notices prior to submitting a DROS.

ENTERING PURCHASER AND SELLER INFORMATION

All DROS transaction types require the entry of purchaser information. Seller information is only required on the following transaction types:

- Private Party Handgun Transfer
- Handgun Loan
- Private Party Long Gun Transfer
- Long Gun Loan

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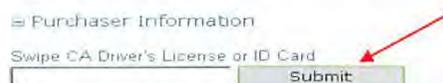


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Purchaser and seller information will be captured by swiping the California Driver License or Identification card through a magnetic card swipe reader. Any missing or incorrect information will be keyed directly into the appropriate fields.

To Enter Purchaser or Seller Information:

- 1) Swipe the driver license or identification card through the magnetic card swipe reader.
- 2) Click on the **Submit** button in the **Swipe CA Driver License or ID Card** area.



- 3) Verify that the data displays correctly. **Note:** If the information will not scan, you must manually enter the information.
- 4) Correct information as necessary.
- 5) Complete all applicable fields, including Firearms Eligibility Questions 1 - 4.

Tips:

- **Single Name** – If the purchaser or seller has a single name (example: Wasp, Sky, Rebel), enter the single name in the Last Name field and enter an asterisk (*) in the first name field (Suffix and Middle Name fields must be blank).
- **Purchaser's City** – The city will automatically appear based on the zip code; however, if the zip code has more than one city name or variation listed, you will need to select the correct city name from the City drop down list.
- **Citizenship** – If you select **NO** from the **U.S. Citizen** drop down list, the system will display additional fields that must be entered. Select the Country of Citizenship from the drop down list and enter either the Alien Registration number or the I-94 number. **Note:** These numbers can be found on the purchaser or seller's Permanent Resident card (Green Card) or I-94 Arrival/Departure card.
- **HSC Number** – The Handgun Safety Certificate number (HSC) or an HSC exemption code is required on all handgun transactions. These fields will only be present when the HSC is required prior to the purchase of a handgun.
- **FSC Number** – Effective January 1, 2015, HSC became the Firearm Safety Certificate (FSC). The FSC number will be required for purchase or delivery of firearms; handguns and/or long guns. However – purchasers with a valid HSC will be able to utilize the HSC number or an HSC exemption to purchase handguns until the HSC expiration date.

DEALER HANDGUN SALE

Select the **Dealer Handgun Sale** transaction type when a handgun listed on the DOJ's Roster of Certified Handguns is being purchased from a dealer (see <http://certguns.doj.ca.gov>).

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To submit a Dealer Handgun Sale transaction:

- 1) From the Main Menu page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Dealer Handgun Sale** link. The *Submit Dealer Handgun Sale* form will display.
- 3) Enter the Purchaser Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting period exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number.
 - **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their law enforcement agency. You must keep a copy of the letter on file.
 - **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number field**. Enter the purchaser's Special Weapons permit number.

Note: Selecting a waiting period exemption will automatically display the 30-Day Restriction Exemption.
 - c. **30-Day Restriction Exemption** - Click on the **30-Day Restriction Exemption** check box if the purchaser has provided proof of having a valid exemption from the one handgun purchase per 30 days restriction.
 - d. **Make** – Select the name of the firearm manufacturer from the **Make** drop down list. The **Model** field will display with a list of all available models for the selected make. **Tip:** Opening the **Make** drop down list and typing the first character of the make will take you to that section of the list.
 - e. **Model** – Select the appropriate model from the **Model** drop down list. The **Caliber** field will display. If there are multiple calibers available for the selected make/model combination, select the appropriate caliber from the drop down list; otherwise, the system will default to the only caliber available. The system populates additional firearm information (barrel length, unit of measure, material, and category) once you have narrowed the firearm selection criteria to a single firearm.
 - f. **Serial Number** – Enter and re-enter the serial number stamped on the firearm.

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- g. **Other Number** – If applicable, enter an additional number stamped on the firearm.
- h. **Color** – Select the color of the firearm from the *Color* drop down list.
- i. **New/Used Gun** – Select whether the firearm is new or used from the *New/Used Gun* drop down list.
- j. **Firearm Safety Device (FSD)** – Select the method that the purchaser is using to comply with the FSD requirements. (For information regarding the Roster of Firearms Safety Devices Certified for Sale, see the Office of the Attorney General’s website: <http://oag.ca.gov/firearms/fsdcertlist>.) **Note:** This field will not display when the waiting period exemption is for a peace officer.
 - **Antique** – Select this type if the firearm is an antique pursuant to federal law.
 - **Approved Lock Box** – Select this type if the FSD is a DOJ Certified Lock Box.
 - **FSD Purchased** – Select this type if the purchaser is purchasing a DOJ Certified FSD that is not included with the purchase of the firearm.
 - **OEM** – Select this type if the firearm being purchased comes with a Certified FSD from the manufacturer.
 - **Safe Affidavit** – Select this type if the purchaser provides an affidavit that they own a Certified FSD Gun Safe.
- k. **Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

PRIVATE PARTY HANDGUN TRANSFER

Select the *Private Party Handgun Transfer* transaction type when the individual selling or transferring a handgun is not a firearm dealer.

To submit a Private Party Handgun Transfer transaction:

- 1) From the Main Menu page, select the *Submit DROS* link. The *Select Transaction Type* page will display.
- 2) Select the *Private Party Handgun Transfer* link. The *Submit Private Party Handgun Transfer* form will display.
- 3) Enter the Purchaser and Seller Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:

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- **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting period exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number.
 - **Collector** – This waiting period exemption requires a valid 03 FFL and COE. Enter the purchaser's valid COE. You must keep a copy of the 03 FFL and COE on file.
 - **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their law enforcement agency. You must keep a copy of the letter on file.
 - **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number field**. Enter the purchaser's Special Weapons permit number.
- c. **Frame Only** – Select **Yes** or **No** whether the purchase is for a frame only; if **Yes** is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.
 - d. **Make** – Select the name of the firearm manufacturer from the **Make** drop down list. **Tip:** Opening the **Make** drop down list and typing the first character of the Make will take you to that section of the list.
 - e. **Model** – Enter the model of the handgun being purchased.
 - f. **Caliber** – Select the caliber of the handgun from the **Caliber** drop down list.
 - g. **Additional Caliber** – If appropriate, select any additional calibers from the **Additional Caliber** drop down list.
 - h. **Barrel Length** – Enter the length of the handgun's barrel. The barrel length can be from 1 – 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
 - i. **Unit** – Select the barrel length unit of measure from the **Unit** drop down list.
 - j. **Category** – Select the appropriate handgun category from the **Category** drop down list.
 - k. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
 - l. **Other Number** – If applicable, enter an additional number stamped on the firearm.
 - m. **Color** – Select the color of the firearm from the **Color** drop down list.
 - n. **Firearm Safety Device (FSD)** – Select the method that the purchaser is using to comply with the FSD requirements. (For information regarding Roster of

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Firearms Safety Devices Certified for Sale, see the Office of the Attorney General's website: <http://oag.ca.gov/firearms/fsdcertlist>.) **Note:** This field will not display when the waiting period exemption is for a peace officer.

- **Antique** – Select this type if the firearm is an antique pursuant to federal law.
- **Approved Lock Box** – Select this type if the FSD is a DOJ Certified Lock Box.
- **FSD Purchased** – Select this type if the Purchaser is purchasing a DOJ Certified FSD that is not included with the purchase of the firearm.
- **OEM** – Select this type if the firearm being purchased comes with a Certified FSD from the manufacturer.
- **Safe Affidavit** – Select this type if the purchaser provides an affidavit that they own a Certified FSD Gun Safe.
- **Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

PEACE OFFICER NON-ROSTER HANDGUN TRANSFER

Select the *Peace Officer Non-Roster Handgun Sale* transaction type when the peace officer provides a letter from the head of their agency (dated within 30 days) exempting the peace officer from the 10-day waiting period; the authorization letter shall be on agency letterhead with a wet signature.

Note: Peace officers are exempt from purchasing non-roster firearms.

To submit a Peace Officer Non-Roster Handgun transaction:

- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Peace Officer Non-Roster Handgun Sale** link. The *Submit Peace Officer non-Roster Handgun Sale* form will display.
- 3) Enter the Purchaser Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Frame Only** – Select *Yes* or *No* whether the purchase is for a frame only; if *Yes* is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.
 - c. **Make** – Select the name of the firearm manufacturer from the *Make* drop down list. **Tip:** Opening the *Make* drop down list and typing the first character of the *Make* will take you to that section of the list.

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- d. **Model** – Enter the model of the handgun being purchased.
- e. **Caliber** – Select the caliber of the handgun from the *Caliber* drop down list.
- f. **Additional Caliber** – If appropriate, select any additional calibers from the *Additional Caliber* drop down list.
- g. **Barrel Length** – Enter the length of the handgun’s barrel. The barrel length can be from 1 – 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
- h. **Unit** – Select the barrel length unit of measure from the *Unit* drop down list.
- i. **Category** – Select the appropriate handgun category from the *Category* drop down list.
- j. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
- k. **Other Number** – If applicable, enter an additional number stamped on the firearm.
- l. **Color** – Select the color of the firearm from the *Color* drop down list.
- m. **New/Used Gun** – Select whether the firearm is new or used from the *New/Used Gun* drop down list.
- n. **Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

EXEMPT HANDGUN SALE

Select the *Exempt Handgun Sale* transaction type when the handgun being purchased meets the Exempt Handgun definition; i.e. peace officer purchasing non-roster firearms without a waiting period exemption letter, returning a firearm to its owner, single shot/single action sale (per Penal Code section 32100), etc.

To submit an Exempt Handgun Sale transaction:

- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Exempt Handgun Sale** link. The *Submit Exempt Handgun Sale* form will display.
- 3) Enter the Purchaser Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting Period

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exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number.

- **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their law enforcement agency. You must keep a copy of the letter on file.
- **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number field**. Enter the purchaser's Special Weapons permit number.

Note: Selecting a waiting period exemption will automatically apply the 30-Day Restriction Exemption.

- c. **30-Day Restriction Exemption** - Click on the **30-Day Restriction Exemption** check box if the purchaser has provided proof of having a valid exemption from the one handgun purchase per 30 days restriction.
- d. **Frame Only** – Select **Yes** or **No** whether the purchase is for a frame only; if **Yes** is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.
- e. **Make** – Select the name of the firearm manufacturer from the **Make** drop down list. **Tip:** Opening the **Make** drop down list and typing the first character of the make will take you to that section of the list.
- f. **Model** – Enter the model of the handgun being purchased.
- g. **Caliber** – Select the caliber of the handgun from the **Caliber** drop down list.
- h. **Additional Caliber** – If appropriate, select any additional calibers from the **Additional Caliber** drop down list.
- i. **Barrel Length** – Enter the length of the handgun's barrel. The barrel length can be from 1 - 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
- j. **Unit** – Select the barrel length unit of measure from the **Unit** drop down list.
- k. **Category** – Select the appropriate handgun category from the **Category** drop down list.
- l. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
- m. **Other Number** – If applicable, enter an additional number stamped on the firearm.
- n. **Color** – Select the color of the firearm from the **Color** drop down list.

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- o. **New/Used Gun** – Select whether the firearm is new or used from the *New/Used Gun* drop down list.
- p. **Firearm Safety Device (FSD)** – Select the method that the purchaser is using to comply with the FSD requirements. (For information regarding Roster of Firearms Safety Devices Certified for Sale, see the Office of the Attorney General’s website: <http://oag.ca.gov/firearms/fsdcertlist>.) **Note:** This field will not display when the waiting period exemption is for a peace officer.
 - **Antique** – Select this type if the firearm is an antique pursuant to federal law.
 - **Approved Lock Box** – Select this type if the FSD is a DOJ Certified Lock Box.
 - **FSD Purchased** – Select this type if the purchaser is purchasing a DOJ Certified FSD that is not included with the purchase of the firearm.
 - **OEM** – Select this type if the firearm being purchased comes with a Certified FSD from the manufacturer.
 - **Safe Affidavit** – Select this type if the purchaser provides an affidavit that they own a Certified FSD Gun Safe.
- q. **Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

PAWN/CONSIGNMENT HANDGUN REDEMPTION

Select the *Pawn/Consignment Handgun Redemption* transaction type when the purchaser is redeeming a handgun that had been pawned or consigned.

To submit a Pawn/Consignment Handgun Redemption transaction:

- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Pawn/Consignment Handgun Redemption** link. The *Submit Pawn/Consignment Handgun Redemption* form will display.
- 3) Enter the Purchaser Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting period exemption displays a **Purchaser CFD Number** field. Enter the purchaser’s valid CFD number.

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- **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their law enforcement agency. You must keep a copy of the letter on file.
 - **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number field**. Enter the purchaser's Special Weapons permit number.
- c. **Frame Only** – Select *Yes* or *No* whether the purchase is for a frame only; if *Yes* is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.
 - d. **Make** – Select the name of the firearm manufacturer from the **Make** drop down list. **Tip:** Opening the **Make** drop down list and typing the first character of the make will take you to that section of the list.
 - e. **Model** – Enter the model of the handgun being purchased.
 - f. **Caliber** – Select the caliber of the handgun from the **Caliber** drop down list.
 - g. **Additional Caliber** – If appropriate, select any additional calibers from the **Additional Caliber** drop down list.
 - h. **Barrel Length** – Enter the length of the handgun's barrel. The barrel length can be from 1 - 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
 - i. **Unit** – Select the barrel length unit of measure from the **Unit** drop down list.
 - j. **Category** – Select the appropriate handgun category from the **Category** drop down list.
 - k. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
 - l. **Other Number** – If applicable, enter an additional number stamped on the firearm.
 - m. **Color** – Select the color of the firearm from the **Color** drop down list
 - n. **Comments** – Enter any additional pertinent information in the **Comments** field, if applicable.

CURIO/RELIC HANDGUN SALE

Select the **Curio/Relic Handgun Sale** transaction type when the handgun being purchased meets the Curio/Relic handgun definition.

To submit a Curio/Relic Handgun Sale Transaction:

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- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Curio/Relic Handgun Sale** link. The *Submit Curio/Relic Handgun Sale* form will display.
- 3) Enter the Purchaser Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting period exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number.
 - **Collector** – This waiting period exemption requires a valid 03 FFL and COE. Enter the purchaser's valid COE. You must keep a copy of the 03 FFL and COE on file.
 - **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their law enforcement agency. You must keep a copy of the letter on file.
 - **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number field**. Enter the purchaser's Special Weapons permit number.

Note: Selecting a waiting period exemption will automatically apply the 30-Day Restriction Exemption.
 - c. **30-Day Restriction Exemption** - Click on the 30-Day Restriction Exemption check box if the purchaser has provided proof of having a valid exemption from the one handgun purchase per 30 days restriction.
 - d. **Frame Only** – Select *Yes* or *No* whether the purchase is for a handgun frame only; if *Yes* is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.
 - e. **Make** – Select the name of the firearm manufacturer from the **Make** drop down list. **Tip:** Opening the **Make** drop down list and typing the first character of the make will take you to that section of the list.
 - f. **Model** – Enter the model of the handgun being purchased.
 - g. **Caliber** – Select the caliber of the handgun from the **Caliber** drop down list.

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- h. **Additional Caliber** – If appropriate, select any additional calibers from the *Additional Caliber* drop down list.
- i. **Barrel Length** – Enter the length of the handgun’s barrel. The barrel length can be from 1 - 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
- j. **Unit** – Select the barrel length unit of measure from the *Unit* drop down list.
- k. **Category** – Select the appropriate handgun category from the *Category* drop down list.
- l. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
- m. **Other Number** – If applicable, enter an additional number stamped on the firearm.
- n. **Color** – Select the color of the firearm from the *Color* drop down list.
- o. **New/Used Gun** – Select whether the firearm is new or used from the *New/Used Gun* drop down list.
- p. **Firearm Safety Device (FSD)** – Select the method that the purchaser is using to comply with the FSD requirements. (For information regarding Roster of Firearms Safety Devices Certified for Sale, see the Office of the Attorney General’s website: <http://oag.ca.gov/firearms/fsdcertlist>.) **Note:** This field will not display when the waiting period exemption is for a peace officer.
 - **Antique** – Select this type if the firearm is an antique pursuant to federal law.
 - **Approved Lock Box** – Select this type if the FSD is a DOJ Certified Lock Box.
 - **FSD Purchased** – Select this type if the purchaser is purchasing a DOJ Certified FSD that is not included with the purchase of the firearm.
 - **OEM** – Select this type if the firearm being purchased comes with a Certified FSD from the manufacturer.
 - **Safe Affidavit** – Select this type if the purchaser provides an affidavit that they own a Certified FSD Gun Safe.
- q. **Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

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OLYMPIC PISTOL SALE

Select the *Olympic Pistol Sale* transaction type when the handgun being purchased meets the Olympic Pistol handgun definition.

To submit an Olympic Pistol Sale transaction:

- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Olympic Pistol Sale** link. The *Submit Olympic Pistol Sale* form will display.
- 3) Enter the Purchaser Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - i. **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting period exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number.
 - ii. **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their law enforcement agency. You must keep a copy of the letter on file.
 - iii. **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number** field. Enter the purchaser's Special Weapons permit number.
 - c. **30-Day Restriction Exemption** - Click on the **30-Day Restriction Exemption** check box if the purchaser has provided proof of having a valid exemption from the one handgun purchase per 30 days restriction.
 - d. **Frame Only** – Select *Yes* or *No* whether the purchase is for a frame only; if *Yes* is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.
 - e. **Make** – Select the name of the firearm manufacturer from the **Make** drop down list. **Tip:** Opening the **Make** drop down list and typing the first character of the make will take you to that section of the list.
 - f. **Model** – Enter the model of the handgun being purchased.
 - g. **Caliber** – Select the caliber of the handgun from the **Caliber** drop down list.
 - h. **Additional Caliber** – If appropriate, select any additional calibers from the **Additional Caliber** drop down list.

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- i. **Barrel Length** – Enter the length of the handgun’s barrel. The barrel length can be from 1 - 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
- j. **Unit** – Select the barrel length unit of measure from the *Unit* drop down list.
- k. **Category** – Select the appropriate handgun category from the *Category* drop down list.
- l. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
- m. **Other Number** – If applicable, enter an additional number stamped on the firearm.
- n. **Color** – Select the color of the firearm from the *Color* drop down list.
- o. **New/Used Gun** – Select whether the firearm is new or used from the *New/Used Gun* drop down list.
- p. **Firearm Safety Device (FSD)** – Select the method that the Purchaser is using to comply with the FSD requirements. (For information regarding Roster of Firearms Safety Devices Certified for Sale, see the Office of the Attorney General’s website: <http://oag.ca.gov/firearms/fsdcertlist>.) **Note:** This field will not display when the waiting period exemption is for a peace officer.
 - i. **Antique** – Select this type if the firearm is an antique pursuant to federal law.
 - ii. **Approved Lock Box** – Select this type if the FSD is a DOJ Certified Lock Box.
 - iii. **FSD Purchased** – Select this type if the purchaser is purchasing a DOJ Certified FSD that is not included with the purchase of the firearm.
 - iv. **OEM** – Select this type if the firearm being purchased comes with a Certified FSD from the manufacturer.
 - v. **Safe Affidavit** – Select this type if the purchaser provides an affidavit that they own a Certified FSD Gun Safe.
- q. **Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

HANDGUN LOAN

Loan between two California residents with an anticipated return to owner date.

To submit a Handgun Loan transaction:

- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Handgun Loan** link. The *Submit Handgun Loan* form will display.

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- 3) Enter the Purchaser and Seller Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting Period exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number.
 - **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their law enforcement agency. You must keep a copy of the letter on file.
 - **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number** field. Enter the purchaser's Special Weapons permit number.
 - c. **30-Day Restriction Exemption** - Click on the **30-Day Restriction Exemption** check box if the purchaser has provided proof of having a valid exemption from the one handgun purchase per 30 days restriction.
 - d. **Frame Only** – Select *Yes* or *No* whether the purchase is for a frame only; if *Yes* is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.
 - e. **Make** – Select the name of the firearm manufacturer from the **Make** drop down list. **Tip:** Opening the **Make** drop down list and typing the first character of the make will take you to that section of the list.
 - f. **Model** – Enter the model of the handgun being purchased.
 - g. **Caliber** – Select the caliber of the handgun from the **Caliber** drop down list.
 - h. **Additional Caliber** – If appropriate, select any additional calibers from the **Additional Caliber** drop down list.
 - i. **Barrel Length** – Enter the length of the handgun's barrel. The barrel length can be from 1 - 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
 - j. **Unit** – Select the barrel length unit of measure from the **Unit** drop down list.
 - k. **Category** – Select the appropriate handgun category from the **Category** drop down list.

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- l. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
- m. **Other Number** – If applicable, enter an additional number stamped on the firearm.
- n. **Color** – Select the color of the firearm from the *Color* drop down list.
- o. **Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

DEALER LONG GUN SALE

Select the *Dealer Long Gun Sale* transaction type when a Long Gun is being purchased from a dealer.

To submit a Dealer Long Gun Sale transaction:

- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Dealer Long Gun Sale** link. The *Submit Dealer Long Gun Sale* form will display.
- 3) Enter the Purchaser Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting period exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number.
 - **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their law enforcement agency. You must keep a copy of the letter on file.
 - **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number** field. Enter the purchaser's Special Weapons permit number.
 - c. **Receiver Only** – Select *Yes* or *No* whether the purchase is for a receiver only; if *Yes* is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating..

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- d. **Make** – Select the name of the firearm manufacturer from the *Make* drop down list. **Tip:** Opening the *Make* drop down list and typing the first character of the make will take you to that section of the list.
- e. **Model** – Enter the model of the firearm being purchased.
- f. **Caliber** – Select the caliber of the firearm from the *Caliber* drop down list.
- g. **Additional Caliber** – If appropriate, select any additional calibers from the *Additional Caliber* drop down list.
- h. **Barrel Length** – Enter the length of the firearm’s barrel. The barrel length can be from 1 - 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
- i. **Unit** – Select the barrel length unit of measure from the *Unit* drop down list.
- j. **Gun Type** – Select the type of long gun from the *Gun Type* drop down list.
- k. **Category** – Select the appropriate long gun category from the *Category* drop down list.
- l. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
- m. **Other Number** – If applicable, enter an additional number stamped on the firearm.
- n. **Color** – Select the color of the firearm from the *Color* drop down list.
- o. **New/Used Gun** – Select whether the firearm is new or used from the *New/Used Gun* drop down list.
- p. **Firearm Safety Device (FSD)** – Select the method that the purchaser is using to comply with the FSD requirements. (For information regarding Roster of Firearms Safety Devices Certified for Sale, see the Office of the Attorney General’s website: <http://oag.ca.gov/firearms/fsdcertlist>.) **Note:** This field will not display when the waiting period is for a peace officer.
 - **Antique** – Select this type if the firearm is an antique pursuant to federal law.
 - **Approved Lock Box** – Select this type if the FSD is a DOJ Certified Lock Box.
 - **FSD Purchased** – Select this type if the Purchaser is purchasing a DOJ Certified FSD that is not included with the purchase of the firearm.
 - **OEM** – Select this type if the firearm being purchased comes with a Certified FSD from the manufacturer.
 - **Safe Affidavit** – Select this type if the purchaser provides an affidavit that they own a Certified FSD Gun Safe.

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- q. **Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

PRIVATE PARTY LONG GUN TRANSFER

Select the *Private Party Long Gun Transfer* transaction type when the individual selling or transferring a Long Gun is not a firearm dealer.

To submit a Private Party Long Gun Transfer transaction:

- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Private Party Long Gun Transfer** link. The *Submit Private Party Long Gun Transfer* form will display.
- 3) Enter the Purchaser and Seller Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting period exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number
 - **Collector** – This waiting period exemption requires a valid 03 FFL and COE. Enter the purchaser's valid COE. You must keep a copy of the 03 FFL and COE on file.
 - **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their
 - law enforcement agency. You must keep a copy of the letter on file.
 - **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number** field. Enter the purchaser's Special Weapons permit number.
 - c. **Receiver Only** – Select *Yes* or *No* whether the purchase is for a receiver only; if *Yes* is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.
 - d. **Make** – Select the name of the firearm manufacturer from the **Make** drop down list. **Tip:** Opening the **Make** drop down list and typing the first character of the make will take you to that section of the list.

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- e. **Model** – Enter the model of the firearm being purchased.
- f. **Caliber** – Select the caliber of the firearm from the *Caliber* drop down list.
- g. **Additional Caliber** – If appropriate, select any additional calibers from the *Additional Caliber* drop down list.
- h. **Barrel Length** – Enter the length of the firearm’s barrel. The barrel length can be from 1 - 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
- i. **Unit** – Select the barrel length unit of measure from the *Unit* drop down list.
- j. **Gun Type** – Select the type of firearm from the *Gun Type* drop down list.
- k. **Category** – Select the appropriate long gun category from the *Category* drop down list. **Note:** The Category drop down list is blank until a *Gun Type* is selected.
- l. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
- m. **Other Number** – If applicable, enter any additional number stamped on the firearm.
- n. **Color** – Select the color of the firearm from the *Color* drop down list.
- o. **Firearm Safety Device (FSD)** – Select the method that the Purchaser is using to comply with the FSD requirements. (For information regarding Roster of Firearms Safety Devices Certified for Sale, see the Office of the Attorney General’s website: <http://oag.ca.gov/firearms/fsdcertlist>.) **Note:** This field will not display when the waiting period exemption is for a peace officer.
 - **Antique** – Select this type if the firearm is an antique pursuant to federal law.
 - **Approved Lock Box** – Select this type if the FSD is a DOJ Certified Lock Box.
 - **FSD Purchased** – Select this type if the purchaser is purchasing a DOJ Certified FSD that is not included with the purchase of the firearm.
 - **OEM** – Select this type if the firearm being purchased comes with a Certified FSD from the manufacturer.
 - **Safe Affidavit** – Select this type if the purchaser provides an affidavit that they own a Certified FSD Gun Safe.
- p. **Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

EXHIBIT 7 cont.

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PAWN/CONSIGNMENT LONG GUN REDEMPTION

Select the *Pawn/Consignment Long Gun Redemption* transaction type when a long gun is being redeemed that had been pawned or consigned.

To submit a Pawn/Consignment Long Gun Redemption transaction:

- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Pawn/Consignment Long Gun Redemption** link. The *Submit Pawn/Consignment Long Gun Redemption* form will display.
- 3) Enter the Purchaser Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting period exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number.
 - **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their law enforcement agency. You must keep a copy of the letter on file.
 - **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number** field. Enter the purchaser's Special Weapons permit number.
 - c. **Receiver Only** – Select *Yes* or *No* whether the purchase is for a receiver only; if *Yes* is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.
 - d. **Make** – Select the name of the firearm manufacturer from the **Make** drop down list. **Tip:** Opening the **Make** drop down list and typing the first character of the make will take you to that section of the list.
 - e. **Model** – Enter the model of the firearm being purchased.
 - f. **Caliber** – Select the caliber of the firearm from the **Caliber** drop down list.
 - g. **Additional Caliber** – If appropriate, select any additional calibers from the **Additional Caliber** drop down list.
 - h. **Barrel Length** – Enter the length of the firearm's barrel. The barrel length can be from 1 - 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.

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- i. **Unit** – Select the barrel length unit of measure from the *Unit* drop down list.
 - j. **Gun Type** – Select the type of long gun from the *Gun Type* drop down list.
 - k. **Category** – Select the appropriate long gun category from the *Category* drop down list. **Note:** The Category drop down list is blank until a *Gun Type* is selected.
 - l. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
 - m. **Other Number** – If applicable, enter an additional number stamped on the firearm.
 - n. **Color** – Select the color of the firearm from the *Color* drop down list.
- Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

CURIO/RELIC LONG GUN SALE

Select the *Curio/Relic Long Gun Sale* transaction type when the firearm being purchased meets the Curio / Relic long gun definition.

To submit a Curio/Relic Long Gun Sale transaction:

- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Curio/Relic Long Gun Sale** link. The *Submit Curio / Relic Long Gun Sale* form will display.
- 3) Enter the Purchaser Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting period exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number.
 - **Collector** – This waiting period exemption requires a valid 03 FFL and COE. Enter the purchaser's valid COE. You must keep a copy of the 03 FFL and COE on file.
 - **Peace Officer** – This waiting period exemption requires a letter from a valid law enforcement agency. You must keep a copy of the letter on file.
 - **Special Weapons Permit** – Select **S Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit.

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Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number** field. Enter the purchaser's Special Weapons permit number.

- c. **Receiver Only** – Select *Yes* or *No* whether the purchase is for a receiver only; if *Yes* is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.
- d. **Make** – Select the name of the firearm manufacturer from the *Make* drop down list. **Tip:** Opening the *Make* drop down list and typing the first character of the make will take you to that section of the list.
- e. **Model** – Enter the model of the firearm being purchased.
- f. **Caliber** – Select the caliber of the firearm from the *Caliber* drop down list.
- g. **Additional Caliber** – If appropriate, select any additional calibers from the *Additional Caliber* drop down list.
- h. **Barrel Length** – Enter the length of the firearm's barrel. The barrel length can be from 1 - 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
- i. **Unit** – Select the barrel length unit of measure from the *Unit* drop down list.
- j. **Gun Type** – Select the type of long gun from the *Gun Type* drop down list.
- k. **Category** – Select the appropriate long gun category from the *Category* drop down list. **Note:** The Category drop down list is blank until a *Gun Type* is selected.
- l. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
- m. **Other Number** – If applicable, enter an additional number stamped on the firearm.
- n. **Color** – Select the color of the firearm from the *Color* drop down list.
- o. **New/Used Gun** – Select whether the firearm is new or used from the *New/Used Gun* drop down list.
- p. **Firearm Safety Device (FSD)** – Select the method that the Purchaser is using to comply with the FSD requirements. (For information regarding Roster of Firearms Safety Devices Certified for Sale, see the Office of the Attorney General's website: <http://oag.ca.gov/firearms/fsdcertlist>.) **Note:** This field will not display when the waiting period exemption is for a peace officer.
 - **Antique** – Select this type if the firearm is an antique pursuant to federal law.
 - **Approved Lock Box** – Select this type if the FSD is a DOJ Certified Lock Box.

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- **FSD Purchased** – Select this type if the purchaser is purchasing a DOJ Certified FSD that is not included with the purchase of the firearm.
 - **OEM** – Select this type if the firearm being purchased comes with a Certified FSD from the manufacturer.
 - **Safe Affidavit** – Select this type if the purchaser provides an affidavit that they own a Certified FSD Gun Safe.
- q. **Comments** – Enter any additional pertinent information in the *Comments* field, if applicable.

LONG GUN LOAN

Loan between two California residents with an anticipated return to owner date.

To submit a Long Gun Loan transaction:

- 1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
- 2) Select the **Long Gun Loan** link. The *Submit Long Gun Loan* form will display.
- 3) Enter the Purchaser and Seller Information (see Entering Purchaser and Seller Information above).
- 4) Enter the Transaction and Firearm Information as follows:
 - a. **Gun Show Transaction** – Select *Yes* or *No* from the drop down list.
 - b. **Waiting Period Exemption** – If applicable, select a waiting period exemption:
 - **CFD Number** – Select **CFD** from the drop down list if the purchaser is an active licensed firearm dealer. Selecting the CFD number waiting period exemption displays a **Purchaser CFD Number** field. Enter the purchaser's valid CFD number.
 - **Peace Officer** – This waiting period exemption requires a signed letter (wet signature) from the head of their law enforcement agency. You must keep a copy of the letter on file.
 - **Special Weapons Permit** – Select **Special Weapons Permit** from the drop down list if the purchaser has a valid Special Weapons permit. Selecting the Special Weapons permit exemption displays a **Special Weapons Permit Number** field. Enter the purchaser's Special Weapons permit number.
 - c. **Receiver Only** – Select *Yes* or *No* whether the purchase is for a receiver only; if *Yes* is selected then the firearm caliber, additional caliber, barrel length, or unit of measure will not be available for updating.

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- d. **Make** – Select the name of the firearm manufacturer from the **Make** drop down list. **Tip:** Opening the **Make** drop down list and typing the first character of the make will take you to that section of the list.
- e. **Model** – Enter the model of the firearm being purchased.
- f. **Caliber** – Select the caliber of the firearm from the **Caliber** drop down list.
- g. **Additional Caliber** – If appropriate, select any additional calibers from the **Additional Caliber** drop down list.
- h. **Barrel Length** – Enter the length of the firearm’s barrel. The barrel length can be from 1 - 4 numbers, and may contain a decimal point. The barrel length may be reported in inches or centimeters.
- i. **Unit** – Select the barrel length unit of measure from the **Unit** drop down list.
- j. **Gun Type** – Select the type of long gun from the **Gun Type** drop down list.
- k. **Category** – Select the appropriate long gun category from the **Category** drop down list. **Note:** The Category drop down list is blank until a **Gun Type** is selected.
- l. **Serial Number** – Enter and then re-enter the serial number stamped on the firearm.
- m. **Other Number** – If applicable, enter an additional number stamped on the firearm.
- n. **Color** – Select the color of the firearm from the **Color** drop down list.
- o. **Comments** – Enter any additional pertinent information in the **Comments** field, if applicable.

11. PREVIEWING, PRINTING, AND SUBMITTING/DELIVERING FIREARM DROS TRANSACTIONS

PREVIEWING FIREARM DROS TRANSACTIONS

Once all of the DROS information has been entered, you will preview the DROS report by clicking on the **Preview** button. If any information is missing or entered incorrectly, an error message will display. If the system doesn’t detect any problems with the DROS, a preview of the DROS report will display. **Verify that the information entered is correct.** If you find a mistake, click on the **Back** button, and you will be returned to the form and may correct the transaction. If the DROS preview is correct, you must click on the DROS payment agreement before proceeding.



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SUBMITTING FIREARM DROS TRANSACTIONS

Upon checking the DROS payment agreement box, the **Add to Pending Purchases** button will display. Clicking on the **Add to Pending Purchases** button adds the transaction to the Pending Purchase(s) Cart.

You must check this box to add to Pending Purchase(s).

I understand that upon final submission of my Pending Purchase(s), I will be billed and agree to pay a non-refundable transaction fee of \$ 05.00 to the Department of Justice. after choosing the box to add to Pending Purchase(s) with this transaction, the fee will not be included in the DROS fee (see pending purchase(s) or call the printer)

Transaction has been successfully uploaded to your pending purchase(s). Click Submit Final to submit transaction.

Pending Purchase(s)

Total items: 1

Pending Purchase(s)	Name:	DOB:	ID:			
Serial Number	Make	Model	Firearm Type	Transaction Type		
123	ACCU-TEK	AT-380 II	PISTOL	Dealer Handgun		

Please click buttons only once. Multiple clicks will delay processing.

From the Pending Purchase(s) Cart, you will have the option to review the submitted transaction, “**Submit Final**,” “**Empty Purchases**,” or “**Add Firearm**.”

- 1) Clicking on the Serial Number of the firearm will take you back to the DROS transaction where you can preview the submitted transaction.
- 2) Clicking “**Submit Final**” will submit the DROS transaction(s).
- 3) Clicking “**Empty Purchases**” will empty your Pending Purchase(s) cart and take you back to the Main Menu.
- 4) Clicking “**Add Firearm**” will take you back to the Handgun and Long Gun Transaction page to add additional transactions.

Submit Final

- 1) Clicking “**Submit Final**” will submit the DROS transaction(s). The pop up message “Press 'OK' to continue, or Cancel to stay on this page” will display. If you wish to “**Submit Final**” press ‘OK.’
- 2) After clicking ‘OK’ the “**Pending**” DROS Report containing a DROS number, transaction date and time, and the earliest and latest delivery dates and times displays.
IMPORTANT: CFD’s (or its sales personnel) shall sign and obtain the purchaser(s) signature on both the “Pending” DROS document and the approved “Delivered” DROS document.

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SUBMITTING FIREARM DROS TRANSACTIONS WITH WAITING PERIOD EXEMPTIONS

- 1) If the purchaser claiming a waiting period exemption intends to take immediate delivery of the firearm, Click **“Go to Main Menu”** on the top left corner.

What would you like to do next?
Click on the button that will remove any this page used will be able to submit from the dealers desktop

Go to the Main Menu

Dealer's Record of Sale of Firearm

DROS NUMBER: STATUS: PENDING

- 2) From the *Main Menu* page, click on the **Deliver Gun/Review DROS**. The *Search DROS* page will display.
- 3) Enter the purchasers first, last name or DROS number:
 - a. Partial or complete Last Name
 - b. Partial or complete First Name
 - c. Complete DROS Number

Note: For the most accurate result, search by DROS number.
- 4) Click on the **Search** button. The system will display a list of all matching records.

Search DROS

Last Name First Name DROS Number Status

Search Clear Form Main Menu

Please click buttons only once.

- 5) The DROS will display allowing you to select two options, **“Add Ammunition Transaction and Deliver Gun”** or **“Deliver Gun.”**
- 6) If the firearm is eligible to be delivered and the purchaser would like to Add Ammunition to their firearm Transaction select **“Add Ammunition Transaction and Deliver Gun.”**

Dealer's Record of Sale of Firearm

DROS NUMBER: STATUS: PENDING

TRANSACTION DATE/TIME: 08/10/2019 08:27:28 AM
 EARLIEST DELIVERY DATE/TIME: 08/15/2019 08:12:58 AM
 LATEST DELIVERY DATE/TIME: 09/15/2019 08:32:36 AM

DISPLAYED INFORMATION

Add Ammunition Transaction and Deliver Gun Deliver Gun

ADD AMMUNITION AND DELIVER GUN WITH AN APPROVED FIREARM DROS

- 1) You will be taken to the **“Ammunition Purchase Type”** page. Select **“Ammunition Sale”** to submit an Ammunition Transaction. **Note:** The purchaser’s information will be auto populated from the firearm DROS Transaction.

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Select Ammunition Purchase Type

Ammunition Purchase

Ammunition Sale

Private Party Ammunition Transfer

Pending Purchase(s)

You have no pending purchases.

Please click buttons only once. Multiple clicks will delay processing.

Main Menu

2) Enter the Ammunition Information and select “*Preview.*”

Transaction and Ammunition Information

Inventory Code Select	*Manufacturer	*Condition Select	Bullet Type Select
Bullet Weight	Usage Type Select	Casing Select	*Caliber Select Caliber
*Quantity (Rounds)	Primer Type Select	Muzzle Velocity	Unit Select
		Muzzle Energy	Unit Select
		Cost/Round	

Please click buttons only once. Multiple clicks will delay processing.

Back

Preview

Clear

- 3) A Dealer’s Record of Sale of Ammunition will display. If the DROS preview is correct, you must click on the DROS payment agreement. Upon checking the DROS payment agreement box, the *Add to Pending Purchases* button will display. Clicking on the *Add to Pending Purchases* button adds the transaction to the Pending Purchase(s) Cart.
- 4) In the *Pending Purchase(s)* cart you can deliver the Firearm and Ammunition DROS by selecting “*Deliver.*” If the purchaser would like to purchase additional ammunition select “*Add Ammunition.*”

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Transaction has been successfully uploaded to your pending purchase(s). Click Deliver to submit transaction.

Pending Purchase(s)

Pending Purchase(s) Total items: 1

Name: [REDACTED] DOB: [REDACTED] ID: [REDACTED]

DROS #	Serial Number	Make	Firearm Type	Transaction Type
[REDACTED]	41	BERETTA	PISTOL	DEALER_HANDGUN
Manufacturer	Caliber	Condition	Quantity (Rounds)	
MAIL	400 COR-BON	NEW	10	

Please click buttons only once. Multiple clicks will delay processing.

- Click **Deliver** to deliver the firearm and ammunition transaction. The pop up message “Press 'OK' to continue, or Cancel to stay on this page” will display. If you wish to “**Submit Final**” press ‘OK’.
- The Dealer’s Record of Sale of Firearm and Ammunition will display.

IMPORTANT: if you proceed with the submission of the transactions you must “**Print DROS**” on the next screen as that will be your only opportunity to generate a printed DROS Ammunition copy for customer signature.

Clicking Deliver will submit the transaction.
Press OK to continue, or Cancel to stay on this page. ATTENTION: If you proceed with the submission of this transaction, please remember to select Print DROS on the next screen (upper left hand corner) as that will be your only opportunity to generate a printed DROS Ammunition copy for customer signature.

- If the firearm is eligible to be delivered and you wish to deliver the firearm and the purchaser **DOES NOT** want to add ammunition to their transaction, click **Deliver Gun**. The pop up message “If you press ‘OK’, then you will not be able to buy ammo using this background check” will display. If you select “OK”, the transaction will be delivered.
- The system will record the time and date that the firearm was delivered, as well as the DES user who delivered the firearm.

The DROS has been marked as Delivered successfully.

What would you like to do next?

- [Print this DROS \(you will remain on this page and still be able to select from the options below\)](#)
- [Back to Search Result List](#)

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Dealer's Record of Sale of Firearm

DROS NUMBER: [REDACTED] STATUS: PENDING

TRANSACTION DATE/TIME: 06/19/2019 08:53:32 AM
EARLIEST DELIVERY DATE/TIME: 06/19/2019 08:53:32 AM
LATEST DELIVERY DATE/TIME: 07/19/2019 08:53:32 AM

DELIVERY DATE/TIME: 06/19/2019 08:54:13 AM

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PRINTING DROS TRANSACTIONS

Click on the ***Print this DROS*** in the upper left hand corner of the page. The DROS will print to your local printer.

Completing the DROS:

- 1) The purchaser, salesperson, and, if applicable, seller must sign the printed DROS.
- 2) The purchaser, transferee, loanee shall provide their right thumbprint in the *Purchaser's Right Thumb Print* box next to the *Purchaser's Signature* area on the ***Delivered DROS***.
- 3) Keep a copy of the DROS Report at your place of business.

SUBMITTING ADDITIONAL DROS TRANSACTIONS

If applicable, more than one DROS transaction may be submitted under a single DROS submission. Additional DROS transactions will **not** incur any additional DROS fees.

IMPORTANT: If you are entering multiple firearm DROS transactions for a single purchaser you must click on the ***Add Firearm*** button in order to avoid additional DROS fees. If you leave the DROS page (for example, by clicking on the ***Empty Purchases*** button or by clicking on the ***Log Off DES*** link), you will not be able to go back to the submission, and will be required to start a new DROS submission, and will therefore be charged an additional DROS fee. You may enter a combination of any of the DROS transaction types (provided that the purchaser has the appropriate 30-day exemption, if required).

Transaction has been successfully uploaded to your pending purchase(s). Click Submit Final to submit transaction

Pending Purchase(s)

Pending Purchase(s)					Total items: 1
Name:	DOB:	ID:			
Serial Number	Make	Model	Firearm Type	Transaction Type	Dealer ID
1	GERMAN SPORT GUNS	GSG-922CA	PISTOL		

Please click buttons only once. Multiple clicks will delay processing.

Submit Final Empty Purchases Add Firearm

To enter an additional Firearm DROS for the same purchaser, you must click this link to avoid additional DROS charges. Click Add Firearm.

To submit additional DROS transactions:

- 1) Click on the ***Add Firearm*** button. The ***Select Transaction Type*** page displays.
- 2) Click on desired Transaction Type.
- 3) Complete the required fields as per the instructions above in this section, with the following exceptions:

Exceptions:

- 1) Purchaser information will be automatically loaded, and will not be editable.

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- 2) Firearms eligibility questions must be answered for each transaction.
- 3) The system will prevent a purchaser from buying multiple handguns that fall under the 30-day restriction rule, unless the purchaser has a 30-day restriction exemption. The 30-day restriction exemption box must be checked for each applicable firearm.
- 4) The HSC/FSC number or HSC/FSC exemption code must be entered on the first handgun transaction for the submission, but once it has been entered it will be applied to any subsequent handgun transactions.
- 5) On the **Preview Screen** for subsequent transactions, the DROS payment agreement box must be checked in order to proceed with the submission; however, the DROS payment will be for a zero dollar amount.
- 6) Once the transaction has been successfully uploaded to your pending purchase(s). Click **Submit Final** to submit transaction.
- 7) Clicking **Submit Final** will submit the DROS transaction(s). Press 'OK' to continue, or Cancel to stay on this page.
- 8) Click on the **Print the DROS** link for each transaction and complete each printed DROS as instructed on the previous page.

What would you like to do next?

- [Print this DROS](#) (you will remain on this page and still be able to select from the options below)
- [Go to the Main Menu](#)



Dealer's Record of Sale of Firearm

- 9) Once the Final DROS transaction has been completed for the entire submission (i.e., all firearms purchased for a single purchaser), click on **Go to the Main Menu** or **Log Off DES**.

REVIEWING A PREVIOUSLY ENTERED DROS

Once the DROS transaction has been submitted, you can view the DROS, re-print the firearm DROS, and review a delivered DROS after you release the firearm to the purchaser.

- 1) From the **Main Menu** page, click on the **Deliver Gun/Review DROS** link. The **Search DROS** page displays.
- 2) Enter the purchaser or DROS information that you want to search:
 - a. Partial or complete Last Name
 - b. Partial or complete First Name
 - c. DROS Number
 - d. DROS Status (*Approved, Canceled, Delayed, Denied, Pending, Rejected, and Undetermined*) **Note:** For the most accurate result, search by DROS number.

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- 3) Click on the **Search** button to query your transaction. The system will display a list of all matching records.
- 4) Clicking on the DROS number from the *Search Result* will take you to the selected DROS.

Search DROS

Last Name First Name DROS Number Status

Please click buttons only once

Search Results

DROS Number	Name of Purchaser	Notice Date	Reviewed Date	Delivered Date	Delivered By
				05/22/2019 05:12 PM	
				05/22/2019 09:16 AM	
			05/23/2019 11:26 AM		
			05/23/2019 11:26 AM		

DELIVERING FIREARM TRANSACTIONS

Only if the firearm DROS has been approved, or if the purchaser claimed a waiting period exemption will the **Deliver Gun** button appear. Follow the steps below to locate an approved DROS and Deliver Gun.

- 1) Search for the approved DROS on the **Search DROS** page.
- 2) After selecting the DROS transaction, the firearm DROS will display.
- 3) Click on “**Deliver Gun.**”

IMPORTANT: If you click “**Deliver Gun,**” the gun will be delivered and you will not be able to use the approved firearm background to purchase ammunition. Follow the steps outlined in Section 11, *Add Ammunition Transaction to an Approved Firearm DROS*, if you would like to add ammunition and deliver gun in the same transaction.

- 4) The pop up “Press **OK** to continue, or **Cancel** to stay on this page” will populate. If you press “OK” the firearm will be “**Delivered.**”



Dealer's Record of Sale of Firearm

DROS NUMBER:
TRANSACTION DATE/TIME: 05/02/2019 09:08:55 AM
EARLIEST DELIVERY DATE/TIME: 05/12/2019 09:00:00 AM
LATEST DELIVERY DATE/TIME: 06/01/2019 09:08:55 AM

05/02/2019 09:08:55 AM
05/12/2019 09:00:00 AM
06/01/2019 09:08:55 AM

STATUS: APPROVED

[Add Ammunition Transaction and Deliver Gun](#)

- 5) Click **Print the DROS**
- 6) To re-print the firearm DROS, click on the **Print this DROS** link towards the top of the page.

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IMPORTANT: When the purchaser is ready to pick up their firearm, the *Deliver Gun* button must be clicked. The system will record the time and date that the firearm was delivered, as well as the DES user who delivered the firearm.

Firearm DROS Documentation Reminders:

- **Signature Requirements:** CFDs (or its sales personnel) shall sign and obtain the purchaser(s) signature on both the “Pending” DROS document and the approved “Delivered” DROS document. (Pen. Code, § 28160.)
- **Thumbprint Requirements:** CFDs shall obtain the purchaser’s right thumbprint on the approved “Delivered” DROS document. The Dealer COE Holder, authorized associate, or salesperson will attempt to record the right thumbprint by using the pad on the last joint. (Pen. Code, § 28160, subd. (b).)
- **Age Requirement:** CFDs shall not sell, supply, deliver, or give possession or control of a firearm to any person under 21 years of age. (Pen. Code, § 27510, subd. (a).)
- **DROS Firearm documentation:** The DROS printout signed by the purchaser and dealer must be retained for three years. (Pen. Code, § 28215, subd. (c).)
- **DROS Ammunition documentation:** Collect the purchaser and salesperson’s signature on the Dealer’s Record of Sale of Ammunition printout. Records must be maintained and available for inspection for five years. (Pen. Code, § 30355.)

CORRECTING A DROS

Once a DROS transaction has been submitted to the DOJ, the system will allow a single correction to be made to the firearm information of the DROS, as long as the DROS is in one of the following statuses:

- Pending
- Delayed
- Approved
- Approved & Delivered

To make a correction to the DROS:

- 1) From the *Main Menu*, click on the *Correct DROS* link. The *Search DROS* page will display
- 2) Enter the information that you want to search:
 - a. Partial or complete Last Name
 - b. Partial or complete First Name
 - c. DROS Number **Note:** For the most accurate result, search by DROS number.

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- 3) Click on the **Search** button. The system will display a list of all matching records.
- 4) Click on the DROS number of the DROS you would like to correct. The details of the DROS will display.

Note: Only those fields within the Firearm Information section where the information appears in a text box or drop down can be edited, and of those editable fields, only one item can be changed. If personal information must be corrected, the DROS must be cancelled and a new DROS transaction must be submitted.

- **Exception:** If the serial number is modified, the re-entry of the new serial number is also required.
 - In the case of a Dealer Handgun DROS, the firearm description is considered one item and consists of: the make, model, caliber, barrel length, unit of measure, material, and category.
- 5) If no fields appear in text boxes, the DROS has already been corrected. If additional corrections must be made, the DROS must be cancelled and a new DROS transaction must be submitted.

Transaction and Firearm Information

30-Day Restriction Exemption	Gun Show Transaction?	Waiting Period Exemption
NO	NO	NONE
*Make NIGHTHAWK CUSTOM		
*Model Predator (Sniper Gray)		
Caliber	45 ACP	
Barrel Length	Unit	Material
5	in	STEEL
Category SEMI-AUTOMATIC		
*Serial Number	*Re-enter Serial Number	Other Number
654654	654654	
*Color TURQUOISE		
New/Used Gun	Firearm Safety Device (FSD)	Gun Type
NEW	FSD Purchased	HANDGUN

Information that displays in a text box can be corrected.

- 6) Make the desired changes to the information.
- 7) Click on the **Preview** button. A preview of the modified DROS displays.
- 8) Click on the **Submit Final** button to submit the change to the DOJ. The DROS Report displays.
- 9) Print the corrected DROS by clicking on the **Print This DROS** link.

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CANCELING A DROS

You may cancel a DROS that is any of the following statuses:

- Pending
- Delayed
- Approved
- Approved & Delivered

To Cancel a DROS:

- 1) From the *Main Menu* page, click on the **Cancel DROS** link.
- 2) The *Search DROS* page will display.
- 3) Enter the information that you want to search:
 - a. Partial or complete Last Name
 - b. Partial or complete First Name
 - c. DROS Number **Note:** For the most accurate result, search by DROS number.
- 4) Click on the **Search** button. The system will display a list of all matching records.
- 5) Click on the DROS number of the DROS you would like to cancel. The details of the DROS will display.
- 6) Click on the **Cancel DROS** button at the bottom of the page.
- 7) You will be asked to confirm the cancellation.
- 8) The DROS is displayed with a canceled status.
- 9) You can print the canceled DROS by clicking on the **Print this DROS** link.

12. HOW TO ADD AMMUNITION AND DELIVER GUN WITH AN APPROVED FIREARM DROS

OVERVIEW

If a firearm DROS has an approved status and the purchaser would like to purchase ammunition, you can add ammunition to the DROS transaction and deliver the gun and ammunition at the same time by following the steps below.

SEARCH DROS AND ADD AMMUNITION TRANSACTION TYPE

- 1) Search for the approved DROS on the **Search DROS** page. **Note:** Only if the firearm DROS has been approved, or if the purchaser claimed a waiting period exemption, the DROS will display the **Add Ammunition Transaction and Deliver Gun** button.
- 2) After selecting the DROS transaction, the firearm DROS will display. Click on **Add Ammunition Transaction and Deliver Gun**.

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IMPORTANT: If you click “*Deliver Gun*” the gun will be delivered and you will not be able to use the approved firearm background to purchase ammunition.



Dealer's Record of Sale of Firearm

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DROS NUMBER:
TRANSACTION DATE/TIME: 05/01/2019 09:55 AM
EARLIEST DELIVERY DATE/TIME: 05/12/2019 09:00:55 AM
LATEST DELIVERY DATE/TIME: 06/01/2019 09:08:55 AM

STATUS: APPROVED

Add Ammunition Transaction and Deliver Gun

Deliver Gun

- 3) The **Select Ammunition Purchase Type** page will display.
- 4) Click on the desired **Ammunition Transaction Type**.
- 5) The purchaser information will be automatically loaded, and will not be editable.
- 6) Enter the Transaction and Ammunition Information. **Note:** * indicates required field.
 - a. **Inventory Code-** Title of Frequently sold ammunition
 - b. ***Manufacturer-** Type the name of the person or company that made the ammunition.
 - c. ***Condition-** Select whether the ammunition is new, reloaded, or used from the **Condition** drop down list.
 - d. **Bullet Type-** Select from the **Bullet Type** drop down list.
 - e. **Bullet Weight-** If applicable, typically measured in units of mass called grains.
 - f. **Usage Type-** Select from the **Usage Type** drop down list.
 - g. **Casing-** Select from the **Casing** drop down list.
 - h. ***Caliber-** Select the caliber of the ammunition from the **Caliber** drop down list.
 - i. ***Quantity (Rounds) -** Enter the Quantity amount
 - j. **Primer Type-** Select from the **Primer Type** drop down list.
 - k. **Muzzle Velocity-** If applicable, the speed of the projectile when fired.
 - l. **Unit-** Select 'Feet per Second' or 'Meter per Second' from the **Unit** drop down list.
 - m. **Muzzle Energy-** If applicable, kinetic energy of the projectile when fired.
 - n. **Unit-** Select 'Foot Pound Force' or 'Joule' from the **Unit** drop down list.
 - o. **Cost/Round-** If applicable, cost of each round in USD.
- 7) Once all of the Ammunition information has been entered, you will preview the DROS report by clicking on the **Preview** button.
- 8) On the **Preview Screen**, the DROS payment agreement box must be checked in order to proceed with the submission. The DROS payment will be for a zero dollar amount as you are using an approved firearm DROS to “*Add an Ammunition Transaction and Deliver a Gun*” in the same transaction.

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ADD AMMUNITION TO PENDING PURCHASE(S) CART

- 1) Upon checking the DROS fee agreement box, the *Add to Pending Purchases* button displays. Clicking on the *Add to Pending Purchases* button sends the transaction to the Pending Purchase(s) Cart.

I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$0 to the Department of Justice. After clicking the box to accept the fee you will be able to submit this DROS or print this preview.

- 2) If the purchaser would like to add additional ammunition types to the transaction, click *Add Ammunition* and repeat steps 6 through 9 outlined on the previous page until all ammunition types have been added to the **Pending Purchase(s) Cart**.

DELIVERING AMMUNITION AND GUN FROM PENDING PURCHASE(S) CART

- 1) Once you have confirmed the purchaser would not like to add any additional ammunition to the transaction, click **Deliver**.
- 2) The pop up “Press ‘**OK**’ to continue, or **Cancel** to stay on this page” will populate. If you press “**OK**” the firearm and ammunition will be “**Delivered**” and the firearm and ammunition transaction(s) will be recorded in the purchaser’s name.

Transaction has been successfully uploaded to your pending purchase(s). Click Deliver to submit transaction.

Pending Purchase(s)

Pending Purchase(s) Total Items: 1

Name: DOB: ID:

DROS #	Serial Number	Make	Firearm Type	Transaction Type
	ABC	BERSA	PISTOL	DEALER_HANDGUN
Manufacturer		Caliber	Condition	Quantity (Rounds)
DOJ		250-3000 SAVAGE	NEW	200

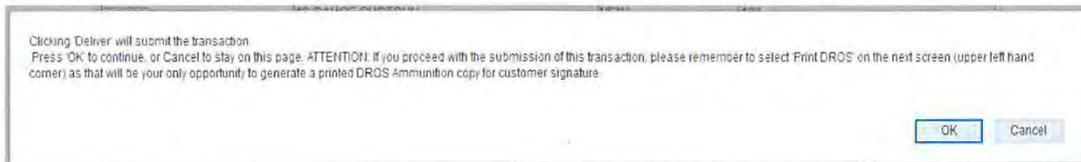
Please click buttons only once. Multiple clicks will delay processing.

IMPORTANT: If you proceed with the submission of this transaction, please remember to select **Print DROS** on the next screen (upper left hand corner) as that will be your only opportunity to generate a printed DROS Ammunition copy for customer signature.

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- 3) Click ***Print the DROS***
- 4) To re-print the firearm DROS, click on the ***Print this DROS*** link towards the top of the page.

13. ACQUISITION TRANSACTIONS

OVERVIEW

Acquisition transactions are required for firearm dealers, secondhand dealers, or pawnbrokers to report information regarding the acquisition of a firearm to the DOJ. When you log into the DES application, the system checks for an active firearms dealer, secondhand dealer, and/or pawnbroker license through the Centralized List database and will display the appropriate acquisition types for selection:

- All firearm dealers have access to the Buy transaction type.
- Secondhand dealers have access to the Buy and Consignment transaction types.
- Pawnbrokers have access to the Buy, Consignment, and Pawn transaction types.

ASSAULT WEAPONS

By law, assault weapons are not allowed for Pawn or Consignment transactions at any time.

Assault weapons are permissible on a Buy transaction only if you have an Assault Weapon permit. If you do not have an Assault Weapon permit, you will not be allowed to submit an Assault Weapon Buy transaction.

Before you can perform an Acquisition transaction

- 1) Your DES account must be setup with the ***Enter Transaction*** permission.
- 2) If you are associated to more than one dealership, you must select the dealership that you want to be associated with for your DES session before you can submit an Acquisition transaction.
- 3) You must review any unread DOJ Information Bulletins prior to submitting an Acquisition transaction.
- 4) You must acknowledge any Urgent DROS Firearms Eligibility Notices prior to submitting an Acquisition transaction.

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ENTERING ACQUISITION TRANSACTIONS

- 1) From the *Main Menu* page, select the **Submit Acquisition** link. If you have a valid Secondhand Dealer or Pawnbroker license, the system will display the *Select Acquisition Transaction Type* page for all other users, the system will display the *Enter Buy Transaction Details* page with the Transaction Type of *Buy* pre-selected.

Select Acquisition Transaction Type

Buy

Consignment ← You must have an active Secondhand Dealer license for Consignment to display.

Pawn ← You must have an active Pawnbroker license for Pawn to display.

Please click buttons only once. Multiple clicks will delay processing.

Main Menu

- 2) From the *Select Acquisition Transaction Type* page, select the type of transaction that you wish to perform; the entry form will display.
- 3) Swipe the seller's driver license or identification card through the magnetic card swipe reader.
- 4) Click on the **Submit** button in the *Swipe CA Driver License or ID Card* area.
- 5) Verify that the data displays correctly. **Note:** If the information will not scan, you must manually enter the information.
- 6) Correct information as necessary.
- 7) Complete all applicable fields.

Tips for entering Seller/Transferor Information:

- **Single Name** – If the seller/transferor has a single name (example: Wasp, Sky, Rebel), enter the single name in the Last Name field and enter an asterisk (*) in the First Name field; Suffix and Middle Name fields must remain blank.
- **Seller's/Transferor's City** – The city will automatically appear based on the zip code. However, if the zip code has more than one city name or variation listed, you will need to select the correct city name from the City drop down list.
- **Date of Birth** – The seller/transferor must be 21 years or older.
- **ID Information** – There are eight forms of valid identification for seller/transferor to verify their identity. The following are the requirements for each type of ID:
 - **CA Driver License** – Must be 1 alpha in the first position, followed by 7 numbers.

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- **CA ID Card** – Must be 1 alpha in the first position, followed by 7 numbers.
- **Canadian Driver License** – Maximum 11 characters and the system will automatically display Canada as the Issuing Country.
- **Foreign Passport** – Maximum 11 characters and you must pick the country that issued the passport from the Issuing Country drop down list.
- **DOD ID** – Must be 9 to 10 numbers (no alphas allowed).
- **Out of State Driver License** – Maximum 11 characters and you must pick the issuing state from the Issuing State drop down list.
- **Out of State ID Card** – Maximum 11 characters and you must pick the issuing state from the Issuing State drop down list.
- **Passport Number** – Maximum 11 characters and the system will automatically display USA as the Issuing Country.

Note: Although Non-CA identifications are allowed, a firearm can only be delivered to a person who provides clear evidence of the person's identity and age: a valid CA driver license or a valid CA ID.

- 8) Enter all required and any optional information in the *Firearm Transaction Information* Section.

Tips for entering Firearm Transaction Information:

- **Transaction Type** – The transaction type that you selected from the Select *Acquisition Transaction Type* page will display as read only in this field. Verify that you entered the correct type, and, if not, click on the **Back** button to return to your selection options. **Note:** If you don't have a Pawn or Secondhand Dealer's license, the system will automatically select the Buy transaction type.
 - **Loan/Buy Number** – This is the number that your business uses to track transactions (or the number in the Acquisition and Disposition book). Enter alphas, numbers, or common punctuation characters in this field.
- 9) Once all of the Acquisition information has been entered, preview the Firearm Acquisition Report by clicking on the **Preview** button. If any information is missing or entered incorrectly, an error message will display. If the system doesn't detect any problems with the page, a preview of the Firearm Acquisition Report will display. Click the **Print** button located at the bottom of the preview screen. The seller/transferor must verify that the information is correct. If they find a mistake, click on the **Edit Details** button, and you will be returned to the entry page and may correct the transaction. If the Firearm Acquisition Report Preview is correct, the seller/transferor must initial the printed preview report.

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SELLER/TRANSFEROR'S INITIALS *I have reviewed the SELLER/TRANSFEROR INFORMATION and the FIREARM DETAILS shown on this form and understand that once this information is submitted by the dealer, I must go through the DROS process and pay associated fees to redeem my firearm.*

- 10) Once you have previewed and printed the Firearm Acquisition Report, the **Submit** button will display.
- 11) To submit the transaction to the DOJ, click **Submit**.

IMPORTANT: Once the transaction has been submitted, no further changes can be made. The seller/transferor would now be required to go through the DROS process to get the firearm back.

Note: Although Non-CA identifications are allowed, a firearm can only be delivered if clear evidence of the person's identity and age is established: a valid CA driver license or a valid CA ID.

- 12) The Final Firearm Acquisition Report will be displayed, and will have the unique FDAS transaction number in the top, right corner.
- 13) Print the Final Firearm Acquisition Report and obtain the seller/transferor's signature and right thumb print.

SELLER/TRANSFEROR'S SIGNATURE *I certify under penalty of perjury that to my knowledge and belief the information above is true and complete and I am the owner, or have the authority of the owner, to sell or pledge the property.*

Seller/Transferor's
Right Thumb Print

DEALER/EMPLOYEE'S SIGNATURE *I certify under penalty of perjury under the laws of the State of California that I am a Firearms Dealer licensed pursuant to Penal Code section 26700 and that my license is valid.*

- 14) You must sign the final report.
- 15) Keep copies of all final Firearm Acquisition Reports at your place of business.

Note: Per Business and Professions Code section 21636, subdivision (a), all tangible personal property acquired is subject to a 30-day holding period; a DROS transaction may be submitted on the 21st day to allow for the 10-day waiting period.

ENTERING ADDITIONAL ACQUISITIONS TRANSITIONS FOR THE SAME SELLER/TRANSFEROR

Once you have printed the final Acquisition Transaction Report, you will have the option to enter another firearm for the same seller/transferor. You can only use this function if you are doing the same type of transaction for the seller/transferor. If the seller/transferor wants to pawn one firearm and consign another firearm, you must return to the Main Menu and choose the different transaction type.

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To enter additional Acquisition transactions for the same seller/transferor:

- 1) Once you have printed the final Acquisition Transaction Report, click on the *New Transaction, Same Seller* button. The system will display a new acquisition entry screen with the seller/transferor information auto populated.
- 2) Enter the Firearm Transaction Information section with the information for the additional firearm.
- 3) Repeat and follow the direction in Section 10 as needed.

VIEWING AND PRINTING ACQUISITION TRANSACTIONS.

Once the Acquisition transaction has been submitted to the DOJ, you can use the DES application to view and re-print the Firearms Acquisition Report. The record will be available for 90 days after submission to the DOJ.

To search for a previously submitted Acquisition:

- 1) From the *Main Menu* page, click on the *View Acquisition* link. The *Search Acquisition* page displays.
- 2) Enter the information that you want to search:
 - a. Partial or complete Last Name
 - b. Partial or complete First Name
 - c. Loan/Buy Number

Or

 - d. Acquisition Number **Note:** For the most specific result, search by Acquisition number.
- 3) Click on the *Search* button. The system will display a list of all matching records.
- 4) Clicking on the loan/buy number from the search result will take you to the selected Firearm Acquisition Report.

To re-print the Firearm Acquisition Report, click on the *Reprint* link towards the bottom of the page.

14. AMMUNITION TRANSACTIONS

The Ammunition Transactions section contains links that allow you to:

- **Submit Eligibility Check** (must have the Enter Ammo Transactions permission)
- **Search Eligibility Check** (must have the Enter Ammo Transactions permission)
- **Review Eligibility Notices** (must have the Enter Ammo Transactions permission)
- **Submit Ammunition Purchase(s)** (must have the Enter Ammo Transactions permission)

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- **Search Frequently Sold Ammunition List** (must have the Manage Inventory permission)
- **Add Frequently Sold Ammunition** (must have the Manage Inventory permission)

Some of the above links may be hidden for the following reasons:

- **Dealership hasn't been selected** – If your account is associated to multiple dealerships, you must select the dealership that you wish to be associated with prior to viewing bulletins or notices, or conducting any type of DROS or Acquisition transaction.
- **Unviewed Information Bulletins** – When the BOF posts an Information Bulletin to DES, at least one user from each dealership must view and acknowledge the bulletin. Until the bulletin is viewed and acknowledged, users will be unable to view/submit DROS or Acquisition transactions or deliver a gun.
- **Unviewed Urgent Firearms Eligibility Notices** – When the BOF posts a Firearms or Ammunition Eligibility Notice for a DROS transaction, a user from the dealership must acknowledge the notice. Until the notice is acknowledged, users will be unable to view/submit DROS or Acquisition transactions or deliver a gun.

15. SUBMIT AMMUNITION ELIGIBILITY CHECKS

OVERVIEW

All ammunition eligibility checks require the entry of purchaser information. Purchaser information will be captured by swiping the California Driver License or Identification Card through a magnetic card swipe reader. Any missing or incorrect information will be keyed directly into the appropriate fields.

Entering Purchaser Information:

- 1) Swipe the driver license or identification card through the magnetic card swipe reader.
- 2) Click on the **Populate Fields** button in the *Swipe CA Driver License or ID Card* area.



- 3) Verify that the data displays correctly. **Note:** If the information will not scan, you must manually enter the information.
- 4) Correct information as necessary.
- 5) Complete all applicable fields.

Tips:

- **Single Name** – If the purchaser or seller has a single name (example: Wasp, Sky, Rebel), enter the single name in the Last Name field and enter an asterisk (*) in the first name field (Suffix and Middle Name fields must be blank).

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- **Purchaser's City** – The city will automatically appear based on the zip code; however, if the zip code has more than one city name or variation listed, you will need to select the correct city name from the City drop down list.
- **Citizenship** – If you select *NO* from the *U.S. Citizen* drop down list, the system will display additional fields that must be entered. Select the Country of Citizenship from the drop down list and enter either the Alien Registration number or the I-94 number. **Note:** These numbers can be found on the purchaser or seller's Permanent Resident card (Green Card) or I-94 Arrival/Departure card.
- **Telephone Number** – Is a required field for an ammunition eligibility check.

16. TYPES OF AMMUNITION ELIGIBILITY

OVERVIEW

An ammunition purchaser or transferee may request, through an ammunition vendor, the department to conduct a Standard Ammunition Eligibility, Basic Ammunition Eligibility or Certificate of Eligibility Check.

STANDARD AMMUNITION ELIGIBILITY CHECK

A purchaser or transferee is authorized to purchase ammunition if their information matches an entry in the Automated Firearm System and does not match an entry in the Prohibited Armed Person File. Follow the steps below to submit a *Standard Ammunition Eligibility Check*.

- 1) From the *Main Menu* page, select the **Submit Eligibility Check** link.

- 2) Under *Purchaser Eligibility Check* select **Standard Ammunition Eligibility Check** link.
- 3) Enter the Purchaser Information (see **Entering Purchaser Information** on the previous page).
- 4) Once all of the DROS information has been entered, you will preview the DROS report by clicking on the **Preview** button. If any information is missing or entered incorrectly, an

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error message will display. If the system doesn't detect any problems with the DROS, a preview of the DROS report will display. Verify that the information entered is correct. If you find a mistake, click on the **Back** button, and you will be returned to the form and may correct the transaction. If the DROS preview is correct, you must click on the DROS payment agreement box before proceeding.

You must check this box to see the Submit Final button.

I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$ 1.00 to the Department of Justice.

- 5) Upon checking the DROS payment agreement box, the **Submit Final** button displays. Clicking on the **Submit Final** button sends the transaction to the DOJ and generates a DROS number.

IMPORTANT: Once the **Submit Final** button has been clicked, your dealership will be charged for the transaction, and the transaction can no longer be edited. The DROS Report containing a DROS number and transaction date and time displays.



BASIC AMMUNITION ELIGIBILITY CHECK

A purchaser or transferee is authorized to purchase ammunition if they are not prohibited from purchasing or possessing ammunition, subsequent to affirmation by the Department. Follow the steps below to submit a Basic Ammunition Eligibility Check.

- 1) From the *Main Menu* page, select the **Submit Eligibility Check** link.
- 2) Under *Purchaser Eligibility Check* select **Basic Ammunition Eligibility Check** link.
- 3) Enter the Purchaser Information (see **Entering Purchaser Information** on the previous page).

Basic Ammunition Eligibility Check

Person Information

Select CA Driver's License or ID Card

Populate Fields

*First Name Middle Name *Last Name Suffix
Select

*Street Address *Zip Code *City State

Gender *Hair Color *Eye Color *Height (Inches/CM) *Weight *Date of Birth
*U.S. Citizen

*ID Type *ID Number *Race *U.S. Citizen

*Place of Birth *Telephone Number
*Alien First Name *Alien Middle Name *Alien Last Name *Alien Suffix

Back Review Clear

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- 4) Once all of the DROS information has been entered, you will preview the DROS report by clicking on the **Preview** button. If any information is missing or entered incorrectly, an error message will display. If the system doesn't detect any problems with the DROS, a preview of the DROS report will display. Verify that the information entered is correct. If you find a mistake, click on the **Back** button, and you will be returned to the form and may correct the transaction. If the DROS preview is correct, you must click on the DROS payment agreement box before proceeding.

You must check this box to see the Submit Final button.

I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$ 19.00 to the Department of Justice.

- 5) Upon checking the DROS payment agreement box, the **Submit Final** button displays. Clicking on the **Submit Final** button sends the transaction to the DOJ and generates a DROS number.

IMPORTANT: Once the **Submit Final** button has been clicked, your dealership will be charged for the transaction, and the transaction can no longer be edited. The DROS Report containing a DROS number and transaction date and time displays.



CERTIFICATE OF ELIGIBILITY CHECK

A Purchaser or transferee is authorized to purchase ammunition if they hold a current Certificate of Eligibility, subsequent to verification by the department. Follow the steps below to submit a Certificate of Eligibility Check.

- 1) From the *Main Menu* page, select the **Submit Eligibility Check** link.
- 2) Under *Purchaser Eligibility Check* select **Certificate Eligibility Check** link.
- 3) Enter the Purchaser's Certificate of Eligibility (COE) Number.
- 4) Enter the Purchaser Information (see **Entering Purchaser Information** on the previous page).

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COI Check

Person Information

Select CA Driver's License or ID Card

Populate Fields

*COI Number

*First Name
First Middle Name Last Name Suffix (Select)

*Street Address
Street Address Zip Code City State CA

Gender Hair Color Eye Color Height (Feet/Inches) Weight *Date of Birth

*ID Type *ID Number *Race (AMERICAN INDIAN) *U.S. Citizen

*Place of Birth *Telephone Number

Alias First Name Alias Middle Name Alias Last Name Alias Suffix

Please enter numbers only. Multiple zeros are okay. (0000000000)

Back Preview Clear

- 5) Once all of the DROS information has been entered, you will preview the DROS report by clicking on the **Preview** button. If any information is missing or entered incorrectly, an error message will display. If the system doesn't detect any problems with the DROS, a preview of the DROS report will display. Verify that the information entered is correct. If you find a mistake, click on the **Back** button, and you will be returned to the form and may correct the transaction. If the DROS preview is correct, you must click on the DROS payment agreement box before proceeding.

You must check this box to see the Submit Final

*I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$ 1.00 to the Department of Justice. (3)

- 6) Upon checking the DROS payment agreement box, the **Submit Final** button displays. Clicking on the **Submit Final** button sends the transaction to the DOJ and generates a DROS number.

IMPORTANT: Once the **Submit Final** button has been clicked, your dealership will be charged for the transaction, and the transaction can no longer be edited. The DROS Report containing a DROS number and transaction date and time displays.

17. SEARCH AMMUNITION ELIGIBILITY CHECK

OVERVIEW

Once the Ammunition Eligibility Check has been submitted to the Department, you can use the DES application to view the eligibility check, re-print the eligibility check, and submit delivered ammunition to the purchaser.

To search for a previously submitted ammunition eligibility check:

- 1) From the *Main Menu* page, click on the **Search Eligibility Check** link. The *Ammunition Eligibility Check Results* page displays.

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- 2) Enter the information that you want to search:
 - a. Partial or complete Last Name
 - b. Partial or complete First Name
 - c. DROS Number
 - d. ID Number
 - e. Decision status **Note:** For the most accurate result, search by DROS number.
- 3) Click on the **Search** button. The system will display a list of all matching records.

Ammunition Eligibility Check Results

Last Name <input type="text"/>	First Name <input type="text"/>	DROS Number <input type="text"/>	ID Number <input type="text"/>
Decision Select			
Please click buttons only once			
<input type="button" value="Search"/>		<input type="button" value="Clear Form"/>	
<input type="button" value="Main Menu"/>			

Search Results

DROS Number	Name of Purchaser (First Middle Last)	ID Number	Decision	Type	Expiration Date
	TEST PURCHASER		DENY/REJECT	Standard Ammunition Eligibility Check.	

Displaying records 1 to 1 of 1 total records.

- 4) Clicking on the DROS Number from the *Ammunition Eligibility Check Results* will display the selected DROS.
- 5) The DROS will display with a current status indicating whether or not ammunition can be delivered. The ammunition eligibility check status' are:
 - a. **APPROVED** – The Department has determined the individual is eligible to purchase or possess ammunition.
 - b. **DENY/REJECT** – The Department has determined the individual is not eligible to purchase or possess ammunition. The person cannot continue with an ammunition purchase.
 - c. **IN PROGRESS** – Ammunition eligibility check is currently being processed by the Department.
 - d. **USED** – Individual has purchased and received ammunition in association with the eligibility check.
 - e. **EXPIRED** – The eligibility check was approved, but can no longer be used to complete a purchase of ammunition.
- 6) When the eligibility check has an APPROVED status, the **Purchase Ammunition** link will be available at the top of the screen. Clicking the link will allow the purchase of ammunition starting on the *Select Ammunition Purchase Type* page (See Section 18, *Submit Ammunition Purchase(s)*).

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What would you like to do next?

- [Print this Eligibility Check](#) (you will remain on this page and still be able to select from the options below)
- [Back to Search Result List](#)
- [Purchase Ammunition](#)
- [Go to the Main Menu](#)

18. SUBMIT AMMUNITION PURCHASE(S)

OVERVIEW

All Ammunition Eligibility checks require an APPROVED status to submit an ammunition purchase. There is no limit to the amount of ammunition that can be delivered using one eligibility check. Once the final delivery of ammunition purchase(s) is made, the eligibility check will change to the USED status.

To submit ammunition purchase:

- 1) From the *Main Menu* page, click on the *Submit Ammunition Purchase(s)* link. The *Select Ammunition Purchase Type* page displays.

Select Ammunition Purchase Type

Ammunition Purchase

[Ammunition Sale](#)

[Private Party Ammunition Transfer](#)

Pending Purchase(s)

You have no pending purchases

Please click buttons only once. Multiple clicks will delay processing.

[Main Menu](#)

- 2) Select either:
 - a. **Ammunition Sale** – Ammunition from the vendor inventory. Ammunition Sale will also cover any ammunition transferred from another California Ammunition Vendor or out of state ammunition retailer.
 - b. **Private Party Ammunition Transfer** – Ammunition transferred from one non-vendor to another non-vendor.
- 3) Verify the purchaser information.
 - a. Enter the fifteen digit Eligibility Check DROS Number. Click the *Verify* button.
 - OR**
 - b. Verify the pre-populated purchaser information from the *Search Eligibility Check* link.

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Submit Ammunition

= Purchaser Information

Enter Eligibility Check DROS # Enter the fifteen digit Eligibility Check DROS Number.

Purchaser First Name Purchaser Middle Name Purchaser Last Name Suffix
Purchaser Street Address Zip Code City State
Gender Hair Color Eye Color Height (feet/inches) Weight Date of Birth
ft in
Purchaser ID Type Purchaser ID Number Race U.S. Citizen
Purchaser Place of Birth Telephone Number
Purchaser Alias First Name Purchaser Alias Middle Name Purchaser Alias Last Name Purchaser Alias Suffix

= Transaction and Ammunition Information

Inventory Code *Manufacturer *Condition Bullet Type
Bullet Weight Usage Type Casing *Caliber
*Quantity (Rounds) Primer Type Muzzle Velocity Unit Muzzle Energy Unit Cost/Round

Please click buttons only once. Multiple clicks will delay processing.

- 4) Enter the Transaction and Ammunition Information. **Note:** * indicates required field.
- a. **Inventory Code-** Title of frequently sold ammunition
 - b. ***Manufacturer-** Type the name of the person or company that made the ammunition.
 - c. ***Condition-** Select whether the ammunition is new, reloaded, or used from the **Condition** drop down list.
 - d. **Bullet Type-** Select from the **Bullet Type** drop down list.
 - e. **Bullet Weight-** If applicable, typically measured in units of mass called grains.
 - f. **Usage Type-** Select from the **Usage Type** drop down list.
 - g. **Casing-** Select from the **Casing** drop down list.
 - h. ***Caliber-** Select the caliber of the ammunition from the **Caliber** drop down list.
 - i. ***Quantity (Rounds) -** Enter the quantity amount
 - j. **Primer Type-** Select from the **Primer Type** drop down list.
 - k. **Muzzle Velocity-** If applicable, the speed of the projectile when fired.
 - l. **Unit-** Select 'Feet per Second' or 'Meter per Second' from the **Unit** drop down list.
 - m. **Muzzle Energy-** If applicable, kinetic energy of the projectile when fired.
 - n. **Unit-** Select 'Foot Pound Force' or 'Joule' from the **Unit** drop down list.
 - o. **Cost/Round-** If applicable, cost of each round in USD.

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- 5) Once all of the DROS information has been entered, you will preview the DROS report by clicking on the **Preview** button. If any information is missing or entered incorrectly, an error message will display. If the system doesn't detect any problems with the DROS, a preview of the DROS report will display. Verify that the information entered is correct. If you find a mistake, click on the **Back** button, and you will be returned to the form and may correct the transaction. If the DROS preview is correct, you must click on the DROS payment agreement box before proceeding.

You must check this box to see the Submit Final button.

I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$0 to the Department of Justice.

- 6) After clicking on the DROS payment agreement box, the **Add to Pending Purchases** button and the **Print** button appear. Click the **Add to Pending Purchases** button to continue.
- 7) The Pending Purchase(s) page will display. Click the **Deliver** button to complete the ammunition purchase. Click the **Add Ammunition** button to select another ammunition purchase. Click the **Empty Purchases** button to clear the cart and return to the Main Menu page.

Transaction has been successfully uploaded to your pending purchase(s). Click Deliver to submit transaction.

Pending Purchase(s)

Pending Purchase(s) Total items: 1

Name: [REDACTED] DOB: [REDACTED] ID: [REDACTED]

Manufacturer	Caliber	Condition	Quantity (Rounds)
TESTER	12-GAUGE SHOTGUN	NEW	100

Please click buttons only once. Multiple clicks will delay processing.

- 8) Confirm the decision to deliver the pending purchase(s).

IMPORTANT: If you proceed with the submission of the transaction, please remember to select the **Print DROS** link on the next screen (upper left hand corner) as that will be the only opportunity to generate a printed DROS Ammunition copy for customer signature. Click the **OK** button.

Clicking Deliver will submit the transaction.
Press OK to continue, or Cancel to stay on this page. ATTENTION: If you proceed with the submission of this transaction, please remember to select Print DROS on the next screen (upper left hand corner) as that will be your only opportunity to generate a printed DROS Ammunition copy for customer signature.

- 9) Click the **Print this DROS** link in the upper left hand corner of the page.

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Your transaction is complete.
What would you like to do next?
Print this DROS (you will remain on this page and still be able to select from the options below)



Dealer's Record of Sale of Ammunition

IMPORTANT: Please remember to select the **Print DROS** link on the upper left hand corner of the DROS screen. This will be the only opportunity to generate a printed DROS Ammunition copy for customer signature. Records must be maintained and available for inspection for five (5) years. (Pen. Code, § 30355.)

AMMUNITION INFORMATION				
MANUFACTURER	CONDITION	BULLET TYPE	BULLET WEIGHT	USAGE TYPE
REM-UMC	REG	RS C&SHOT		BLASTING
CASING	PRIMER	QUANTITY (ROUNDS)	PRIMER TYPE	
BRASS	RS	750	CENTERFIRE	
MUZZLE VELOCITY	MUZZLE ENERGY	COST/ROUND		
TRANSACTION INFORMATION				
TRANSACTION TYPE	Purchaser's Signature			
AMMUNITION SALE				
DEALER: 5807 S 3RD AVE				
ADDRESS: 121 MAIN STREET RICHMOND, CA 94808				
DROS ENTERED BY	Salesperson's Signature			DEALERSHIP TELEPHONE
5807 S 3RD AVE				(510) 992-1111
CODE: 899212714				

19. ADD TO FREQUENTLY SOLD

OVERVIEW

The Frequently Sold Ammunition List is a tool for processing ammunition purchases. It allows for different ammunitions to be saved to an **Inventory Code** drop down that will be available on all ammunition purchases for the licensed location.

Add Item to Frequently Sold Ammunition List:

- 1) From the *Main Menu* page, click on the *Add Frequently Sold Ammunition* link. The *Ammunition Item Detail* page displays.

Ammunition Item Detail

*Inventory Code Test	*Manufacturer Maker	*Condition NEW	Bullet Type HOLLOW POINT
Bullet Weight	Usage Type PERSONAL DEFENSE	Casing BRASS	*Caliber 9mm L/Para/9x18,9x21,9x23/Large 9x19, 9mm nmfire shotgun
Primer Type CENTERFIRE	Muzzle Velocity	Unit Select	Muzzle Energy Unit Select
			Cost/Round

- 2) Enter the information to be saved to the CFD/CAV. The following fields are required:

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- Inventory Code** – Type a name to identify saved ammunition. The *Inventory Code* drop down will be available on all ammunition purchases for the CFD/CAV.
- Manufacturer** – Type the name of the person or company that made the ammunition.
- Condition** – Select whether the ammunition is new, reloaded, or used from the *Condition* drop down list.
- Caliber** - Select the caliber of the ammunition from the *Caliber* drop down list.

Transaction and Ammunition Information

Inventory Code: TEST
 *Manufacturer: TESTER
 *Condition: NEW
 Bullet Type: BUCKSHOT
 Casing: BRASS/PLASTIC
 *Caliber: 12-gauge shotgun
 Quantity (Rounds):
 Primer type: CENTERFIRE
 Muzzle Velocity:
 Unit: Select
 Muzzle Energy:
 Unit: Select
 Cost/Round:

Please click buttons only once. Multiple clicks will delay processing.

Back Preview Clear

- Click the **Submit** button. A confirmation banner will display at the top of the *Main Menu* page.

20. SEARCH FREQUENTLY SOLD AMMUNITION LIST

OVERVIEW

The Search Frequently Sold Ammunition List is a tool to review the ammunition that you added to your Frequently Sold Ammunition List. You will be able to review and maintain frequently sold ammunition from this page.

Search Item on Frequently Sold Ammunition List:

- From the *Main Menu* page, click on the **Search Frequently Sold Ammunition** link. The *Search Ammunition Item List* page displays.

Search Ammunition Item List

Inventory Code: _____ Manufacturer: _____

Please click buttons only once.

Search Clear Form Main Menu

Search Results

Delete	Inventory Code	Manufacturer	Bullet Type	Caliber
✕	AMMO	TEST MPKER		5mm LPPara9x18.9x21.9x23.1Large 9x18, 9mm omfire shotgun
✕	TEST	TESTER	BUCKSHOT	12-gauge shotgun

Displaying records 1 to 2 of 2 total records.

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DES Application – Firearms and Ammunition Dealer User Guide

- 2) Enter the information to search.
 - a. Partial or complete Inventory Code
 - b. Partial or complete Manufacturer
- 3) Click **Search**. The system will display a list of all matching records.
- 4) Clicking on the inventory code name from the *Search Ammunition Item List* will display the selected *Ammunition Item Details* page. Clicking on the **Delete** button next to a record will remove the record entirely.

Ammunition Item Detail

*Inventory Code AMMO	*Manufacturer TEST MAKER	*Condition NEW	Bullet Type FULL METAL JACKET
Bullet Weight	Usage Type JOB	Casing ALUMINIUM	*Caliber 9mm L/Para/9x18,9x21,9x23/Large 9x19, 9mm rimfire shotgun
Primer Type CENTERFIRE	Muzzle Velocity	Unit Select	Muzzle Energy Unit Select
<input type="button" value="Back"/> <input type="button" value="Submit"/> <input type="button" value="Delete"/> <input type="button" value="Clear Form"/>			

- 5) Make the desired changes to the ammunition item information.
- 6) Click on the **Submit** button to save the changes. Click on the **Delete** button to remove the record entirely. A confirmation banner will display at the top of the *Search Ammunition Item List* page.

Inventory entry has been updated

Search Ammunition Item List

Inventory Code	Manufacturer
<input type="text"/>	<input type="text"/>
<input type="button" value="Search"/> <input type="button" value="Clear Form"/> <input type="button" value="Main Menu"/>	

Please click buttons only once.

California Department of Justice
Bureau of Firearms



DES Application – Firearms and Ammunition Dealer User Guide

21. USE OF reCAPTCHA

The reCAPTCHA program helps prevent a computer application from being accessed by another computer. reCAPTCHAs are used by many websites to prevent abuse from "bots," or automated programs usually written to generate spam. No computer program can read distorted text as well as humans can, so bots cannot navigate sites protected by reCAPTCHAs. We present a reCAPTCHA challenge on all data submission pages that are available to a user prior to being logged on to the application.

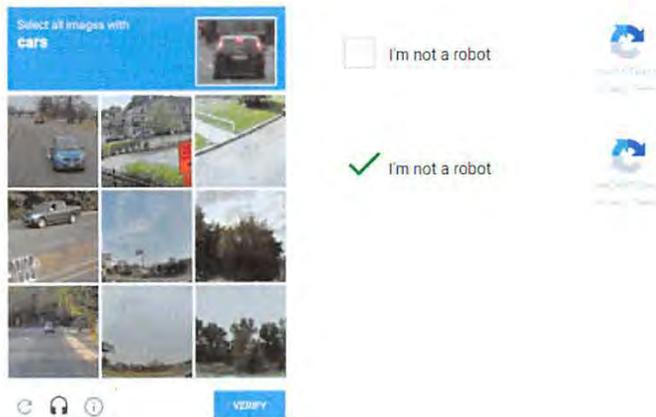


EXHIBIT 8

Finding of Emergency

The Department of Justice (Department) finds that an emergency exists, and that the immediate adoption of Chapter 4, of Division 5, of Title 11 is necessary to avoid serious harm to the public peace, health, safety, or general welfare, within the meaning of Government Code section 11346.1.

Government Code section 11346.1, subdivision (a)(2), requires that at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the Department provide a notice of this proposed action to every person who has filed a request for notice of regulatory action with the agency. The Department will also post the proposed emergency regulation amendments on its website and simultaneously disseminate notice of the proposed emergency action to all persons who have filed a request for notice.

After submission of the proposed emergency regulation amendments to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulation as set forth in Government Code section 11349.6. To determine the Office of Administrative Law's five-day comment period, interested persons are instructed to visit <http://www.oal.ca.gov/>.

Subject Matter of Proposed Regulation Amendments

Identification Requirements for Firearms and Ammunition Purchases and Eligibility Checks.

Regulation to Be Adopted

Title 11, section 4045.1.

Specific Facts Demonstrating the Need for Immediate Action

The Department is statutorily required to perform an eligibility check under state and federal law for all firearms purchases in California. The Department is also statutorily required to perform an eligibility check to determine eligibility to possess a firearm or ammunition under state and federal law in numerous other contexts. Eligibility checks are also required for certificates of eligibility, firearm ownership reports, law enforcement gun release applications, dangerous weapons license/permit applications, entertainment firearms permit applications, as well as for peace officer applicants, custodial officers, transportation officers, applicants to a basic course of training certified by the Commission on Peace Officer Standards and Training that includes the carrying and use of firearms, applicants for an explosives permit, and applicants for a permit to carry a concealed weapon. Eligibility checks are required for ammunition sales (as of July 1, 2019). Federal law prohibits certain categories of non-citizens from purchasing or possessing a firearm or ammunition, including any alien who is "illegally or unlawfully in the United States." (18 U.S.C. § 922 (d)(5)(A), (g)(5)(A).)

California law requires a prospective firearms purchaser to present "clear evidence of [the purchaser's] identity and age." (Pen. Code, §§ 26815, subd. (c), 27540, subd. (c), 28215, subd. (a)(1).) A valid California driver license or identification card satisfies this requirement. (*Id.*,

§ 16400.) California law also requires a prospective ammunitions purchaser to provide a driver license or identification card. (Pen. Code, § 30352, subd. (a)(2).) Before recent changes in the law, an applicant for a California driver license or identification card had to show to the Department of Motor Vehicles proof of lawful presence in the United States during the application process. (Cal. Code Regs., tit. 13, § 15.00.)

In 2013, California passed Assembly Bill (AB) 60, the Safe and Responsible Driver's Act, creating a driver license program for individuals who could not provide proof of lawful presence in the United States. (Stats. 2013, Ch. 524.) AB 60 became effective in 2015 and allows individuals to apply for a driver license or identification card in California regardless of their immigration status and without providing proof of lawful presence in the United States. AB 60 driver licenses and identification cards were distinguishable from regular California driver licenses and identification cards, by the notation "FEDERAL LIMITS APPLY" imprinted on the front. After the AB 60 licenses and identification cards became available, the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) issued guidance to firearm dealers stating that because the AB 60 driver license or identification card "is only issued to a person who cannot provide proof of lawful presence in the United States," there is "reasonable cause to believe a potential transferee in possession of an AB [60] driver license is illegally or unlawfully in the United States and prohibited from receiving or possessing firearms or ammunition. As such, you may not transfer firearms or ammunition to the person. . . ." ("Open Letter to All California Federal Firearm Licensees," June 30, 2016.)

At the beginning of 2018, California began issuing driver licenses and identification cards in accordance with the federal REAL ID Act. Passed by Congress in 2005, the REAL ID Act enacted the 9/11 Commission's recommendation that federal government set standards for the issuance of sources of identification. Obtaining a REAL ID version of a driver license or identification card is optional. However, after October 1, 2020, California residents will need to have a REAL ID-compliant driver license or identification card (or another REAL ID-compliant identification, such as a passport), rather than a regular California driver license or identification card, to board a domestic flight or enter secure federal facilities. In 2018, the Department of Motor Vehicles began offering two types of identification—a federal compliant REAL ID driver license/identification card, and a federal non-compliant California driver license/identification card. The federal non-compliant California driver licenses and identification cards with the words "FEDERAL LIMITS APPLY" on the front are issued to both: (1) individuals applying under AB 60; and (2) individuals who are able to submit satisfactory proof that their presence in the United States is authorized under federal law, but choose not to apply for a "REAL ID" driver license or identification card. The AB 60 driver license/identification card is no longer distinguishable from a regular California driver license/identification card. It is thus unclear whether a person with a federal non-compliant California driver license or identification card is eligible to purchase a firearm under federal law, because that person was not necessarily required to submit satisfactory proof of lawful presence in the United States. Because of this change, ATF rescinded the June 30, 2016 open letter, by removing the letter from its website.

At the end of 2018, California passed another law, Senate Bill (SB) 244, affecting AB 60 driver licenses and identification cards, which went into effect on January 1, 2019. (Stats. 2018, Ch. 885.) That law prohibits AB 60 driver licenses and identification cards—those issued to persons

who were not required to submit satisfactory proof of lawful presence in the United States—from being used as evidence of an individual’s citizenship or immigration status for any purpose. (Veh. Code § 12801.9, subd. (I).) Because AB 60 driver licenses and identification cards are indistinguishable from other federal non-compliant California driver licenses and identification cards issued to individuals who have provided satisfactory proof of lawful presence in the United States, neither form of identification may be used to determine an individual’s eligibility to purchase a firearm.

As set forth above, there have been significant changes recently to California driver licenses and identification cards, as well as to California law governing their use as evidence of citizenship or immigration status. These changes have affected the eligibility check process and have left firearm dealers and ammunition vendors, as well as law enforcement agencies, unable to rely on federal non-compliant licenses when determining whether a prospective purchaser or applicant is permitted to possess a firearm or ammunition, consistent with state and federal law.

Failure to act may result in significant public harm. The Department is concerned that firearm dealers and ammunition vendors may inadvertently sell firearms or ammunition to individuals who are not eligible under federal law because they are not lawfully present in the United States.

The result is widespread confusion for firearm dealers, law enforcement agencies, and the public. Current regulations do not address the recent changes to California law regarding California driver licenses and identification cards. Some firearm dealers have declined to sell firearms to persons who only have a federal non-compliant license or identification card without proof of lawful presence in the United States. But the Department has no way of knowing whether all firearm dealers follow the same protocol. Before the passage of SB 244, the National Rifle Association had advised firearm dealers to ask for additional information at their discretion if the dealer had “cause to believe the individual using one of these licenses may be prohibited from possessing firearms.” (National Rifle Association Institute for Legislative Action, “California Special Alert: Update Regarding Use of Non-REAL IDs for Firearm Purchases,” March 22, 2018.)

This confusion has had a negative financial impact on 1800 firearm dealers and their employees throughout the state, and will negatively impact 250 ammunition vendors (as of July 1, 2019). Also, firearm dealers that require additional documentation may lose business to those that do not require any additional documentation. This confusion also increases the risk that firearms or ammunition will be inadvertently sold to persons who are not eligible to make such purchases under federal law.

This emergency regulation is necessary to secure the eligibility check process, and to assist firearm dealers and ammunition vendors, as well as law enforcement agencies, to obtain sufficient information that will allow for an accurate determination of whether a prospective purchaser or applicant is permitted to possess firearms or ammunition, consistent with federal law.

Explanation of Failure to Adopt Nonemergency Regulations

After the passage of SB 244 in September 2018, the Department issued guidance to firearm dealers suggesting that they consider asking prospective purchasers with federal non-compliant driver

licenses or identification cards for additional documentation establishing lawful presence in the United States. The Department also issued a consumer alert to California residents with a federal non-compliant license or identification that a firearm dealer may require additional documentation for firearm purchases.

But the guidance issued by the Department is voluntary and not all firearm dealers follow the guidance. After six months the Department has determined that the guidance is not sufficient to address the threat to public harm resulting from changes in California law relating to California driver licenses and identification cards.

Technical, Theoretical, and Empirical Study, Report, or Similar Document, Upon Which the Department Relied

National Rifle Association Institute for Legislative Action, “California Special Alert: Update Regarding Use of Non-REAL IDs for Firearm Purchases,” March 22, 2018.

U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, “Open Letter to All California Federal Firearms Licensees,” June 30, 2018.

Authority and Reference Citations

Authority: Sections 28060, 28100, 28155, 28215, and 28220, Penal Code.

Reference: Sections 832.15, 832.16, 13511.5, 16400, 18900, 18905, 23000, 26150, 26155, 26170, 26710, 26815, 27540, 27560, 27565, 27875, 27920, 27966, 28000, 28160, 28215, 28220, 28250, 29182, 29500, 30105, 30370, 31000, 31005, 32650, 32655, 32700, 32705, 32710, 32715, 33300, 33305, and 33850, Penal Code; Section 12101, Health & Safety Code; 18 U.S.C. § 922(d) and (g); and Title 27, Part 178.32, Code of Federal Regulations.

Informative Digest/Policy Statement Overview

Penal Code section 28060 authorizes the Department to adopt regulations to allow the seller or transferor of a firearm or the person loaning the firearm, and the purchaser or transferee of a firearm or the person being loaned the firearm, to complete a sale, loan, or transfer through a firearm dealer. Penal Code section 28220 requires the Department to examine its records to determine if a purchaser or transferee is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. Penal Code section 30370 requires the Department to approve the purchase or transfer of ammunition through a vendor to individuals who are not prohibited, and authorizes the Department to write regulations regarding this process. Further, the United States Code, Title 18, section 922, subdivisions (d) and (g), and the Code of Federal Regulations, Title 27, section 478.99, subdivision (c)(5) provide that an alien illegally or unlawfully in the United States is prohibited from owning or possessing firearms or ammunition.

The only way for the Department to fulfill its statutory obligation to determine that an individual is not prohibited from purchasing or possessing firearms or ammunition is through this emergency

rulemaking. This regulation is also imperative for firearm dealers and ammunition vendors to determine that an individual is not prohibited. If this regulation does not become effective by July 1, 2019, there will be continued uncertainty regarding firearms and ammunition sales in California for which the purchaser presents a federal non-compliant driver license or identification card, as well as continued uncertainty regarding eligibility checks involving federal non-compliant driver licenses and identification cards. This uncertainty increases the risk that firearms and ammunition will fall into the hands of individuals who are prohibited by either state or federal law, creating an imminent threat to the public safety and general welfare of California residents.

The Department has determined that this proposed regulation is not inconsistent or incompatible with existing state regulations which do not address the possibility that persons without lawful presence in the United States could hold a validly issued California driver license or identification card.

§ 4045.1. Additional Documentation Requirements for Eligibility Checks.

This section describes “eligibility checks” as background checks based on any application or report for which an applicant is required to submit a driver license or identification card, or the number of a driver license or identification card, so that the Department may determine whether the applicant is eligible to possess a firearm or ammunition. California law requires eligibility checks in multiple contexts. This section is necessary to capture all eligibility checks required under California law. Furthermore, this section establishes guidelines regarding how copies of the driver licenses or identification cards and proof of lawful presence in the United States shall be retained by law enforcement agencies, firearm dealers, ammunition vendors, or submitted by the applicant.

Subdivision (a) states the basic requirement that when submitting any application or report for which an applicant is required to submit a driver license or identification card, or the number from a driver license or identification card, a copy of the applicant’s driver license or identification card shall also be submitted. This subdivision is necessary to inform applicants that a copy of the applicant’s driver license or identification card is required as part of the application or report.

Subdivision (b) establishes that if the applicant presents a federal non-compliant California driver license or identification card with the notation “FEDERAL LIMITS APPLY” on the front, instead of a REAL ID, the applicant shall also submit proof of lawful presence in the United States. In addition, this subdivision establishes the forms of acceptable proof of lawful presence in the United States. This subdivision is necessary so that individuals with a federal non-compliant California driver license or identification card will know what additional document(s) they need to provide the Department when undergoing an eligibility check to purchase a firearm or ammunition.

Subdivision (c) addresses name mismatches. If the name on the driver license or identification card does not match the name on the document submitted in accordance with subdivision (b), the applicant must provide additional documentation as to the name change. The acceptable types of documentation are listed. This subdivision is necessary because it is common, whether due to marriage, divorce, or some other circumstance, that an individual’s name may not match their birth certificate, passport, or other document listed in subdivision (b).

Subdivision (d) describes eligibility checks initiated by applications or reports submitted to the Department in a paper format and establishes how an individual shall prove lawful presence in the United States when using a paper form. These forms have been updated and are incorporated by reference, as it would be cumbersome, unduly expensive, or otherwise impractical to publish all of the forms listed in their entirety in the California Code of Regulations. This section is necessary to identify all the paper applications and reports that will be affected by the regulation.

Under Penal Code section 27560, subdivision (a), the “New Resident Report of Firearm Ownership,” form BOF 4010A is used by individuals who are moving into California and wish to bring all of their California-legal firearms with them. These individuals must report the firearm(s) to the Department. The Department revised this form to indicate what fields are mandatory, so the applicant will complete the form and it will not be returned without processing. The Firearm(s) Information section was revised to provide more options when reporting firearms and explains what the additional options are. This was necessary so an applicant can better describe the firearm, and so the Department will have a better understanding of the type of firearm the applicant is reporting. In addition, language was added regarding the document(s) that should be included if the applicant has a “FEDERAL LIMITS APPLY” driver license or identification card and not a REAL ID. This was necessary so an individual will know what document(s) to include preventing the form from being returned without processing.

Under Penal Code section 28000, the “Firearm Ownership Report,” form BOF 4542A is used by individuals who wish to report firearm ownership to the Department. The Department revised this form to change the name from “Firearm Ownership Record” to “Firearm Ownership Report.” The new name for this report is better suited as it is an optional form and dependent upon an owner choosing to report their firearm(s). The form was revised to indicate what fields are mandatory, so the applicant will complete the form and it will not be returned without processing. The Firearm(s) Information section was revised to provide more options when reporting firearms and explains what the additional options are. This was necessary so the applicant can better describe the firearm, and so the Department will have a better understanding of the type of firearm the applicant is reporting. In addition, language was added regarding the document(s) that should be included if the applicant has a “FEDERAL LIMITS APPLY” driver license or identification card and not a REAL ID. This was necessary so an individual will know what document(s) to include preventing the form from being returned without processing.

Under Penal Code section 27565, the “Curio or Relic Firearm Report,” form BOF 4100A, is used by individuals who must report their out-of-state purchase of a curio or relic firearm. The Department revised this form to indicate what fields are mandatory, so the applicant will complete the form and it will not be returned without processing. The Firearm(s) Information section was revised to provide more options when reporting firearms and explains what the additional options are. This was necessary so the applicant can better describe the firearm, and so the Department will have a better understating of the type of firearm the applicant is reporting. In addition, language was added regarding the document(s) that should be included if the applicant has a “FEDERAL LIMITS APPLY” driver license or identification card and not a REAL ID. This was necessary so an individual will know what document(s) to include preventing the form from being returned without processing.

Under Penal Code section 27966, the “Collector In-State Acquisition of Curio or Relic Long Gun Report,” form BOF 961 is used by individuals who must report their in-state acquisition of a curio or relic firearm. The Department revised this form to indicate what fields are mandatory, so the applicant will complete the form and it will not be returned without processing. The Firearm(s) Information section was revised to provide more options when reporting firearms and explains what the additional options are. This was necessary so the applicant can better describe the firearm, and so the Department will have a better understanding of the type of firearm the applicant is reporting. In addition, language was added regarding the document(s) that should be included if the applicant has a “FEDERAL LIMITS APPLY” driver license or identification card and not a REAL ID. This was necessary so an individual will know what document(s) to include preventing the form from being returned without processing.

Under Penal Code sections 27875 and 27920, the “Report of Operation of Law or Intra-Familial Transaction,” form BOF 4544A is used by individuals who must report the possession of a firearm by operation of law, or the transfer of a firearm to a family member (Intra-Familial transfer). The Department revised this form to indicate what fields are mandatory, so the applicant will complete the form and it will not be returned without processing. The Firearm(s) Information section was revised to provide more options when reporting firearms and explains what the additional options are. This was necessary so an applicant can better describe the firearm, and so the Department will have a better understanding of the type of firearm the applicant is reporting. In addition, language was added regarding the document(s) that should be included if the applicant has a “FEDERAL LIMITS APPLY” driver license or identification card and not a REAL ID. This was necessary so an individual will know what document(s) to include preventing the form from being returned without processing.

Under various Penal Code statutes, the “Dangerous Weapons License/Permit(s) Application,” form BOF 030, and the “Dangerous Weapons License/Permit(s) Renewal Application,” form BOF 031, are used by individuals who wish to apply for or renew a dangerous weapons license of permit. The Department revised these forms to add language regarding the document(s) that should be included if the applicant has a “FEDERAL LIMITS APPLY” driver license or identification card and not a REAL ID. This was necessary so an individual will know what document(s) to include preventing the form from being returned without processing.

Subdivision (e) describes the eligibility checks initiated by applications and reports submitted electronically through the Department’s California Firearms Application Reporting System (CFARS). This subdivision also indicates what forms to upload in CFARS to prove lawful presence in the United States. This subdivision is necessary to identify the forms that may be submitted electronically through CFARS.

Subdivision (f) describes the eligibility checks initiated by applications or reports submitted electronically through the Department’s Dealer Record of Sale (DROS) Entry System. This subdivision also indicates what documentation an individual shall provide through the DROS Entry System to prove lawful residence in the United States. This subdivision is necessary to identify the forms that may be submitted electronically through the DROS Entry System.

Subdivision (g) addresses eligibility checks initiated by applications or reports submitted to other agencies that include fingerprint data to be used by the Department in order to determine whether

an individual is eligible to possess a firearm or ammunition under state or federal law. This subdivision is necessary to inform other government agencies of what the Department has determined is acceptable documentation to prove lawful presence in the United States.

Forms Incorporated by Reference

Form BOF 030 (Rev. 05/2019), Dangerous Weapons License/Permit(s) Application

Form BOF 031 (Rev. 05/2019), Dangerous Weapons License/Permit(s) Renewal Application

Form BOF 961 (Rev. 05/2019), Collector In-State Acquisition of Curio or Relic Long Gun Report

Form BOF 4010A (Rev. 05/2019), New Resident Report of Firearm Ownership

Form BOF 4100A (Rev. 05/2019), Curio or Relic Firearm Report

Form BOF 4542A (Rev. 05/2019), Firearm Ownership Report

Form BOF 4544A (Rev. 05/2019), Report of Operation of Law or Intra-Familial Firearm Transaction

Mandate on Local Agencies or School Districts

The Department has determined the proposed emergency regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed emergency regulations.

Duplication of State Statutes as Necessary to Satisfy Government Code Section 11349.1(a)(3)

To satisfy the requirements of Government Code section 11349.1(a)(6), the text of the proposed regulations are non-duplicative.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations

None.

Fiscal Impacts

The Department has assessed the potential for significant adverse impact that might result from the proposed emergency action and has determined:

- There will be no non-discretionary costs or savings to local agencies
- There will be no costs to school districts
- There will be no costs or savings in federal funding to the State

As detailed on the attachment to the Economic and Fiscal Impact Statement (STD 399), the Department estimates its costs (state agency) directly related to the additional documentation

requirements relating to “FEDERAL LIMITS APPLY” driver licenses or identification cards will be insignificant.

**STATEMENT OF CONFIRMATION OF MAILING OF FIVE-DAY
EMERGENCY NOTICE**

(Title 1, CCR section 11346.1(a)(2))

The Department sent notice of the proposed emergency action to every person who has filed a request for notice of regulatory action at least five working days before submitting the emergency regulation to the Office of Administrative Law in accordance with the requirements of Government Code section 11346.1(a)(2).

EXHIBIT 9



APPEARS IN LEGAL & LEGISLATION

California Special Alert: Update Regarding Use of Non-REAL IDs for Firearm Purchases

THURSDAY, MARCH 22, 2018



NRA and CRPA attorneys recently received further clarification from the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) regarding the use of non-REAL IDs when purchasing a firearm at a California licensed firearms dealer. According to ATF, California licensed firearm dealers:

[M]ay accept post-January 22, 2018 licenses/identification documents that meet the definition in 18 U.S.C. 1028(d) in fulfilling their requirements under 18 U.S.C. 922(t)(1)(C) and 27 CFR 478.124(c)(3) (i). However, licensees may consider asking for additional documentation (e.g., passport) so that the transfer is not further delayed.

As a result, California residents who are issued non-REAL IDs after January 22, 2018, by the California Department of Motor Vehicles (“DMV”) may use their IDs for the purposes of purchasing a firearm, even if the ID contains the language “FEDERAL LIMITS APPLY” on the front of the license and states on the back of the license that “This card is not acceptable for official federal purposes.”

Prior ATF Open Letter to Dealers Rescinded

ATF also informed NRA and CRPA attorneys that the letter issued in June of 2016 concerning “FEDERAL LIMITS APPLY” licenses, will be rescinded. A recent review of the ATF website for the letter states “Page Not Found.”

Pursuant to AB 60, the California Department of Motor Vehicles (“DMV”) may issue licenses and identification cards to individuals who cannot prove legal status in the United States. The licenses and identification cards issued pursuant to AB 60 stated “FEDERAL LIMITS APPLY” on the front of the card making them distinguishable from licenses issued to U.S. citizens.

Federal law prohibits those who are illegally in the United States from receiving and possessing firearms. In June 30, 2016, ATF sent a letter to firearm dealers informing them they could not transfer firearms to individuals using AB 60 licenses (licenses with “FEDERAL LIMITS APPLY” on their front) due to the likelihood the individual was in the country illegally and thus prohibited from receiving and possessing firearms.

Recently California started to implement the federal REAL ID Act, which requires state-issued licenses and identification cards to meet federal requirements for verification. AB 60 licenses do not meet these requirements. On January 22, 2018, DMV started issuing licenses to people who did not apply for or go through the process to acquire a REAL ID. Unfortunately, after January 22, 2018, the licenses issued pursuant to AB 60 and those issued to Californians who didn’t apply for a REAL ID state on their face “FEDERAL LIMITS APPLY,” and thus, according to the June 30, 2016 ATF letter, are unacceptable for firearm purchases.

Presumably this problem was corrected by DMV. ATF initially stated that licenses issued pursuant to the AB 60 undocumented individuals differed from those issued to U.S. citizens because on the back of the AB 60 licenses the license stated, “This card is not acceptable for official federal purposes.” Thus, there would be a way to differentiate between licenses issued pursuant to AB 60 and to U.S.

citizens who did not apply for a REAL ID license. Unfortunately, this information was incorrect as both AB 60 licenses and the licenses issued to U.S. citizens stated, "This card is not acceptable for official federal purposes" on the reverse side.

NRA and CRPA attorneys pointed this concern out to ATF soon after it was discovered. ATF now realizes that they cannot avoid this problem as these licenses with the same language on the front and back are sent out to U.S. citizens and undocumented individuals alike. Thus, ATF's position changed, and they are withdrawing the June 30, 2016 letter concerning "FEDERAL LIMITS APPLY."

Lingering Concerns

Not all "FEDERAL LIMITS APPLY" licenses can be used to acquire firearms. Licenses issued prior to January 22, 2018 with "FEDERAL LIMITS APPLY" on them were likely issued to individuals who cannot show lawful citizenship status. Firearm dealers are strongly advised to insist on an additional form of identification before accepting a license issued before January 22, 2018 with "FEDERAL LIMITS APPLY" marker.

Licenses issued after January 22, 2018 that state "FEDERAL LIMITS APPLY" may or may not have been issued to a person who is within the United States illegally. If a firearm dealer has cause to believe the individual using one of these licenses may be prohibited from possessing firearms, as ATF suggests, the dealer may want to consider asking for additional documentation.

Californians who want to make sure they have zero problems purchasing a firearm in the future may want to consider applying for and acquiring a REAL ID through the DMV. Remember these licenses can be used to board airplanes, gain access to military bases, and other federal facilities in 2020. Californians will not be able to use their non-REAL IDs for these purposes after 2020 and will be required to provide some other form of identification.

California licensed firearm dealers should be aware, however, that the California Department of Justice ("DOJ") may nonetheless continue to hold the position that any "FEDERAL LIMITS APPLY" licenses cannot be used for the purposes of purchasing a firearm. That position is an unlawful overreach because the question of lawful presence in the United States as it relates to firearm purchases falls directly under ATF's control. Under California law, one only needs to provide "clear evidence of the person's identity and age" when attempting to acquire a firearm from a California licensed dealer. "Clear evidence" is defined as a valid California Driver's License or Identification Card. Because both AB 60 licenses and non-REAL IDs are considered valid California identification, regardless if they satisfy federal requirements or not, both satisfy California's requirement of "clear evidence of the person's identity and age." In addition, ATF has informed NRA and CRPA attorneys that they will be rescinding their previous policy prohibiting the use of such licenses.

Continue to check your inbox and the California Stand and Fight web page for updates on issues impacting your Second Amendment rights and hunting heritage in California.

IN THIS ARTICLE

CALIFORNIA

SECOND AMENDMENT

FEDERALLY LICENSED FIREARMS RETAILERS

NRAEXPLORE

MORE LIKE THIS FROM
AROUND THE NRA



AMERICA'S 1ST FREEDOM

Now a Democrat Running for President Wants to Require You Apply for Your Rights



AMERICAN HUNTER

California Statewide Lead Ammo Ban Goes Into Effect July 1



SHOOTING ILLUSTRATED

Springfield Armory Announces Partnership With Hillsdale College

EXHIBIT 10

**U.S. Department of Justice**Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

www.atf.gov**JUN 30 2015****OPEN LETTER TO ALL CALIFORNIA FEDERAL FIREARM LICENSEES**

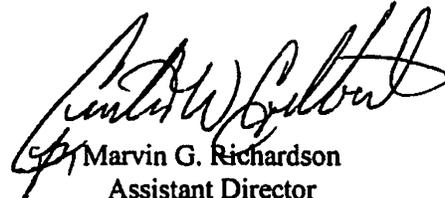
The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received an inquiry from the California Department of Justice regarding California driver licenses issued pursuant to The Safe and Responsible Driver Act, also known as California State Assembly Bill 60 (AB 60) and its applicability to Federal firearms laws. This open letter responds to that inquiry and provides guidance on the issue and to assist you, a Federal firearms licensee (FFL), in complying with Federal firearms laws and regulations. As of January 1st, 2015 California began issuing driver licenses, commonly referred to as an AB 60 license, to persons with a California residence who are unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law. AB 60 driver licenses are identified by the statement "FEDERAL LIMITS APPLY" in bold on the front of the license and a notice on the back that states "This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits."

As you know, Federal law, 18 U.S.C. § 922(g)(5)(A), prohibits any person who is illegally or unlawfully in the United States from shipping, transporting, receiving or possessing firearms or ammunition. Further, Federal Law, 18 U.S.C. § 922(d)(5)(A), makes it unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or **having reasonable cause to believe** that such person is illegally or unlawfully in the United States. As provided by 27 C.F.R. § 478.11, an alien illegally or unlawfully in the United States means someone "who is not in a valid immigrant, nonimmigrant or parole status." An AB 60 driver license is only issued to a person who cannot provide proof of lawful presence in the United States;¹ given this fact, a FFL has a reasonable cause to believe a potential transferee in possession of an AB driver license is illegally or unlawfully in the United States and prohibited from receiving or possessing firearms or ammunition. As such, you may not transfer firearms or ammunition to the person, even if the person answered "no" to question 11.k. on ATF Form 4473.

¹ Pursuant to California Vehicle Code § 12801.9, a California driver's license may be issued if the applicant attests that he or she is both ineligible for a social security number and although unable to submit satisfactory proof that his or her presence in the United States is authorized under federal, is able to establish identity and proof of California residency.

-2-

ATF is committed to assisting you in complying with Federal firearms laws. If you have any questions, please contact ATF's Firearms Industry Programs Branch at (202)648-7190 OR FIPB@atf.gov.



Marvin G. Richardson
Assistant Director
Enforcement Programs and Services

EXHIBIT 11

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April 9, 2018

VIA CERTIFIED MAIL

Attorney General Xavier Becerra
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2500

Re: Pre-Litigation Demand to Rescind Policy Prohibiting Purchase of Firearms Using Non-REAL IDs

To Whom It May Concern:

We write on behalf of our clients the National Rifle Association of America and the California Rifle & Pistol Association, Incorporated, as well as their hundreds of thousands of members who reside in California.

It is our understanding that several California licensed firearm dealers are receiving instruction from the California Department of Justice, Bureau of Firearms, ("CA DOJ") to not accept a driver's license with "FEDERAL LIMITS APPLY" language as "clear evidence of the person's identity and age"¹ when attempting to purchase a firearm no matter when the license was issued. As illustrated below, CA DOJ's policy is unsupported under both state and federal law. This letter constitutes a pre-litigation demand for CA DOJ to rescind this policy for California IDs² issued after January 22, 2018 and provide any further clarification of its intentions to do so.

I. BACKGROUND

In 2005, the federal government enacted the REAL ID Act, which requires states to issue driver's licenses or identification cards that meet minimum federal requirements by the year 2020 for use when boarding airplanes. As the law began to be implemented, questions arose regarding the purchase of firearms using non-REAL IDs. In response, the Bureau of Alcohol, Tobacco, Firearms and

¹ Cal. Penal Code § 27540(c).

² For purposes of this letter we will use the term "ID" to include driver's licenses and identification cards.



Explosives (“ATF”) issued a newsletter in 2012 to all Federal Firearm Licensees (“FFLs”) discussing the implications of the READ ID Act on the sale and transfer of firearms.³ According to this newsletter, a non-REAL ID may still be used to purchase a firearm provided the ID used satisfies the criteria required under the Gun Control Act.⁴

But the following year, California enacted Assembly Bill No. 60 (“AB 60”). Among its provisions, AB 60 requires the California Department of Motor Vehicles (“CA DMV”) to “issue an original driver’s license to a person who is unable to submit satisfactory proof that the applicant’s presence in the United States is authorized under federal law,” provided that the person meets several additional requirements.⁵ Licenses issued pursuant to AB 60 stated on their face “FEDERAL LIMITS APPLY.”

On or about February 2016, California Department of Justice sent an “Important Notice” to firearm dealers concerning AB 60 licenses.⁶ The Notice stated that the AB 60 license “does not establish eligibility to purchase firearms.” The rationale behind this statement was that individuals who are unable to provide proof of their lawful residence within the United States are those generally prohibited from owning or possessing firearms under federal law. Federal law prohibits an individual from possessing firearms if he or she is an alien illegally or unlawfully in the United States.⁷

The notice further stated:

“An applicant who does not have proof of lawful presence can receive an AB 60 license; however, as an alien applicant it would not establish legal or lawful presence even when admitted under a non-immigrant visa. A person who is illegally or unlawfully in the United States is federally prohibited from receiving firearms.”⁸

ATF on June 30, 2016 in an open letter to all California firearm dealers provided guidance to firearm dealers, stating:

“[I]t [is] unlawful for any person to sell or otherwise dispose of any firearm or ammunition knowing or having reasonable cause to believe that such person is illegally or unlawfully in the United States... **An AB 60 driver license is only issued to a person who cannot provide proof of lawful presence in the United States; given this fact, a FFL has reasonable cause to believe a potential transferee in possession of an AB driver licenses is illegally or unlawfully in the United States and prohibited**

³ As stated on the required 4473, the FFL “must establish the identity, place of residence, and age of the transferee/buyer. The transferee/buyer must provide a valid government-issued photo identification document to the transferor/seller that contains the transferee’s/buyer’s name, residence address, and date of birth.” *See ATF E-Form 4473 (5300.9)*.

(Oct. 2016).

⁵ Cal. Vehicle Code § 12801.9(a).

⁶ See attached DOJ “IMPORTANT NOTICE Re: Assembly Bill (AB) 60 Driver’s License” (undated) (Exhibit A.)

⁷ 18 U.S.C. § 922(g)(5).

⁸ Emphasis in original (Exhibit A.)

from receiving or possessing firearms or ammunition. As such, you may not transfer firearms or ammunition to the person.”⁹

Regular IDs issued by CA DMV, did not possess the “FEDERAL LIMITS APPLY” language, were different than AB 60 IDs, and this did not present a problem for lawful U.S. residents at the time.

But in January 2018, CA DMV began issuing IDs in accordance with the REAL ID Act. In doing so, *all* non-REAL IDs issued by CA DMV became identical in appearance to that of AB 60 IDs and included the same “FEDERAL LIMITS APPLY” language printed on the front.

At first, CA DMV informed ATF that AB 60 IDs were still slightly different from standard non-REAL IDs. But it was quickly apparent that this was not the case, as all non-REAL IDs issued by CA DMV are identical in their appearance. As a result, lawful U.S. residents were now being issued IDs that could no longer be used for the purposes of purchasing a firearm according to ATF’s 2016 revised opinion and DOJ’s “IMPORTANT NOTICE”.

In response, our office contacted ATF and CA DMV. Following these communications, ATF clarified their position to us that California licensed firearm dealers:

[M]ay accept post-January 22, 2018 licenses/identification documents that meet the definition in 18 U.S.C. 1028(d) in fulfilling their requirements under 18 U.S.C. 922(t)(1)(C) and 27 CFR 478.12-4(e)(3)(i). However, licensees may consider asking for additional documentation (e.g., passport) so that the transfer is not further delayed.

Given ATF’s recent clarification, California residents who are issued non-REAL IDs after January 22, 2018, by CA DMV may use their ID’s to purchase firearms in accordance with federal law, even if the ID contains the “FEDERAL LIMITS APPLY” language. ATF also stated it was rescinding its revised 2016 open letter to all California firearm dealers. A review of ATF’s website reveals that the June 30, 2016 letter is not available.

II. California IDs Issued Before and After January 22, 2018

But not all non-REAL IDs are acceptable. Any license issued prior to January 22, 2018 with “FEDERAL LIMITS APPLY”, could only have been issued pursuant to AB 60. For that reason, these licenses are not acceptable because there is reasonable cause to believe the individual was within the United States unlawfully. All Non-REAL IDs issued after January 22, 2018 state “FEDERAL LIMITS APPLY”, however, these are not necessarily issued pursuant to AB 60. Therefore, they do not provide sufficient cause for a dealer to believe the individual purchasing the firearm is prohibited under federal law. If a dealer has reasonable cause to believe that the individual using such a license may be prohibited from purchasing or possessing firearms due to their immigration status, ATF has suggested dealers ask for additional documentation. Otherwise a firearm dealer may deny the transfer.

CA DOJ appears to have taken the position that contradicts ATF’s recent clarification by stating that *any* ID issued by the CA DMV with “FEDERAL LIMITS APPLY” printed on the front cannot be used as “clear evidence of the person’s identity and age” for the purposes of purchasing a

⁹ See attached ATF “OPEN LETTER TO ALL CALIFORNIA FEDERAL FIREARMS LICENSEES” (Jun. 30, 2016) (Exhibit B), (emphasis added).

firearm. To take just one example, CA DOJ Operator 213 (who provided her first name "Chelsea") advised a California licensed firearms dealer that because of AB 60, only federally-approved "REAL ID"-type driver licenses were acceptable as "clear evidence of the person's identity and age" for the purposes of purchasing a firearm. We are aware of one other DOJ employee and DOJ inspector who provided similar advice to firearm dealers. The employee's name and employee number were not obtained when the advice was received. The DOJ inspector wishes to remain anonymous. Ultimately, this position has no basis under California law.

III. CALIFORNIA LAW

a. "Clear Evidence" of Identity and Age Requirement

Under California law, a firearm dealer may not deliver a firearm without "clear evidence of the person's identity and age."¹⁰

For the entirety of the Part 6 of the Penal Code, "clear evidence of the person's identity and age" is defined as either 1) a valid California driver's license; or, 2) a valid California identification card issued by the Department of Motor Vehicles.¹¹ No other requirements under California law or CA regulations exist regarding a person's clear evidence of identity and age. In other locations where identification is referred to, the reference is to a person's driver's license or valid driver's license. There is no basis under California law or regulation to state IDs with "FEDERAL LIMITS APPLY" language are unacceptable for these requirements. Regardless of whether the license is issued pursuant to the REAL ID Act or AB 60, or the ID is a non-REAL Act ID, all of these licenses are "valid" under California law. Requiring or insisting on any other type of license other than a "valid" driver's license is contrary to the requirements of California law.

b. California Firearm Restrictions

ATF's initial opinion regarding AB 60 IDs was based on the idea that a dealer could reasonably infer a person's immigration status from the AB 60 ID. The validity of the ID was never at issue. As stated above, an individual who cannot prove lawful status in the United States can still obtain an AB 60 license. But if identical licenses are issued after January 22, 2018 to U.S. citizens and persons who have entered, or are in, the country illegally, dealers cannot use those licenses as prima facie evidence the individual is prohibited from possessing firearms under federal law.

CA DOJ may attempt to claim that licenses issued after January 22, 2018 are unacceptable because there is a concern that anyone possessing these licenses may be prohibited from possessing firearms. But because that concern is based on a person's immigration status, and because the question of immigration status as it relates to the purchase of a firearm is solely the concern of federal law enforced by the ATF, CA DOJ has no basis for such a claim. There are no restrictions under California law against the possession of a firearm by a person who is illegally or unlawfully present in the United

¹⁰ Cal. Penal Code §§ 26815 and 27540

¹¹ Cal. Penal Code § 16400.

States, such individuals are not considered to be "prohibited persons" merely because of their immigration status under California law.¹²

IV. CONCLUSION

If CA DOJ is taking the position that the only valid form of identification is one meeting the requirements of the REAL ID Act, that position amounts to an illegal underground regulation. What's more, because the question of lawful presence in the United States as it relates to firearm purchases falls directly under ATF's control, the restriction also amounts to an unlawful overreach of CA DOJ's authority concerning immigration issues. Unless CA DOJ reverses its current policy immediately, our clients will proceed with litigation to declare the policy invalid and have its enforcement enjoined.

The confusion and problems created by this current misunderstanding of California and federal law is affecting countless Californians every day this continues. Should our clients be forced to pursue litigation, they will also seek to recover all attorney's fees authorized by law. However, if DOJ changes its position our clients would be happy to convey that change to members of the public without additional time or expense exerted by the CA DOJ.

If you have any questions or concerns relating to the forgoing, please contact me at your earliest convenience. If we do not hear from you before April 18, 2018, our clients may need to seek legal action.

Sincerely,
Michel & Associates, P.C.



Joseph A. Silvano, III

¹² California had a similar restriction, but prohibiting all aliens, but was held to be unconstitutional in 1972 in *People v. Rappard* 28 Cal.App3d 302. And the restriction on aliens was later removed from Penal Code section 12021 (the predecessor to current Penal Code section 29800).

cc.

VIA CERTIFIED MAIL

Sean McCluskie
P.O. Box 160487
Sacramento, CA 95816-0487

VIA CERTIFIED MAIL

Stephen Lindley
California Department of Justice
Bureau of Firearms
P.O. Box 820200
Sacramento, CA 94203-0200

VIA CERTIFIED MAIL

Robert Wilson
Office of the Attorney General
1300 I St., Ste 125
Sacramento, CA 95814

Exhibit A

IMPORTANT NOTICE

Re: Assembly Bill (AB) 60 Driver's License

The purpose of this notice is to advise California Firearms Dealers (CFDs) that the AB 60 driver's licenses are meant to grant the licensee legal ability to drive and **does not establish eligibility to purchase firearms.**

In 2013, Governor Brown signed AB 60 into law which directed the Department of Motor Vehicles (DMV) to issue an original driver's license to any California resident who is eligible for a driver's license, regardless of immigration status. An applicant who does not have proof of lawful presence can receive an AB 60 license; **however, as an alien applicant it would not establish legal or lawful presence even when admitted under a non-immigrant visa. A person who is illegally or unlawfully in the United States is federally prohibited from receiving a firearm.**

See below examples (circled red) that identify the distinguishing license characteristics.



Exhibit B

**U.S. Department of Justice****Bureau of Alcohol, Tobacco,
Firearms and Explosives**

Washington, DC 20226

www.atf.gov

JUN 30 2013

OPEN LETTER TO ALL CALIFORNIA FEDERAL FIREARM LICENSEES

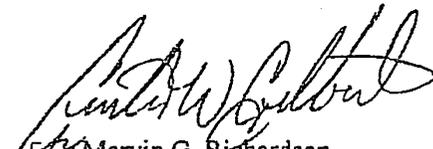
The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received an inquiry from the California Department of Justice regarding California driver licenses issued pursuant to The Safe and Responsible Driver Act, also known as California State Assembly Bill 60 (AB 60) and its applicability to Federal firearms laws. This open letter responds to that inquiry and provides guidance on the issue and to assist you, a Federal firearms licensee (FFL), in complying with Federal firearms laws and regulations. As of January 1st, 2015 California began issuing driver licenses, commonly referred to as an AB 60 license, to persons with a California residence who are unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law. AB 60 driver licenses are identified by the statement "FEDERAL LIMITS APPLY" in bold on the front of the license and a notice on the back that states "This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits."

As you know, Federal law, 18 U.S.C. § 922(g)(5)(A), prohibits any person who is illegally or unlawfully in the United States from shipping, transporting, receiving or possessing firearms or ammunition. Further, Federal Law, 18 U.S.C. § 922(d)(5)(A), makes it unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is illegally or unlawfully in the United States. As provided by 27 C.F.R. § 478.11, an alien illegally or unlawfully in the United States means someone "who is not in a valid immigrant, nonimmigrant or parole status." An AB 60 driver license is only issued to a person who cannot provide proof of lawful presence in the United States;¹ given this fact, a FFL has a reasonable cause to believe a potential transferee in possession of an AB driver license is illegally or unlawfully in the United States and prohibited from receiving or possessing firearms or ammunition. As such, you may not transfer firearms or ammunition to the person, even if the person answered "no" to question 11.k. on ATF Form 4473.

¹ Pursuant to California Vehicle Code § 12801.9, a California driver's license may be issued if the applicant attests that he or she is both ineligible for a social security number and although unable to submit satisfactory proof that his or her presence in the United States is authorized under federal, is able to establish identity and proof of California residency.

-2-

ATF is committed to assisting you in complying with Federal firearms laws. If you have any questions, please contact ATF's Firearms Industry Programs Branch at (202)648-7190 OR FIPB@atf.gov.



Marvin G. Richardson
Assistant Director
Enforcement Programs and Services

EXHIBIT 12

IMPORTANT NOTICE

**CALIFORNIA DEPARTMENT OF JUSTICE UPDATE REGARDING THE USE OF
“FEDERAL LIMITS APPLY” DRIVER LICENSES AND IDENTIFICATION CARDS TO
PERFORM ELIGIBILITY CHECKS**

“*Eligibility checks*” refers to applications or reports for which an applicant is required to submit a driver license or identification card, or the number from a driver license or identification card, so that the Department of Justice may determine the applicant’s eligibility to possess a firearm or ammunition under state or federal law.

Eligibility checks are required upon submission of the following DES transactions:

- Applications to purchase a firearm
- Applications to purchase ammunition

For all eligibility checks, a copy of the applicant’s driver license or identification card shall be submitted.

If the applicant presents a California driver license or identification card with the notation “FEDERAL LIMITS APPLY” on the front, the applicant shall also submit a copy of a document that proves their lawful presence in the United States, in the form of one of the following documents:

- Valid, unexpired U.S. passport or passport card
- Certified copy of U.S. birth certificate
- Certification of Birth Abroad (FS-545), Certification of Report of Birth (DS-1350) or Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240), issued by the U.S. Department of State
- Valid, unexpired foreign passport with valid U.S. immigrant visa and approved Record of Arrival/Departure (I-94) form
- Certified copy of birth certificate from a U.S. Territory
- Certificate of Naturalization or U.S. Citizenship
- Valid, unexpired Permanent Resident Card

For all eligibility checks, if the applicant’s California driver license or identification card has the notation “FEDERAL LIMITS APPLY” on the front and the applicant’s name as it appears on the driver license or identification card differs from the name on the document supplied, the applicant shall also submit a copy of one of the following certified documents:

- An adoption document that contains the legal name of the applicant as a result of the adoption.
- A name change document that contains the applicant’s legal name both before and, as a result of, the name change.
- A marriage certificate.
- A dissolution of marriage document that contains the legal name of the applicant as a result of the court action.

- A certificate, declaration or registration document verifying the formation of a domestic partnership.
- A dissolution of domestic partnership document that contains the legal name of the applicant as a result of the court action.

The dealer shall keep copies of the documents required as part of the permanent record of the transaction.

These requirements also pertain to an application or report submitted to the Department of Justice in a paper format. Copies of the documents required shall be submitted along with the paper application. These applications and reports include:

- New Resident Report of Firearms Ownership (*BOF 4010A*)
- Firearms Ownership Report (*BOF 4542A*)
- Curio or Relic Firearm Report (*BOF 4100A*)
- Collector In-State Acquisition of Curio and Relic Long Gun Report, (*BOF 961*)
- Report of Operation of Law or Intra-Familial Firearm Transaction (*BOF 4544A*)
- Dangerous Weapons License/Permit(s) Application (*BOF 030*) or (*BOF 031*)

These requirements also pertain to an application or report submitted to the Department of Justice electronically via CFARS. Copies of the documents required shall be uploaded to CFARS as prompted during the application or reporting process. These applications and reports include:

- Certificate of Eligibility Application
- Unique Serial Number Application
- New Resident Report of Firearms Ownership
- Firearms Ownership Report
- Curio and Relic Firearm Report
- Collector In-State Acquisition of Curio and Relic Long Gun Report
- Report of Operation of Law or Intra-Familial Firearm Transaction

Please see the examples of California “REAL ID” and “Federal Limits Apply” Driver Licenses on the following page.

For additional information, please refer to the California Code of Regulations, Title 11, Division 5, Chapter 4 § 4045. Definitions and Requirements.

Should you have any questions please contact the Bureau of Firearms, Customer Support Center at (855) 365-3767 or via e-mail at bofdes@doj.ca.gov.

EXHIBIT 4

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 Attorneys for Defendant Attorney General
 9 Xavier Becerra

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 **Kim Rhode et al.,**
 15
 Plaintiffs,
 16
 v.
 17
Xavier Becerra, in his official capacity
as Attorney General of the State of
 18 **California, et al.,**
 19
 Defendants.
 20

3:18-cv-00802-BEN-JLB

**SUPPLEMENTAL
 DECLARATION OF MAYRA G.
 MORALES IN SUPPORT OF
 DEFENDANT XAVIER
 BECERRA'S OPPOSITION TO
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

21 Dept: 5A
 Judge: Hon. Roger T. Benitez
 Action Filed: 4/27/2018

1 have an entry in the AFS system, meaning they elected the wrong eligibility check;
2 and (3) the name submitted by the vendor on the purchaser's behalf did not match
3 the name in the AFS system. Together, these accounted for about 80% of the
4 rejections.

5 5. The number of purchasers who appear to have incorrectly used an AFS
6 Check alone was about 30% of the total rejections in both months.

7 6. The other 50% of people who received an AFS rejection due to an
8 address or name mismatch could update or correct their AFS record via the
9 Department's website.

10 7. Of the individuals who had an AFS Check rejected in July or August,
11 between 30% and 40% had successfully purchased ammunition by August 31,
12 2019.

13 8. These numbers, and others, are set forth in more detail below.

14 9. Section I of this declaration provides additional information on Basic
15 Ammunition Eligibility Check (which I will refer to as "Basic Checks").

16 10. Section II provides information on AFS Checks for July and August
17 2019, including the total number of transactions, the number of approvals, denials,
18 and rejections, the reasons for the rejections, and the number of people who were
19 able to purchase ammunition after an AFS Check rejection.

20 11. Section III discusses the 289 people who were prevented from purchasing
21 ammunition in July and August because they were determined to be prohibited
22 based on Department records, including information that responds to the Court's
23 question about whether any of those people were mistakenly denied.

24 **I. BASIC AMMUNITION ELIGIBILITY CHECKS**

25 12. Although I understand that the Court was primarily concerned with the
26 rejection rates for AFS Checks, it bears noting that the default ammunition
27 eligibility check is the Basic Check described in California Code of Regulations,
28 title 11, section 4303. This check can be used irrespective of whether a purchaser

1 or transferee (I will generally refer to these together as “purchaser”) can take
2 advantage of one of the other eligibility checks.

3 13. Under section 4303(B), a Basic Check costs \$19 and entails submitting
4 identifying information, including the purchaser’s name, date of birth, current
5 address, and ID number, to the Department’s Dealer Record of Sale (DROS) Entry
6 System (DES). The process proceeds in two steps. First, the Department
7 automatically checks the person’s ID or driver license number (I will generally
8 refer to IDs and driver licenses as “IDs”), name, and date of birth, against DMV
9 records to confirm the information submitted matches a DMV record and that the
10 ID is valid. If the information matches, then the submitted information is
11 automatically run through four state databases: (1) Automated Criminal History
12 Record System (ACHS); (2) Mental Health Firearms Prohibition System (MHFPS);
13 (3) California Restraining and Protective Order System (CARPOS); and (4) Wanted
14 Persons System (WPS).

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

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1 15. Table 1.1 lists the approvals, rejections, and denials for July and August.

2

3 **Table 1.1: Basic Checks — Approvals, Denials, & Rejections¹**

	July 2019	August 2019
4 Basic Checks Processed	3,798	5,066 ²
5 Approved	3,607 ³ (94.97%)	4,827 ⁴ (95.28%)
6 Denied (Prohibited Persons)	119 (3.13%)	125 (2.47%)
7 Rejected (no match with DMV records)	22 (0.58%)	17 (0.34%)
8 Rejected (incomplete history)	50 (1.32%)	35 (0.69%)

9

10

11 16. Table 1.2 sets forth the average processing times for 3,709 Basic Checks
12 that were submitted in July, and 4,542 Basic Checks that were submitted in August,
13 that had eligibility determinations made on or before August 31, 2019.

14 **Table 1.2: Basic Checks — Processing Times**

	July 2019	August 2019
15 Average Time	16 1 day, 17 hrs., 31 mins.	17 1 day, 4 hrs., 50 mins.

18 ¹ This information is as of September 24, 2019, for transactions submitted in
19 July and August 2019. The July numbers are different from what was provided in
20 my August 2, 2019 Declaration in Support of Defendant Xavier Becerra's
21 Opposition to Plaintiffs' Motion for Preliminary Injunction, ECF No. 34-1 (August
2 Declaration), because subsequent action has been taken on the transactions since
August 2.

22 ² In August, 62 Basic Checks that were submitted were delayed. A Basic
23 Check can be delayed for many reasons. Most often it is because a Department
24 analyst must conduct additional research on an arrest cycle for a prohibiting event
25 with a missing disposition. The Department will do its due diligence to obtain the
26 necessary information. However, if the Department is unable to obtain the
27 information it will ultimately deny the transaction because an eligibility
28 determination could not be made.

³ One approved transaction was originally denied and subsequently approved.
The statistic is counted only in the Approved status as to not double count.

⁴ Two approved transactions were originally denied and subsequently
approved. The statistic is counted only in the Approved status as to not double
count.

1 17. Table 1.3 lists the average processing times for Basic Checks that were
 2 manually and automatically approved in July and August. These numbers are a
 3 subset of the 3,709 Basic Checks that were submitted in July, and 4,542 Basic
 4 Checks that were submitted in August, that had eligibility determinations made on
 5 or before August 31, 2019.

6

Table 1.3: Approved Basic Checks — Processing Times		
	July 2019	August 2019
Automatically Processed	811 (22.63%)	1,041 (23.79%)
Average Time	2 hrs., 5 mins.	1 hr., 36 mins.
Manually Processed	2,773 (77.37%)	3,334 (76.21%)
Average Time	2 days, 2 hrs. 29 mins.	1 day, 12 hrs., 5 mins.

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**II. AFS CHECK (STANDARD AMMUNITION ELIGIBILITY CHECKS)
 INFORMATION FOR JULY AND AUGUST 2019**

14
15 18. This section of my declaration provides the information that the
 16 Department has collected since the hearing regarding AFS Check rejections.
 17 Section II.A briefly recounts how the AFS Check works and provides the topline
 18 data for July and August 2019. Section II.B sets forth the reasons for the rejections.
 19 Section II.C provides information on purchasers who were rejected in an AFS
 20 Check in July or August who purchased ammunition on or before August 31, 2019.

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**A. AFS Check Approvals, Denials, and Rejections for July and
 August 2019**

23 19. As set forth in more detail in paragraphs 13-24 of my August 2
 24 Declaration, an AFS Check allows a person who owns a firearm and who has an
 25 entry in the State's Automated Firearms System to use that entry to establish their
 26 eligibility to purchase ammunition, rather than relying on the databases used in a
 27 Basic Check (described in paragraph 13, above).

1 20. If all the information matches an AFS entry and the purchaser is not in
2 the Armed Prohibited Persons System, then the transaction will be approved. If the
3 person is in the armed Prohibited Persons System, the transaction will be denied.

4 21. A purchaser who has an AFS Check rejected and is otherwise eligible to
5 purchase ammunition may do one of four things.

6 22. First, in many scenarios the purchaser may use the California Firearms
7 Application Reporting System (CFARS) to update their AFS personal information
8 to correct the cause of the mismatch. This process is set forth in paragraphs 20-24
9 of my August 2 Declaration and is also described on the Department's website at:
10 <https://oag.ca.gov/firearms/afspi>.

11 23. Second, if the purchaser owns a firearm that is not in AFS, the
12 purchaser may submit a Firearms Ownership Report using the form available on the
13 Department's website at <https://oag.ca.gov/firearms/forms> or by submitting the
14 form electronically through CFARS at <https://cfars.doj.ca.gov/login.do>. Once the
15 report is processed and approved, this will result in an AFS entry for the purchaser
16 that can be used to purchase ammunition.

17 24. Third, the purchaser can purchase a new firearm, which will allow them
18 to purchase ammunition at the same time, and also create an AFS entry that can be
19 used for future ammunition purchases.

20 25. Alternatively, these purchasers may elect to rely on a Basic Check, or, if
21 they have a COE, they may rely on a COE Check.

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1 26. Table 2.1 sets forth the July and August 2019 approvals, denials and
2 rejections for AFS Checks.

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4 **Table 2.1: AFS Checks — Approvals, Denials, & Rejections**

	July 2019	August 2019
5 AFS Checks Processed	57,553	101,058
6 Approved	46,702	80,811
7 Denied (Prohibited Persons)	14	28
8 Rejected (no match with AFS records)	10,837	20,219

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11 27. As noted in the tables, denials occur when official records identify the
12 purchaser as a prohibited person who cannot lawfully possess a firearm or
13 ammunition. A rejection occurs when the purchaser does not match an entry in
14 AFS. The reasons for the rejections in July and August 2019 are set forth in more
15 detail in the following section.

16 **B. Information on AFS Check Rejections for July and August 2019**

17 28. AFS Checks are a streamlined eligibility check that rely on the purchaser
18 already having undergone a firearms background check and being subject to
19 inclusion in the APPS system, in the event they later become prohibited.
20 Determining whether a potential ammunition purchaser has an up-to-date AFS
21 entry is therefore integral to how the AFS Checks work.

22 29. Under California Code of Regulations, title 11, section 4302, an AFS
23 Check involves checking whether a purchaser has a valid entry in the State's
24 Automated Firearms System. Under subdivision (c) of that regulation, to run an
25 AFS Check, a licensed ammunition vendor collects the purchaser's name, date of
26 birth, current address, and ID number, and submits that information to DES. The
27 system then automatically checks whether the submitted information matches an
28 AFS record, and, if it does, runs the purchaser's information against the Armed

1 Prohibited Persons System (APPS) database to determine whether the purchaser is
2 a prohibited person.

3 30. If the purchaser's name, address, date of birth, or ID number, or some
4 combination of that information, do not match an AFS record, the transaction is
5 rejected. For example, a purchaser may submit an AFS Check in which their name,
6 address, and date of birth match an AFS entry, but their ID number does not. Or, a
7 purchaser might submit a check in which their date of birth and ID number
8 matches, but their name and address do not. It is also possible that none, or only
9 one piece of information matches an AFS entry.

10 31. A small number of purchasers had AFS entries, but those entries were no
11 longer valid because the purchaser had transferred the firearm associated with the
12 entry to someone else.

13 32. In both July and August, about one in three of the AFS Check rejections
14 were for purchasers who it can reasonably be concluded do not have an AFS entry.

15 33. A large number of the rejections—over 50% of the total in both
16 months—fell into one of two categories: (1) their address did not match an AFS
17 entry but their name, date of birth, and ID number did; or (2) their name did not
18 match an AFS entry but their address, date of birth, and ID number did. Both
19 categories of people may use CFARS to correct their AFS information in a
20 relatively short amount of time.

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Name and Date of Birth Mismatch (address and ID number match)	16	0.15%	28	0.14%
Name, Date of Birth, and Address Mismatch (ID number match)	5	0.05%	27	0.13%

35. The information in Table 2.2 is derived from Microsoft Excel spreadsheets that list the transaction number, date, time, place, ID type, and reason for each rejection. I understand that those spreadsheets, with individual identifying information omitted, are being produced to counsel for Plaintiffs.

C. Information on Purchasers Rejected in an AFS Check Who Later Purchased Ammunition on or before August 31, 2019

36. The Court also asked the Attorney General whether purchasers who were rejected were able to purchase ammunition later.

37. Answering that question requires determining how many unique people attempted to purchase ammunition using AFS Checks who were subsequently rejected. Given the volume of data, the best way to answer this question is to use unique ID numbers as proxies for individual people. While potentially imperfect at the margins, I believe this approach provides a reasonably accurate method for identifying individual purchasers.

38. The 10,851 rejections and denials in July correspond to 9,027 unique ID numbers. I understand that the primary difference between rejections and denials and unique ID numbers is largely because 1,824 individuals tried to use the AFS Check procedure more than once and were rejected or denied on more than one occasion. The 20,247 rejections and denials in August correspond to 16,037 unique ID numbers. As with the July numbers, I understand that the primary difference between rejections and denials and unique ID numbers is largely because 4,182 individuals tried to use the AFS Check procedure more than once and were rejected or denied on more than one occasion.

1 39. Table 2.3 provides the number of individuals who were rejected from an
2 AFS Check but who were able to purchase ammunition by August 31, 2019.

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4 **Table 2.3: Purchasers Who were Rejected on an AFS Check and
Subsequently Purchased Ammunition on or before August 31, 2019**

	July 2019	August 2019
Individuals Rejected in AFS Checks	9,027	16,037
Number Who Purchased Ammunition on or before August 31, 2019, after an AFS Check Rejection	3,468	4,923

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10 **III. PROHIBITED PERSONS PREVENTED FROM PURCHASING AMMUNITION IN
JULY AND AUGUST 2019**

11 40. The Court also asked the Attorney General to provide additional
12 information about the purchasers who had been denied approval to purchase
13 ammunition because they are prohibited. In particular, the Court expressed concern
14 that people may have been considered prohibited who actually are not prohibited
15 persons.

16 41. As reported in paragraphs 50 and 52 of my August 2 Declaration, 106
17 people in July were prevented from purchasing ammunition because Department
18 records showed them to be prohibited. Since then, additional people who submitted
19 eligibility checks in July have been prevented from purchasing ammunition
20 bringing the total for July transactions to 134.

21 42. In August, the number thus far is 155, for a total of 289 persons denied
22 from purchasing ammunition in July and August because they were prohibited.

23 43. The Department investigates attempts to purchase ammunition by
24 prohibited persons. Data on specific denials is highly sensitive, and disclosing it
25 outside the Department could impede or undermine ongoing criminal
26 investigations.

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1 44. With that concern noted, I have asked our law enforcement staff to
2 provide me with general information on the denials. To give a sense of the reasons
3 for some of the denials, I will provide a few examples. One person in the Central
4 Valley who was denied had been committed under California Welfare and
5 Institutions Code section 5150 in 2018. Another in the Central Valley had a 2016
6 misdemeanor conviction for battery on a spouse. One in southern California had a
7 felony 2008 conviction for robbery. Some of the purchasers had older convictions:
8 an attempted purchaser in the Los Angeles region with a 1984 burglary conviction,
9 another in the northern California East Bay region with 1989 assault and battery
10 conviction, and another in Orange County with 1980 conviction for assault with a
11 deadly weapon.

12 45. I have also inquired whether, to the Department's knowledge, any of the
13 people denied from purchasing ammunition because they were prohibited were, on
14 a subsequent review, determined to not be prohibited. Determining whether this is
15 the case is a labor intensive process. The Department has reviewed approximately
16 45 of the 289 purchasers that were denied in July and August on the grounds of
17 prohibiting offenses, mental health commitments, or restraining orders. Four
18 purchasers were subsequently determined to have been eligible to purchase
19 ammunition at the time of purchase. In addition, five additional purchasers were
20 ineligible on the face of their official records, but were later determined to be
21 eligible after Department staff investigated the matter, contacted the appropriate
22 courts, and requested that they update the official status of the individuals. As a
23 result of these investigations—which are unrelated to this lawsuit or the Court's
24 request for information at the August 2 hearing—those individuals are now eligible
25 to purchase ammunition.

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

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Executed on: September 27, 2019

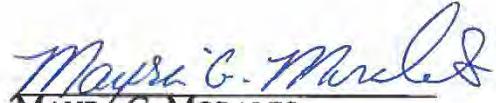

MAYRA G. MORALES

EXHIBIT 5

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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 **Kim Rhode et al.,**
 15
 16 Plaintiffs,
 17
 18 v.
 19 **Xavier Becerra, in his official capacity**
as Attorney General of the State of
California, et al.,
 20 Defendants.

3:18-cv-00802-BEN-JLB

**SECOND SUPPLEMENTAL
 DECLARATION OF MAYRA G.
 MORALES IN SUPPORT OF
 DEFENDANT XAVIER
 BECERRA'S OPPOSITION TO
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

Dept: 5A
 Judge: Hon. Roger T. Benitez
 Action Filed: 4/27/2018

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1 **SECOND SUPPLEMENTAL DECLARATION OF MAYRA G. MORALES**

2 I, MAYRA G. MORALES, declare:

3 1. I am a Staff Services Manager III for the California Department of
4 Justice, Bureau of Firearms (hereafter generally referred to together as the
5 “Department”). I make this declaration of my own personal knowledge and
6 experience and, if called as a witness, I could and would testify competently to the
7 truth of the matters set forth herein.

8 2. I understand that at an October 1, 2019 status conference relating to
9 Plaintiffs’ motion for preliminary injunction, the Court requested additional
10 information from the Attorney General. I have reviewed pages 41 through 43 of the
11 transcript of the status conference. Based on that review, I see that the Court
12 requested the same information provided in my September 27 Supplemental
13 Declaration (Supp. Decl.), ECF No. 42, updated through the end of October of
14 2019.

15 3. As part of my job duties, I can request data from the Department’s
16 Application Development Bureau regarding ammunition eligibility transactions. I
17 have obtained the data that the Court requested.

18 4. This declaration updates the tables in my September 27 Supplemental
19 Declaration for July and August and adds information for September and October.
20 To aid in readability, the tables are presented following my signature.

21 5. Section I of this declaration provides a narrative summary of the
22 information on Basic Ammunition Eligibility Check (which I will refer to as “Basic
23 Checks”) from July 1, 2019, through October 31, 2019. The data underlying this
24 summary appears in Tables 1.1 through 1.3.

25 6. Section II provides a narrative summary of information on AFS Checks
26 for July 1, 2019, through October 31, 2019. The data underlying this summary
27 appears in Tables 2.1 through 2.3.

1 7. Section III of this declaration updates information about purchasers who
2 had been denied as prohibited, but who, upon additional review, were determined to
3 be not prohibited. The Department has now reviewed a majority of the 504
4 transactions where a purchaser was denied as prohibited, and it has determined that
5 13 of those purchasers were in fact eligible.

6 **I. BASIC AMMUNITION ELIGIBILITY CHECK INFORMATION FOR JULY**
7 **THROUGH OCTOBER 2019**

8 8. The Basic Check is described in California Code of Regulations, title 11,
9 section 4303. This check can be used irrespective of whether a purchaser or
10 transferee (I will generally refer to these together as “purchaser”) can take
11 advantage of one of the other eligibility checks.

12 9. Under section 4303(b), a Basic Check costs \$19 and entails submitting
13 identifying information, including the purchaser’s name, date of birth, current
14 address, and ID number, to the Department’s Dealer Record of Sale (DROS) Entry
15 System (DES). The process proceeds in two steps. First, the Department
16 automatically checks the person’s ID or driver license number (I will generally
17 refer to IDs and driver licenses as “IDs”), name, and date of birth, against DMV
18 records to confirm the information submitted matches a DMV record and that the
19 ID is valid. If the information matches, then the submitted information is
20 automatically run through four state databases: (1) Automated Criminal History
21 Record System (ACHS); (2) Mental Health Firearms Prohibition System (MHFPS);
22 (3) California Restraining and Protective Order System (CARPOS); and (4) Wanted
23 Persons System (WPS).

24 10. If a purchaser’s information results in no hits in the system, the Basic
25 Check is processed automatically, meaning that Department employees are not
26 directly involved in the process. If the purchaser’s information results in a hit in
27 one of the four systems, the eligibility check will require manual review by a
28 Department analyst. A manual review can take anywhere from a few minutes to

1 days or weeks depending on the nature of the hit in the database. For instance, if
2 the ACHS shows the purchaser was charged with a felony, but does not have a
3 disposition of that felony, the manual check would entail tracking down the
4 disposition, which can take at least several business days.

5 11. Table 1.1 lists the Basic Check approvals, rejections, and denials for July
6 1, 2019, through October 31, 2019.

7 12. From July 1, 2019, through October 31, 2019, the Department has
8 processed 14,331 Basic Checks. Of those, 95% have been approved and about
9 1.65% have been rejected because the purchaser's information does not match
10 Department of Motor Vehicle records or the records used to make a determination
11 were incomplete, thereby preventing Department analysts from ascertaining
12 whether the purchaser was prohibited.

13 13. Almost 400 people, or 2.8% of the total processed, have been denied
14 because the Department's records show them to be prohibited persons.

15 14. Table 1.2 sets forth the average processing times for Basic Checks that
16 were submitted in July through October that had eligibility determinations made on
17 or before October 31, 2019. The average processing times for July and August
18 have increased since my September 27 Supplemental Declaration because a small
19 number of transactions—6.9% of the total—were still pending on August 31, but
20 had been resolved by October 31. These longer transaction times affected the
21 averages for those months. A Basic Check can be delayed for many reasons, most
22 often it is because a Department analyst must conduct additional research on an
23 arrest cycle for a prohibiting event with missing disposition. The Department will
24 do its due diligence to obtain the necessary information. However, if the
25 Department is unable to obtain the information, it will ultimately reject the
26 transaction because an eligibility determination could not be made.

27 15. For the typical purchaser, the Basic Check processing time takes an
28 average of one to two days. In July, it took 1 day and 17.5 hours for the typical

1 purchaser (though, as discussed in the footnotes to Tables 1.2 and 1.3, the average
2 time is higher). By October, the processing time had decreased to 1 day and 4
3 hours.

4 16. Table 1.3 lists the average processing times for Basic Checks that were
5 manually and automatically approved for the months of July through October.
6 These numbers are a subset of the Basic Checks that were submitted during those
7 months and that had eligibility determinations made on or before October 31, 2019.

8 17. Just under one-quarter of the approved Basic Checks were processed
9 automatically. The average processing time across all four months was roughly 2
10 hours.

11 18. Just over three-quarters of the approved Basic Checks were processed
12 manually. Subject to the observation above that some outliers affected the average,
13 the typical approved Basic Check that is manually processed takes about two
14 business days.

15 **II. AFS CHECK (STANDARD AMMUNITION ELIGIBILITY CHECK)**
16 **INFORMATION FOR JULY THROUGH OCTOBER 2019**

17 19. This section of my declaration provides the information that the
18 Department has collected as of October 31, 2019, regarding AFS Check rejections.
19 The AFS Check is described in more detail in my September 27 Supplemental
20 Declaration. Suppl. Decl. ¶¶ 19-25, 28-31, ECF No. 42. The regulation outlining
21 the AFS Check is located in California Code of Regulations, title 11, section 4302.

22 20. Section II.A of this declaration provides the data on AFS Checks for July
23 1, 2019, through October 31, 2019. Section II.B sets forth the reasons for AFS
24 Check rejections in those months. Section II.C provides information on purchasers
25 who were rejected in an AFS Check, but who later purchased ammunition on or
26 before October 31, 2019.

1 **A. AFS Check Approvals, Denials, and Rejections for July**
2 **Through October 2019**

3 21. Table 2.1 sets forth the AFS Check approvals, denials, and rejections for
4 July 1, 2019 through October 31, 2019. As noted in September 27 Supplemental
5 Declaration, Suppl. Decl. ¶ 27, ECF No. 42, denials occur when official records
6 identify the purchaser as a prohibited person who cannot lawfully possess a firearm
7 or ammunition. Rejections occur when the purchaser's information does not match
8 an AFS record.

9 22. Since July 1, 2019, the Department has processed 345,547 AFS Checks.
10 It has approved 283,411 (82%), rejected 62,035 (18%) because the information
11 submitted by the purchaser does not match an AFS entry, and denied 101 (0.03%)
12 because the Department's information shows the purchaser to be on the Armed
13 Prohibited Persons System (APPS) list.

14 23. The monthly rate of AFS Check rejections was 18.8% in July, increased
15 to 20% in August, and has since decreased to 17% in September and 15.6% in
16 October. The Department expects this downward trend to continue as familiarity
17 with the system among ammunition vendors and consumers increases. The reasons
18 for the rejections in July through October 2019 are set forth in more detail in the
19 following section.

20 **B. Information on AFS Check Rejections for July Through**
21 **October 2019**

22 24. To recap from my September 27 Supplemental Declaration, AFS Checks
23 are a streamlined eligibility check that rely on the purchaser already having
24 undergone a firearms background check and being subject to inclusion in APPS, in
25 the event they later become prohibited. By definition, an AFS Check will work
26 only for those who have an AFS record, and whose record is up to date. A
27 purchaser without an AFS record, or with an AFS record that is not current, will not
28

1 be able to obtain an eligibility determination; the system will reject that submission.

2 Suppl. Decl. ¶¶ 28, ECF No. 42.

3 25. At the outset, it bears noting that an AFS Check rejection, due to the
4 purchaser's information not matching a record in AFS, is not a determination that
5 the purchaser is ineligible to purchase ammunition. It means that the purchaser
6 cannot avail themselves of that streamlined eligibility check. They may still use a
7 Basic Check, or, in certain situations, a Certificate of Eligibility Verification
8 (California Code of Regulations, title 11, section 4305) or Firearms Eligibility
9 Check (California Code of Regulations, title 11, section 4304). *See also* Suppl.
10 Decl. ¶¶ 21-25, ECF No. 42.

11 26. An AFS Check will be rejected if the purchaser's name, address, date of
12 birth, or ID number, or some combination of that information, does not match an
13 AFS record. Suppl. Decl. ¶ 30, ECF No. 42.

14 27. Table 2.2 summarizes the reasons for the AFS Check rejections for July
15 1, 2019 through October 31, 2019.

16 28. Across all four months, the most common reason AFS Checks were
17 rejected was that the purchaser's address did not match the address in an AFS
18 record. These purchasers' name, ID number, and date of birth matched an entry,
19 but their address did not match an entry. This accounted for about 36% of the
20 rejections over the four-month period.

21 29. The next most common reason AFS Checks were rejected was that the
22 purchaser could not be associated with an AFS entry at all. In most cases, this
23 likely occurred because either the purchaser or the ammunition vendor mistakenly
24 chose to run an AFS Check where the purchaser did not have an AFS record. This
25 accounted for roughly one-third of all AFS Check rejections. For instance, in
26 October, the Department rejected 4,288 AFS Checks, about 32% of all 13,498
27 rejections, for this reason.

28

1 30. Name mismatches were another significant source of rejections. Across
2 the four months, about 13% of AFS Checks were rejected for this reason.

3 31. These three reasons for rejections—address mismatches, no apparent
4 AFS entry, and name mismatches—accounted for about 80% of all rejections. The
5 remaining 20% or so of rejections occurred for various other reasons listed in Table
6 2.2.

7 **C. Information on Purchasers Rejected in an AFS Check Who**
8 **Later Purchased Ammunition on or before October 31, 2019**

9 32. At the Court's request, my September 27 Supplemental Declaration
10 included information on whether purchasers who were rejected in an AFS Check
11 had subsequently purchased ammunition. Suppl. Decl. ¶¶ 36-39, ECF No. 42.

12 33. Table 2.3 lists information on purchasers who were rejected who later
13 purchased ammunition by month.

14 34. As explained in my September 27 Supplemental Declaration, there is a
15 difference between the total number of rejections each month and the unique
16 individuals rejected. Suppl. Decl. ¶ 38, ECF No. 42. I understand that the primary
17 difference between rejections and denials and unique ID numbers is largely because
18 some individual purchasers attempted to use the AFS Check procedure more than
19 once and were rejected or denied on more than one occasion.

20 35. In my September 27 Supplemental Declaration, I reported that of the
21 9,027 unique purchasers rejected in July, 3,468 (38.41%) had purchased
22 ammunition as of August 31, 2019. Suppl. Decl. ¶ 39, Table 2.3, ECF No. 42. By
23 October 31, 2019, 3,950 (43.75%) unique purchasers in July had purchased
24 ammunition as of October 31, 2019. That means that 482 additional people who
25 had an AFS Check rejected in July purchased ammunition between August 31,
26 2019, and October 31, 2019.

27 36. A similar trend occurred for the August numbers. In my September 27
28 Supplemental Declaration, I reported that of the 16,037 unique purchasers rejected

1 in August, 4,923 (30.69%) had purchased ammunition as of August 31, 2019.
2 Suppl. Decl. ¶ 39, Table 2.3, ECF No. 42. By October 31, 2019, that number had
3 increased to 6,563 (40.92%), meaning an additional 1,640 people who had an AFS
4 Check rejected in August purchased ammunition between August 31, 2019, and
5 October 31, 2019.

6 37. Of the 14,008 individuals who had an AFS Check rejected in September,
7 5,371 (38.34%) had purchased ammunition by October 31, 2019.

8 38. And of the 10,896 individuals who had an AFS Check rejected in
9 October, 3,580 (32.86%) had purchased ammunition by October 31, 2019.

10 **III. PERSONS PREVENTED FROM PURCHASING AMMUNITION AND**
11 **SUBSEQUENTLY DEEMED ELIGIBLE.**

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

16 40. I reported that four purchasers were denied on the grounds of a
17 prohibiting offense, mental health commitment, or restraining order, but were
18 subsequently determined to have been eligible to purchase ammunition at the time
19 of purchase, and that an additional five purchasers were ineligible to purchase
20 ammunition on the face of their official records, but were later determined to be
21 eligible after Department staff investigated the matter. Suppl. Decl. ¶ 45, ECF
22 No. 42.

23 41. The Department has now reviewed over 400 of the transactions where the
24 purchaser was denied as prohibited. Based on that review, one additional
25 purchaser, for a total of five purchasers, was denied on the grounds of a prohibiting
26 offense, mental health commitment, or restraining order, but was, based on the face
27 of the official records, subsequently determined to have been eligible to purchase
28 ammunition at the time of purchase. Three new transactions were uncovered where

1 the purchaser was ineligible to purchase ammunition on the face of their official
2 records, but were later determined to be eligible after Department staff investigated
3 the matter. The number of those transactions stands at eight.

4 42. To summarize, with over three-quarters of the denials from July 1, 2019,
5 through October 31, 2019, reviewed, 13 purchasers who were denied as prohibited
6 persons have since been determined to be eligible.

7
8
9 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
10 is true and correct.

11
12 Executed on: November 18, 2019

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15 MAYRA G. MORALES

TABLE 1 – Basic Ammunition Eligibility Checks

TABLE 1 – BASIC AMMUNITION ELIGIBILITY CHECKS

TABLE 1 – Basic Ammunition Eligibility Checks

Table 1.1: Basic Checks — Approvals, Denials, & Rejections					
	July 2019	August 2019	September 2019	October 2019	Total
Basic Checks Received	3,798	5,066	3,213	2,400 ¹	14,477
Basic Checks Processed	3,798	5,066	3,201	2,266	14,331
Approved ²	3,607 (94.97%)	4,852 (95.78%)	3050 (95.28%)	2,189 (96.60%)	13,698 (95.58%)
Denied (Prohibited Persons)	119 (3.13%)	130 (2.57%)	87 (2.72%)	60 (2.65%)	396 (2.76%)
Rejected (no match with DMV records)	22 (0.58%)	17 (0.34%)	24 (0.75%)	10 (0.44%)	73 (0.51%)
Rejected (incomplete history)	50 (1.32%)	67 (1.32%)	40 (1.25%)	7 (0.31%)	164 (1.14%)

¹ As of November 1, 2019, 12 (0.37%) Basic Checks received in September and 65 (2.71%) Basic Checks received in October, had been delayed. In addition, 69 (2.88%) Basic Checks received in October had not yet been processed as of November 1, 2019. For example, requests received on October 31, 2019, likely would not have been processed by the time I collected data for this declaration.

² Transactions that were initially denied, but later approved, are treated as approved for purposes of this table.

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TABLE 1 – Basic Ammunition Eligibility Checks

Table 1.2: Basic Checks — Processing Times			
	July 2019	August 2019	September 2019
Average Time ³	3 days, 1 hr., 30 mins.	2 days, 7 hrs., 59 mins.	1 day, 10 hrs., 2 mins.
			1 day, 4 hrs., 45 mins.

Table 1.3: Approved Basic Checks — Processing Times				
	July 2019	August 2019	September 2019	October 2019
Automatically Processed	811 (22.48%)	1,092 (22.51%)	713 (23.38%)	558 (25.49%)
Average Time	2 hrs., 5 mins.	1 hr., 40 mins.	2 hrs., 36 mins	1 hr., 59 mins.
Manually Processed	2,796 (77.52%)	3,760 (77.49%)	2,337 (76.62%)	1,631 (74.51%)
Average Time ⁴	2 days, 12 hrs. 29 mins.	2 days, 4 hrs., 3 mins.	1 day, 4 hrs., 25 mins.	1 day, 12 hrs., 2 mins.

³ My September 27 Supplemental Declaration used August 31, 2019, as a cut-off for calculating transaction times. *See* Suppl. Decl. ¶ 16, ECF No. 42. Not all July and August 2019 Basic Checks had determinations made by that date. When I had the calculation re-run as of October 31, 2019, all July and August Basic Checks were considered, as they all had determinations made. The longer total processing times for July and August reported in this declaration are a result of a relatively small number of transactions significantly increasing the average. Based on the times reported in my September 27 Supplemental Declaration, the typical Basic Check that required manual processing took 1 day, 17 hours, and 31 minutes, in August, and 1 day, 4 hours, and 50 minutes, in July. *See* Suppl. Decl. at p. 4, Table 1.2, ECF No. 42.

⁴ For the reasons discussed in footnote 3, the average times for July and August have increased compared with the numbers reported in my September 27 Supplemental Declaration. *See* Suppl. Decl. at p. 4, Table 1.3, ECF No. 42.

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

TABLE 2 – AFS CHECKS (STANDARD AMMUNITION ELIGIBILITY CHECKS)

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.1: AFS Checks — Approvals, Denials, & Rejections						
	July 2019	August 2019	September 2019	October 2019	Total	
AFS Checks Processed	57,553	101,058	100,560	86,376	345,547	
Approved	46,702	80,811	83,051	72,847	283,411	
Denied (Prohibited Persons)	14	28	28	31	101	
Rejected (no match with AFS records)	10,837	20,247	17,481	13,498	62,063	

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.2: AFS Checks — Reasons for Rejections									
	July 2019		August 2019		September 2019		October 2019		
Total Rejected	10,837		20,219		17,481		13,498		
Address Mismatch (name, date of birth, and ID number match)	4,077	37.62%	7,160	35.41%	6,420	36.73%	4,925	36.49%	
No Identifiable AFS Entry (purchaser not eligible for AFS Check)	3,303	30.48%	6,563	32.46%	5,609	32.09%	4,288	31.77%	
Name Mismatch (date of birth, address, and ID number match)	1,452	13.40%	2,563	12.68%	2,197	12.57%	1,744	12.92%	
Name and ID Number Mismatch (date of birth and address match)	423	3.90%	774	3.83%	689	3.94%	510	3.78%	
AFS Entry No Longer Valid (Name, Date of Birth, ID Number, and Address Match)	322	3%	576	2.85%	443	2.53%	361	2.67%	
Name and Address Mismatch (date of	301	2.78%	671	3.32%	666	3.81%	524	3.88%	

16

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.2: AFS Checks — Reasons for Rejections						
	July 2019	August 2019	September 2019	October 2019		
birth and ID number match)						
AFS Entry No Longer Valid (Partially Matched on a combination of Name, Date of Birth, ID, Address)	258	522	425	333	2.38%	2.47%
ID Number and Address Mismatch (name and date of birth match)	248	497	392	298	2.29%	2.21%
ID Number Mismatch (name, date of birth, and address match)	209	383	290	226	1.93%	1.67%
Date of Birth Mismatch (name, address, and ID number match)	148	259	188	154	1.37%	1.14%
Date of Birth and ID Number Mismatch	41	124	66	65	0.38%	0.48%

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.2: AFS Checks — Reasons for Rejections								
	July 2019		August 2019		September 2019		October 2019	
(name and address match)								
Date of Birth and Address Mismatch (name and ID number match)	34	0.31%	72	0.36%	49	0.28%	45	0.33%
Name and Date of Birth Mismatch (address and ID number match)	16	0.15%	28	0.14%	19	0.11%	18	0.13%
Name, Date of Birth, and Address Mismatch (ID number match)	5	0.05%	27	0.13%	28	0.16%	7	0.05%

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.3: Purchasers Who were Rejected on an AFS Check and Subsequently Purchased Ammunition on or before August 31, 2019				
	July 2019	August 2019	September 2019	October 2019
Individuals Rejected in AFS Checks	9,027	16,037	14,008	10,896
Number Who Purchased Ammunition on or before October 31, 2019, after an AFS Check Rejection	3,950 ⁵	6,563 ⁶	5,371	3,580

⁵ As of August 31, 2019, this number was 3,468. *See* Supp. Decl. at p. 11, Table 2.3, ECF No. 42. The difference between that number and the number in this table means that 482 additional people who received an AFS Check rejection in the month of July were able to purchase ammunition using some form of eligibility check between August 31 and October 31, 2019.

⁶ As of August 31, 2019, this number was 4,923. *See* Supp. Decl. at p. 11, Table 2.3, ECF No. 42. The difference between that number and the number in this table means that 1,640 additional people who received an AFS Check rejection in the month of August were able to purchase ammunition using some form of eligibility check between August 31 and October 31, 2019.

EXHIBIT 6

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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 **Kim Rhode et al.,**
 15
 Plaintiffs,
 16
 v.
 17
 18 **Xavier Becerra, in his official capacity**
as Attorney General of the State of
 19 **California, et al.,**
 20 Defendants.

3:18-cv-00802-BEN-JLB

**THIRD SUPPLEMENTAL
 DECLARATION OF MAYRA G.
 MORALES IN SUPPORT OF
 DEFENDANT XAVIER
 BECERRA'S OPPOSITION TO
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

Dept: 5A
 Judge: Hon. Roger T. Benitez
 Action Filed: 4/27/2018

1 **THIRD SUPPLEMENTAL DECLARATION OF MAYRA G. MORALES**

2 I, MAYRA G. MORALES, declare:

3 1. I am a Staff Services Manager III for the California Department of
4 Justice, Bureau of Firearms (hereafter generally referred to together as the
5 “Department”). I make this declaration of my own personal knowledge and
6 experience and, if called as a witness, I could and would testify competently to the
7 truth of the matters set forth herein.

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

- 9 • The August 5, 2019 Declaration of Mayra G. Morales in Support of
10 Defendant Xavier Becerra’s Opposition to Plaintiffs’ Motion for
11 Preliminary Injunction, ECF No. 34-1;
12 • The September 27, 2019 Supplemental Declaration of Mayra G. Morales
13 in Support of Defendant Xavier Becerra’s Opposition to Plaintiffs’
14 Motion for Preliminary Injunction, ECF No. 42; and
15 • The November 18, 2019 Second Supplemental Declaration of Mayra G.
16 Morales in Support of Defendant Xavier Becerra’s Opposition to
17 Plaintiffs’ Motion for Preliminary Injunction, ECF No. 48.

18 3. This third supplemental declaration updates the tables in my November
19 28 Second Supplemental Declaration for July through October 2019, and adds data
20 for November 2019 through January 2020. To aid in readability, the tables are
21 presented following my signature.

22 4. Section I of this declaration provides a narrative summary of the
23 information on Basic Ammunition Eligibility Check (which I will refer to as “Basic
24 Checks”) from July 1, 2019, through January 31, 2020. The data underlying this
25 summary appears in Tables 1.1 through 1.3. This declaration adds new entries into
26 Tables 1.2 and 1.3 to show median processing times for Basic Checks.

1 5. Section II provides a narrative summary of information on Standard
2 Ammunition Eligibility Checks (which I will refer to as “AFS Checks”) for July 1,
3 2019, through January 31, 2020. The data underlying this summary appears in
4 Tables 2.1 through 2.4. This section contains three noteworthy updates from my
5 November 18 Second Supplemental Declaration. First, the numbers in Table 2.2,
6 which lists the reasons for AFS Check rejections, have been corrected to account
7 for a misallocation of certain rejections in the reported reasons. This misallocation
8 did not affect the total number of rejections or the actual reason for any rejection.
9 Second, I have recently become aware of a potential source of slight discrepancies
10 in the numbers reported in Table 2.2 going forward that I want to bring to the
11 Court’s and parties’ attention now. Third, this declaration adds a new Table 2.4,
12 which lists the weekly AFS Check rejection rate from July 1, 2019, through
13 February 23, 2020.

14 6. Section III of this declaration updates information about purchasers who
15 had been denied as prohibited, but who, upon additional review, were determined to
16 be not prohibited. The Department has now reviewed a majority of the 770
17 transactions where a purchaser was denied as prohibited, and it has determined that
18 16 of those purchasers were in fact eligible.

19 **I. BASIC AMMUNITION ELIGIBILITY CHECK INFORMATION FOR JULY 2019**
20 **THROUGH JANUARY 2020**

21 7. The Basic Check is described in California Code of Regulations, title 11,
22 section 4303. This check can be used irrespective of whether a purchaser or
23 transferee (I will generally refer to these together as “purchaser”) can take
24 advantage of one of the other eligibility checks.

25 8. Under section 4303(b), a Basic Check costs \$19 and entails submitting
26 identifying information, including the purchaser’s name, date of birth, current
27 address, and ID number, to the Department’s Dealer Record of Sale (DROS) Entry
28 System (DES). The process proceeds in two steps. First, the Department

1 automatically checks the person's ID or driver license number (I will generally
2 refer to IDs and driver licenses as "IDs"), name, and date of birth, against DMV
3 records to confirm the information submitted matches a DMV record and that the
4 ID is valid. If the information matches, then the submitted information is
5 automatically run through four state databases: (1) Automated Criminal History
6 Record System (ACHS); (2) Mental Health Firearms Prohibition System (MHFPS);
7 (3) California Restraining and Protective Order System (CARPOS); and (4) Wanted
8 Persons System (WPS).

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

18 10. Table 1.1 lists the Basic Check approvals, rejections, and denials for July
19 1, 2019, through January 31, 2020.

20 11. From July 1, 2019, through January 31, 2020, the Department has
21 processed 19,599 Basic Checks. Of those, 95.3% have been approved and about
22 1.7% have been rejected because the purchaser's information does not match
23 Department of Motor Vehicle records or the records used to make a determination
24 were incomplete, thereby preventing Department analysts from ascertaining
25 whether the purchaser was prohibited.

26 12. Over 570 people, or 2.9% of the total processed, have been denied
27 because the Department's records show them to be prohibited persons.

28

1 13. Table 1.2 sets forth the average processing times for Basic Checks that
2 were submitted to the Department, by month, from July 2019 through January 2020
3 that had eligibility determinations made on or before January 31, 2020. As I
4 explained in my November 18 Second Supplemental Declaration, the average
5 processing times for previously reported months tends to increase due to a small
6 number of transactions skewing the average upward. *See* Second Supp. Decl. ¶ 14
7 & p. 10 n.3, ECF No. 48. These longer transaction times affected the averages for
8 those months. A Basic Check can be delayed for many reasons, most often it is
9 because a Department analyst must conduct additional research on an arrest cycle
10 for a prohibiting event with missing disposition. The Department will do its due
11 diligence to obtain the necessary information. However, if the Department is
12 unable to obtain the information, it will ultimately reject the transaction because an
13 eligibility determination could not be made.

14 14. For the typical purchaser, the Basic Check processing time takes an
15 average of one to two days. In July, it took 1 day and 17.5 hours for the typical
16 purchaser (though, as discussed in the footnotes to Tables 1.2 and 1.3, the average
17 time is higher). By October, the processing time had decreased to 1 day and 4
18 hours. The processing times for the typical purchaser in November, December, and
19 January were roughly the same.

20 15. Another way to assess the experience of ammunition purchasers is to
21 look at the median processing time—the processing time at which 50% of the
22 transactions in the month took less time and 50% took more time. The median will
23 provide additional information on how long the majority of the transactions are
24 actually taking. Table 1.2 now includes the median processing time for Basic
25 Checks. For example, for July Basic Checks all decisions average (mean) time was
26 73 hours (or 3 days) but the median of those decisions is 27 hours. That gives a
27 sense of how much the outlier cases affect the average.

28

1 16. Table 1.3 lists the average processing times for Basic Checks that were
2 approved manually and automatically for the months of July 2019 through January
3 2020. These numbers are a subset of the Basic Checks that were submitted during
4 those months and that had eligibility determinations made on or before January 31,
5 2020. This table also lists median processing times.

6 17. Just under one-quarter of the approved Basic Checks were processed
7 automatically. The average processing time across all seven months was roughly
8 2 hours.

9 18. Just over three-quarters of the approved Basic Checks were processed
10 manually. Subject to the observation above that some outliers affected the average,
11 the typical approved Basic Check that is manually processed takes about two
12 business days.

13 **II. AFS CHECK (STANDARD AMMUNITION ELIGIBILITY CHECK)**
14 **INFORMATION FOR JULY THROUGH JANUARY 2020**

15 19. This section of my declaration provides the information that the
16 Department has collected as of January 31, 2020, regarding AFS Check rejections.
17 The AFS Check is described in more detail in my September 27 Supplemental
18 Declaration. Suppl. Decl. ¶¶ 19-25, 28-31, ECF No. 42. The regulation outlining
19 the AFS Check is located in California Code of Regulations, title 11, section 4302.

20 20. Section II.A of this declaration provides the data on AFS Checks for July
21 1, 2019, through January 31, 2020. Section II.B sets forth the reasons for AFS
22 Check rejections in those months. The section also contains two new subsections.
23 Subsection II.B.1 explains a correction to previously reported data on this topic.
24 Subsection II.B.2 discusses small discrepancies in the data reporting the reasons for
25 the rejections (but not the actual reasons themselves) that have arisen, or will likely
26 arise, as that data is re-tabulated over time. Section II.C provides information on
27 purchasers who were rejected in an AFS Check, but who later purchased
28 ammunition on or before January 31, 2020.

1 **A. AFS Check Approvals, Denials, and Rejections for July 2019**
 2 **Through January 2020**

3 21. Table 2.1 sets forth the AFS Check approvals, denials, and rejections for
 4 July 1, 2019 through January 31, 2020. As noted in my September 27
 5 Supplemental Declaration, Suppl. Decl. ¶ 27, ECF No. 42, denials occur when
 6 official records identify the purchaser as a prohibited person who cannot lawfully
 7 possess a firearm or ammunition. *See also* Second Supp. Decl. ¶ 21, ECF No. 48.
 8 Rejections occur when the purchaser's information does not match an AFS record.

9 22. From July 1, 2019, through January 31, 2020, the Department has
 10 processed 616,257 AFS Checks. It has approved 515,022 (83%), rejected 101,047
 11 (16.4%) because the information submitted by the purchaser does not match an
 12 AFS entry, and denied 188 (0.03%) because the Department's information shows
 13 the purchaser to be on the Armed Prohibited Persons System (APPS) list.

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

16

Month	Rejections as Percent of Total AFS Checks by Month
July 2019	18.8%
August 2019	20.0%
September 2019	17.3%
October 2019	15.6%
November 2019	15.3%
December 2019	14.5%
January 2020	13.2%
February 1 through 23, 2020	13.1%

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1 24. This declaration adds a new Table 2.4 that charts the weekly rejection
2 rate from July 2019 through the week ending February 23, 2020.¹ As the table in
3 the previous paragraph and new Table 2.4 show, the rejection rate has been steadily
4 declining since its high of 20% in August 2019. In some recent weeks, the rate has
5 dipped below 13%.

6 **B. Information on AFS Check Rejections for July 2019 Through**
7 **January 2020**

8 25. To recap from my September 27 Supplemental Declaration and
9 November 18 Second Supplemental Declaration, AFS Checks are a streamlined
10 eligibility check that rely on the purchaser already having undergone a firearms
11 background check and being subject to inclusion in APPS, in the event they later
12 become prohibited. By definition, an AFS Check will work only for those who
13 have an AFS record, and whose record is up to date. A purchaser without an AFS
14 record, or with an AFS record that is not current, will not be able to obtain an
15 eligibility determination; the system will reject that submission. Suppl. Decl. ¶ 28,
16 ECF No. 42; Second Supp. Decl. ¶ 24, ECF No. 48.

17 26. It again bears noting that an AFS Check rejection, due to the purchaser's
18 information not matching a record in AFS, is not a determination that the purchaser
19 is ineligible to purchase ammunition. It means that the purchaser cannot avail
20 themselves of that streamlined eligibility check. They may still use a Basic Check,
21 or, in certain situations, a Certificate of Eligibility Verification Check (California
22 Code of Regulations, title 11, section 4305) or Firearms Eligibility Check
23 (California Code of Regulations, title 11, section 4304). *See also* Suppl. Decl.
24 ¶¶ 21-25, ECF No. 42; Second Supp. Decl. ¶ 25, ECF No. 48.

25 _____
26 ¹ I am able to obtain data on weekly rejection rates quickly, allowing me to
27 provide the rejection rates through the week prior to the filing of this Third
28 Supplemental Declaration. Obtaining data on the reasons for the rejections—the
data in Table 2.2 and the following section—takes significantly more time and
resources. As a result, I am currently able to report that data only through January
31, 2020.

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

4 28. Table 2.2 summarizes the reasons for the AFS Check rejections for
5 July 1, 2019 through January 31, 2020. This revised Table 2.2 corrects the
6 misallocation of some rejections resulting from a prospective ammunition purchaser
7 having transferred the firearm associated with their AFS record or a law
8 enforcement event pertaining to the firearm associated with their AFS records being
9 entered.

10 **1. Correction to previously reported data in Table 2.2.**

11 29. Prior versions of Table 2.2 have listed a category of rejections called
12 "AFS Entry No Longer Valid." Second Supp. Decl. Table 2.2 at p. 16, ECF
13 No. 48. This rejection occurs because although the purchaser's name, date of birth,
14 ID number, and address match an AFS record, the record is no longer active,
15 usually because the owner has transferred the firearm to someone else. A person
16 with an inactive AFS record cannot use that record to purchase ammunition using
17 an AFS Check because the firearm associated with the inactive record is no longer
18 associated with that individual.

19 30. When tabulating data for my previous declarations, Department staff
20 have relied on mirrored backups of the AFS database to determine the reason for
21 AFS Check rejections. This approach has avoided potential disruptions to the
22 system (including delays to ammunition transactions) that pulling data from the
23 active system can create. However, using the mirrored backup caused some
24 reporting inaccuracies attributable to the differences between real-time resolution of
25 ammunition transactions in the active system, and the information in the system at
26 the time it was last mirrored.

27 31. For instance, in my September 27 Supplemental Declaration, the
28 rejection information for the July AFS Checks was taken from a mirror of the AFS

1 database created in late May 2019. *See* Suppl. Decl. ¶ 34 & Table 2.2, ECF No. 42.
2 Thus, a person who had an active AFS record in late May 2019, when the system
3 was mirrored, but who transferred the firearm associated with that record, making it
4 inactive, before attempting to purchase ammunition in July, would have their
5 transaction rejected. That rejection would have been properly accounted for in the
6 numbers that I reported in Table 2.1. *See* Suppl. Decl. ¶ 26 & Table 2.1, ECF
7 No. 42. But the reported *reason* for that rejection reported in Table 2.2 may not
8 have been accurate because, in the mirrored system, the person had an active AFS
9 record. *See* Suppl. Decl. ¶ 34 & Table 2.2, ECF No. 42. Transactions like the one
10 in the hypothetical were reported largely as “No Identifiable AFS Entry,” though
11 they may have been listed in another category.

12 32. Table 2.2 in this declaration corrects these misallocated rejections, and
13 now allocates them to a more accurate reason for the rejection. To be clear, the
14 number of rejections reported was accurate and has not changed. Nor does any
15 correction change the actual reason any AFS Check was rejected. It simply corrects
16 how I reported the rejection in my September 27 Supplemental Declaration and
17 November 18 Second Supplemental Declaration.

18 33. I first became aware of the need for this correction in mid-January, as I
19 was gathering and reviewing data for November and December 2019. Acting as
20 quickly as practicable, I prepared an earlier draft of this declaration, which did not
21 include data for January 2020. That draft was in the process of being finalized for
22 filing on February 14, 2020, when this Court issued an order, ECF No. 52,
23 requesting data through January 2020. Since receiving that order, I have gathered
24 the data for January and incorporated it into this declaration. During this process, I
25 have learned of the potential for slight discrepancies in the reported reasons for
26 AFS Check rejections, which I discuss in the section that follows.

1 **2. Potential for slight discrepancies in data.**

2 34. The systems that the Department uses to tabulate the reasons for
3 rejections are dynamic, not static. New events or entries are added to AFS records
4 on a daily basis. Modifications to AFS records also occur on a daily basis. This
5 means that if, for instance, data sets are run on the reasons for the rejections in July
6 2019 six different times spread out over a year, they may change slightly because
7 individual AFS records have changed over that time.

8 35. A hypothetical example shows one way that this could play out: a person
9 has an AFS entry associated with a firearm, and the name, date of birth, and address
10 on their ID all match the AFS record, but the ID number does not match. On
11 August 1, 2019, the person attempts to purchase ammunition using an AFS Check
12 and is rejected because of the ID number. If the Department tabulates data on
13 rejections for August on October 1, 2019, the reason for that rejection would be
14 reported as an “ID number mismatch” in Table 2.2. But if the record is modified to
15 update the ID number on October 15, 2019, and the Department re-tabulates the
16 data on November 1, 2019, the reason for the rejection may be reported differently
17 in a later version of Table 2.2. This difference would not change the fact that the
18 August 1 AFS Check was rejected because of an ID number mismatch.

19 36. Potential discrepancies like the one in the hypothetical are likely to affect
20 reported reasons for rejections of a small number of transactions.

21 37. As with the correction described above, the potential for slight
22 discrepancies in the reported reasons for rejections in Table 2.2 does not change the
23 total number of rejections reported in Table 2.1 or the actual reason for any
24 rejection. Nor is it likely to prevent a Department analyst from ascertaining the
25 actual reason for a rejection of a specific transaction. From conferring with the
26 Department’s technical staff, I understand that these discrepancies are simply a
27 byproduct of aggregating and reporting data from a dynamic system.

28

1 38. All this is to say that data on the reasons for rejections that I have
2 reported reflect a snapshot that may change slightly over time. Currently, there
3 does not appear to be a way to avoid these minute discrepancies. But because they
4 likely will occur if the Department re-tabulates the numbers again in the future, I
5 am identifying the issue now, so the Court and parties will know the reason for any
6 small discrepancies they may note in my reporting over time.

7 **3. Reasons for AFS Check rejections.**

8 39. Having made these observations, the percentage breakdown of the
9 reasons for the rejections across the seven months from July 2019 through January
10 2020 remain consistent with what was previously reported. *See* Suppl. Decl. ¶¶ 31-
11 34 & Table 2.2, ECF No. 42 Second Supp. Decl. ¶¶ 27-33 & Table 2.2, ECF
12 No. 48. Across all seven months, the most common reason AFS Checks were
13 rejected was that the purchaser's address did not match the address in an AFS
14 record. These purchasers' name, ID number, and date of birth matched an entry,
15 but their address did not match an entry. This accounted for about 38% (previously
16 reported as 36%) of the rejections over the four-month period. Second Supp. Decl.
17 ¶ 28, ECF No. 48.

18 40. The next most common reason AFS Checks were rejected was that the
19 purchaser could not be associated with an AFS entry at all. In most cases, this
20 likely occurred because either the purchaser or the ammunition vendor mistakenly
21 chose to run an AFS Check where the purchaser did not have an AFS record. This
22 accounted for roughly one-quarter (previously reported as one-third) of all AFS
23 Check rejections. Second Supp. Decl. ¶ 29, ECF No. 48. For instance, in October,
24 the Department rejected 3,497 AFS Checks, about 26% (previously reported as
25 4,288 and 32%, respectively) of all 13,498 rejections, for this reason. Second Supp.
26 Decl. ¶ 29, ECF No. 48.

1 41. Name mismatches were another significant source of rejections. Across
2 the seven months, about 17% of AFS Checks were rejected for this reason
3 (previously reported as 13%). Second Supp. Decl. ¶ 30, ECF No. 48

4 42. These three reasons for rejections—address mismatches, no apparent
5 AFS entry, and name mismatches—accounted for about 82% of all rejections. The
6 remaining 18% or so of rejections occurred for various other reasons listed in Table
7 2.2.

8 **C. Information on Purchasers Rejected in an AFS Check Who**
9 **Later Purchased Ammunition on or before January 31, 2020**

10 43. At the Court's request, my September 27 Supplemental Declaration
11 included information on whether purchasers who were rejected in an AFS Check
12 had subsequently purchased ammunition. Suppl. Decl. ¶¶ 36-39, ECF No. 42.

13 44. Table 2.3 lists information on purchasers who were rejected who later
14 purchased ammunition by month.

15 45. As explained in my September 27 Supplemental Declaration, there is a
16 difference between the total number of rejections each month and the unique
17 individuals rejected. Suppl. Decl. ¶ 38, ECF No. 42; *see also* Second Supp. Decl.
18 ¶ 34, ECF No. 48. I understand that the primary difference between rejections and
19 denials and unique ID numbers is largely because some individual purchasers
20 attempted to use the AFS Check procedure more than once and were rejected or
21 denied on more than one occasion.

22 46. In my September 27 Supplemental Declaration, I reported that of the
23 9,027 unique purchasers rejected in July, 3,468 (38.41%) had purchased
24 ammunition as of August 31, 2019. Suppl. Decl. ¶ 39, Table 2.3, ECF No. 42. By
25 January 31, 2020, 4,295 (47.5%) unique purchasers in July had purchased
26 ammunition. That means that 827 additional people who had an AFS Check
27 rejected in July purchased ammunition between August 31, 2019, and January 31,
28 2020.

1 47. A similar trend occurred for the August numbers. In my September 27
2 Supplemental Declaration, I reported that of the 16,037 unique purchasers rejected
3 in August, 4,923 (30.69%) had purchased ammunition as of August 31, 2019.
4 Suppl. Decl. ¶ 39, Table 2.3, ECF No. 42. By January 31, 2020, that number had
5 increased to 7,276 (45.3%), meaning an additional 2,353 people who had an AFS
6 Check rejected in August purchased ammunition between August 31, 2019, and
7 January 31, 2020.

8 48. Of the 14,008 individuals who had an AFS Check rejected in September,
9 6,189 (44.1%) had purchased ammunition by January 31, 2020.

10 49. Of the 10,896 individuals who had an AFS Check rejected in October,
11 4,733 (43.4%) had purchased ammunition by January 31, 2020.

12 50. Of the 11,653 individuals who had an AFS Check rejected in November,
13 4,976 (42.7%) had purchased ammunition by January 31, 2020.

14 51. Of the 11,034 individuals who had an AFS Check rejected in December,
15 4,441 (40.2%) had purchased ammunition by January 31, 2020.

16 52. And of the 8,457 individuals who had an AFS Check rejected in January,
17 3,384 (40%) had purchased ammunition by January 31, 2020.

18 **III. PERSONS PREVENTED FROM PURCHASING AMMUNITION AND**
19 **SUBSEQUENTLY DEEMED ELIGIBLE**

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

24 54. I updated that information in my November 18 Second Supplemental
25 Declaration. Second Supp. Decl. ¶¶ 39-42, ECF No. 48. I reported that between
26 July 1 and October 31, 2019, the Department had reviewed over 400 ammunition
27 purchase denials based on the purchaser being prohibited, and that 13 of those
28

1 purchasers had since been determined to be eligible to purchase ammunition.

2 Second Supp. Decl. ¶ 41, ECF No. 48.

3 55. At this point, the Department has reviewed over 590 of the transactions
4 where the purchaser was denied as prohibited. From July 1, 2019 through January
5 31, 2020, a total of six purchasers were denied on the grounds of a prohibiting
6 offense, mental health commitment, or restraining order, but was, ased on the face
7 of the official records, subsequently determined to have been eligible to purchase
8 ammunition at the time of purchase. A total of ten purchasers who where ineligible
9 to purchase ammunition on the face of their official records, were later determined
10 to be eligible after Department staff investigated the matter.

11 56. To summarize, with over three quarters of the 770 denials from July 1,
12 2019, through January 31, 2020, reviewed, 16 of the purchasers who were denied as
13 prohibited persons have since been determined to be eligible.

14

15

16 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
17 is true and correct.

18

19 Executed on: February 28, 2020

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MAYRA G. MORALES

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TABLE 1 – Basic Ammunition Eligibility Checks

TABLE 1 – BASIC AMMUNITION ELIGIBILITY CHECKS

TABLE 1 – Basic Ammunition Eligibility Checks

Table 1.1: Basic Checks — Approvals, Denials, & Rejections as of January 31, 2020²								
	July 2019	August 2019	September 2019	October 2019	November 2019	December 2019	January 2020	Total
Basic Checks ³ Received	3,798	5,066	3,213	2,400	1,946	1,908	1,422	19,753
Basic Checks Processed	3,798	5,066	3,213	2,400	1,945	1,889	1,288	19,599
Approved ⁴	3,607	4,852	3,056	2,287	1,857	1,796	1,230	18,685
Denied (Prohibited Persons)	119	130	88	76	57	62	40	572
Rejected (no match with DMV records)	22	17	24	10	10	14	10	107
Rejected (incomplete history)	50	67	45	27	21	17	8	235

² This table is based on data available on January 31, 2020, and updates the numbers in Table 1.1 in my November 18 Second Supplemental Declaration, which were based on data available on October 31, 2019. *See* Second Supp. Decl. at p. 9, Table 1.1, ECF No. 48. To provide one example of the change, the earlier table recorded that 60 Basic Check transactions submitted in October 2019 were denied because the purchaser was prohibited. *Id.* As of January 31, 2020, that number increased to 76, meaning that 16 additional Basic Check transactions submitted in October 2019 were denied between October 31, 2019, and January 31, 2020, because the purchaser was prohibited.

³ As of January 31, 2020, 1 (.05%) Basic Check received in November, 19 (.99%) Basic Checks received in December, and 36 (2.5%) Basic Checks received in January, had been delayed. In addition, 98 (6.9%) Basic Checks received in January 2020 had not yet been processed as of January 31, 2020. For example, checks received on January 31, 2020, likely would not have been processed by the time I collected data for this declaration.

⁴ Transactions that were initially denied, but later approved, are treated as approved for purposes of this table.

TABLE 1 – Basic Ammunition Eligibility Checks

Table 1.2: Basic Checks — Processing Times as of January 31, 2020							
	July 2019	August 2019	September 2019	October 2019	November 2019	December 2019	January 2020
Average Time ⁵	3 days, 1 hr., 30 mins.	2 days, 7 hrs., 59 mins.	1 day, 13 hrs., 51 mins.	2 days, 6 hrs., 2 mins.	2 days, 3 hrs., 40 mins.	1 day, 17 hrs., 12 mins.	1 day, 5 hrs., 16 mins.
Median Time	1 day, 3 hrs., 15 mins.	21 hrs., 39 mins.	14 hrs., 38 mins.	20 hrs., 33 mins.	17 hrs., 53 mins.	14 hrs., 50 mins.	18 hrs., 24 mins.

⁵ As noted in my November 18 Second Supplemental Declaration, not all Basic Check transactions receive a determination in the month the transaction is submitted. *See* Second Supp. 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 significantly increases the average, explaining the longer average processing time for months further in the past.

TABLE 1 – Basic Ammunition Eligibility Checks

Table 1.3: Approved Basic Checks — Processing Times							
	July 2019	August 2019	September 2019	October 2019	November 2019	December 2019	January 2020
Automatically Processed	811	1,092	713	559	413	437	308
Average Time	2 hrs., 5 mins.	1 hr., 40 mins.	2 hrs., 36 mins	2 hrs., 0 mins.	2 hrs., 30 mins	2 hrs., 1 min.	2 hrs., 11 mins.
Median Time	9 mins.	9 mins.	9 mins.	9 mins.	9 mins.	8 mins.	8 min
Manually Processed	2,796	3,760	2,343	1,728	1,444	1,359	922
Average Time ⁶	2 days, 12 hrs. 29 mins.	2 days, 4 hrs., 3 mins.	1 day, 6 hrs., 54 mins.	2 days, 7 hrs., 39 mins.	1 day, 21 hrs., 39 mins.	1 day, 17 hrs., 47 mins.	1 day, 11 hrs., 47 min.
Median Time	1 day, 23 hrs., 6 min.	1 day, 16 hrs.	16 hrs., 15 mins.	1 day, 3 hrs., 28 mins.	20 hrs., 48 mins.	19 hrs., 39 mins	22 hrs., 26 mins

⁶ For the reasons discussed in footnote 5, some of the average times do not exactly match the times reported in my prior declarations. *See* Second Supp. Decl. at p. 10, Table 1.3, ECF No. 48; Suppl. Decl. at p. 4, Table 1.3, ECF No. 42.

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

TABLE 2 – AFS CHECKS (STANDARD AMMUNITION ELIGIBILITY CHECKS)

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.1: AFS Checks — Approvals, Denials, & Rejections								
	July 2019	August 2019	September 2019	October 2019	November 2019	December 2019	January 2020	Total
AFS Checks Processed	57,553	101,058	100,560	86,376	94,660	95,331	80,719	616,257
Approved	46,702	80,811	83,051	72,847	80,086	81,444	70,081	515,022
Denied (Prohibited Persons)	14	28	28	31	34	30	23	188
Rejected (no match with AFS records)	10,837	20,219	17,481	13,498	14,540	13,857	10,615	101,047

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.2: AFS Checks — Reasons for Rejections as of January 31, 2020														
	July 2019		August 2019		September 2019		October 2019		November 2019		December 2019		January 2020	
Total Rejected	10,837		20,219		17,481		13,498		14,540		13,857		10,615	
Address Mismatch (name, date of birth, and ID number match)	4,256	39.27%	7,398	36.59%	6,706	38.36%	5,213	38.62%	5,681	39.07%	5,351	38.62%	4,253	40.07%
No Identifiable AFS Entry (purchaser not eligible for AFS Check)	2,900	26.76%	5,906	29.21%	4,859	27.80%	3,497	25.91%	3,805	26.17%	3,368	24.31%	2,350	22.14%
Name Mismatch (date of birth, address, and ID number match)	1,693	15.62%	2,984	14.76%	2,703	15.46%	2,295	17.00%	2,667	18.34%	2,597	18.74%	2,148	20.24%

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.2: AFS Checks — Reasons for Rejections as of January 31, 2020														
	July 2019		August 2019		September 2019		October 2019		November 2019		December 2019		January 2020	
Name and ID Number Mismatch (date of birth and address match)	373	3.44%	726	3.59%	607	3.47%	448	3.32%	448	3.08%	415	2.99%	281	2.65%
AFS Entry No Longer Valid (Name, Date of Birth, ID Number, and Address Match)	339	3.13%	606	3.00%	493	2.82%	393	2.91%	411	2.83%	472	3.41%	338	3.18%
Name and Address Mismatch (date of birth and ID number match)	278	2.57%	624	3.09%	594	3.40%	461	3.42%	452	3.11%	495	3.57%	353	3.33%

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.2: AFS Checks — Reasons for Rejections as of January 31, 2020														
	July 2019		August 2019		September 2019		October 2019		November 2019		December 2019		January 2020	
AFS Entry No Longer Valid (Partially Matched on a combination of Name, Date of Birth, ID, Address)	277	2.56%	541	2.68%	444	2.54%	329	2.44%	292	2.01%	297	2.14%	226	2.13%
ID Number and Address Mismatch (name and date of birth match)	245	2.26%	493	2.44%	370	2.12%	289	2.14%	225	1.55%	259	1.87%	187	1.76%
ID Number Mismatch (name, date of birth, and address match)	216	1.99%	415	2.05%	333	1.90%	266	1.97%	256	1.76%	274	1.98%	204	1.92%

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.2: AFS Checks — Reasons for Rejections as of January 31, 2020														
	July 2019		August 2019		September 2019		October 2019		November 2019		December 2019		January 2020	
Date of Birth Mismatch (name, address, and ID number match)	169	1.56%	290	1.43%	221	1.26%	185	1.37%	214	1.47%	213	1.54%	185	1.74%
Date of Birth and ID Number Mismatch (name and address match)	36	0.33%	121	0.60%	66	0.38%	57	0.42%	45	0.31%	76	0.55%	44	.41%
Date of Birth and Address Mismatch (name and ID number match)	33	0.30%	64	0.32%	41	0.23%	41	0.30%	15	0.10%	18	0.13%	22	.21%

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.2: AFS Checks — Reasons for Rejections as of January 31, 2020														
	July 2019		August 2019		September 2019		October 2019		November 2019		December 2019		January 2020	
Name and Date of Birth Mismatch (address and ID number match)	18	0.17%	27	0.13%	18	0.10%	18	0.13%	22	0.15%	17	0.12%	15	.14%
Name, Date of Birth, and Address Mismatch (ID number match)	4	0.04%	24	0.12%	26	0.15%	6	0.04%	7	0.05%	5	0.04%	9	.08%

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.3: Purchasers Who were Rejected on an AFS Check and Subsequently Purchased Ammunition on or before January 31, 2020							
	July 2019	August 2019	September 2019	October 2019	November 2019	December 2019	January 2020
Individuals Rejected in AFS Checks	9,027	16,037	14,008	10,896	11,653	11,034	8,457
Number Who Purchased Ammunition on or before January 31, 2020, after an AFS Check Rejection	4,295 ⁷	7,276 ⁸	6,189 ⁹	4,733 ¹⁰	4,976	4,441	3,384

⁷ As of August 31, 2019, this number was 3,468. *See* Supp. Decl. at p. 11, Table 2.3, ECF No. 42. The difference between that number and the number in this table means that 827 additional people who received an AFS Check rejection in July 2019 were able to purchase ammunition using some form of eligibility check between August 31, 2019, and January 31, 2020.

⁸ As of August 31, 2019, this number was 4,923. *See* Supp. Decl. at p. 11, Table 2.3, ECF No. 42. The difference between that number and the number in this table means that 2,353 additional people who received an AFS Check rejection in August 2019 were able to purchase ammunition using some form of eligibility check between August 31, 2019, and January 31, 2020.

⁹ As of October 31, 2019, this number was 5,371. *See* Second Supp. Decl. at p. 19, Table 2.3, ECF No. 48. The difference between that number and the number in this table means that 818 additional people who received an AFS Check rejection in September 2019 were able to purchase ammunition using some form of eligibility check between October 31, 2019, and January 31, 2020.

¹⁰ As of October 31, 2019, this number was 3,580. *See* Second Supp. Decl. at p. 19, Table 2.3, ECF No. 48. The difference between that number and the number in this table means that 1,153 additional people who received an AFS Check rejection in October 2019 were able to purchase ammunition using some form of eligibility check between October 31, 2019, and January 31, 2020.

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.4: AFS Check Rejection Rate by Week – July 1, 2019, through February 23, 2020			
Week	Total AFS Checks Submitted	AFS Check Rejections	Percent
July 1-7, 2019	11,269	1,990	17.66%
July 8- 14, 2019	12,918	2,305	17.84%
July 15-21, 2019	14,199	2,763	19.46%
July 22-28, 2019	13,859	2,725	19.66%
July 29 – August 4, 2019	16,423	3,282	19.98%
August 5-11, 2019	18,634	3,805	20.42%
August 12-18, 2019	20,597	4,212	20.45%
August 19-25, 2019	22,143	4,279	19.32%
August 26 – September 1, 2019	31,781	6,358	20.01%
September 2-8, 2019	25,872	4,719	18.24%
September 9-15, 2019	23,775	4,143	17.43%
September 16-22, 2019	23,413	3,931	16.79%
September 23-29, 2019	22,008	3,678	16.71%
September 30 – October 6, 2019	21,431	3,334	15.56%
October 7-13, 2019	19,479	3,149	16.17%
October 14-20, 2019	21,567	3,308	15.34%
October 21-27, 2019	18,436	2,872	15.58%

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.4: AFS Check Rejection Rate by Week – July 1, 2019, through February 23, 2020			
Week	Total AFS Checks Submitted	AFS Check Rejections	Percent
October 28 – November 3, 2019	17,394	2,789	16.03%
November 4-10, 2019	22,027	3,504	15.91%
November 11-17, 2019	21,005	3,221	15.33%
November 18-24, 2019	19,004	2,902	15.27%
November 25 – December 1, 2019	25,823	3,797	14.70%
December 2-8, 2019	17,542	2,577	14.69%
December 9-15, 2019	22,557	3,268	14.49%
December 16-22, 2019	22,855	3,258	14.26%
December 23-29, 2019	22,878	3,295	14.40%
December 30, 2019 – January 5, 2020	21,538	2,991	13.89%
January 6-12, 2020	18,365	2,424	13.20%
January 13-19, 2020	19,106	2,545	13.32%
January 20-26, 2020	18,142	2,317	12.77%
January 27 – February 2, 2020	15,386	1,986	12.91%
February 3-9, 2020	18,262	2,327	12.74%

TABLE 2 – AFS Checks (Standard Ammunition Eligibility Checks)

Table 2.4: AFS Check Rejection Rate by Week – July 1, 2019, through February 23, 2020			
Week	Total AFS Checks Submitted	AFS Check Rejections	Percent
February 10-16, 2020	18,283	2,405	13.15%
February 17-23, 2020	17,848	2,377	13.32%
Total	675,819	108,836	16.10%

EXHIBIT 7

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*Attorneys for Defendant Attorney General
Xavier Becerra*

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

KIM RHODE et al.,

Plaintiffs,

v.

**XAVIER BECERRA, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA, et al.,**

Defendants.

3:18-cv-00802-BEN-JLB

**FOURTH SUPPLEMENTAL
DECLARATION OF MAYRA G.
MORALES IN SUPPORT OF
DEFENDANT XAVIER
BECERRA'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Dept: 5A
Judge: Hon. Roger T. Benitez
Action Filed: 4/27/2018

FOURTH SUPPLEMENTAL DECLARATION OF MAYRA G. MORALES

I, MAYRA G. MORALES, declare:

1. I am a Staff Services Manager III 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 four 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; and,
- 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.

3. This fourth supplemental declaration answers a question that the Court directed me to answer during the April 1, 2020, telephonic status conference. The Court asked me whether there is a process for a person to challenge a Department determination that he or she is prohibited from purchasing ammunition—for instance, whether a person who has a Standard Ammunition Eligibility Check (Standard Check) denied because he or she is prohibited can challenge the

1 Department's determination. *See* Apr. 1, 2020, Status Conference Tr. at 68:23-
2 69:6.

3 4. In answer to the Court's question: Yes, there is a procedure that a person
4 may use to contest a determination by the Department that he or she is prohibited.
5 As part of my job duties, I am generally aware of the first steps in that procedure.
6 My job duties do not, however, require me to participate in the procedure.

7 5. A person who has an ammunition eligibility check denied because
8 Department records show that he or she is prohibited from possessing firearms and
9 ammunition will be notified via letter. A true and correct copy of an example letter
10 denying a Standard Check is attached to this declaration as **Exhibit A**. A true and
11 correct copy of an example letter denying a Basic Ammunition Eligibility Check
12 (Basic Check) is attached to this declaration as **Exhibit B**.

13 6. The letter received by Standard Check purchasers does not provide the
14 specific reason the person is prohibited. *See* Ex. A. This is because Standard
15 Checks rely on the Armed Prohibited Person System (APPS) to determine whether
16 the purchaser is prohibited from possessing ammunition by way of checking the
17 person's status in APPS, which is either prohibited or not prohibited.

18 7. The letter received by Basic Check purchasers provides that information.
19 *See* Ex. B. That information is available because Basic Check denials involve
20 manual review by a Department analyst that entails ascertaining the reason the
21 person is prohibited.

22 8. Both letters inform the purchaser that "if you wish to challenge the
23 Department's determination or the correctness of your criminal history record,
24 please complete a Request for Live Scan Service form," and provide a form number
25 and web address for where the form can be obtained. *See* Exs. A, B. A true and
26 correct copy of the Request for Live Scan Service – Firearms Eligibility form (BOF
27 8016RR), which is the form that those who are denied in a Standard Check are
28 directed to use, is attached to this declaration as **Exhibit C**. A true and correct copy

1 of the Request for Live Scan Service – Ammunition Eligibility form (BOF
2 8016ARR), which is the form that those who are denied in a Basic Check are
3 directed to use, is attached to this declaration as **Exhibit D**.

4 9. Two different forms are used because denials under the two checks have
5 slightly different scopes. As noted above, a person denied in a Standard Check is
6 denied because the APPS system lists him or her as prohibited. This person could
7 be denied because either state or federal records, or both, show him or her to be
8 prohibited. The APPS system pulls from the same state databases as the Basic
9 Check described in my earlier declarations to determine whether a person is
10 prohibited. *See, e.g.*, Third Supp. Decl. ¶ 8, ECF No. 53. But it also relies on the
11 federal National Criminal Background Check System (NICS), because APPS is
12 used to identify prohibited people who are in possession of firearms. In this sense,
13 the Standard Check relies on the same information relied on in a firearms
14 background check. As a result, those who are denied on a Standard Check can use
15 the same form (BOF 8016RR) to request information from their record as those
16 who have been denied as prohibited from purchasing a firearm.

17 10. The Basic Check, on the other hand, does not rely on NICS. Thus, a
18 person who is denied under a Basic Check is denied because state records (and not
19 federal records) show him or her to be prohibited. The check relies on the four state
20 databases described in my earlier declarations. *See, e.g.*, Third Supp. Decl. ¶ 8,
21 ECF No. 53. The Department requests those denied under a Basic Check to use a
22 different form (BOF 8016 ARR) to reflect the difference in the records that will be
23 reviewed and supplied to the requestor.

24 11. Both forms are part of the same process.

25 12. A denied purchaser who desires that information can take his or her
26 completed form to a Live Scan operator, who will fingerprint the denied purchaser
27 and electronically submit the form to the Bureau of Criminal Information and
28 Analysis (BCIA) Record Review Unit and thereafter the Bureau of Firearms. Once

1 the request is complete, the Department sends a copy of the findings to the denied
2 purchaser along with a copy of a challenge form to dispute all inaccurate
3 information. A true and correct copy of the challenge form, which is designated as
4 Claim of Alleged Inaccuracy or Incompleteness (BCIA 8706), is attached to this
5 declaration as **Exhibit E**.

6 13. The challenge form's subtitle reads "Examination of Records Pursuant to
7 Penal Code Section 11120-11127." Ex. E. and it informs the filer how to request
8 an administrative hearing. *Id.*

9 14. Beyond what I have described above, I do not have personal knowledge
10 of the process.

11
12 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
13 is true and correct.

14
15 Executed on: April 10, 2020

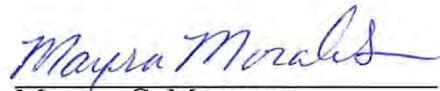
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18 MAYRA G. MORALES

Exhibit A

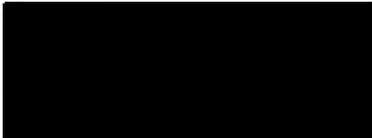
XAVIER BECERRA
ATTORNEY GENERAL

State of California
DEPARTMENT OF JUSTICE

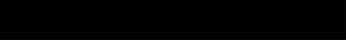


BUREAU OF FIREARMS
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Telephone: (916) 210-2600
Fax: (916) 227-4808

April 07, 2020



RE: Purchaser Prohibited

Dear 

You recently applied to purchase or transfer ammunition. This letter is to advise you that the purchase has been denied because the Department of Justice (the Department) records indicate you are not eligible to own or possess ammunition. If you wish to challenge the accuracy of the Department's determination or the completeness of your criminal history record, please complete a Request for Live Scan Service form (BOF 8016RR) located on the Bureau of Firearms web page at <https://oag.ca.gov/firearms>.

Sincerely,

ARMED AND PROHIBITED PERSONS SECTION
Bureau of Firearms

For XAVIER BECERRA
ATTORNEY GENERAL

Exhibit B

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



BUREAU OF FIREARMS
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Telephone: (916) 227-7527
Fax: (916) 227-3744

March 25, 2020



RE: Ammunition Denial

Dear [Redacted]:

You recently applied to purchase or transfer ammunition. When a person applies to purchase or transfer ammunition in California, the California Department of Justice (the Department) is required by state laws to examine its records to determine whether the purchaser is eligible under state law to purchase and possess ammunition. Your recent ammunition purchase application is being denied because the Department's review of state records matching your identifying information revealed the following information:

Felon: Any person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country.

This determination was based upon information you provided in your application to purchase ammunition, such as your name, date of birth, driver license number and physical description, but has not been confirmed with fingerprint comparison. It is possible that the criminal record may not be yours and may belong to another individual whose name and identifying information is similar to yours.

If you wish to challenge the accuracy of the Department's determination or the completeness of your criminal history record, please complete a Request for Live Scan Service form (BCIA/BOF 8016ARR) located on the Bureau of Firearms web page at <http://oag.ca.gov/firearms>.

FIREARMS CLEARANCE SECTION
Bureau of Firearms

For XAVIER BECERRA
Attorney General

Exhibit C



REQUEST FOR LIVE SCAN SERVICE

Applicant Submission

AB165

ORI (Code assigned by DOJ)

FIREARMS RECORD REVIEW

Authorized Applicant Type

FIREARMS ELIGIBILITY

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned)

Contributing Agency Information:

CALIFORNIA DEPARTMENT OF JUSTICE - RECORD REVIEW UNIT

Agency Authorized to Receive Criminal Record Information

RECORD REVIEW UNIT

Contact Name (mandatory for all school submissions)

P.O. BOX 903417

Street Address or P.O. Box

SACRAMENTO

City

CA 94203-4170

State ZIP Code

Applicant Information:

Last Name

Other Name

(AKA or Alias) Last

Date of Birth

Sex Male Female

Height

Weight

Eye Color

Hair Color

Place of Birth (State or Country)

Social Security Number

Home

Address Street Address or P.O. Box

First Name

Middle Initial

Suffix

First

Suffix

Driver's License Number

Billing

Number **APPLICANT TO PAY FEES**

(Agency Billing Number)

Misc.

Number

(Other Identification Number)

City

State

ZIP Code

Your Number:

DCA Number (Agency Identifying Number)

Level of Service: **DOJ**

If re-submission, list original ATI number:
(Must provide proof of rejection)

Original ATI Number

Designee (Optional for individual designated by applicant pursuant to Penal Code section 11124):

Designee Name

Telephone Number (optional)

Street Address or P.O. Box

City

State

ZIP Code

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency

LSID

ATI Number

Amount Collected/Billed



REQUEST FOR LIVE SCAN SERVICE

(Instructions)

California Penal Code sections 11120 through 11127, and 30105 allows you to obtain a copy of your record, if any, contained in the files of the California Department of Justice and refute any erroneous or inaccurate information contained therein.

Beginning with live scan transactions submitted after April 6, 2006, the Department of Justice (DOJ) will only mail responses to you unless you complete the Designee portion on page 1 pursuant to Penal Code section 11124.

You may use the information you receive to answer questions regarding past criminal history, firearms eligibility, or to complete an application or questionnaire. However, no person or agency may require you to obtain a copy of your record or to furnish the information for any purpose, including immigration, visa, employment, licensing, or certification. (See California Penal Code sections 11125 and 30105.)

INSTRUCTIONS FOR COMPLETING THE "REQUEST FOR LIVESCAN SERVICE"

CATEGORY	INSTRUCTIONS	COMMENTS
Authorized Applicant Type:	Verify "Firearms Record Review" appears.	This is a mandatory field and must be completed.
Name of Applicant & Personal Descriptors:	Enter your full name, any known alias, date of birth, sex, height, weight, eye & hair color, place of birth, social security number and California driver's license number.	Name, date of birth, and sex are mandatory fields and must be provided. All others are optional.
Applicant Address:	Enter your home address.	This is a mandatory field and must be completed.
Daytime Telephone Number:	Enter the telephone number, including area code, where you can be reached between 8 a.m. and 5 p.m.	A telephone number is useful in helping to resolve problems which could result in a delay in processing your request.

AFTER COMPLETING THE "REQUEST FOR LIVE SCAN SERVICE" FORM

- Check your local telephone directory or contact your local police department or sheriff's office for a business or local law enforcement agency that offers "Live Scan" fingerprinting services, the fee charged by the business/agency for the Live Scan service, and the types of payment accepted. You can also view a current listing of Live Scan sites offering electronic fingerprinting services on the Attorney General's website at: <https://oag.ca.gov/fingerprints/locations>
- Go to the Live Scan business/agency of your choice to have your fingerprints taken and pay all applicable fees, including the fingerprint rolling fee. Please ensure that any private fingerprinting service you select is certified by the California Department of Justice.
- If you have questions about completing the "Request for Live Scan Service" form (BOF 8016RR), please contact the Record Review Unit at (916) 227-7527.



REQUEST FOR LIVE SCAN SERVICE



Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information on this request pursuant to Penal Code sections 11122 and 11123. The Bureau of Firearms uses this information to process a person's request to obtain a copy of their criminal history record. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <https://oag.ca.gov/privacy-policy>.

Providing Personal Information: All personal information on this request is mandatory. Failure to provide the mandatory personal information will result in your request not being processed.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to process a person's request to obtain a copy of their criminal history record, we may need to share the information you provide us with any Bureau of Firearms representative or any other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies when necessary to perform their legal duties, and their use of information is compatible and complies with state law, such as for investigations, licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email at firearms.bureau@doj.ca.gov, or by mail at P.O. Box 903417, Sacramento, CA 94203-4170.

Exhibit D



STATE OF CALIFORNIA
 BOP 8016ARR (Orig. 07/2019)

Case 3:18-cv-00802-BEN-JLB Document 59 Filed 04/10/20 PageID.2184 Page 15 of 21

DEPARTMENT OF JUSTICE
 PAGE 1 of 3

REQUEST FOR LIVE SCAN SERVICE

Applicant Submission

AB165

ORI (Code assigned by DOJ)

AMMUNITION RECORD REVIEW

Authorized Applicant Type

AMMUNITION ELIGIBILITY

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned)

Contributing Agency Information:

CALIFORNIA DEPARTMENT OF JUSTICE - RECORD REVIEW UNIT

Agency Authorized to Receive Criminal Record Information

RECORD REVIEW UNIT

Contact Name (mandatory for all school submissions)

P.O. BOX 903417

Street Address or P.O. Box

SACRAMENTO

City

CA 94203-4170

State ZIP Code

Applicant Information:

Last Name

First Name

Middle Initial

Suffix

Other Name

(AKA or Alias) Last

First

Suffix

Date of Birth

Sex

Male

Female

Driver's License Number

Height

Weight

Eye Color

Hair Color

Billing

Number **APPLICANT TO PAY FEES**

(Agency Billing Number)

Place of Birth (State or Country)

Social Security Number

Misc.

Number

(Other Identification Number)

Home

Address Street Address or P.O. Box

City

State

ZIP Code

Your Number:

OCA Number (Agency Identifying Number)

Level of Service:

DOJ

If re-submission, list original ATI number:
 (Must provide proof of rejection)

Original ATI Number

Designee (Optional for individual designated by applicant pursuant to Penal Code section 11124):

Designee Name

Telephone Number (optional)

Street Address or P.O. Box

City

State

ZIP Code

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency

LSID

ATI Number

Amount Collected/Billed

ORIGINAL - Live Scan Operator

SECOND COPY - Applicant

THIRD COPY (if needed) - Requesting Agency



REQUEST FOR LIVE SCAN SERVICE

(Instructions)

California Penal Code sections 11120 through 11127, and 30105 allows you to obtain a copy of your record, if any, contained in the files of the California Department of Justice and refute any erroneous or inaccurate information contained therein.

Beginning with live scan transactions submitted after April 6, 2006, the Department of Justice (DOJ) will only mail responses to you unless you complete the Designee portion on page 1 pursuant to Penal Code section 11124.

You may use the information you receive to answer questions regarding past criminal history, ammunition eligibility, or to complete an application or questionnaire. However, no person or agency may require you to obtain a copy of your record or to furnish the information for any purpose, including immigration, visa, employment, licensing, or certification. (See California Penal Code sections 11125 and 30105.)

INSTRUCTIONS FOR COMPLETING THE "REQUEST FOR LIVESCAN SERVICE"

CATEGORY	INSTRUCTIONS	COMMENTS
Authorized Applicant Type:	Verify "Ammunition Record Review" appears.	This is a mandatory field and must be completed.
Name of Applicant & Personal Descriptors:	Enter your full name, any known alias, date of birth, sex, height, weight, eye & hair color, place of birth, social security number and California driver's license number.	Name, date of birth, and sex are mandatory fields and must be provided. All others are optional.
Applicant Address:	Enter your home address.	This is a mandatory field and must be completed.
Daytime Telephone Number:	Enter the telephone number, including area code, where you can be reached between 8 a.m. and 5 p.m.	A telephone number is useful in helping to resolve problems which could result in a delay in processing your request.

AFTER COMPLETING THE "REQUEST FOR LIVE SCAN SERVICE" FORM

- Check your local telephone directory or contact your local police department or sheriff's office for a business or local law enforcement agency that offers "Live Scan" fingerprinting services, the fee charged by the business/agency for the Live Scan service, and the types of payment accepted. You can also view a current listing of Live Scan sites offering electronic fingerprinting services on the Attorney General's website at: <https://oag.ca.gov/fingerprints/locations>
- Go to the Live Scan business/agency of your choice to have your fingerprints taken and pay all applicable fees, including the fingerprint rolling fee. Please ensure that any private fingerprinting service you select is certified by the California Department of Justice.
- If you have questions about completing the "Request for Live Scan Service" form (BOF 8016RR AMMUNITION), please contact the Record Review Unit at (916) 227-7527.



REQUEST FOR LIVE SCAN SERVICE



Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information on this request pursuant to Penal Code sections 11122 and 11123. The Bureau of Firearms uses this information to process a person's request to obtain a copy of their criminal history record. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <https://oag.ca.gov/privacy-policy>.

Providing Personal Information: All personal information on this request is mandatory. Failure to provide the mandatory personal information will result in your request not being processed.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to process a person's request to obtain a copy of their criminal history record, we may need to share the information you provide us with any Bureau of Firearms representative or any other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies when necessary to perform their legal duties, and their use of information is compatible and complies with state law, such as for investigations, licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email at firearms.bureau@doj.ca.gov, or by mail at P.O. Box 903417, Sacramento, CA 94203-4170.

Exhibit E



STATE OF CALIFORNIA
BCIA 8706
(Rev. 10/2018)

DEPARTMENT OF JUSTICE
PAGE 1 of 2

CLAIM OF ALLEGED INACCURACY OR INCOMPLETENESS
(Examination of Records Pursuant to Penal Code Sections 11120–11127)

To challenge the accuracy and/or completeness of your record, you **must** first complete a record review. For information on requesting a copy of your California state summary criminal history record, go to <https://oag.ca.gov/fingerprints/record-review>. Please be advised, the Bureau of Criminal Information and Analysis (BCIA) must complete its research regarding your record challenge as requested by submission of this claim form. If you wish to request an administrative hearing, please contact the Record Quality Services Program at RecordReview@doj.ca.gov.

Applicant Information (Please print or type all information requested on this form. Failure to do so may result in processing delays and/or return of the claim form.)				
LAST NAME:		FIRST NAME:		MIDDLE INITIAL:
ADDRESS:		APT/UNIT:	CITY:	STATE: ZIP CODE:
E-MAIL ADDRESS:		PHONE NUMBER:	CII NUMBER (SID):	

Reason for Dispute (Check the box that is applicable to your dispute and explain the reason for your claim in the spaces provided below. If the reason is not listed, check "Other." If you have more than two disputes, please use another page.)

Dispute One

DATE OF ARREST: _____

- | | | | |
|--|--|--|--------------------------------|
| <input type="checkbox"/> Incorrect Disposition | <input type="checkbox"/> Offense Dismissed Per 1203.4 PC | <input type="checkbox"/> Sealed Entry | <input type="checkbox"/> Other |
| <input type="checkbox"/> Missing Disposition | <input type="checkbox"/> Offense Reduced to Misdemeanor Per 17(B) PC | <input type="checkbox"/> Wrong Conviction Type | |
| <input type="checkbox"/> Not Arrested | <input type="checkbox"/> Remove Entry | <input type="checkbox"/> Wrong Personal Descriptor Information | |

Brief Explanation of Claim: _____

Dispute Two

DATE OF ARREST: _____

- | | | | |
|--|--|--|--------------------------------|
| <input type="checkbox"/> Incorrect Disposition | <input type="checkbox"/> Offense Dismissed Per 1203.4 PC | <input type="checkbox"/> Sealed Entry | <input type="checkbox"/> Other |
| <input type="checkbox"/> Missing Disposition | <input type="checkbox"/> Offense Reduced to Misdemeanor Per 17(B) PC | <input type="checkbox"/> Wrong Conviction Type | |
| <input type="checkbox"/> Not Arrested | <input type="checkbox"/> Remove Entry | <input type="checkbox"/> Wrong Personal Descriptor Information | |

Brief Explanation of Claim: _____

Declaration (The claim form must be signed and dated by the applicant. If you elect to designate a person or attorney to correspond on your behalf, please provide their full name in the space provided below.)

By signing below, I declare that I have examined a copy of my California State Summary Criminal History Record as contained in the files of the Department of Justice, Bureau of Criminal Information and Analysis, and wish to take exception to its accuracy and/or completeness.

I declare under penalty of perjury that the information I have provided on this form is true and correct to the best of my ability.

Signature of Applicant

Date

I hereby administer to the following person to correspond with the Department of Justice on my behalf and authorize the person to receive a copy of the Department's findings concerning this matter: _____

Name of Designee/Attorney (if applicable)

*****PLEASE READ AND FOLLOW THESE IMPORTANT PROCESSING INSTRUCTIONS*****

- Failure to complete and sign the form correctly may result in processing delays or the return of the claim form.
- Attach copies of any official document or court orders that would verify your claim. You may attach additional sheets if necessary.
- If an attorney is submitting the claim on your behalf it must be signed and dated by you the applicant.
- Mail the completed form to the Record Quality Services Program to the address below:

Bureau of Criminal Information and Analysis
Record Quality Services Program
P.O. Box 903417
Sacramento, CA 94203-4170



STATE OF CALIFORNIA
BCIA 8706
(Rev. 10/2018)

DEPARTMENT OF JUSTICE
PAGE 2 of 2

CLAIM OF ALLEGED INACCURACY OR INCOMPLETENESS
(Examination of Records Pursuant to Penal Code Sections 11120–11127)

Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The California Justice Information Services (CJIS) Division in the Department of Justice (DOJ) collects the information requested on this form as authorized by Penal Code Sections 11120–11127 and other various state statutes and regulations. The CJIS Division uses this information to process requests regarding disputes and exceptions taken to the accuracy and completeness of criminal records. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided. Failure to provide all the necessary information will result in delays and/or the rejection of your request.

Access to Your Information. You may review the records maintained by the CJIS Division in the DOJ that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to process applications pertaining to disputes and exceptions taken to the accuracy and/or completeness regarding criminal arrest records, we may need to share the information you give us with authorized applicant agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information. For questions about this form or access to your records, you may contact the DOJ's Keeper of Records at (916) 210-3310 or by e-mail at keeperofrecords@doj.ca.gov or by mail at:

Department of Justice
Bureau of Criminal Information & Analysis
Keeper of Records
P.O. Box 903417
Sacramento, CA 94203-4170

EXHIBIT 8

CERTIFIED COPY

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE
ROGER T. BENITEZ, DISTRICT JUDGE PRESIDING

VIRGINIA DUNCAN, et al.,) Case No: 3:17-cv-01017-BEN-JLB
)
Plaintiffs,) Motion Hearings
) Department 5A
v.)
) Date: 12/12/2022
ROB BONTA, in his official)
capacity as attorney general)
of the State of California)
)
Defendants.)
)

KIM RHODE, et al.,) Case No: 3:18-cv-00802-BEN-JLB
)
Plaintiffs,)
)
v.)
)
ROB BONTA, in his official)
capacity as attorney general)
of the State of California,)
)
Defendants.)
)

JAMES MILLER, et al.,) Case No: 3:19-cv-01537-BEN-JLB
)
Plaintiffs,)
)
v.)
)
CALIFORNIA ATTORNEY GENERAL)
ROB BONTA, et al.,)
)
Defendants.)
)

--- caption continued on the following page ---

1 APPEARANCES:

2 For the Plaintiffs: MICHEL & ASSOCIATES, PC
3 Duncan, et al. 180 East Ocean Boulevard, Suite 200
Long Beach, California 90802
4 By: ANNA M. BARVIR, ESQ.
By: SEAN A. BRADY, ESQ.
5 By: KONSTADINOS T. MOROS, ESQ.

6 For the Defendants: DEPARTMENT OF JUSTICE
7 Becerra, et al. OFFICE OF ATTORNEY GENERAL
GOVERNMENT LAW SECTION
300 South Spring Street, Suite 9012
8 Los Angeles, California 90013
By: KEVIN J. KELLY, ESQ.

9 -oOo-
DEPARTMENT OF JUSTICE
10 OFFICE OF ATTORNEY GENERAL
GOVERNMENT LAW SECTION
11 300 South Spring Street, Suite 1702
Los Angeles, California 90013
12 By: MARK R. BECKINGTON, ESQ.

13 APPEARANCES:

14 For the Plaintiffs: MICHEL & ASSOCIATES, PC
15 Rhode, et al. 180 East Ocean Boulevard, Suite 200
Long Beach, California 90802
16 By: ANNA M. BARVIR, ESQ.
By: SEAN A. BRADY, ESQ.
17 By: KONSTADINOS T. MOROS, ESQ.

18 For the Defendants: DEPARTMENT OF JUSTICE
19 Becerra, et al. OFFICE OF ATTORNEY GENERAL
GOVERNMENT LAW SECTION
1300 I Street, Suite 125
20 Sacramento, California 95814
By: ANTHONY P. O'BRIEN, ESQ.

21 -oOo-
DEPARTMENT OF JUSTICE
22 OFFICE OF ATTORNEY GENERAL
GOVERNMENT LAW SECTION
300 South Spring Street, Suite 1702
23 Los Angeles, California 90013
By: MARK R. BECKINGTON, ESQ.

24
25 --- appearances continued on the following page ---

1 APPEARANCES:

2 For the Plaintiffs: DILLON LAW GROUP, APC
3 Miller, et al., 2647 Gateway Road, Suite 105, No. 255
4 Carlsbad, California 92009
By: JOHN W. DILLON, ESQ.

5 For the Defendants: DEPARTMENT OF JUSTICE
6 Becerra, et al., OFFICE OF ATTORNEY GENERAL
7 GOVERNMENT LAW SECTION
300 South Spring Street, Suite 9012
Los Angeles, California 90013
By: KEVIN J. KELLY, ESQ.

-oOo-

8 DEPARTMENT OF JUSTICE
9 OFFICE OF ATTORNEY GENERAL
GOVERNMENT LAW SECTION
10 300 South Spring Street, Suite 1702
Los Angeles, California 90013
11 By: MARK R. BECKINGTON, ESQ.

12 APPEARANCES:

13 For the Plaintiffs: LAW OFFICE OF ALAN BECK
14 Fouts, et al., 2692 Harcourt Drive
San Diego, California 92123
By: ALAN A. BECK, ESQ.

-oOo-

15 STAMBOULIEH LAW, PLLC
16 PO Box 428
Olive Branch, Mississippi 38654
17 By: STEPHEN D. STAMBOULIEH, ESQ.

18 For the Defendants: DEPARTMENT OF JUSTICE
19 Becerra, et al. OFFICE OF ATTORNEY GENERAL
GOVERNMENT LAW SECTION
1300 I Street, Suite 125
Sacramento, California 95814
20 By: ANTHONY P. O'BRIEN, ESQ.

-oOo-

21 DEPARTMENT OF JUSTICE
22 OFFICE OF ATTORNEY GENERAL
GOVERNMENT LAW SECTION
23 300 South Spring Street, Suite 1702
Los Angeles, California 90013
24 By: MARK R. BECKINGTON, ESQ.

25

1 SAN DIEGO, CALIFORNIA; MONDAY, DECEMBER 12, 2022; 10:38 A.M.

2 -oOo-

3 THE COURT: Good morning.

4 THE CLERK: Calling 1, 2, 3, and 4 on calendar.

5 One, 17-cv-1017, *Duncan, et al., v. Becerra, et al.*

6 Two, 18-cv-0802, *Rhode, et al., v. Becerra, et al.*

7 Three, 19-cv-1537, *Miller, et al., v. Becerra, et al.*

8 Four, 19-cv-1662, *Fouts, et al., v. Becerra, et al.*

9 All set for status conference.

10 THE COURT: All right, Counsel. Thank you for being
11 here this morning. Let's start with the Plaintiff.

12 If you would please identify yourself. Please speak
13 slowly, clearly, so that my court reporter can take down your
14 names and so that I can, hopefully, do justice to them. Okay?

15 MS. BARVIR: Thank you, Your Honor.

16 Anna Barvir, B-a-r-v-i-r, for Plaintiff Virginia
17 Duncan, et al.

18 THE COURT: All right.

19 MR. BRADY: Good morning, Your Honor.

20 Sean Brady, S-e-a-n, B-r-a-d-y, on behalf of the
21 Plaintiffs.

22 MR. MOROS: Good morning, Your Honor.

23 Konstadinos Moros on behalf of the Plaintiffs. That's
24 K-o-n-s-t-a-d-i-n-o-s. And last name is Moros, M-o-r-o-s.

25 THE COURT: Okay. And for the State?

1 MR. O'BRIEN: Good morning, Your Honor.

2 Deputy Attorney General Anthony O'Brien,
3 A-n-t-h-o-n-y; O, apostrophe, B-r-i-e-n, on behalf of the
4 Attorney General and the Fouts and Rhode matter.

5 THE COURT: Okay.

6 MR. KELLY: Your Honor, excuse me. I'm also
7 appearing -- I'm appearing on behalf of the State and the
8 Attorney General in the Duncan and Miller matters.

9 My name is Kevin Kelly. K-e-v-i-n. Kelly, K-e-l-l-y.
10 Deputy Attorney General. Thank you.

11 THE COURT: I'm sorry. You're on Duncan and Miller?

12 MR. KELLY: Correct, Your Honor.

13 THE COURT: Okay. Boy, I hope I can keep all this
14 straight. Okay.

15 MR. BECKINGTON: Good morning, Your Honor.

16 Mark Beckington, B-e-c-k-i-n-g-t-o-n. I'm joining
17 Mr. O'Brien and Mr. Kelly on all four cases.

18 THE COURT: I'm sorry?

19 MR. BECKINGTON: I'm joining Mr. Kelly and Mr. O'Brien
20 on all four of the cases.

21 THE COURT: On all four. I remember you from the
22 Miller case.

23 MR. BECKINGTON: Yes, Your Honor.

24 THE COURT: Yeah. Okay. Great.

25 All right. All right. Let's see Plaintiff in the

1 Rhode case.

2 MR. BRADY: Your Honor, Sean Brady on behalf of the
3 Plaintiffs on Rhode.

4 MS. BARVIR: Anna Barvir on behalf of the Plaintiffs
5 and Rhode as well.

6 THE COURT: All right. And on the Fouts matter?

7 MR. STAMBOULIEH: Steven Stamboulieh,
8 S-t-a-m-b-o-u-l-i-e-h, for Plaintiff Fouts.

9 THE COURT: I'm sorry. Just a second.

10 Can you repeat your last name again for me, please?

11 MR. STAMBOULIEH: Stamboulieh, S-t-a-m-b-o-u-l-i-e-h.

12 MR. BECK: Alan Beck on behalf of the Plaintiffs.

13 A-l-a-n. Last name B-e-c-k, sir.

14 THE COURT: Okay. Have I missed anyone?

15 MR. DILLON: Your Honor, this is John Dillon appearing
16 on behalf of the Plaintiffs for the Millers and --

17 THE COURT: I'm sorry. For Miller?

18 MR. DILLON: Yes.

19 THE COURT: And?

20 MR. DILLON: John Dillon.

21 THE COURT: Just on the Miller case?

22 MR. DILLON: Yeah, just for Miller.

23 THE COURT: All right. Have I missed anyone?

24 Okay. Well, thank you so much for being here this
25 morning. The reason why I called the status conference -- and

1 I called all these cases at the same time -- is because, you
2 know, a great deal of my life over the last few years has been
3 devoted to dealing with these Second Amendment cases.

4 As you probably know, I have four of these cases and
5 recently inherited the fee-shifting case from two other judges.
6 And I've spent an awful lot of time, an awful lot of time, and
7 read an awful lot of material and heard testimony on some of
8 these -- at least one of these cases, anyway.

9 And so I thought that, given the fact that these cases
10 have been returned to me following the Bruen opinion, that I
11 didn't want to duplicate effort. First of all, my time, as I'm
12 sure your time, my law clerk's time is valuable.

13 And so I thought that perhaps there was some way that
14 we could approach a joint methodology for dealing with all of
15 these cases, essentially, at one time and in one -- in one way.
16 So my understanding of -- of Heller, is that Heller has not
17 changed. It has not been overruled. It is still good law.

18 Bruen, the Bruen opinion, I believe, discarded the
19 intermediate scrutiny test that I also thought was not very
20 useful; and has, instead, replaced it with a text history and
21 tradition test. Now, the text history and tradition issue is
22 pretty much common, I think, to all of these cases.

23 There may be some nuance as to whether, for example,
24 in some case the -- the history and tradition may effect
25 ammunition. In another case, it may effect the type of weapon,

1 for example, whether it's a rifle or a dirk or a dagger. But
2 in the end, it's the same. We're basically looking at the same
3 body of history and tradition that we're going to be looking at
4 in all of the cases.

5 So I have an idea of how this case ought to go
6 forward, and I'll tell you what I would like to have -- by the
7 way, I might add, I'm not sure, Mr. O'Brien, whether you filed
8 the supplemental brief in the Fouts case. I'm not sure who
9 filed that.

10 MR. O'BRIEN: Yes, Your Honor, I did.

11 THE COURT: All right. Well, let me compliment you on
12 that, because one of the things that I thought you did that I
13 really appreciated was you filed several declarations. One of
14 those declarations did a historical analysis of several rules,
15 laws, regulations, and so on and so forth, all of which I have
16 read, I might add. So --

17 You can sit down.

18 -- I found that to be very, very helpful.

19 But I would like to ask you folks to do something a
20 little bit different; very similar. But I don't have the
21 staff. I don't have, really, the resources to do this, at
22 least not to do it in a timely fashion.

23 So I thought that I would ask you to do something for
24 me, which is to, essentially, do a similar survey as,
25 Mr. O'Brien, you did in the -- in the Fouts case.

1 And I would like that survey, if you would. I mean,
2 I'm sure you all have access to Excel spreadsheets and so on.
3 But I'd like to see a survey that does the following for me:
4 First of all, on a chronological bases, starting with date, the
5 date of any law, regulation, ordinance, restriction. And I'm
6 going to refer to those from now on as "restrictions." Okay.
7 Generically, okay, restriction or regulation. Okay.

8 So if you could start out chronologically, if you
9 would give me the date, and then if you would tell me what was
10 it that was restricted. So, for example, in many of those
11 regulations, they regulate dirks, daggers, metal knuckles. In
12 some cases, it might be storage of gunpowder or cartridges.
13 Some of them, some of these, are "use" regulations. In other
14 words, you cannot use these while committing a crime. You
15 cannot use them while breaking and entering into somebody's
16 property. You cannot display them in anger.

17 So what is it exactly that the law or the regulation
18 restricted? What type of weapon? What was the weapon that was
19 being restricted? Was it a knife? a Bowie knife? a stiletto?
20 metal knuckles? pistols? rifles? Then I would like to know
21 whether or not that statute was repealed and, if it was
22 repealed, what was repealed by, and was it replaced by
23 something else? And if so, if you would do the same analysis?
24 Again, continuing a chronological order. Right?

25 And then, finally, whether or not that regulation or

1 restriction was reviewed by court or courts? And if so, what
2 was the -- what was the outcome? For example, was it found to
3 be unconstitutional, or was it found to be constitutional? And
4 if you'll give me a citation so that I can then go and look at
5 the cases and see what the cases say.

6 I think -- so to pose an example, I think there are
7 one or two regulations that I have found that restricted --
8 specifically restricted billies. Okay. So in the Fouts case, I
9 think that would be particularly relevant. I think I found one
10 or two that restricted rifles and shotguns. I think I found
11 one or two that restrict certain ammunition, cartridges.
12 Right. I think I found one that restricts a weapon that can
13 fire more than 16 or 18 rounds. And I found one that dealt
14 with machine guns and automatic rifles.

15 You see, that's the sort of thing that I've read
16 through that I've captured, but I can't really capture it in a
17 way that I think that the Supreme Court would like us to do it,
18 which is a chronological order, so that we can determine what
19 regulations, what tradition exists with regards to restrictions
20 at the adoption of the Second Amendment; and then I think,
21 secondarily, at the time that the Fourteenth Amendment was
22 adopted.

23 I think with that body of information, I think this
24 Court would be in a much better position to make a decision as
25 to what to do in each one of these cases.

1 So the cases have been sent back to me, given the
2 Bruen opinion, and I'm now going to attempt to deal with them,
3 but I don't want to have to deal and read the same stuff over
4 and over and over again, because I've already read some of it
5 twice. And, frankly, there's a lot of material there. I don't
6 know how many boxes of five-inch binders I have, but it's a
7 lot, and I have only so much time.

8 So I would suggest both sides, if you can, please do
9 that for me. Okay. And I think that would be very helpful.

10 Now, as far as actually setting a hearing to -- to
11 hear your arguments on these, I don't think there's any use in
12 taking any evidence, meaning testimony, from anyone in any of
13 these cases.

14 I mean, the history and tradition is what it is. I
15 don't need, you know, Mr. Spitzer or Mr. Cornell to tell me
16 what his view of the history and tradition is. I see no point
17 in that; nor do I think any additional discovery is necessary
18 or additional expert work is necessary. So, anyway, that's
19 my -- that's my initial thought on this case.

20 If anyone has any suggestions on how we can go about
21 proceeding with these cases, I would love to hear your views.
22 I may not adopt your suggestion, but I'll certainly consider
23 it. So if -- if anybody wants to address what I have said, or
24 anything else on how we proceed with these cases, please feel
25 free to speak up.

1 Maybe we'll start with Duncan, since it was the first
2 case that I dealt with.

3 So do you have anything you want to add?

4 MS. BARVIR: Should I move here?

5 THE COURT: Yeah. Whatever. If you feel comfortable
6 there at the table, that's fine.

7 MS. BARVIR: Again, Anna Barvir for Plaintiff Virginia
8 Duncan.

9 Thank you, Your Honor, for your thoughtful
10 consideration of all four matters. I'm sorry. I'm -- we've
11 heard what -- that Your Honor is asking for from each party. I
12 think that makes a lot of sense, though I do want to, I think,
13 perhaps, focus the Court a little bit on what Plaintiffs' view
14 as the kind of proper way of reviewing this case. And in our
15 position, it doesn't really rely on -- it actually shouldn't
16 rely, and it might be improper to rely on the sorts of -- even
17 the laws that Your Honor is referencing in this survey and/or
18 spreadsheet that we were talking about just now.

19 It is our position that Heller already tells -- Your
20 Honor, tells all of us how to analyze this. The -- this is an
21 arms banned possession case. So the Heller court then, backed
22 up by the decision in Bruen, already handled that entire
23 analysis. The analysis starts with --

24 THE COURT: But if that were so, why would the Ninth
25 Circuit have kicked it back to me? I mean, I agree with you in

1 concept, but, you know, the Ninth Circuit kicked it back to me,
2 so...

3 MS. BARVIR: Excuse me. I think that's a good
4 question, and perhaps that's why Your Honor is, I think,
5 intelligent, smart to ask the parties to do what we're doing.
6 But I think that -- excuse me -- the Ninth Circuit also has a
7 lot of these -- had a lot of these cases before it. And,
8 obviously, all of the pro Second Amendment cases had gone up to
9 en banc, and perhaps the Court wasn't willing to handle those
10 at that point.

11 I'm not trying to cast aspersions, but I think we can
12 all kind of agree that we've seen a lot of decisions that are
13 not upholding lower-court decisions that strike California
14 state laws, gun control laws, just overturned.

15 So perhaps they'd like to see that Your Honor do some
16 more work on this case, but I don't think it requires --

17 THE COURT: Would you like some water?

18 MS. BARVIR: Yes.

19 I don't think that that requires us to do a new
20 analysis of all the history that's out there. The Heller court
21 was very -- had done a very detailed deep dive into all of the
22 historical laws that are banning possession of arms and other
23 types of gun control laws since the Founding and before.

24 And it found that the test is if it's -- excuse me --
25 that the only time the State can lawfully ban a firearm or

1 other type of arm that is protected by the Second Amendment is
2 if it's dangerous and unusual. The flip side being, typically
3 possessed by law-abiding citizens for lawful purposes or
4 other -- we've also heard it called the "common use" test. And
5 so that test came out of the Court's analysis of the history
6 and tradition.

7 So if the Court -- so the question that really is
8 posed -- that Duncan poses this Court today, is whether or not
9 magazines, and maybe more specifically magazines capable of
10 holding more than ten rounds, are protected arms, bearable
11 arms, under the Second Amendment's text.

12 And then, secondly, if there -- excuse me --
13 otherwise, if there's a longstanding tradition, meaning are
14 they dangerous and unusual. And this Court has already found
15 that -- I mean, we have a really large record showing that
16 they're not dangerous and unusual. And several courts have
17 agreed with that finding both in the Ninth Circuit and other
18 circuits have found it or they have been willing to accept it.
19 And I don't think that Heller or -- I mean, I'm sorry -- I do
20 not think Bruen changed that outcome.

21 So that's what we would like Your Honor to consider
22 and to look at and perhaps think about when we are doing this
23 search for more historical restrictions.

24 THE COURT: Let me ask you a question that I think has
25 troubled me somewhat. So I think facts matter. And in

1 certain -- and in cases -- every case, there are parties that
2 have greater access to evidence than others. Right. And at
3 least in California, we have a presumption, for example, that
4 when a party has the largest body of evidence but fails to
5 present it, there's a presumption that if the evidence were to
6 be considered by the Court, that the presumption would be that
7 the party who has a greater body of evidence, that it would be
8 held against him.

9 Now, one of the things that I'm concerned about, for
10 example, is I just read someone said, "There's no evidence that
11 a homeowner has ever fired more than ten rounds in defense."
12 And I kind of think that that's -- I mean, I think probably the
13 best evidence of that would be the State. The State would have
14 the investigative reports, police reports, and so on, to
15 explain that.

16 But I wonder if you agree with that statement, that
17 there are no cases where a homeowner or a business owner has
18 ever fired more than ten rounds in defense. And if so, and if
19 that's the case, have you provided the Court with any
20 information to support that?

21 MS. BARVIR: I don't -- I don't, standing here, know
22 that that's true. I think that part of that is -- it's a kind
23 of a false thing to do when you're limited to that number,
24 anyway, but also --

25 THE COURT: I understand you. I understand -- I hear

1 you. I hear you. But I -- particularly in the Miller case, I
2 took issue with Ms. Alan's -- Ms. Alan's analysis. And then I
3 think I read something recently -- I can't recall which court
4 it was -- but somebody said, "Oh, there's no evidence that a
5 homeowner has fired more than ten rounds."

6 And defense -- and of course all that anyone has to do
7 is go on the Internet and do a cursory search and find out that
8 that's not true.

9 MS. BARVIR: Right.

10 THE COURT: And I wonder if you've done that.

11 MS. BARVIR: I think when we were here on MSJ -- and
12 that's why we had this conversation several years ago.

13 THE COURT: You know, I'm sorry. But as I said, I
14 have four of these, and if I get you all confused with one
15 another, please forgive me. You know, I'm not as young as I
16 used to be, so...

17 MS. BARVIR: None of us are.

18 When we were here on MSJ, I think we had this
19 conversation as well. And a lot of times that was coming
20 from -- you know, from Plaintiffs' side was coming from, I
21 guess you could say, anecdotal news stories. Because we don't
22 -- we aren't the State. We don't have access to those same
23 sorts of records.

24 I don't think that it's true that that's never
25 happened. That there's no evidence that it's ever happened.

1 But, again, even if it never happened, which I find
2 extraordinarily hard to believe -- the police do it all the
3 time -- it's not a relevant matter because the test --

4 THE COURT: Yeah, I know.

5 MS. BARVIR: -- for common use is typically
6 possession.

7 THE COURT: I heard you. I know that. But I was just
8 wondering if you agreed with that statement that there's no
9 evidence that the homeowner has ever fired more than ten
10 rounds, and just wanted to pick your brain on that.

11 Okay. I distracted you.

12 MS. BARVIR: That's okay. I have nothing more to add.

13 THE COURT: Okay. Great.

14 MS. BARVIR: So thank you for your time.

15 THE COURT: Sometimes -- sometimes less is more.

16 Okay.

17 Anyone else? No one else? Gee, I'm so glad.

18 MR. KELLY: Your Honor, could I be heard?

19 THE COURT: No. Sorry. I've heard all I need to
20 hear.

21 No. Go ahead.

22 MR. KELLY: So the State would like to renew its
23 request for an addition discovery period, not a lengthy
24 discovery period in this action. Just a three-month is all we
25 would ask for.

1 THE COURT: Tell me why.

2 MR. KELLY: Sorry, Your Honor?

3 THE COURT: Tell me why.

4 MR. KELLY: There's two reasons: First of all, this
5 is a brand-new area of law, and it's a brand new area of
6 historical analysis. And a three-month period would give our
7 experts more time to actually look into this. I think we
8 submitted a declaration from Professor Schrag, who details the
9 types of work that is required of historians when they approach
10 an issue like this.

11 And, also, Professor Cornell in his declaration also
12 said that, "This work is still ongoing, and we did our level
13 best" --

14 THE COURT: What happens in three months when the work
15 stops? What's the -- what's the miracle? Was the miracle
16 pertinent? Drops down in three months and work stops?

17 MR. KELLY: Well, Your Honor, obviously, I can't
18 represent that new evidence will be found, but that's also
19 because I don't know what I don't know, at this point, and
20 neither do our experts.

21 So we would, again, renew our request for an
22 additional discovery period followed by supplemental briefing.

23 And -- excuse me -- I had another point to make on
24 that.

25 THE COURT: Okay. Go ahead.

1 MR. KELLY: So we would also want an opportunity for
2 our experts to examine the evidence, the new evidence that the
3 plaintiffs included in their response to our supplemental
4 briefing. And that would also give our experts a chance to do
5 so, and then --

6 THE COURT: So give me an example.

7 MR. KELLY: So I will give -- one moment, Your Honor.

8 So the Plaintiffs brought or included a declaration
9 from Ashley Hlebinsky, who claimed that "repeating rifles were
10 not commonly owned in the nineteenth century," presumably in
11 response to our declaration from Professor Vorenberg.

12 THE COURT: I'm sorry. They said "they were not"?

13 MR. KELLY: They were not commonly owned in the
14 nineteenth century.

15 THE COURT: She says they were not.

16 MR. DILLON: No.

17 THE COURT: No. I think you're wrong. I think you're
18 opposite. I think she says --

19 MR. KELLY: Opposing counsel will correct me if I'm
20 wrong.

21 THE COURT: Yeah, I think you're wrong. I think she
22 said the opposite.

23 MR. DILLON: I don't believe that's the case that she
24 said they were not.

25 (Court reporter interruption.)

1 MR. DILLON: John Dillon on behalf of the Miller
2 defendants.

3 THE COURT: Yeah. So she said they were commonly
4 owned.

5 MR. DILLON: Yeah.

6 THE COURT: So the Model 94 Winchester --

7 MR. DILLON: She was rebutting Dr. Saul Cornell's
8 statement that these guns were, in fact, not common. That's
9 what his testimony was, Your Honor.

10 THE COURT: All you got to do, if you look at
11 Professor Cornell's declarations and you look at the website
12 that he refers to -- to Winchester -- to the Winchester
13 company, if you look at that website, you see that, in fact,
14 they were commonly owned.

15 So, I mean, what are you going to do? You going to --

16 MR. KELLY: Your Honor, if --

17 THE COURT: How are you going to -- I mean, if you
18 look at Mr. Vorenberg's declaration, and you look at -- for
19 example, as I sit here right now, I can recall one instance
20 that he talks about where two miners were mining for borax.

21 Do you recall the incidents?

22 MR. KELLY: Sorry. Do I recall the incidents, Your
23 Honor?

24 THE COURT: Yeah.

25 MR. KELLY: I do not, no.

1 THE COURT: Okay. So two miners were mining for
2 borax. And I can't recall whether it was Montana or Wyoming or
3 Nebraska, or whatever. These are just two miners, two common
4 folks that were miners for miners -- I mean, mining for borax,
5 and they're attacked by a band of 40 Indians. And these two
6 miners happen to have Henry rifles, and they were able to
7 defeat the 40 Indians that were attacking them.

8 So the point -- the point was, if you look at Mr. --
9 Professor Cornell's -- if you look at Professor Vorenberg's
10 materials, which I have looked at, you see that the statement
11 that they were not commonly owned is just not true.

12 For example, there's a statement in there about how
13 after the Civil War many of the -- of the soldiers, when they
14 were released from duty, were, in fact, allowed to buy the
15 repeating rifles and took the repeating rifles home.

16 And you can do the statistical analysis, by the way,
17 which I sat down and did because maybe I have too much time on
18 my hands. But there was an awful lot of those weapons that
19 wound up in civilian hands.

20 So, I mean, the evidence is there. You can call, I
21 suppose, this person for a deposition and take her deposition.
22 But I don't think, no matter what she says, it's not going to
23 contradict her own experts' declarations and the materials that
24 they themselves refer to.

25 You follow what I'm saying? Okay.

1 MR. KELLY: Your Honor, I do have another example of
2 something we would want to explore and --

3 THE COURT: Okay. Give me one more.

4 MR. KELLY: So the Plaintiffs also include a
5 declaration from Clayton Cramer --

6 THE COURT: Okay.

7 MR. KELLY: -- presumably in response to Professor
8 Roth's position that mass murder was not a new phenomenon or --
9 excuse me -- mass murder, yes, correct, is a new phenomenon at
10 this point. And we would want -- to my knowledge, Mr. Cramer
11 was not disclosed as an expert, was not deposed in any prior
12 proceeding in Duncan.

13 And we would first want an opportunity for Professor
14 Roth to examine the new evidence that the Plaintiffs have
15 brought, as well as potentially depose Mr. Cramer on that
16 issue.

17 THE COURT: Well, before I get to that issue, let me
18 point out something, Mr. Kelly. I don't know how long you've
19 been in this case. But you said something about -- going back
20 to the reason why you needed three months; that you needed --
21 that this was a new area and so on and so forth.

22 Did I get you right?

23 MR. KELLY: That's correct, Your Honor.

24 THE COURT: Yeah. How long you have been in this
25 case, Mr. Kelly?

1 MR. KELLY: Several weeks, Your Honor.

2 THE COURT: It's not fair to dump you into a case like
3 this. Mr. -- Professor Cornell has gone on record and stated
4 -- in 2017, Professor Cornell stated that he had been
5 researching and writing on the history and tradition of Second
6 Amendment regulations for two decades. That's 20 years,
7 20 years before 2017. We're now in 2023. Add five years to
8 that; that's 25 years. That's a quarter of a century that
9 Professor Cornell has been writing, researching on the history
10 of and tradition of the Second Amendment.

11 And I've read an awful lot of that material.
12 Professor Cornell cites to Spitzer. Spitzer cites to
13 Vorenberg. Vorenberg cites to Bazilli. Bazilli, I think it
14 is, who cites to -- these folks have been working on this for a
15 really, really long time.

16 In 2000- -- well, as you probably know in the Rhode --
17 Rhode case, I issued an opinion where I said that the State's
18 regulation had no historical pedigree, and I was right. The
19 Ninth Circuit asked the State to file a supplemental brief on
20 the issue of the historical pedigree.

21 In response to that request from the Ninth Circuit,
22 the State at Footnote 3, page 11 of its response, cites to Saul
23 Cornell and Nathan DeNino, "A Well Regulated Right. The Early
24 American Origins of Gun Control," 2004, surveying firearms
25 regulations from Founding era through the nineteenth century.

1 Mr. Kelly, with all due respect, Mr. Cornell and all
2 these other folks have been researching and writing on this
3 issue for 25 years. We're not here, looking -- this is not a
4 question for the missing link. We're not looking for truffles.
5 If it's a history and tradition, 25 years of research and
6 writing should have disclosed it by now.

7 And as you know, probably in Bruen -- I think it was
8 in Bruen. It might have been in Heller, as well, where the
9 Court said, "Look, 'a lot of' doesn't show a history and
10 tradition." Right. So I don't think -- I mean, with all due
11 respect, I understand what you're doing, and I appreciate that.
12 And I'm sorry that you got dumped into this just a few -- just
13 a few weeks ago.

14 But, realistically, you don't need more time. I might
15 give you a little more time to depose the one expert, and that
16 might be it, but that's about it. Okay.

17 MR. KELLY: Thank you, Your Honor.

18 THE COURT: All right. Is there anything else you
19 wanted to add?

20 MR. KELLY: Actually, a point of clarification, Your
21 Honor.

22 THE COURT: Sure. Go ahead.

23 MR. KELLY: Would Your Honor like us to submit one set
24 of briefing for all four matters, or one for each matter?

25 THE COURT: I'm open to suggestions. I don't want to

1 have to be rereading the same stuff over and over and over
2 again. So what do you think?

3 MR. KELLY: Your Honor, I think they should be heard
4 separately. I think as Your Honor said, you know, there is
5 some overlap here in terms of the historical analysis,
6 et cetera. But there's also enough nuance among the cases
7 that, I think, both, as a matter of fairness, and to make your
8 burden easier, they should be heard separately.

9 For example, I think the textual analyses is different
10 in these case; the first prong under Bruen as to whether the
11 regulated items constitute arms under the Second Amendment.
12 And our position is a different analysis in each case.

13 THE COURT: Okay. Well, what you say makes sense.
14 All right. So how about if what we do is we have a joint
15 historical analysis? In other words, what I suggested at the
16 very beginning of this hearing? How about if we have that as
17 one?

18 And, yes, I can understand how you might want to
19 argue, for example, that in the Fouts case, looking at the
20 historical analysis, there's, you know, history and tradition.
21 And that you might want to brief that separately.

22 Yeah, I can understand what you're saying. I'll hear
23 from the Plaintiffs in just a second, see if they have a
24 different idea. But that makes sense. I can go along with it.

25 MR. KELLY: Thank you, Your Honor.

1 THE COURT: All right. Thank you.

2 Anyone else?

3 All right. Let's go back to the Plaintiffs. Anyone
4 have anything you want to comment in response?

5 MR. BRADY: Sure, Your Honor. Sean Brady on behalf of
6 the Plaintiffs.

7 I agree. I think that makes sense. But to address
8 the nuance, there are some things that are going to sort of be
9 boilerplate with respect to this compendium of Excel
10 spreadsheet of the laws. If the State prepares that, they're
11 going to have to prepare that for all the cases. Right. So it
12 wouldn't be an additional burden on them.

13 THE COURT: I want you to look at it, and see if you
14 agree or disagree because I want to know, you know, if there's
15 disagreement. Right.

16 MR. BRADY: If Your Honor would like us to meet and
17 confer, you know -- I guess our position is that it's the
18 State's burden to research and present these laws, and they've
19 had adequate time for that. We don't need to get into --

20 THE COURT: I think I agree. But I think it's always
21 really a good idea to meet and confer. So if you could do
22 that, that would be wonderful.

23 MR. BRADY: Absolutely. And if Your Honor wants us to
24 do that prior to -- instead of dressing it in our opposition
25 and meeting and conferring beforehand, we're more than happy to

1 do that.

2 THE COURT: Why don't you do that. And then if
3 there's any disagreement, if there's any disagreement, then we
4 can deal with that later. Right.

5 So here's something that I do with jury instructions.
6 I ask the parties to meet and confer and come up with an
7 agreed-upon body of jury instructions. Okay. And then if
8 there are any jury instructions that they disagree with, then
9 they can file a brief to tell me what instructions they
10 disagree with and what other instructions they want me to give.

11 Perhaps this is a good policy for us to apply here.
12 If you meet and confer and agree on the historical analysis,
13 then that's great. You can submit that. And if there are any
14 disagreements, then you can submit that separately.

15 How's that? That work?

16 MR. BRADY: I think that works, Your Honor.

17 THE COURT: Mr. Kelly?

18 MR. KELLY: Yeah, that works for us, Your Honor.

19 THE COURT: Great.

20 MR. BRADY: This meet-and-confer process, though, is
21 there going to be another status conference or -- that's my
22 only concern. Or are we just going to address it in our
23 briefing?

24 THE COURT: No. I don't think we need another
25 meet-and-confer conference after this. I think -- look, I

1 don't want to slow-walk these cases. These are important cases
2 both to the State and to the Plaintiffs and the people that
3 insist that they have these rights, and I think we need to move
4 these cases along.

5 So a meet-and-confer. Give me an agreed-upon
6 historical analysis, and then what I will do is I will give you
7 a time period for that to be filed. I'll give you a time
8 period for additional briefs to be filed, and then we're going
9 to have hearings, and we're going to put these cases to bed.

10 MR. MOROS: Your Honor, one question.

11 Is the State to be limited in the presentation of its
12 laws to laws before the year 1900? Because I know in their
13 supplemental briefing, they went into twentieth century laws,
14 and our position is those aren't relevant. But if you want a
15 comprehensive view, just to get everything.

16 THE COURT: You know, frankly, I don't see much point
17 in those because I think that there would be so many laws. I
18 mean, let's face it, after -- there came a point when -- when
19 they began to grow exponentially.

20 I think in the Bruen opinion it talks about -- the way
21 I see it, it places greater emphasis on those laws that were,
22 essentially, in effect at the time the Second Amendment was
23 adopted, and then with a secondary emphasis at the time that
24 the Fourteenth Amendment incorporated the Second Amendment by
25 reference. I think that's the time period.

1 In fact, I think the one -- if I'm not mistaken, the
2 one statute that regulates -- that was submitted in the Fouts
3 case, it talks about machine guns and automatic rifles, is a
4 1927 statute, if I'm not mistaken; which, frankly, I thought
5 was irrelevant, anyway.

6 So why don't we limit it to -- how about this? How
7 about, let's say, 20 years -- how about an arbitrary and
8 capricious number that I'm going to give you? Twenty years
9 after the Second Amendment was incorporated by the Fourteenth
10 Amendment -- or the Fourteenth Amendment was adopted. How's
11 that?

12 MR. MOROS: So, 1888. Okay.

13 THE COURT: All right. Twenty years after the
14 Fourteenth Amendment was adopted.

15 MR. KELLY: Your Honor, we would object to that.

16 THE COURT: Why?

17 MR. KELLY: In Bruen, it specifically says that
18 statutes after the Fourteenth Amendment's ratification can be
19 used as evidence so long as they do not conflict with the
20 restrictions that were in place prior to then around the
21 Founding and the Reconstruction period.

22 So we would want to reserve our right to introduce
23 those laws if -- if we do, in fact, do that.

24 THE COURT: Can you cite me to the page in Bruen?

25 MR. KELLY: Yes, Your Honor.

1 THE COURT: And if that were the case, why would --
2 why would the Supreme Court have overturned the New York
3 statute on concealed carry? Since there were -- I would
4 imagine there's probably 100, if not 200, statutes that have
5 prohibited the methodology for obtaining concealed carry
6 permits.

7 MR. KELLY: So, Your Honor, the page we're referring
8 to is at 142, Supreme Court page 2153, Note 28.

9 THE COURT: Can you read it for me? Because I -- I
10 don't have a photographic memory.

11 MR. KELLY: Sure, Your Honor. Just give us one
12 moment.

13 Your Honor, the footnote says: "We will not address
14 any of the twentieth century historical evidence brought to
15 bear by respondent or their amici. As with their
16 late-nineteenth-century evidence, the twentieth century
17 evidence presented by Respondent's in the amici --"

18 (Court reporter interruption.)

19 MR. KELLY: "-- the twentieth century evidence
20 presented by Respondents and their amici does not provide
21 insight into the meaning of the Second Amendment when it
22 contradicts earlier evidence."

23 And we would argue that that footnote would allow us
24 to introduce statutes and regulations post-Reconstruction so
25 long as they do not contradict earlier restrictions.

1 THE COURT: The problem with that, though, as I
2 said -- how many -- how many laws have been enacted? I mean,
3 just look at California. Let's just take, for example, the
4 Miller case, right, the AR-15-type regulations.

5 How many of those laws have been enacted since 1927?
6 Lots and lots and lots and lots. But how does that help me
7 decide the history and tradition of regulation of rifles --

8 MR. KELLY: I think, Your Honor --

9 THE COURT: -- at the time the Second Amendment was
10 adopted, or at the time the Fourteenth Amendment was adopted?
11 All that tells me is -- has happened after the Civil War when
12 states found out that, yes, they could restrict certain
13 firearms. Right. That all of a sudden there was an explosion
14 of restrictions because the states found out, "Hey, guess what?
15 We can do this." So then they did it.

16 But how does that help me determine the history and
17 tradition of these laws at the time the Second Amendment was
18 adopted or at the time that the Nineteenth -- I mean the
19 Fourteenth Amendment was adopted?

20 MR. KELLY: Your Honor, I'm only speculating that
21 these laws are out there. I personally do not know. I think
22 we would just want to reserve our right and not be barred from
23 doing so should it come to that.

24 THE COURT: I'll tell you what I'll do. I'll let you
25 file a separate one. You can file -- you can file a separate

1 survey, and we'll call it "Post 20 years after" -- "20 Years
2 After the Ratification of the Fourteenth Amendment."

3 How's that?

4 MR. KELLY: That sounds good, Your Honor.

5 THE COURT: And include as many as you want. In fact,
6 the more the merrier.

7 MR. DILLON: Your Honor, if I may?

8 THE COURT: Yes, go ahead.

9 MR. DILLON: I just wanted to clarify on the parameter
10 of exactly what you're requesting. As I heard you, you're
11 looking for a single spreadsheet-style chronological order of
12 all the statutes, ordinances, restrictions that the State can
13 come up with that identify what was restricted, what act was
14 restricted, whether it was a law that was repealed or not
15 repealed, and whether or not it was ever brought before a
16 court.

17 And then they'll present -- they'll draft that
18 document with no argument, no expert witness testimony.

19 THE COURT: Correct.

20 MR. DILLON: It will just be a straight list of the
21 laws. We will have a chance to review it as Plaintiffs. And
22 like a summary judgment, if we have a contested issue of the
23 summary of the law that they present, we can note that contest
24 in the -- you know, a joint document? Is that what you're --

25 THE COURT: Sounds reasonable. Sounds reasonable to

1 me.

2 MR. DILLON: No problem. Thank you, Your Honor.

3 MR. KELLY: Your Honor, I think we would object to
4 that as well. I think we would want, if we need to, to
5 introduce experts to interpret some of the laws and the
6 standards --

7 THE COURT: No.

8 MR. KELLY: -- in the language --

9 THE COURT: No.

10 MR. KELLY: -- and the statute --

11 THE COURT: No. Look -- no, no.

12 Mr. Kelly, with all due respect, I don't need -- every
13 one of these experts that you've put forth, I have read, just
14 like experts that they have put forth, like Mr. Copill, for
15 example. Your experts -- these are people that have, you know,
16 biased points of view. I mean, Mr. Bosey, for example -- I
17 hope I'm pronouncing his name. The fellow who worked for --

18 MR. MOROS: Kimber, Your Honor.

19 THE COURT: Kimber. Yeah. Who at some point in time
20 had an epiphany and realized that all the work that he'd been
21 doing for all these years, selling these weapons to the public
22 was not good. And now he works -- he's a consultant for
23 Everytown -- I'm trying to remember.

24 Anyway, look. These people's opinions of what these
25 statutes say, right, means nothing. It means nothing. It's

1 like, I remember -- I think it was Justice Brier in -- I think
2 it was Bruen, who talked about, "Well, we need to have this
3 factual record," and this and that, what have you.

4 No. 702 says that the admission of expert testimony
5 is help -- is possible if, because of the expert's knowledge,
6 skill, or experience, it will assist the trier of fact. Okay.

7 But there's nothing. I mean, I've read these
8 declarations. Every one of these folks come in here with a
9 biased -- it's not like they're really neutral experts, okay,
10 or they're not experts who've come up on these opinions as a
11 result of these cases, okay, doing research for these cases.

12 These are all people that already come with
13 preconceived ideas and opinions, but their opinion is not worth
14 any more than your opinion or her opinion. They're going to
15 tell me, "Well, in my opinion, if you look at this statute,
16 this statute means that -- you know, that the State of Wyoming
17 regulated concealed carry of brass knuckles," and so I can read
18 that. I can figure that out by myself.

19 MR. KELLY: Well, Your Honor, I think the issue that
20 we might have with simply creating a spreadsheet and submitting
21 it to the Court doesn't take into account that restrictions
22 were found in places other than statutes. In our supplemental
23 briefing, we -- Professor Vorenberg testified as to how, for
24 example, in the Reconstruction period, the U.S. Army acted to
25 restrict firearms with magazines or carrying more than ten

1 rounds.

2 THE COURT: When was the Reconstruction period? It
3 was after the Civil War.

4 MR. KELLY: Correct, Your Honor.

5 THE COURT: Yeah. It was after the Fourteenth
6 Amendment?

7 MR. KELLY: It was during the same period, Your Honor;
8 during the same time period.

9 THE COURT: And why would I want to give -- in fact, I
10 think there was some discussion about this. I thought maybe it
11 was in Bruen.

12 Why would I want to give any credit to -- to what the
13 U.S. Army was doing in their territories? In fact, I think,
14 wasn't it Bruen that somewhat criticizes applying laws that
15 were regulations that were used in territories that --

16 MR. KELLY: Your Honor, it goes to the history and
17 tradition of firearm regulations. That may not be a statute.

18 THE COURT: But, look. If it's the State's position
19 that there's a long history and tradition to regulating
20 firearms, if that's your position, you don't need to present
21 any evidence. I'll buy that. I understand that.

22 Any time the State can get their -- the ability to
23 regulate something, they'll do it, and they've been regulating
24 firearms for a long time. Right. But that doesn't mean that
25 it's an analog to the particular statute that's at issue in the

1 cases that I have before me.

2 So the fact that, for example, in the territories in
3 the Reconstruction period, the Army may not have wanted to have
4 people to have this, that or whatever, that doesn't help me.
5 It's not an analog.

6 Yes, we know. We know. We know. We don't have -- I
7 don't need to take testimony of the fact that there's a history
8 and tradition in the United States in regulating firearms.
9 Right. But if that were the test, if that were the test,
10 Heller would not have been decided the way it was, and neither
11 would McDonald, and neither would Bruen, and neither would
12 Caetano.

13 That's not the test. But the test is, is there a
14 reasonable analog? It doesn't have a twin. It doesn't have to
15 be a twin. But is there a reasonable analog in the history and
16 tradition of firearm regulation or arms regulation? Because in
17 the Fouts case, we're dealing with billy clubs.

18 Is there an analog in the history and tradition of
19 regulating this type of weapon, this type of conduct, this type
20 of behavior? That's what we're looking at.

21 So, anyway, all right. Anyone else?

22 Yes.

23 MR. O'BRIEN: Your Honor, just wanted to check.

24 With respect to Fouts and Rhode, what the Court's
25 requesting here, what effect does it have on kind of the

1 existing posture of those cases?

2 With respect to Fouts, the Plaintiffs have an
3 opposition brief due on the 22nd, currently. And Rhode, there
4 hasn't been any order with respect to briefing. So I'm just
5 trying to check and see what's the -- what is kind of the
6 process going forward.

7 THE COURT: Thank you. I appreciate your mentioning
8 that.

9 So here's what I'd like for you to do. As I said,
10 Professor Cornell, Spitzer, and some of these other folks, they
11 have been working on this for a really long time. So it really
12 shouldn't take them really long to be able to come up with
13 this -- with a survey that I've requested. So I'm going to ask
14 that that be done within 30 days. Okay.

15 I will then -- given that, I will then give each side
16 an opportunity to file a brief, and the reason why I use the
17 word "brief," it's because I want it to be brief. Okay. I'm
18 not going to -- I'm not going to require a 25-page maximum, but
19 I don't think it needs to be 25 pages for you to tell me what
20 the analogs are that I should apply in your case. And I'll
21 give you 30 days to do that. Then I'll give you 10 days to
22 each side to file a response.

23 Now, Mr. Kelly, you said you wanted to take somebody's
24 deposition, and I'm more than happy to give you a chance to
25 depose someone. See what happens.

1 So who did you want to depose?

2 MR. KELLY: Mr. Cramer, Your Honor.

3 THE COURT: Mr. Cramer. Whose witness is Mr. Cramer?

4 MS. BARVIR: Clayton Cramer is the Duncan Plaintiffs'
5 declarant. He was responding, I think, to Professor Roth.

6 I would think that if Your Honor is going to give the
7 State some time to depose our witness, we should also get the
8 chance to depose Mr. Roth. He was also not disclosed at any
9 point prior to filing that.

10 THE COURT: You each have 20 days to work out an
11 agreement to -- one, to depose Mr. Cramer, to depose Mr. Roth.
12 Okay.

13 MR. STAMBOULIEH: Yes, Your Honor. I'm with --
14 Stephen Stamboulieh for the Fouts Plaintiffs.

15 Plaintiff Cramer is also going to be our expert even
16 though we're outside the discovery deadline. He has,
17 obviously, not been disclosed to them as an expert, just like
18 their witnesses were not disclosed to us as an expert.

19 I'm not really sure that he needs to be deposed since
20 he's just going to be responding to Mr. Spitzer's declaration
21 of what the -- what he's found the historical analogs to be.
22 So I'm not really sure, other than wasting money and time, what
23 a deposition would bring to them.

24 I did have one question, and I -- the page length for
25 the supplemental briefs, my understanding of the local rules is

1 that we were limited to 25 pages. We have not filed motions to
2 strike. We have not tried to burden the docket with anything.
3 I figured I would just ask the Court.

4 Do we have the same page limit that the Defendants do,
5 which I believe was 36 pages? We're not going to burden --

6 THE COURT: I don't think we need 36 pages, especially
7 if we're breaking it up. Okay. So we've got -- so we have
8 the -- so we have the historical survey. Right. I don't know
9 why you would need 36 pages. So why would you need 36 pages to
10 tell me that the history and tradition of arm regulations --
11 I'm going to use the Fouts case -- for billys is consistent
12 with the history and tradition of that which has been provided
13 to me by way of that survey? You don't need 36 pages;
14 25 pages, max, for any opening brief, and 10 pages for any
15 reply.

16 MR. STAMBOULIEH: Let me go back one step, Your Honor.
17 They filed the supplemental brief that this Court
18 ordered. I'm not sure the actual date; October 17th, I
19 believe. And they took 36 pages. Ours is coming up. The
20 response is due on the 22nd.

21 So my question to the Court, and perhaps the Court
22 just answered me when you limited it to 25 pages. The reason
23 that we might need to go a little bit beyond that page limit,
24 Your Honor, is they've raised this issue and said that there's
25 really been no historical analysis of the "dangerous" -- and

1 they corrected it to be "or unusual" instead of "dangerous and
2 unusual" language.

3 THE COURT: Yeah. I noted that. I noted that. I
4 found that to be rather distressing, even though in the -- in
5 the past, they have referred to some instances as "dangerous or
6 unusual." But as Justice Alito pointed out in his concurring
7 opinion in *Caetano*, anyone with a ninth-grade education can
8 read the *Heller* opinion and determine that, in fact, it is
9 "dangerous and unusual," i.e., the conjunctive, not a
10 disjunctive.

11 So I don't know why that keeps popping up. I mean, I
12 heard some supposedly distinguished legal scholar make that
13 same error, and I don't know whether that's intentional or not.
14 I hope that's not intentional.

15 MR. STAMBOULIEH: Well, the Supreme Court said
16 "dangerous and unusual," Your Honor, so we're going to go with
17 what the Supreme Court --

18 THE COURT: That's a good thing to do.

19 MR. STAMBOULIEH: Right.

20 THE COURT: That's a really good thing to do.

21 MR. STAMBOULIEH: So my question, Your Honor -- and
22 I'm sorry for taking so long on this.

23 THE COURT: It's okay.

24 MR. STAMBOULIEH: We have briefed "dangerous and
25 unusual." It takes us beyond 35 pages. It's about 35 pages.

1 We've briefed it. So to the extent the Court wants to see
2 it -- if the Court limits us to 25, we'll cut the "dangerous
3 and unusual" and just cite back "see Supreme Court. See
4 Justice Alito" who references Caetano --

5 THE COURT: Are you saying -- are you talking about
6 whether or not the weapon is dangerous and unusual, or are you
7 talking about the fact that the test that some folks referred
8 to it as "dangerous or unusual"? You follow what I'm saying?
9 Are you talking about the weapon? Because, certainly, I can
10 understand, particularly in your case, talking about whether or
11 not the weapon is or is not dangerous and unusual.

12 But I don't want to talk about whether or not the test
13 is "dangerous and unusual" or "dangerous or unusual." That has
14 been decided by somebody who's way above my pay grade. Okay.

15 MR. BECK: Alan Beck for the Plaintiffs Fouts, Your
16 Honor.

17 Our briefing also indicates that the phrase "dangerous
18 and unusual" doesn't actually refer to any sort of intrinsic
19 property of an arm. Historically, in Heller, the Court
20 references the tradition of prohibiting carrying "dangerous and
21 unusual" weapons.

22 And after we took a look at what that actually was,
23 that -- that typically refers to prohibitions on carrying in
24 certain manners, that were actually what terrified people.

25 So our position is that the possession of any weapon

1 cannot be justified simply through this historical tradition of
2 carrying dangerous and unusual weapons, because it doesn't
3 refer to types of weapons; it refers to certain types of
4 conduct with weapons.

5 And in light of the fact that the State's brief was
6 36 pages, we're just hoping to have an equal-length brief as
7 the brief they filed so we can demonstrate that to the Court,
8 Your Honor.

9 THE COURT: And you've already prepared this, you're
10 telling me?

11 MR. BECK: Yes, Your Honor.

12 THE COURT: Okay. File it.

13 MR. BECK: Thank you.

14 THE COURT: File it. Thank you for making my life
15 that much more difficult, but whatever. Okay. File it. I'm
16 done.

17 Okay. So -- so --

18 MR. O'BRIEN: Your Honor --

19 THE COURT: You have 30 days to file the survey. You
20 have 30 days after that to file any brief that you wish to
21 file. And this goes for both sides. Having looked at the
22 survey, having made your decisions, et cetera, you've got
23 30 days after that to file your brief. You've got 10 days
24 after that to file any opposition that you want to in that
25 brief. You have 20 days to depose Mr. Cramer and Mr. Roth.

1 Anything else?

2 MR. O'BRIEN: Your Honor, if I may. With respect to
3 the survey due in 30 days --

4 THE COURT: Yes.

5 MR. O'BRIEN: -- we would request, if possible, to
6 extend that to 60 days.

7 THE COURT: I could probably do it -- if I had the
8 time and the resources, I think I could probably do that in
9 probably less than two weeks. The State has unlimited
10 resources. You can do this. Trust me, you can do it. I've
11 looked at it. And if I had the resources and the time to do
12 it, I could do it in probably -- I could probably do it in a
13 week.

14 MR. O'BRIEN: Well, you know, I understand where the
15 Court is coming from.

16 I think that there's a couple of issues. One, we do
17 have a holiday period, and I think that our resources will be
18 limited at least, you know --

19 THE COURT: Yeah. I hear you. I feel your pain.

20 MR. O'BRIEN: -- to the last week, so I think to
21 expand beyond that, that takes away one week.

22 Also, as we note, even in Fouts, even, you know, in a
23 case where, you know, we provided a lot of that historical, you
24 know, information, it's still, I think with respect to what the
25 Court's asking for, is going to, you know, require, you know,

1 some additional time, especially in researching each of those
2 laws and determining whether or not they were challenged, and
3 what the -- what the disposition was in those cases.

4 THE COURT: I would imagine, Mr. O'Brien, with all due
5 respect, that whoever came up with that -- I don't know,
6 whatever it is, 40 pages, 30 pages of statutes or whatever,
7 already has, pretty much, that information. And if they
8 submitted it to the Court for purposes of persuading the Court,
9 they should also have the information to determine, for
10 example, whether or not that statute has been previously held
11 unconstitutional or constitutional, and should be able to
12 provide me with a citation.

13 I don't think 30 days is unreasonable. I understand,
14 but my order remains. All right.

15 Is there anything else? I'm sorry. I don't --

16 Yeah, go ahead.

17 MR. O'BRIEN: One more, Your Honor.

18 You know, we would just also request with respect
19 to -- as you're allowing for -- I believe, in the Miller or the
20 Duncan cases, for deposing Professor Cramer. I don't know what
21 Professor Cramer or Mr. Cramer will testify to with respect to
22 Fouts. I would -- if we need to depose him, and I don't know
23 if they're -- you know, we want to have that opportunity to do
24 so if we need.

25 THE COURT: Well, if you don't know what you want from

1 them in Fouts, what's the point of deposing him?

2 MR. O'BRIEN: Well, we need to have an opportunity to
3 review his -- his declaration and --

4 THE COURT: Was the declaration already filed or not?

5 MR. STAMBOULIEH: The declaration is not filed yet,
6 Your Honor. The declaration, I would think, is probably
7 substantially complete. It's a rebuttal of Mr. Spitzer's
8 expert report.

9 THE COURT: Tell you what we'll do. Let's leave that
10 up in the air. You take a look at it. When you get the
11 opposition -- opposition, you get the declaration.

12 I've read Mr. Spitzer's declaration. I'd say it's
13 probably one of the better ones I think that I've read. If
14 after you read -- and, hopefully, you'll read it pretty
15 quickly. But it isn't Mr. Cramer -- or is it Professor or
16 Mr. Cramer? I hate to insult people. But whatever it is he
17 says, if you think you need to depose him, let me know and let
18 me know quickly.

19 And if I decide that, in fact, that deposition is
20 necessary, I'll probably order that deposition to be taken on
21 very short notice, in which case I will allow you to take the
22 deposition of Mr. Spitzer. And we'll take it from there.

23 We're going to get all this done, folks, in the time
24 period that I have set.

25 As I said, these are important cases to the State and

1 to the Plaintiffs and to the -- to the People of the State of
2 California. So I want to move it along. And that's that.
3 Okay. I really appreciate you all being here.

4 MR. BRADY: Regretfully, Your Honor, I have to raise
5 one issue --

6 THE COURT: What's that?

7 MR. BRADY: -- about the Rhode case that may,
8 unfortunately, complicate things.

9 And that is, the Rhode case, the analysis is a little
10 bit different than these other cases which have to do with
11 whether these specific items, right, are protected. Here we're
12 talking about -- I don't think that there's any dispute that
13 ammunition is protected, and sale of it. But what I suspect
14 the State, and what we've seen in the Ninth Circuit briefing,
15 their position is going to be that background checks on any
16 arm, regardless, are going to be covered historically, because
17 Bruen suggested that background checks on carry license are
18 going to be protected.

19 Our position is, obviously, going to be ammunition is
20 different, right, because the State admits that this is the
21 very first time that ammunition background check has ever been
22 put in place. So our position is going to be that's treated
23 differently.

24 But I think that we need, potentially, a backup
25 argument to make in case the State's argument carries the day

1 that background checks are generally okay or outside the scope
2 of the Second Amendment, and that is to point out that even if
3 background checks on ammunition are outside of the scope of the
4 Second Amendment, at some point the burden on them becomes so
5 great that --

6 THE COURT: Well, I already decided that. Didn't I
7 already decide in the ammunition case --

8 MR. BRADY: Yes.

9 THE COURT: -- that I thought that requiring people to
10 pay \$19 every time they buy ammunition is unreasonable?

11 MR. BRADY: Correct.

12 THE COURT: I thought I decided that.

13 MR. BRADY: You did, Your Honor.

14 THE COURT: So we don't need to rehash stuff that
15 we've already gone through.

16 I think the question -- I think the question is: Is
17 there any history or tradition that supports these background
18 checks?

19 Now, with that, Counsel, let me just say this. The
20 Bruen case did say that background checks were okay, right,
21 with regard to the concealed carry. Now, they also said,
22 however, that you can't impose unreasonable restrictions
23 because, you know, you can regulate the Second Amendment out of
24 existence by imposing regulations on something. Right.

25 MR. BRADY: Correct. And that's what I was getting

1 at, Your Honor. If you're saying that your previous findings
2 are the law of the case and the findings up to this point --

3 THE COURT: I'm not changing my mind.

4 MR. BRADY: Okay. Then I -- so no --

5 THE COURT: You know, but I do want to raise
6 something, by the way. You know, I'm glad you mentioned that.
7 I'm going to take a wild guess that your position is that any
8 background check for buying ammunition is not reasonable. I'm
9 putting words in your mouth. Okay.

10 Now, I said that this regulation -- which is not what
11 the legislature had originally enacted; right?

12 MR. BRADY: Correct.

13 THE COURT: This -- the way the bureaucracy has now
14 regulated purchases of ammunition is unreasonable. But I guess
15 what I'm offering to you folks to talk about is whether or
16 not -- and I don't expect that this will be fruitful, but I
17 have to offer it because I think it's possible that if there
18 was a consent decree that said that the regulation of
19 purchasing ammunition as set forth by the legislature in the
20 legislative enactment would be what would be required, my
21 analysis might be very different.

22 And so I'm thinking that that perhaps might be a way
23 to compromise a resolution of that case. I just offer that as
24 an idea, folks, but you can do with it whatever you wish.

25 I've spent about as much time on this case as I'm

1 going to. So I need to go, unless there's something really,
2 really, really important you need to address.

3 MR. BECKINGTON: Your Honor, I apologize for testing
4 your patience. I'll be very brief.

5 THE COURT: Okay.

6 MR. BECKINGTON: Just for the clarification of the
7 record, we did have a motion for reconsideration. We did have
8 requests, I think, both in the Miller and in Fouts and Rhode
9 for the additional time to do discovery, to submit evidence,
10 et cetera.

11 Is the Court making a formal rule on those matters --

12 THE COURT: Nothing -- nothing is -- the only thing
13 that has changed -- the only thing that has changed since I
14 issued my rulings on the cases that I've issued rulings is what
15 Bruen -- the Bruen opinion says, which is that we consider the
16 history and tradition of the firearm regulation or the arm
17 regulation. Okay. That's the only thing that has changed.

18 All right. Thank you. Thank you very much.

19 MR. O'BRIEN: Just one other thing, Your Honor.
20 Apologize. Is the Court going to be issuing a written order?
21 We did the best we can to kind of keep track of what you were
22 looking for with respect to the survey, but I just wanted to
23 clarify that as well.

24 THE COURT: Well, you couldn't write that fast?

25 MR. O'BRIEN: I tried, Your Honor.

1 MR. DILLON: We have to summarize, Your Honor.

2 MR. O'BRIEN: Yeah.

3 THE COURT: We'll do our best. I'll issue a written
4 order. Thank you very much. And I appreciate you all being
5 here.

6 (The proceedings were adjourned at 11:50 a.m.)

7 -oOo-

8 **C E R T I F I C A T E**

9 I, Abigail R. Torres, certify that I am a duly
10 qualified and acting Official Court Reporter for the United
11 States District Court; that the foregoing is a true and
12 accurate transcript of the proceedings as taken by me in the
above-entitled matter on December 12, 2022, and that the format
used complies with the rules and requirements of the United
States Judicial Conference.

13 DATED: December 20, 2022, San Diego.
14 S/ABIGAIL R. TORRES

15 Abigail R. Torres, CSR No. 13700
16 U.S. Official Court Reporter
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25

EXHIBIT 9

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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 KIM RHODE, et al.,	
	Plaintiffs,
15 v.	
16 ROB BONTA, in his official capacity	
as Attorney General of the State of	
California,	
	Defendant.

Case No. 3:18-cv-00802-BEN-JLB
DECLARATION OF JOHN D. ECHEVERRIA RE SUBMISSION OF SURVEYS IN RESPONSE TO THE COURT'S ORDER ENTERED ON DECEMBER 15, 2022
 Dept: 5A
 Judge: Hon. Roger T. Benitez
 Action Filed: May 17, 2017

20 I, John D. Echeverria, declare as follows:

21 1. I am a Deputy Attorney General with the California Department of
 22 Justice and serve as counsel to Defendant Rob Bonta, in his official capacity as
 23 Attorney General of the State of California ("Defendant"), in the above-captioned
 24 matter. Except as otherwise stated, I have personal knowledge of the facts set forth
 25 in this declaration, and if called upon as a witness I could testify competently as to
 26 those facts.

27 2. On December 15, 2022, the Court entered an Order providing that
 28 "[t]he state defendants shall create, and the plaintiffs shall meet and confer

1 regarding, a survey or spreadsheet of relevant statutes, laws, or regulations in
2 chronological order.” Dkt. 77. The Order provides:

3 The listing shall begin at the time of the adoption of the Second
4 Amendment and continue through twenty years after the Fourteenth
5 Amendment. For each cited statute/law/regulation, the survey shall
6 provide: (a) the date of enactment; (b) the enacting state, territory, or
7 locality; (c) a description of what was restricted (e.g., dirks, daggers,
8 metal knuckles, storage of gunpowder or cartridges, or use regulations);
9 (d) what it was that the law or regulation restricted; (e) what type of
10 weapon was being restricted (e.g., knife, Bowie Knife, stiletto, metal
11 knuckles, pistols, rifles); (f) if and when the law was repealed and
12 whether it was replaced; (g) whether the regulation was reviewed by a
13 court and the outcome of the courts review (with case citation).
14 Defendants may create a second survey covering a time period following
15 that of the first list. If opposing parties cannot agree on the inclusion of a
16 particular entry on the survey, the disagreement shall be indicated and
17 described on a separate list.

18 3. The parties have met and conferred by email, as required by the
19 December 15 Order. In compliance with the Court’s Order, Defendant is hereby
20 submitting Defendant’s two surveys of relevant laws with a separate list of
21 Plaintiffs’ disagreements about the relevance of those laws.

22 4. Attached hereto as **Exhibit 1** is a true and correct copy of Defendant’s
23 Survey of Relevant Statutes (Pre-Founding – 1888).

24 5. Attached hereto as **Exhibit 2** is a true and correct copy of Defendant’s
25 Survey of Relevant Statutes (1889 – 1930s).

26 6. Attached hereto as **Exhibit 3** is a separate list of Plaintiffs’
27 Disagreements re Defendant’s Survey of Relevant Statutes (Pre-Founding – 1930s).

28 7. The surveys have been filed in compliance with the Court’s Order
directing the parties to identify all relevant laws, statutes, and regulations from the
time of the Second Amendment to twenty years after adoption of the Fourteenth
Amendment. In compliance with that Order and in recognition of the historical
inquiry mandated by *Bruen*, the spreadsheets identify hundreds of relevant firearms
laws, some of which were drafted well before the Thirteenth Amendment’s
abolition of slavery and the Fourteenth Amendment’s Equal Protection
Clause. While our subsequent briefing, as ordered by the Court, will explain in

1 more detail the historical context and relevance of such laws, the Attorney General
2 emphasizes his strong disagreement with racial and other improper discrimination
3 that existed in some such laws, and which stand in stark contrast to California's
4 commonsense firearm laws, which are designed to justly and equitably protect all
5 Californians. The listing of such racist and discriminatory statutes should in no
6 way be construed as an endorsement of such laws by the Attorney General or his
7 counsel in this matter.

8 I declare under penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct. Executed on January 11, 2023, at
10 San Francisco, California.

11 *s/ John D. Echeverria*

12 _____
13 John D. Echeverria
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***Rhode v. Bonta*, No. 3:18-cv-00802-BEN-JLB
Defendant’s Survey of Relevant Statutes (Pre-Founding–1888)^{1,2}**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
1	1403	England	4 Hen 4, c.29	Prohibited the use of armor or arms in sensitive places by people not allowed by the King.	Arms; Armor		
2	1619	Virginia	1619: Laws enacted by the First General Assembly of Virginia 70, reprinted in H. R. McIlwaine and John P. Kennedy, eds., Journals of the House of Burgesses of Virginia, vol. 1 (Richmond, 1905), 9-14	Prohibited selling or giving “Indians” arms or ammunition. Punishable by hanging.	Piece; Shot; Powder; Arms	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
3	1633	Massachusetts	The Charters and General Laws of the Colony and Province of Massachusetts 133 (1814)	Prohibited the possession, trade, sale, and repair of guns, ammunition, armor, and weapons generally for “any Indian” enforced by fine.	Gun; Powder; Bullets; Shot; Lead; Armour; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
4	1633	Virginia	1633 Va. Acts 219, Acts Made by the Grand Assembly, Holden at James City, August	Prohibited the sale of firearms, powder, shot, or	Gun; Powder; Shot;	Unconstitutional under the Thirteenth and/or Fourteenth	

¹ In compliance with the Court’s Order dated December 15, 2022 (Dkt. 77), Defendant created this survey of statutes, laws, and regulations that Defendant has determined are relevant to this action. Plaintiffs disagree that nearly all of those statutes, laws, and regulations are relevant to the historical analysis required in this case, and in compliance with the Court’s December 15 Order, the chart reflects Plaintiffs’ position regarding the relevance of each law.

² The surveys have been filed in compliance with the Court’s Order directing the parties to identify all relevant laws, statutes, and regulations from the time of the Second Amendment to twenty years after adoption of the Fourteenth Amendment. In compliance with that Order and in recognition of the historical inquiry mandated by *Bruen*, the spreadsheets identify hundreds of relevant firearms laws, some of which were drafted well before the Thirteenth Amendment’s abolition of slavery and the Fourteenth Amendment’s Equal Protection Clause. While our subsequent briefing, as ordered by the Court, will explain in more detail the historical context and relevance of such laws, the Attorney General emphasizes his strong disagreement with racial and other improper discrimination that existed in some such laws, and which stand in stark contrast to California’s commonsense firearm laws, which are designed to justly and equitably protect all Californians. The listing of such racist and discriminatory statutes should in no way be construed as an endorsement of such laws by the Attorney General or his counsel in this matter.

***Rhode v. Bonta*, No. 3:18-cv-00802-BEN-JLB
Defendant’s Survey of Relevant Statutes (Pre-Founding–1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			21st, 1633, An Act that No Arms or Ammunition Be Sold to the Indians, Act X	ammunition to “any Indians.”	Arms; Ammunition	Amendments to the U.S. Constitution	
5	1639	New Jersey	1639 N.J. Laws 18, Ordinance of the Director and Council of New Netherland, Prohibiting the Sale of Firearms . . . to Indians	Prohibited the sale of firearms, and ammunition to “Indians” punishable by death. Informants of violations eligible for monetary reward.	Gun; Powder; Lead	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
6	1639	Virginia	1639 Va. Acts 226, Acts of January 6th, 1639, Act X	Prohibited “negroes” from being provided with arms and ammunition, punishable by fine.	Arms; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
7	1639	Virginia	1639 Va. Acts 224, Acts of January 6th, 1639, Act XVII	Prohibited bartering with “the Indians” for arms and ammunition.	Firearms; Arms; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
8	1642	Virginia	1642 Va. Acts 255, Acts of March 2nd, 1642, Act XXII	Prohibited the sale of piece, powder and shot to “any Indian” punishable by imprisonment or fine.	Piece; Powder; Shot	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
9	1645	New York	1645 N.Y. Laws 47, By the Director and Council of New Netherland Further Prohibiting the Sale of Firearms, etc., to Indians	Prohibited the selling and bartering of firearms and ammunition with “the Indians.”	Gun; Powder; Lead; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
10	1647	Massachusetts	1647: Laws and Liberties of Massachusetts, reprinted in <i>The Laws and Liberties of</i>	Prohibited the repairing, selling, and giving of “any Indian” a gun, ammunition,	Firearms;	Unconstitutional under the Thirteenth and/or Fourteenth	

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Defendant’s Survey of Relevant Statutes (Pre-Founding–1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			<i>Massachusetts</i> 28 (Harvard Univ. Press 1929)	or armour, punishable by fine.	Guns; Ammunition; Armour	Amendments to the U.S. Constitution	
11	1647	Rhode Island	1647 Acts & Orders 39	Prohibited the giving, selling, repairing guns, ammunition, or weapons to or for “the Indians.”	Powder; Shot; Lead; Gun; Pistol; Sword; Dagger; Halberd; Pike	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
12	1656	New York	Laws and Ordinances of New Netherland, 1638–74, 234–35 (1868)	Prohibited “any Indians” with guns from entering houses.	Gun	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
13	1657	Virginia	William Waller Hening, 1 The Statutes at Large; Being a Collection of All the Laws of Virginia 441 (1808)	Prohibited the giving or selling piece, powder, or shot to “any Indian,” subject to imprisonment and seizure of property.	Piece; Powder; Shot	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
14	1662	England	1662 Militia Act, 8 Danby Pickering, The Statutes at Large, from the Twelfth Year of King Charles II, to the Last Year of King James II 40 (1763)	Ordered the king’s agents to search for and seize all arms in the custody or possession of any person “judge[d] dangerous to the peace of the kingdom.”	Arms		
15	1662	England	14 Car. II c.3 (1662)	Ordered deputy lieutenants to seize arms from any person “judge[d] dangerous	Arms		

***Rhode v. Bonta*, No. 3:18-cv-00802-BEN-JLB
Defendant’s Survey of Relevant Statutes (Pre-Founding–1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
				to the Peace of the Kingdom.”			
16	1663	Massachusetts	Ch. 58, § 2 (1633), Charters and General Laws of the Colony and Province of Massachusetts Bay 132, 133 (1814)	Prohibited the sale or barter of guns and ammunition to “any Indian.”	Gun; Powder; Bullets; Shot; Lead; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
17	1664	New York	2 The Colonial Laws of New York from the Year 1664 to the Revolution 687 (James B. Lyon ed., 1894)	Prohibited “any slave” from possessing or using any gun, pistol, sword, club, or any other kind of dangerous weapon not in the presence of their master.	Gun; Pistol; Sword; Club; Weapon	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
18	1665	Connecticut	The Public Records of the Colony of Connecticut, Prior to the Union with New Haven Colony, May, 1665 (1850)	Prohibited the repairing, selling, and giving “any Indian” a gun or ammunition, punishable by fine.	Gun; Gunpowder; Shot; Lead; Mold; Military Weapons; Armor; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
19	1665	Connecticut	The Public Records of the Colony of Connecticut, Prior to the Union with New Haven Colony, May, 1665 (1850)	Prohibited the selling of a gun, pistol, or any instrument of war to any “Dutch or French men.”	Guns; Pistols; Instrument of war		
20	1671	England	22 & 23 Car. 2, ch. 25 (1671)	Prohibited any person “not having Lands and Tenements of the clear yearly value of One	Gun		

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Defendant’s Survey of Relevant Statutes (Pre-Founding–1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
				hundred pounds” from firearm possession.			
21	1676	Massachusetts	Records of The Colony of New Plymouth in New England 173 (1856)	Prohibited the selling, bartering, and giving of arms or ammunition to “any Indian,” punishable by death.	Gun; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
22	1676	Pennsylvania	Charter to William Penn, And Laws of the Province of Pennsylvania, Passed Between the Years 1682 and 1700 32 (1879)	Prohibited the giving, selling, or bartering guns, ammunition, armour, or boats and the repair of guns to “any Indian,” punishable by fine.	Gun; Powder; Bullet; Shot; Lead; Armor; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
23	1677	Rhode Island	Records of the Colony of Rhode Island and Providence Plantations, in New England 561 (1857)	Required seizure of guns and ammunition from “any Indian.”	Gun; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
24	1680	New York	The Colonial Laws of New York from the Year 1664 to the Revolution . . . , at 40-41 (1896)	Prohibited the giving or selling to, or bartering with, “any Indian,” or repairing guns and ammunition of “any Indian,” punishable by fine.	Gun; Powder; Bullet; Shot; Lead; Armor; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
25	1689	England	English Bill of Rights of 1689, 1 Wm. & Mary ch. 2, § 7	Provided a right for Protestants to have “Arms for their Defence suitable to their conditions and as allowed by law.”	N/A		

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Defendant’s Survey of Relevant Statutes (Pre-Founding–1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
26	1689	England	An Act for the Better Securing the Government by Disarming Papists and Reputed Papists, 1 W. & M., Sess. 1, ch. 15 (Eng. 1688)	Prohibition on Catholics from possessing firearms and ammunition unless an oath renouncing their faith was taken.	Firearms; Arms; Weapons; Gunpowder; Ammunition		
27	1694	New Jersey	The Grants, Concessions, and Original Constitutions of the Province of New Jersey 341 (1881)	Prohibition on “slaves” from carrying a firearm into the woods, punishable by fine.	Gun; Pistol; Dog	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
28	1700	Delaware	“Chapter XLIII An Act for the trial of Negroes, Section 6,” Laws of the State of Delaware 104	Prohibited “any Negro or Mulatto slave” from carrying weapons without the master’s license.	Gun; Sword; Pistol; Fowling-piece; Club; Arms; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
29	1712	New York	“An Act for Preventing, Suppressing, and Punishing the Conspiracy and Insurrection of Negroes, and other Slaves,” Acts of Assembly, Passed in the Province of New York, From 1691, to 1718, at 144 (London, 1719)	Prohibition on “any Negro, Indian, Mulatto Slave” from having or using any gun or pistol outside of their master’s presence.	Gun; Pistol	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
30	1713	Maryland	“Laws of Maryland, 1713; Ch. 44, Sect. 32,” The Black Code of the District of Columbia in Force September 1st, 1848, at 11 (New York, 1848)	Prohibition on “Negro or other slave” from carrying a gun or offensive weapon of their master’s land.	Gun; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	

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Defendant’s Survey of Relevant Statutes (Pre-Founding–1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
31	1715	Maryland	1715 Md. Laws 117, An Act for the Speedy Trial of Criminals, and Ascertaining Their Punishment in the County Courts When Prosecuted There, and For Payment of Fees Due From Criminal Persons, ch. 26, § 32	Prohibited “any negro or other slave” from carrying any gun or offensive weapon off their master’s land without a ticket.	Gun; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
32	1723	Connecticut	Acts and Laws Passed by the General Court or Assembly of His Majesties Colony of Connecticut in New-England 292	Prohibited the prosecution of “any Indian” for gun or ammunition except by a particular Court, requiring the guns be forfeited.	Firearms; Guns; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
33	1723	Connecticut	1723 Conn. Acts 292, An Act for Preventing Lending Guns, Ammunition etc. to the Indians	Prohibited giving or selling “any Indian” guns and ammunition.	Gun; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
34	1729	North Carolina	1715-55 N.C. Sess. Laws 36, An Additional Act to an Act for Appointing Toll-Books, and for Preventing People from Driving Horses, Cattle, or Hogs to Other Persons’ Lands, ch. 5, § 7	Prohibited “slaves” to hunt on any person’s land besides their master’s with any weapon.	Gun; Dog; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
35	1739	South Carolina	Acts Passed by the General Assembly of South Carolina, An Act for the better Ordering and Governing Negroes and Other Slaves in this Province 11-12	Required any “Negro of Slave” to have a ticket to use a firearm that must be renewed every month.	Firearms; Weapon	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	

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Defendant’s Survey of Relevant Statutes (Pre-Founding–1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
36	1740	South Carolina	1731-43 S.C. Acts 168, § 23	Prohibited any “negro or slave” from possessing or using firearms or weapons without a ticket or license from their master, punishable by seizure of weapons.	Firearms; Gun; Weapons; Cutlass; Pistol	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
37	1750	New Jersey	1750-1756 N.J. Laws 444, An Act Regulating Taverns, Ordinaries, Inn Keepers and Retailers of Strong Liquors, ch. 112, § 4	Prohibited “any Negro or Mulatto Slave” from being off their master’s property with a gun on the Lord’s Day after nine in the evening.	Gun	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
38	1755	Georgia	The Colonial Records of the State of Georgia Vol. XVIII, Statutes Enacted by the Royal Legislature of Georgia from its First Session in 1754 to 1768 117-18 (Allen D. Candler eds., 1910)	Requirement that “any Slave” have a ticket to use a firearm that must be renewed every month, subject to seizure.	Firearms; Arms; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
39	1756	South Carolina	Statutes at Large of South Carolina 31	Prohibited “Acadians” from using a firearm or other offensive weapon and allowed people to seize such weapons.	Firearms; Weapons	Unconstitutional under the Fourteenth Amendment to the U.S. Constitution	
40	1756	Virginia	7 William Waller Hening, The Statutes at Large; a Collection of all the Laws of Virginia 35 (1820)	Prohibited Catholics from being armed and requiring oaths of allegiance and supremacy in front of justices of the peace.	Arms	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
41	1763	Maryland	1757-68 Md. Acts 53, An Act for Prohibiting All Trade with	Prohibited the selling and giving to “any Indian	Gunpowder; Shot;	Unconstitutional under the Thirteenth	

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Defendant’s Survey of Relevant Statutes (Pre-Founding–1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			the Indians, for the Time Therein Mentioned, ch. 4, § 3	Woman” any gunpowder or to “any Indian Man” more than one pound of gunpowder, punishable by fine.	Lead	and/or Fourteenth Amendments to the U.S. Constitution	
42	1763	Pennsylvania	Ch. 506, § 1, 1763 Pa. Laws at 319–20	Prohibited the giving, selling, bartering guns, ammunition, or warlike equipment to “any Indian,” punishable by fine or imprisonment.	Gun; Gunpowder; Shot; Bullets; Lead; War-like stores	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
43	1765	Georgia	The Colonial Records of the State of Georgia Vol. XVIII, Statutes Enacted by the Royal Legislature of Georgia from its First Session in 1754 to 1768, An Act for the Better Ordering and Governing Negroes 668. (Allen D. Candler eds., 1910)	Required that “any Slave” have a ticket to use a firearm that must be renewed every month.	Firearms; Arms; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
44	1768	Georgia	A Digest of the Laws of the State of Georgia. From Its First Establishment as a British Province Down to the Year 1798 . . . , at 153-54 (1800)	Prohibited “any slave” from possessing firearms, ammunition, or weapons without a ticket from their master or a white person over the age of sixteen present and any time after sunset on Saturday but before sunrise Monday morning.	Firearms; Gun; Cutlass; Pistol; Ammunition; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
45	1769	England	1 Blackstone ch. 1 (1769)	Recognized the “fifth and last auxiliary right,” which provided that Protestant	N/A		

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
				subjects had the right to “arms for their defence, suitable to their condition and degree, and such as are allowed by law.”			
46	1769	Massachusetts	A Collection of Original Papers Relative to The History of the Colony of Massachusetts-Bay 492 (1769)	Prohibited the selling or bartering guns, ammunition, and swords to “any Indian,” punishable by fine.	Firearms; Gun; Ammunition; Sword; Powder; Shot	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
47	1776	Massachusetts	Act of Mar. 14, 1776, ch. VII, 1775-76 Mass. Act 31–32, 35	Recommended the disarming of persons who are “notoriously disaffected to the cause of America, or who refuse to associate to defend by arms the United American Colonies.”	Firearms; Arms; Ammunition		
48	1776	Pennsylvania	1776 Pa. Laws 11, An Ordinance Respecting the Arms of Non-Associators, § 1	Authorized officers to collect all arms in the hands of “non-associators”.	Firearms; Arms		
49	1776	South Carolina	An Act to Prevent Sedition, and Punish Insurgents and Disturbers of the Public Peace, 4 Statutes at Large of South Carolina 343-44 (Columbia 1838)	Prohibited any person to “take up arms with a hostile intent.”	Arms		
50	1777	Pennsylvania	1777 Pa. Laws 61 An Act, obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes	Required an oath of allegiance; refusal of which punishable by disarming.	Firearms; Arms; Ammunition		

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Defendant’s Survey of Relevant Statutes (Pre-Founding–1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			therein mentioned, ch. XXI, §§ 2, 4				
51	1777	Virginia	Act of May 5, 1777, ch. 3, in 9 Hening’s Statute at Large 281, 281-82 (1821)	Required any “free male inhabitants of this state above a certain age” to take an oath of allegiance to the state.	Firearms; Arms; Ammunition		
52	1778	Pennsylvania	1778 Pa. Laws 123, An act for the further security of the government, ch. LXI, §§ 1–3, 5, 10	Required an oath of allegiance; refusal of which punishable by disarming.	Firearms; Arms; Ammunition		
53	1779	Pennsylvania	The Acts of the General Assembly of the Commonwealth of Pennsylvania 193 (1782); 1779 Pa. Laws 193, An Act . . . for Disarming Persons Who Shall Not Have Given Attestations of Allegiance and Fidelity to this State, §§ 4-5	Prohibited firearm possession for people “disaffected to the liberty and independence” of the state, empowered officers to disarm any person who did not take an oath.	Firearms; Ammunition		
54	1787	Massachusetts	Act of Feb. 16, 1787, ch. VI, 1787 Mass. Acts 555	Required persons against the Government to deliver their arms to a justice of the peace and “subscribe the oath of allegiance to this Commonwealth.”	Arms		
55	1792	Virginia	Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as Are Now in Force . . . , at 187 (1803)	Prohibited any “negro or mulatto” from possessing any gun, ammunition.	Firearms; Guns; Ammunition; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
56	1797	Delaware	1797 Del. Laws 104, An Act for the Trial of Negroes, ch. 43, § 6	Prohibited “any Negro or Mulatto slave” from possessing any gun, ammunition, or weapon without their master’s license.	Firearms; Guns; Swords; Clubs; Weapons; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
57	1798	Kentucky	1798 Ky. Acts 106, § 5	Prohibited any “Negro, mulatto, or Indian” from possessing any gun, ammunition.	Firearms; Guns; Clubs; Ammunition; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
58	1798	New Jersey	Charles Nettleton, Laws of the State of New-Jersey, at 370-71 (1821)	Prohibited “any negro or other slave” from hunting or carrying a gun on the first day of the week, or Sunday subject to imprisonment.	Firearms; Guns	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
59	1799	Mississippi [Territory]	1799 Miss. Laws 113, A Law for the Regulation of Slaves	Prohibited any “negro or mulatto” from possessing or carrying firearms, guns, ammunition or weapons.	Firearms; Guns; Ammunition; Weapon	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
60	1801	District of Columbia	“Ordinances of the Corporation of Georgetown, 1801, October 24th, Sect. 2”, The Black Code of the District of Columbia in Force September 1st, 1848 50 (New York, 1848)	Prohibited “any servant or slave” from shooting any gun or other firearms.	Firearms; Gun	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
61	1804	Indiana [Territory]	1804 Ind. Acts 108, A Law Entitled a Law Respecting Slaves, § 4	Prohibited “any slave or mulatto” from keeping or carrying any gun, powder,	Gun; Powder; Shot;	Unconstitutional under the Thirteenth and/or Fourteenth	

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
				shot, club, or any other weapon or ammunition.	Club; Weapons; Ammunition	Amendments to the U.S. Constitution	
62	1804	Mississippi [Territory]	1804 Miss. Laws 90-91, An Act Respecting Slaves, § 4	Prohibited any “Slave” from keeping or carrying any gun, powder, shot, club, weapon, or ammunition.	Gun; Powder; Shot; Club; Weapons; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
63	1805	Alabama [Territory]	Harry Toulmin, A Digest of the Laws of the State of Alabama . . . 627 (1823)	Prohibited any “slave” from keeping or carrying any gun, powder, shot, club, weapon, or ammunition.	Gun; Powder; Shot; Club; Weapons; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
64	1805	Virginia	1805 Va. Acts 51, An Act Concerning Free Negroes and Mulattoes	Prohibited any “free negro or mulatto” from carrying a firelock of any kind without a license from the court.	Firelock	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
65	1806	Louisiana [Territory]	An Act prescribing the rules and conduct to be observed with respect to Negroes and other Slaves of this territory, in A General Digest of the Acts of the Legislature of Louisiana, Passed from the Year 1804 to 1827, . . . (1828)	Prohibited any person who keeps “slaves for the purpose of hunting” from delivering to any “slaves” any firearm for the purpose of hunting without permission.	Firearms	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
66	1806	Maryland	1806 Md. Laws 44, An Act to Restrain the Evil Practices Arising From Negroes Keeping Dogs, and to Prohibit	Prohibited “any negro or mulatto” from keeping a dog or gun, except any “free negro or mulatto”	Gun; Dog; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth	

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			Them From Carrying Guns or Offensive Weapons, ch. 81	who has a license for such purpose.		Amendments to the U.S. Constitution	
67	1806	Virginia	1806 Va. Acts 51, ch. 94	Required any “free negro or mulatto” to obtain a license to keep or carry any kind of firelock, military weapon, powder, or lead.	Firelock; Military weapons; Powder; Lead	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
68	1807	Mississippi [Territory]	Harry Toulmin, The Statutes of Mississippi Territory, Revised and Digested by the Authority of the General Assembly 593 (Natchez, 1807)	Prohibition for people to purchase and trade guns and hunting articles with “any Indian.”	Gun; Article commonly used in hunting; Any instrument of husbandry; Cooking utensil	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
69	1818	Missouri [Territory]	Henry S. Geyer, A Digest of the Laws of Missouri Territory. Comprising: An Elucidation of the Title of the United States to Louisiana 374 (1818)	Prohibition on any “slave or mulatto” from owning or carrying a gun, powder, shot, club, or other weapons.	Gun; Powder; Shot; Club; Weapons; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
70	1819	Iowa – Borough of Vincennes [Territory]	Ordinances of the Borough of Vincennes, with the Act of Incorporation and Supplement Thereto Prefixed 54-55 (1820)	Prohibited “any negro or mulatto” from possessing “deadly weapons.”	Weapons; Belt; Butcher-knife; Dirk; Sword; Pistol	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
71	1819	Virginia	Ch. 111 §§ 7 & 8, 1 Va. Code 423 (1819)	Prohibited “free negro or mulatto” from keeping or carrying any kind of firelock, military weapon, powder, or lead without a license from a court.	Firelock; Military weapons; Powder; Lead	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
72	1827	Delaware	1827 Del. Laws 153, An Act Concerning Crimes and Offenses Committed by Slaves, And For, The Security of Slaves Properly Demeaning Themselves, ch. 6, § 8	Prohibited “any negro or mulatto slave” from carrying any gun, pistol, sword, dirk, or unusual or dangerous weapons or arms without special permission.	Gun; Pistol; Sword; Dirk; Unusual or dangerous weapons; Arms;	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
73	1828	Florida [Territory]	An Act relating to Crimes and Misdemeanors Committed by Slaves, Free Negroes, and Mulattoes, in Compilation of the Public Acts of the Legislative Council of the Territory of Florida, Passed Prior to 1840, at 227 (John P. Duval ed., 1839)	Prohibited “any slave” from willfully or maliciously shooting any free white person with a gun.	Gun; Instrument	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
74	1831	Tennessee	Acts 1741, c. 24, in 1 Statute Laws of the State of Tennessee of a Public & General Nature, 314 (1831)	Prohibited any “slave” from being armed with a gun, sword, club, or other weapon without a certificate from a court.	Gun; Sword; Club; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
75	1831	Tennessee	Tenn. Const., Art. I, § 26 (1834)	Establishes the right to keep and bear arms for the “free white men of this State.”	Arms	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
76	1832	Delaware	1832 Del. Laws 208, A Supplement to an Act to Prevent the Use of Firearms by Free Negroes and Free	Prohibited “free negroes and free mulattoes” from having, owning, keeping, or possessing any gun, pistol, sword, or warlike	Gun; Pistol; Sword; Warlike instruments	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			Mulattoes, and for Other Purposes, ch. 176, § 1	instrument without permission of five or more citizens of the neighborhood.			
77	1833	Alabama	Digest of the Laws of the State of Ala. 391-92 (1833)	Prohibited any “slave” from keeping or carrying any gun or ammunition without permission from a justice of the peace.	Gun; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
78	1833	Florida [Territory]	An Act concerning patrols, in Compilation of the Public Acts of the Legislative Council of the Territory of Florida, Passed Prior to 1840, at 65 (John P. Duval ed., 1839)	Prohibited “any slave, free negro, or mulatto” from keeping any firearm in the home.	Firearms; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
79	1833	Georgia	1833 Ga. Laws 226, 228, § 7	Prohibition for “any free person of colour” to own, use, or carry any firearms.	Firearms	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
80	1835	Arkansas [Territory]	Slaves, in Laws of the Arkansas Territory 521 (J. Steele & J. M’Campbell, Eds., 1835)	Prohibited any “slave or mulatto” from possessing or carrying a gun, ammunition, or weapon.	Firearms; Guns; Ammunition; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
81	1835	South Carolina	William Rice, <i>A Digested Index of the Statute Law of South Carolina From the Earliest Period to the Year 1836, Inclusive</i> 356 (Charleston 1838)	Prohibited any “free negro or other free person of color” from carry firearms without a ticket.	Firearms	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
82	1835	Tennessee	1835-36 Tenn. Pub. Acts 168, An Act to Amend the Penal Laws of the State, ch. 58, § 1	Prohibited any “free person” from selling, loaning, or giving any gun, pistol, sword, or dirk to “any slave.”	Firearms; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
83	1836	Arkansas	Ark. Const., Art. II, § 21 (1836)	Establishes the right to keep and bear arms for “the free white men of this State.”	Arms	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
84	1837	Arkansas	Revised Statutes of the State of Arkansas, Adopted at the October Session of the General Assembly of Said State 733-34 (1838)	Prohibited “any slave” from possessing any gun or weapon without written permission from their master.	Firearms; Guns; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
85	1838	Arkansas	Revised Statutes of the State of Arkansas, Adopted at the October Session of the General Assembly of Said State, A.D. 1837, at 733-34 (1838)	Prohibited any “free negro” from possessing or carrying a gun, ammunition, or weapon of any kind without a license.	Firearms; Guns; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
86	1838	Florida [Territory]	Fla. Const., Art. I, § 21 (1838)	Provided a right to keep and bear arms for “the free white men of this State.”	Arms	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
87	1839	Texas [Republic of Texas]	1839 Tex. Gen. Laws 172, An Act Concerning Slaves, § 6	Prohibited any “slave” from carrying firearms or weapons without the consent of his master.	Firearms; Guns; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
88	1840	North Carolina	James Iredell, A Digested Manual of the Acts of the	Prohibited “any free negro, mulatto, or free person of	Shotgun; Musket;	Unconstitutional under the Thirteenth	<i>State v. Newsom</i>

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			General Assembly of North Carolina, from the Year 1838 to the Year 1846 . . . 73 (1847)	color” from carrying or possessing any shotgun, musket, rifle, pistol, sword, dagger, or bowie knife without a license from the Court of Pleas and Quarter Sessions of his or her country.	Rifle; Pistol; Sword; Dagger; Bowie knife	and/or Fourteenth Amendments to the U.S. Constitution	(N.C. 1844) (upheld)
89	1840	Texas [Republic of Texas]	2 The Laws of Texas 1822-1897 . . . 172 (1898)	Prohibition on any “slave” from carrying a gun or other deadly weapon without the permission of their master.	Gun; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
90	1841	Delaware	1841 Del. Laws 430, An Act Concerning Fees, ch. 368, § 1	Set payment for Justices of the Peace to receive 25 cents for each license issued to “negroes” to keep a firearm.	Gun	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
91	1843	Delaware	A Further Supplement to an Act Entitled “An Act to Prevent the Use of Fire-arms by Free Negroes and Free Mulattoes and for Other Purposes, § 1, 9 Del. Laws 552 (1843)	Repealed laws allowing the Justice of the Peace to license or permit a “free negro or free mulatto” to have, use, or possess a gun or fowling piece.	Gun; Fowling piece	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
92	1846	North Carolina	James Iredell, A Digested Manual of the Acts of the General Assembly of North Carolina, from the Year 1838 to the Year 1846 . . . 75 (1847)	Prohibited selling or delivering firearms and weapons to “any slave, or slaves, any gun cotton, fire arms, swords, dirks or other side arms.”	Gun; Firearms; Sword; Dirk; Sidearms	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
93	1848	Louisiana – Parish of East Feliciana	John C. White, Digest of the Laws and Ordinances of the Parish of East Feliciana, Adopted by the Police Jury of the Parish 68 (1848)	Prohibited any “slave” from carrying a gun off the plantation without the permission.	Gun	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
94	1850	Kentucky	1851 Ky. Acts 296, Of Dealing With Slaves and Suffering Them to go at Large, § 12	Prohibited “any negro” from keeping or carrying a gun, weapon, powder, or shot.	Gun; Weapons; Powder; Shot	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
95	1853	Kentucky – City of Louisville	Oliver H. Strattan, City Clerk A Collection of the State and Municipal Laws, in Force, and Applicable to the City of Louisville, Ky. . . . 175 (1857)	Prohibited the sale of gunpowder to minors under 15 years of age, “free colored persons,” or “slaves” without permission from a parent, guardian, or master.	Gunpowder	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
96	1853	Oregon [Territory]	Act of Jan. 16, 1854, § 1, 1854 Or. Laws 257	Prohibited any “white citizen” to sell, barter, or give any kind of firearm or ammunition to “an Indian.”	Firearms; Gun; Rifle; Pistol; Powder; Lead; Percussion caps; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
97	1854	Missouri	1854 Mo. Laws 1094, An Act Concerning Free Negroes and Mulattoes, ch. 114, §§ 2-3	Prohibited any “free negro or mulatto” from possessing or carrying any firelock, or weapon of any kind, or any ammunition without license from a Justice of the Peace.	Gun; Firelock; Weapons; Ammunition	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
98	1858	New Mexico [Territory]	1858-1859 N.M. Laws 68, An Act to Provide for the Protection of Property in Slaves in this Territory, ch. 26, § 7	Prohibited any person to transfer to “any slave any sword, dirk, bowie-knife, gun, pistol or other fire arms, or any other kind of deadly weapon of offence, or any ammunition of any kind suitable for fire arms.”	Firearms; Sword; Dirk; Bowie knife; Gun; Pistol	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
99	1859	Kentucky	1859 Ky. Acts 245, An Act to Amend an Act Entitled “An Act to Reduce to One of the Several Acts in Relation to the Town of Harrodsburg,” § 23	Prohibited “any slave or free person of color, any gun, pistol, bowie knife, slung shot, sword cane, or other weapon used for the purpose of offence or defence.”	Pistol; Dirk; Bowie knife; Brass knuckles; Slungshot; Colt; Cane-gun; Weapons; Concealed weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
100	1860	Georgia	1860 Ga. Laws 56, An Act to add an additional Section to the 13th Division of the Penal Code, making it Penal to Sell to or Furnish Slaves or Free Persons of Color, with Weapons of Offence and Defence; and for other Purposes therein mentioned, § 1	Prohibited any person from selling or furnishing to any “minor, or slave, or free negro” “any pistol, dirk, bowie-knife, brass-knucks, slungshot, colt, cane-gun, or other deadly weapon, which is carried concealed.”	Gun; Pistol; Bowie knife; Slungshot; Sword; Cane; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
101	1860	Kentucky	1860 Ky. Acts 245, An Act to amend an act, entitled “An act to reduce into one the several	Prohibited any person from selling or furnishing to any “minor, or slave, or free negro” “any pistol, dirk,	Firearms; Weapons; Concealable Weapons	Unconstitutional under the Thirteenth and/or Fourteenth	

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			acts in relation to the town of Harrodsburg, ch. 33, § 23	bowie-knife, brass-knucks, slungshot, colt, cane-gun, or other deadly weapon, which is carried concealed.”		Amendments to the U.S. Constitution	
102	1860	North Carolina	1860-1861 N.C. Sess. Laws 68, Pub. Laws, An Act to Amend Chapter 107, Section 66, of the Revised Code, Relating to Free Negroes Having Arms, ch. 34, § 1	Prohibited “any free negro” from wearing or carrying or keeping in his house any “any shot gun, musket, rifle, pistol, sword, sword cane, dagger, bowie knife, powder or shot.”	Shotgun; Musket; Rifle; Pistol; Sword; Cane; Dagger; Bowie knife; Powder; Shot	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
103	1863	Delaware	1863 Del. Laws 332, An Act in Relation to Free Negroes and Mulattoes, ch. 305, § 7	Prohibited any “free negroes and free mulattoes” from possessing a gun, pistol, sword, or any other warlike instrument, punishable by fine or imprisonment.	Firearms; Guns; Weapons	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
104	1865	Mississippi	<i>Laws of the State of Mississippi</i> (Jackson, Miss: J.J. Shannon & Sons, 1866), at 82-86, 91, 165	Prohibited any “freedman, free negro or mulatto” from keeping or carrying any firearms, ammunition, dirk, or bowie knife.	Firearms; Ammunition; Dirk; Bowie knife	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	
105	1865	South Carolina	Acts of the General Assembly of the State of South Carolina (Columbia, SC: Julian A. Selby, 1866), at 14-15, 34-44	Prohibited any “[p]ersons of color” from being a part of the militia and from keeping a firearm, sword,	Firearm; Sword; Military weapon	Unconstitutional under the Thirteenth and/or Fourteenth Amendments to the U.S. Constitution	

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
				or other military weapon without permission.			
106	1868	Kansas	1 General Statutes of the State of Kansas 329 (1876)	Prohibited possession of any firearm by “[a]ny person who is not engaged in any legitimate business, any person under the influence of intoxicating drink, and any person who has ever borne arms against the government of the United States.”	Deadly weapons		
107	1881	Florida	1881 Fla. Laws 87, An Act to Prevent the Selling, Hiring, Bartering, Lending or Giving to Minors Under Sixteen Years of Age, or to any Person of Unsound Mind, Certain Firearms or other Dangerous Weapons, ch.. 3285, § 1-2	Prohibition for persons to sell or give a pistol or firearm to a minor under 16 years of age or persons of unsound mind.	Pistol; Dirk; Arms; Weapons		

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
108	1899	Wyoming	1899 Wyo. Sess. Laws 32-33, An Act for the Better Protection of the Game and Fish of this State . . . , ch. 19, § 14	Allowed residents to receive hunting license for \$1, non-residents to receive hunting license for \$40.	Firearms		
109	1902	New Jersey	1902 N.J. Laws 780, An Act to Require Non-residents to Secure Licenses before Hunting or Gunning within the State of New Jersey and Providing Penalties for Violation of Its Provisions, ch. 263, § 1	Imposed licensing requirement for non-residents of the state “to hunt and gun.”	Firearms		
110	1903	Pennsylvania	1903 Pa. Laws 178, An Act Requiring non-resident hunters, and unnaturalized, foreign born, resident-hunters, to procure a license before hunting in the Commonwealth . . . §§ 1 and 2	Imposed licensing requirement for non-residents and unnaturalized foreign-born resident to possess a gun in the fields, forests, or waters of the State. Punishable by fine.	Firearms		
111	1905	Utah	1905 Utah Laws 197, An Act for the Protection of Fish, Game, and Birds . . . , ch. 118, § 30	Imposed licensing requirement for non-residents and unnaturalized foreign-born resident to kill any game,	Firearms		

¹ In compliance with the Court’s Order dated December 15, 2022 (Dkt. 77), Defendant created this survey of statutes, laws, and regulations that Defendant has determined are relevant to this action. Plaintiffs disagree that nearly all of those statutes, laws, and regulations are relevant to the historical analysis required in this case, and in compliance with the Court’s December 15 Order, the chart reflects Plaintiffs’ position regarding the relevance of each law.

² The surveys have been filed in compliance with the Court’s Order directing the parties to identify all relevant laws, statutes, and regulations from the time of the Second Amendment to twenty years after adoption of the Fourteenth Amendment. In compliance with that Order and in recognition of the historical inquiry mandated by *Bruen*, the spreadsheets identify hundreds of relevant firearms laws, some of which were drafted well before the Thirteenth Amendment’s abolition of slavery and the Fourteenth Amendment’s Equal Protection Clause. While our subsequent briefing, as ordered by the Court, will explain in more detail the historical context and relevance of such laws, the Attorney General emphasizes his strong disagreement with racial and other improper discrimination that existed in some such laws, and which stand in stark contrast to California’s commonsense firearm laws, which are designed to justly and equitably protect all Californians. The listing of such racist and discriminatory statutes should in no way be construed as an endorsement of such laws by the Attorney General or his counsel in this matter.

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
				animals, birds, or fish in the State.			
112	1909	Delaware	1909 Del. Laws 577, House Joint Resolution Providing for Increase in Non-Resident Gunners License Fee, ch. 271	Imposed licensing requirement for non-residents who “make it a practice to gun” in the state.	Firearms		
113	1909	Pennsylvania	1909 Pa. Laws 466, An Act to give additional protection to wild birds and animals. . .prohibiting the hunting for or capture or killing of, such wild birds or animals or game by unnaturalized foreign-born residents; forbidding the ownership or possession of shotgun or rifle by any unnaturalized foreign-born resident, § 1	Prohibited unnaturalized foreign born residents from hunting in the Commonwealth, or to possess a shotgun or rifle.	Shotgun; Rifle		
114	1911	Washington	1911 Wash. Sess. Laws 303, An Act Relating to the Carrying of Firearms, Requiring Licenses of Certain Persons, and Fixing a Penalty for the Violation Thereof, ch. 52, § 1	Required noncitizens to receive a license from the state auditor, upon a certificate from the consul of the individual’s country of origin and payment of a fee, before noncitizen can possess a firearm.	Firearms		
115	1911	New York	1911 N.Y. Laws 443, An Act to Amend the Penal Law, in Relation to the Sale and Carrying of Dangerous Weapons. ch. 195, § 1	Prohibited noncitizens from carrying or possessing firearms or dangerous weapons in a public place are guilty of a felony; law does not apply to regular and ordinary transportation of firearms as merchandise, or for	Firearms; Dangerous weapons		

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
				peace officers or military or civil organizations when parading or going to a meeting of their respective organizations.			
116	1913	Montana	1913 Mont. Laws 53, An Act to Provide that Aliens Shall Pay a Gun License, and Providing a Penalty for Failure to Obtain License; to Provide for and Regulate the Duties of the Game and Fish Warden and His Deputies, and to Provide for the Disposition of the Fines so Collected, ch. 38, § 1	Required noncitizens to obtain a license (costing \$25) from the Game and Fish Warden before possessing a firearm; license valid for one year; provision does not apply to: (1) individuals who have purchased hunting license; (2) state residents owning at least 160 acres of land; (3) settlers on public land beginning to acquire land under federal law; or (4) persons engaged in tending or herding sheep or other animals.	Firearms		
117	1913	Wyoming	1913 Wyo. Sess. Laws 165, An Act . . . Relating to the Duties of the State Game Warden, Assistant and Deputy Game Wardens, and the Preservation of the Game Animals and Game Birds and Fish of the State of Wyoming . . . , ch. 121, § 38	Required nonresidents obtain a license for \$5 from the Justice of the Peace in order to hunt game birds in the state.	Firearms		
118	1914	Illinois – City of Chicago	Ordinance of May 25, 1914, §§4a-6. (Samuel A. Ettelson, Opinions of the Corporation Counsel and Assistants from	Required weapon sales through licensed dealers only; required purchasers of such weapons to first receive a permit from the General	Pistol; Revolver; Derringer; Bowie knife; Dirk;		

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			May 1, 1915, to June 30, 1916, at 458-59 (Vol. 7, 1916)	Superintendent of Police. Required purchasers provide proof of good moral character to receive permit; gives Superintendent discretion on issuance of permits. Prohibited the issuance of permits to anyone who was convicted of any crime and minors. Punishable by a fine.	Weapon of like character		
119	1915	Wyoming	1915 Wyo. Sess. Laws 91, An Act Relating to the Preservation of the Game Animals, Game Birds, and Fish of the State of Wyoming . . . , ch. 91, § 13	Required noncitizens to purchase a specified license before owning or possessing any firearm or fishing tackle.	Firearms; Fishing tackle		
120	1915	New Jersey	1915 N.J. Laws 662-63, . . . Forbidding the Ownership or Possession of Shotgun or Rifle by Any Unnaturalized, Foreign-Born Person within the State of New Jersey and Prescribing Penalties for Violation of its Provisions, ch. 355, § 1	Prohibited noncitizens from owning or possessing a shotgun or rifle. Punishable by fine and confiscation and resale of firearm. Not applicable to noncitizens owning at least \$2,000 worth of property in the state.	Shotgun; Rifle		
121	1915	North Dakota	1915 N.D. Laws 225, An Act Relating to Game and Fish . . . , ch. 161, § 67	Prohibited noncitizens from owning or possessing any shotgun or rifle; violators subject to fine, imprisonment, confiscation of weapon.	Shotgun; Rifle		
122	1916	New Jersey	1916 N.J. Laws 275-76, An Act to Prohibit Any Person from Going into the Woods or Fields with a Gun or Other Firearm when Intoxicated, or under the	Prohibited any individuals from going into the woods or fields with a firearm while intoxicated or under influence of drugs or alcohol.	Firearms		

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			Influence of any Drug or Intoxicating Liquor, ch. 130, §§ 1-2	Punishable by revocation of hunting and fishing license.			
123	1917	New Hampshire	1917 N.H. Laws 728-29, An Act for the Regulation of the Sale and Use of Explosives and Firearms, ch. 185, § 6	Required noncitizens obtain a permit before possessing firearm. Permitted obtained by submitting application to police chief or selectment; permit must state purposes for possession of firearm and description of firearm to be obtained. Permit-holder must keep permit on them at all times.	Firearms		
124	1917	Oregon	1917 Or. Sess. Laws 804-08, An Act Prohibiting the manufacture, sale, possession, carrying, or use of any blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, dirk, dagger or stiletto, and regulating the carrying and sale of certain firearms, and defining the duties of certain executive officers, and providing penalties for violation of the provisions of this Act, § 11	Provided that noncitizens convicted of carrying a deadly weapon are guilty of a felony and subject to up to 5 years' imprisonment.	Deadly weapons (blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, dirk, dagger or stiletto, and certain firearms)		
125	1917	Minnesota	1917 Minn. Laws 839-40, An Act . . . Making It Unlawful for Any Such Foreign Born Resident to Either Own or Be Possessed of a Shot-gun or	Prohibited noncitizens from possessing firearms "of any make."	Firearms		

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			Rifle or Other Firearms of Any Make, ch. 500, § 1				
126	1917	Utah	1917 Utah Laws 278, An Act . . . Forbidding the Ownership or Possession of Fire Arms or Other Deadly Weapon by an Unnaturalized Foreign Born Person within the State of Utah, ch. 95, § 1	Prohibited noncitizens from owning, possessing, or having under their control and shot gun, rifle or firearm “of any make.”	Firearms		
127	1919	Colorado	1919 Colo. Sess. Laws 416–17, Foreign-Born Unnaturalized Citizens, § 1	Prohibited noncitizens from owning or possessing any shotgun, rifle, pistol or firearm of any kind; violators subject to fine, imprisonment, confiscation of weapon.	Firearms		
128	1921	New Mexico	1921 N.M. Laws 201-02, An Act to Provide Additional Protection to Wild Birds and Game; Prohibiting the Hunting, Capturing or Killing of Wild Birds and Game Animals by Unauthorized (Unnaturalized) Foreign Born Residents of New Mexico and Adjoining States; Prohibiting the Possession or Use by Such Residents of Shotguns or Rifles within the State of New Mexico; Prescribing Penalties for Violation of this Act, ch. 113, §§ 1-4	Prohibited the use, possession, or control of any shotgun or rifle by noncitizen; violators subject to fine, imprisonment, and confiscation and resale of shotgun or rifle	Shotgun; Rifle		
129	1921	Michigan	1921 Mich. Pub. Acts 21, An Act to Give Additional	Prohibited ownership or possession of firearms by	Firearms; Shotgun;		

***Rhode v. Bonta*, No. 3:18-cv-00802-BEN-JLB
Defendant's Survey of Relevant Statutes (1889–1930s)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			Protection to Wild Birds and Animals and Game within the State of Michigan, Prohibiting the Hunting for or Capture or Killing of Such Wild Birds, or Animals, or Game, by Unnaturalized Foreign-born Residents, Forbidding the Ownership or Possession of Shotgun, or Rifle, or Pistol, or Firearms of Any Kind, by Any Unnaturalized Foreign-born Resident, within the State, and Prescribing Penalties for Violation of its Provisions, § 1	noncitizens; violators subject to fine, imprisonment, and confiscation and resale of weapon by state.	Pistol; Rifle		
130	1922	Massachusetts	1922 Mass. Acts 563, ch. 485, An Act Relative to the Sale and Carrying of Firearms, ch. 485, § 8 (amending § 130)	Prohibited the sale or furnishing of firearms, air guns, or dangerous weapons to minors under age 15 or noncitizens without a permit to carry firearms; violators subject to fine. Law does not apply to instructors furnishing military weapons to pupils for instruction or drill.	Firearms; Air guns; Weapons		
131	1923	North Dakota	Act of Mar. 17, 1923, ch. 266, § 5, 1923 N.D. Laws 379, 380; 1923 N.D. Laws 380, Pistols and Revolvers, ch. 266, § 5	Prohibition on firearms for those convicted of a felony and “unnaturalized foreign born person[s].”	Arms; Pistol; Revolver		
132	1923	California	Act of June 13, 1923, ch. 339, § 2, 1923 Cal. Stat. 696	Prohibited firearm possession and any “other firearm capable of being concealed upon the person” for those convicted of	Concealable firearms; Pistol;		

***Rhode v. Bonta*, No. 3:18-cv-00802-BEN-JLB
Defendant's Survey of Relevant Statutes (1889–1930s)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
				a felony or unnaturalized foreign-born.	Revolver; Firearms with a barrel less than 12 inches in length		
133	1923	New York	1923 N.Y. Laws 140–41, An Act to Amend the Conservation Law in Relation to Aliens, ch. 110, § 2	Prohibited noncitizens from owning or possessing any shotgun or rifle without a special license.	Shotgun; Rifle		
134	1923	Connecticut	1923 Conn. Pub. Acts 3708, An Act Concerning the Possession, Sale and Use of Pistols and Revolvers, ch. 252, § 7	Prohibited the sale, delivery, or transfer of any pistol or revolver to any noncitizen.	Pistols; Revolvers		
135	1923	Connecticut	1923 Conn. Acts 3732, Unnaturalized Persons, ch. 259, § 17	Prohibited noncitizens from owning or possessing any shotgun or rifle; violators subject to confiscation and resale of gun by state upon conviction.	Shotguns; Rifles		
136	1923	California	1923 Cal. Stat. 695 An Act to Control and Regulate the Possession, Sale and Use of Pistols, Revolvers, and Other Firearms Capable of Being Concealed Upon the Person	Prohibited ownership, possession, or control of any pistol, revolver or concealable firearm by any noncitizen or felony convicts.	Pistol; Revolver; Concealable firearm;		
137	1925	Wyoming	1925 Wyo. Sess. Laws 110, An Act Prohibiting Persons not Citizens of the United States, from Possessing, Wearing or Carrying any Dangerous or Deadly Weapon. . . , ch. 106, § 1	Prohibited noncitizens from owning, possessing, or carrying dangerous or deadly weapons; violators subject to misdemeanor conviction, fine or imprisonment	Firearms; Dirk; Bowie knife; Dagger; Dangerous or deadly weapon		

***Rhode v. Bonta*, No. 3:18-cv-00802-BEN-JLB
Defendant's Survey of Relevant Statutes (1889–1930s)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
138	1925	Nevada	1925 Nev. Stat. 54, An Act to Control and Regulate the Manufacture, Sale, Possession, Use, and Carrying of Firearms and Weapons, and other Matters Properly Relating Thereto, ch. 47, § 2	Prohibited noncitizens and convicts from owning, possessing, or having under their custody or control any pistol, revolver, or concealable firearms; violators subject to felony conviction and imprisonment of 1-5 yrs.	Concealable Firearms		
139	1925	West Virginia	1925 W.Va. Acts 31, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace . . . , ch. 3, § 7, pt. b	Prohibited noncitizens from owning, keeping, or possessing firearms	Firearms;		
140	1925	Indiana	1925 Ind. Acts 496, ch. 207, An Act to Regulate and Control the Possession, Sale, and Use of Pistols and Revolvers in the State of Indiana	Prohibited felony convicts from possessing or having under their control a pistol or revolver; violator subject to felony conviction and imprisonment of 1-5 yrs.	Pistol; Revolver		
141	1927	Rhode Island	1927 R.I. Pub. Laws 256, An Act to Regulate the Possession of Firearms, §§ 1, 3	Prohibited individuals convicted of violent crimes from purchasing, owning, carrying, possessing, or having under their control any firearm.	Firearms		
142	1927	Hawaii Territory	1927 Haw. Sess. Laws 209-217, An Act Regulating the Sale, Transfer and Possession of Certain Firearms and Ammunitions, and Amending Sections 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143,	Prohibited individuals convicted of violent crimes from owning, possessing, or having under their control any pistol or revolver.	Pistol; Revolver		

***Rhode v. Bonta*, No. 3:18-cv-00802-BEN-JLB
Defendant's Survey of Relevant Statutes (1889–1930s)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
			2146 and 2147 of the Revised Laws of Hawaii 1925, §§ 1, 4				
143	1931	California	1931 Cal. Stat. 2316–17, An Act to Control and Regulate the Possession, Sale and use of Pistols, Revolvers, and other Firearms Capable of Being Concealed Upon the Person, ch. 1098, § 1	Prohibited noncitizens, felony convicts, or drug addicts from owning, possessing, or having under their custody or control any pistol, revolver, or concealable firearm; violators subject to fine or imprisonment.	Pistol; Revolver; Concealable firearm		
144	1931	Pennsylvania	1931 PA. Laws 498, No. 158	Prohibited individuals convicted of violent crimes from owning, possessing or having a firearm under their control.	Firearms		
145	1933	Hawaii Territory	1933 Haw. Sess. Laws 38, An Act Regulating the Sale, Transfer, and Possession of Firearms and Ammunition, § 6	Prohibited individuals convicted of violent crimes from owning, possessing, or having under their control a pistol, revolver, or ammunition.	Pistols; Revolvers; Ammunition		
146	1933	Hawaii Territory	1933 Haw. Sess. Laws 39, An Act Regulating the Sale, Transfer, and Possession of Firearms and Ammunition, § 8	Required license for concealed carry of pistol, firearm, or ammunition; prohibits issuance of license to felony convicts or mentally ill; violators subject to fine or imprisonment.	Pistol; Revolver; Concealable weapons; Ammunition		
147	1933	Oregon	1933 Or. Laws 488, An Act to Amend Sections 72-201, 72-202, 72-207, Oregon Code 1930, § 2	Prohibited noncitizens and felony convicts from owning, possessing, or having under their custody or control and pistol, revolver, concealable	Pistols; Revolvers; Concealable firearms;		

***Rhode v. Bonta*, No. 3:18-cv-00802-BEN-JLB
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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Subject of Regulation	Repeal Status	Judicial Review
				firearm, or machine gun; violators subject to felony conviction and imprisonment of 1-5 yrs.	Machine Guns;		
148	1938	United States	Federal Firearms Act, 52 Stat. 1250-51 (1938)	Prohibited any person who has been convicted of a “crime of violence or is a fug[a]tive from justice” from receiving “any firearm or ammunition” which has been shipped in interstate commerce.	Any Firearm; Ammunition		

EXHIBIT 10

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 9 *General*

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

14 **KIM RHODE et al.,**
 15
 16 Plaintiffs,
 17
 18 **v.**
 19 **ROB BONTA, in his official capacity**
as Attorney General of the State of
California, et al.,
 20 Defendant.

3:18-cv-00802-BEN-JLB

DECLARATION OF ROBERT SPITZER

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

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1 interviewed and quoted in the national and international media on gun-related
2 matters. For over twenty years, I have been a member of the National Rifle
3 Association and of Brady (formerly, the Brady Campaign to Prevent Gun
4 Violence).

5 4. I have provided written testimony as an expert witness in the following
6 cases (in addition to this case): *Worman v. Healey*, No. 1:17-10107-WGY (D.
7 Mass.); *Hanson v. District of Columbia*, No. 1:22-cv-02256 (D.D.C.); *Brumback v.*
8 *Ferguson*, No. 22-cv-3093 (E.D. Wash.); *Sullivan v. Ferguson*, No. 3:22-cv-05403
9 (W.D. Wash.); *Miller v. Bonta*, No. 3:19-cv-1537 (S.D. Cal.); *Duncan v. Bonta*,
10 No. 17-cv-1017 (S.D. Cal.); *Fouts v. Bonta*, No. 19-cv-1662 (S.D. Cal.); *Rupp v.*
11 *Bonta*, No. 17-cv-00746 (C.D. Cal.); *Gates v. Polis*, No. 1:22-cv-01866 (D. Colo.);
12 *Oakland Tactical Supply LLC v. Howell Township*, No. 18-cv-13443 (E.D. Mich.);
13 *State v. Misch*, No. 173-2-19 Bncr (Vt. Super. Ct. Bennington Cnty.); *Nat'l Ass'n*
14 *for Gun Rights, Inc. v. City of Highland Park*, No. 22-cv-4774 (N.D. Ill.); *Nat'l*
15 *Ass'n for Gun Rights & Capen v. Campbell*, No. 22-cv-11431 (D. Mass.); *Nat'l*
16 *Ass'n for Gun Rights v. Lopez*, No. 1:22-cv-00404 (D. Haw.); *Abbot v. Lopez*,
17 No. 20-00360 (D. Haw.); *Santucci v. City & Cnty. of Honolulu*, No. 1:22-cv-00142
18 (D. Haw.); *Yukutake v. Lopez*, No. 1:22-cv-00323 (D. Haw.); *Baird v. Bonta*,
19 No. 19-cv-00617 (E.D. Cal.); *Nichols v. Newsom*, No. 11-cv-9916 (C.D. Cal.); *Del.*
20 *State Sportsmen's Ass'n, Inc. v. Del. Dep't of Safety & Homeland Sec.*, No. 1:22-
21 cv-00951(D. Del.); *Mark Fitz, Grayguns, Inc. v. Rosenblum*, No. 22-cv-01859 (D.
22 Or.); *Harrel v. Raoul*, No. 23-141 (S.D. Ill.); *Mitchell v. Atkins*, No. 19-cv-5106
23 (W.D. Wash.); *Keneally v. Raoul*, No. 23-cv-50039 (N.D. Ill.); *McGregor v. Cnty.*
24 *of Suffolk*, No. 2:23-cv-01130 (E.D.N.Y.); *Lane v. James*, No. 22-cv-10989
25 (S.D.N.Y.); *Rocky Mountain Gun Owners v. Town of Superior*, No. 22-cv-02680
26 (D. Colo.); *Wiese v. Bonta*, No. 17-cv-00903 (E.D. Cal.); *Langley v. Kelly*, No. 23-
27 cv-192-NJR (S.D. Ill.); *Barnett v. Raoul*, No. 23-cv-209-RJD (S.D. Ill.); *Fed.*
28 *Firearms Licensees of Ill. v. Pritzker*, No. 23-cv-215-NJR (S.D. Ill.); *Herrera v.*

1 *Raoul*, No. 23-cv-532 (N.D. Ill.); *Banta v. Ferguson*, No. 23-cv-00112 (E.D.
2 Wash.); *Hartford v. Ferguson*, No. 23-cv-05364 (W.D. Wash.).

3 5. I have co-authored amicus briefs in numerous cases, including *Nordyke v.*
4 *King*, U.S. Court of Appeals for the Ninth Circuit, 319 F.3d 1185 (2003); *Republic*
5 *of Iraq v. Beatty*, U.S. Supreme Court, 556 U.S. 848 (2009); *McDonald v. Chicago*,
6 U.S. Supreme Court, 561 U.S. 742 (2010); *Ezell v. Chicago*, U.S. Court of Appeals
7 for the Seventh Circuit, 651 F.3d 684 (2011); and *People of the State of Illinois v.*
8 *Aguilar*, Illinois Supreme Court, No. 08 CR 12069 (2012).

9 6. I have also presented written testimony to the U.S. Congress on “The
10 Second Amendment: A Source of Individual Rights?” submitted to the Judiciary
11 Committee, Subcommittee on the Constitution, Federalism, and Property Rights,
12 U.S. Senate, Washington, D.C., September 23, 1998; “Perspectives on the ‘Stand
13 Your Ground’ Movement,” submitted to the Judiciary Committee, Subcommittee
14 on the Constitution, Civil Rights and Human Rights, U.S. Senate, Washington,
15 D.C., October 29, 2013; and “The Hearing Protection Act to Deregulate Gun
16 Silencers,” submitted to Committee on Natural Resources, Subcommittee on
17 Federal Lands, the U.S. House of Representatives, Hearings on the Sportsmen’s
18 Heritage and Recreational Enhancement Act (SHARE Act), Washington, D.C.,
19 September 12, 2017.

20 7. I have been retained by the California Department of Justice to render
21 expert opinions in this case. I am being compensated at a rate of \$500 per hour.

22 **OPINIONS**

23 **I. INTRODUCTION**

24 8. This Declaration examines the history of background checks for firearms
25 purchases and permits, as well as two types of historical weapons regulations that
26 are similar to the modern regulatory technique of background checks: licensing
27 laws and laws relating to weapons confiscation.

28

1 9. Modern background checks for firearms purchases as we understand
2 them did not begin until the 20th century. However, the absence of modern
3 background check technologies in early America did not mean that evaluations of
4 those entitled to have weapons did not occur or exist.

5 10. Weapons licensing or permitting, which dates to the 1700s and became
6 more wide-ranging and widespread in the 1800s and early 1900s, was a widespread
7 and varied regulatory tool utilized in America. These laws were and are predicated
8 on a process whereby a license applicant provides or submits some kind of
9 information which is then judged to be acceptable or not. If the judgment is
10 affirmative, the license is granted. By its nature, then, licensing contemplates some
11 kind of evaluation that resembles what in modern parlance is called a background
12 check.

13 11. Weapons confiscation laws further buttress the tradition of using
14 background facts or information to regulate firearms and ammunition ownership.
15 From the 1600s to the early 1900s, numerous weapons laws provided for weapons
16 confiscation for various behaviors, infractions, or reasons—in particular as seen in
17 violations of weapons carry laws and hunting laws—as discussed below.

18 12. Since our country's earliest beginnings, there were numerous and varied
19 laws restricting weapons ownership, possession, or use. These early restrictions on
20 who could lawfully acquire and possess firearms were precursors to more targeted
21 licensing and confiscation laws in the 19th and 20th centuries and, eventually, the
22 institution of background checks in the 20th century.

23 13. After discussing modern background checks, their antecedents in
24 licensing restrictions and weapons confiscation laws will be examined in turn.

25 **II. GUN PURCHASE BACKGROUND CHECKS**

26 14. Gun purchase background checks as they are understood and
27 implemented today did not exist early in the country's history. No special wisdom
28 is required to discern why.

1 15. In the modern era, gun and ammunition purchases can be made easily
2 and rapidly from tens of thousands of licensed gun dealers,¹ private sales, gun
3 shows, and through internet sales. This modern sales system was key to the
4 enactment of modern background checks. Modern technology allows for wide-
5 ranging and rapid background checks. No similar technologies existed earlier in our
6 history. Indeed, rapid, convenient gun-sale processes did not exist in the U.S. until
7 the end of the nineteenth century, when mass production techniques, improved
8 technology and materials, and escalating marketing campaigns all made guns
9 relatively cheap, prolific, reliable, and easy to get.

10 16. As Kennett and Anderson note, “By the 1880s gunmaking had completed
11 the transition from craft to industry.”² The rise of handgun mail-order purchasing
12 through such companies as Montgomery Ward and Sears in the 1870s and 1880s
13 brought cheap handguns to buyers’ doors.³ When the adverse consequences of the
14 spread of cheap handguns began to be felt, states enacted numerous gun-carry
15 restrictions in the late 1800s and early 1900s.⁴ This is but one example of a broader
16 trend in the history of weapons regulations in America: that regulation occurred
17 when new weapons or weapons technologies entered civilian life and were then
18

19 _____
20 ¹ As of 2021, there were over 52,900 dealer licensees and over 7,000 licensed
21 pawnbrokers. <http://www.atf.gov/about/foia/ffl-list.html>; “Gun Dealers,” Giffords
22 Law Center, [https://giffords.org/lawcenter/gun-laws/policy-areas/gun-sales/gun-
dealers/#footnote_1_5597](https://giffords.org/lawcenter/gun-laws/policy-areas/gun-sales/gun-dealers/#footnote_1_5597).

23 ² Lee Kennett and James LaVerne Anderson, *The Gun in America* (Westport, CT:
24 Greenwood Press, 1975), 97.

25 ³ Kennett and Anderson, *The Gun in America*, 99-100. Sears ended handgun catalog
26 sales in 1924, and other companies followed as pressure for government
intervention rose. *Ibid.*, 194.

27 ⁴ Robert J. Spitzer, “Gun History in the United States and Second Amendment
28 Rights,” *Law and Contemporary Problems* 80 (2017), 59-60, 63-67.

1 associated with harm, disorder, crime, or related threats to public safety and good
2 order.

3 17. This aside, the absence of modern background check technologies in
4 early America did not mean that evaluations of those entitled to have or own
5 weapons did not occur or exist. Since our country's earliest beginnings, numerous
6 and varied laws were enacted to restrict weapons ownership, possession, or use
7 pertaining to various individuals and groups, including Indigenous people, the
8 enslaved and free persons of color (before the Civil War), those who refused to
9 swear an oath of loyalty to the government or who expressed unpopular views,
10 vagrants, non-residents, those who were inebriated, minors, those of poor moral
11 character, and people of unsound mind.⁵ Obviously some of these categories are
12 considered abhorrent in modern society, but they are important to recognize both
13 because the only thing worse than acknowledging them would be to ignore them,
14 and because they shed important light on the broader principle that gun and
15 weapons restrictions existed in prolific and varied types from the nation's earliest
16 days.

17 18. Modern background checks are generally traced to an "innovative
18 provision"⁶ of the New York State Sullivan Law of 1911,⁷ which established a
19 system of permitting for those wishing to possess a handgun, extending to their
20 sale, possession, and carrying. It barred gun dealers from selling concealable
21 firearms to anyone who did not already have a state-issued permit, and required
22 dealers to keep and maintain records pertaining to gun sales. Dealers were required
23 to "keep a register in which shall be entered at the time of sale, the date of sale,
24 name, age, occupation and residence of every purchaser of such a pistol, revolver or

25 _____
26 ⁵ Spitzer, "Gun History in the United States and Second Amendment Rights."

27 ⁶ Adam Winkler, *Gunfight* (NY: W.W. Norton, 2011), 205.

28 ⁷ 1911 N.Y. Laws ch. 195.

1 other firearm, together with the calibre, make, model, manufacturer's number or
2 other mark of identification on such pistol, revolver or other firearm.”⁸ It also made
3 it a felony to carry a pistol without a license.⁹ Yet as the account to come will show,
4 gun permitting and licensing schemes predated the 1911 law by many decades.¹⁰

5 19. The first significant national gun law, the National Firearms Act of
6 1934,¹¹ imposed detailed regulations on those seeking to own certain highly
7 destructive gangster-type weapons, including fully automatic firearms, sawed-off
8 shotguns and rifles, silencers, and “any other weapons” with certain firing
9 capabilities. Firearms importers, manufacturers, and dealers were required to be
10 registered and maintain proper records of any such firearms sales or transfers.
11 Those seeking such weapons were (and are) required to pay a \$200 fee and have the
12 weapon's serial number, along with the other collected information kept by the
13 appropriate federal agency.¹² The Federal Firearms Act of 1938¹³ was “a licensing
14 and record-keeping law for gun dealers,” and it “also barred felons from receiving
15 firearms.”¹⁴

16 20. The contemporary uniform federal background check system was
17 established by the Brady Handgun Violence Prevention Act of 1993. The law also
18 included a five business day waiting period that was phased out in 1998 and
19 replaced with an instant background check system. Under this system, persons

20 _____
21 ⁸ 1911 N.Y. Laws 444-45, An Act to Amend the Penal Law, in Relation to the Sale
and Carrying of Dangerous Weapons, ch. 195, § 2.

22 ⁹ Lee Kennett and James LaVerne Anderson, *The Gun in America* (Westport, CT:
23 Greenwood Press, 1975), 174-79.

24 ¹⁰ Kennett and Anderson, *The Gun in America*, 169-73.

25 ¹¹ 48 Stat. 1236.

26 ¹² National Firearms Act of 1934, 48 Stat. 1236.

27 ¹³ 52 Stat. 1250.

28 ¹⁴ Winkler, *Gunfight*, 204.

1 attempting to purchase a gun through a licensed firearms dealer complete an ATF
2 form. The dealer contacts NICS electronically or by phone and passes on the
3 information on the form. NICS personnel complete the background check. As long
4 as the applicant does not fall into a prohibited category of persons, such as having a
5 criminal record, the purchase is approved.¹⁵

6 21. The “instant” element of the background check system was made
7 possible through computerization and the rise of the internet, both of which only
8 developed and became widely available in the 1990s. Indeed, as early as 1991, an
9 instant background check system was proposed for the Brady bill in Congress
10 instead of a waiting period, but the idea of swapping an instant background check
11 system for a waiting period was rejected because in 1991 only ten states had the
12 necessary automation of records; eight states still handled files manually, and nine
13 states did not even maintain the necessary felony records. Further, the time lapse
14 between the closing of a criminal case and its logging in state records ran from
15 weeks to months.¹⁶ Eventually, these limitations were overcome by 1998. As of
16 today 21 states plus the District of Columbia have background check systems that
17 go beyond the federal standard, and 14 states plus D.C. have a universal
18 background check system extending to all sales, including private sales, that cover
19 all firearm purchases.¹⁷

20 22. Before the 1990s, states that issued pistol carry permits generally had
21 some kind of background check process. For example, as of 1981, 29 states were
22 “may issue” concealed carry permit states, meaning that carry licenses were issued

23 ¹⁵ “Firearms Checks (NICS),” [https://www.fbi.gov/how-we-can-help-you/more-fbi-](https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics)
24 [services-and-information/nics](https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics).

25 ¹⁶ 107 Stat. 1536. Robert J. Spitzer, *The Politics of Gun Control*, 8th ed. (NY:
Routledge, 2021), 213.

26 ¹⁷ “Universal Background Checks,” Giffords Law Center,
27 [https://giffords.org/lawcenter/gun-laws/policy-areas/background-checks/universal-](https://giffords.org/lawcenter/gun-laws/policy-areas/background-checks/universal-background-checks/#footnote_15_4119)
28 [background-checks/#footnote_15_4119](https://giffords.org/lawcenter/gun-laws/policy-areas/background-checks/universal-background-checks/#footnote_15_4119).

1 to applicants subject to a discretionary review process by local officials. Two states
2 were “shall issue” states, meaning that the states had to issue carry licenses as long
3 as the applicants did not fall into a prohibited category, such as being a convicted
4 felon or judged mentally incompetent. One state (Vermont) did not require carry
5 permits for citizens to carry handguns, and 19 states (including D.C.) barred any
6 civilian concealed gun carrying.¹⁸ Among those states that did issue carry licenses,
7 part of the consideration was to bar from permitting those with criminal
8 backgrounds, which could only be determined through some kind of background
9 check process. For example, an analysis of pistol licensing and permitting
10 published in 1938 noted the necessity of a “careful examination of each [license]
11 applicant”¹⁹ that would include “a report of a search of the files for the [pistol
12 permit/license] applicant's prior criminal record and of interviews with his
13 employers and neighbors.”²⁰ According to this 1938 study, as of that time only two
14 states (Minnesota and Vermont) did not have a pistol licensing system in place.²¹
15 As of this writing in 2023, 27 states have eliminated all required permitting for
16 concealed handgun carrying (although 26 of these 27 states do still provide permits
17 for those seeking them), with 23 states (plus D.C.) retaining a “shall issue”
18 system.²²

19 23. The discussion below examines two types of historical gun laws
20 analogous to modern background check laws: historical weapons licensing laws,
21 and early laws that called for weapons confiscation.

22 ¹⁸ Rick Schmitt, “How the NRA Pushed the Right to Pack Heat Anywhere,” *Mother*
23 *Jones*, November 15, 2011,
<https://www.motherjones.com/politics/2011/11/concealed-guns-laws/>.

24 ¹⁹ Sam B. Warner, “The Uniform Pistol Act,” *Journal of Criminal Law and*
25 *Criminology* 29(Winter 1938): 541.

26 ²⁰ Warner, “The Uniform Pistol Act,” 542.

27 ²¹ Warner, “The Uniform Pistol Act,” 530.

28 ²² “Concealed Carry, Giffords Law Center, <https://giffords.org/lawcenter/gun-laws/policy-areas/guns-in-public/concealed-carry/>.

1 **III. HISTORICAL WEAPONS LICENSING LAWS**

2 24. Weapons licensing or permitting was a widespread and varied regulatory
3 tool utilized in America. By one definition, licensing is the “permission by
4 competent authority to do an act which, without such permission, would be illegal
5”²³ Despite the difference of hundreds of years, licensing in early America
6 functioned similarly to the way it functions today.

7 25. Historical weapons licensing and permitting laws were and are predicated
8 on a process whereby a license applicant provides or submits some kind of
9 information which is then judged to be acceptable or not. If the judgment is
10 affirmative, the license is granted. By its nature, then, licensing contemplates some
11 kind of evaluation that resembles what in modern parlance is called a background
12 check.

13 26. In addition, like background checks, licensing generally represented a
14 more mature and nuanced form of regulation that in many instances succeeded or
15 supplemented more rigid but less complicated laws (see discussion below).

16 27. State and local laws encompassing the licensing, permitting, or
17 registration of dangerous weapons and substances date to the 1700s and became
18 more wide-ranging and widespread in the 1800s and early 1900s. These laws
19 mostly pertained to those weapons that posed a threat to public safety: concealable
20 weapons, including handguns, fighting knives, various types of clubs, and
21 explosives (ranging from firecrackers and gun powder to nitroglycerine after its
22 invention).

23 28. In all, a total of at least 45 states plus the District of Columbia enacted
24 some type of licensing law from the 1700s through the early 1900s. At least 29
25 states enacted 62 licensing requirement laws for individuals as a pre-requisite for
26 their weapons ownership during this time (see Exhibits B and C for enacting

27 ²³ Henry C. Black, *Black's Law Dictionary*, 6th ed. (St. Paul, MN: West Publishing,
28 1991), 634.

1 jurisdictions and years of enactment); 16 of those states did so in the 1800s. At least
2 26 states enacted laws to regulate firearms discharging through licensing, with 13 of
3 those states doing so from the 1700s up to the start of the Civil War, and another 20
4 states doing so between the end of the Civil War and 1900 (some states enacted
5 laws in both periods). At least 12 states licensed hunting with firearms from the
6 post-Civil War period through the early 1900s. At least 21 states licensed the
7 commercial sale, transport, or firing of weapons at locations like shooting galleries.
8 At least 21 states licensed the possession, handling, or transport of gunpowder and
9 other explosives. At least 15 states required those selling or otherwise providing
10 weapons to individuals to record and keep information pertaining to the buyers of
11 weapons.

12 29. At least 14 states imposed licensing requirements on specified
13 marginalized groups (variously including Native Americans, felons, non-citizens,
14 non-state residents, or minors). In the pre-Civil War period, at least 12 states
15 imposed licensing on enslaved persons or free Blacks.

16 30. Most weapons licensing laws pertaining to weapons carrying, discharge,
17 commercial sales, and gunpowder licensing generally were applied at first to
18 populated areas, since misuse of weapons posed a far greater risk to public safety in
19 areas where larger numbers of people lived in close proximity to each other.

20 31. With regard to concealed carry of pistols and other dangerous weapons,
21 for example, from the 1700s through the early 1900s virtually every state in the
22 country restricted or criminalized such carrying.²⁴ With the spread of licensing
23 requirements in the post-Civil War nineteenth century, however, governing units
24 began to allow legal weapons carrying through licensing, subject to the review
25 criteria as conducted by local officials who were empowered to grant carry licenses.

26
27 _____
28 ²⁴ Robert J. Spitzer, “Gun Law History in the United States and Second
Amendment Rights,” *Law and Contemporary Problems* 80 (2017), 63-67.

1 The criteria for the granting of these licenses were generally discretionary for the
2 individuals or bodies granting them. In some laws, no criteria were specified; in
3 others, the criteria were vague or broad, but often included wording that the
4 applicants must be persons of good character or sound judgment, again
5 emphasizing the determinative judgment of those granting the licenses. For
6 example, an 1881 permitting system for New York City said that permits would be
7 issued to “a proper and law abiding person.”²⁵ An 1898 Oregon City law called for
8 carry permits to be issued if the magistrate believed it “necessary or prudent to
9 grant such permission.”²⁶ Permit laws usually set a time limit for permit duration,
10 ranging from a month to a year (see below).

11 32. Regarding hunting licenses, many earlier laws criminalized various
12 hunting practices, dating back to the 1600s, for reasons related to protection of
13 private property and lands, conservation, and safety.²⁷ The hunting related laws
14 listed here are all instances where hunting was allowed through permitting by a
15 government entity, meaning that the permits or licenses could be withdrawn if the
16 licensees violated whatever rules the laws imposed (such as hunting out of season,
17 or hunting certain types of game). Licensing related to Indigenous people, enslaved
18 persons, and free persons of color is discussed in more detail below. All of these
19 types of laws are detailed in Exhibits B and C.

20 33. Many of these licensing laws were instances where the prevailing legal
21 standard had often been to ban the activity or practice outright—banning concealed

22 _____
23 ²⁵ Elliott Fitch Shepard, Ordinances of the Mayor, Aldermen and Commonalty of
24 the City of New York, in Force January 1, 1881; Adopted by the Common Council
25 and Published by Their Authority Page 214-15, Image 214-15 (1881).

26 ²⁶ The Charter of Oregon City, Oregon, Together with the Ordinances and Rules of
27 Order Page 259, Image 261 (1898); An Ordinance Providing for the Punishment of
28 Disorderly Persons, and Keepers and Owners of Disorderly Houses, § 2.

²⁷ Spitzer, “Gun Law History in the United States and Second Amendment Rights,”
73-74.

1 carrying, banning weapons discharge in cities and towns, banning weapons from
2 marginalized groups, etc. The jurisdictions enacting licensing for these activities
3 were now allowing firearms or other dangerous weapons or substances to be used
4 or possessed with the granting of a license to do so, when their possession or use
5 would otherwise be subject to criminal penalties. The proliferation of licensing
6 represented in most instances a new and more mature form of government
7 regulation of the activities in question—by tailoring prohibitions to address public-
8 safety threats posed by firearms-related activities rather than banning those
9 activities outright, and by utilizing regulatory techniques that require more of those
10 involved in the licensing process, including the gathering and keeping of relevant
11 information—though traditional laws that simply penalized weapons carrying or
12 use remained in many if not most places. Like licensing, background checks seek to
13 limit (and not categorically prohibit) those who may engage in certain firearms-
14 related activities.

15 **A. Licensing of Weapons Carrying or Possession**

16 34. In 1871, Missouri enacted a measure to license the otherwise illegal
17 practice of concealed carrying of handguns and other named weapons, including
18 “any other dangerous or deadly weapon” in St. Louis by means of “written
19 permission from the Mayor.”²⁸ St. Louis enacted its own municipal version of this
20 law in 1892.²⁹ A similar measure was enacted for Kansas City, Missouri, in 1880.³⁰

21 _____
22 ²⁸ Everett Wilson Pattison, *The Revised Ordinance of the City of St. Louis,*
23 *Together with the Constitution of the United States, and of the State of Missouri;*
24 *the Charter of the City; and a Digest of the Acts of the General Assembly, Relating*
25 *to the City* Page 491-92, Image 499-500 (1871).

26 ²⁹ *The Municipal Code of St. Louis* (St. Louis: Woodward 1901), 738, Sec. 1471.
27 1892; Chapter 18. Of Misdemeanors, Sec. 1471.

28 ³⁰ *An Ordinance in the Revision of the Ordinances Governing the City of Kansas*
(Kansas City, MO; Isaac P. Moore’s Book and Job, 1880), p. 264, Sec. 3. 1880;
Chapter XXXIV. Public Safety, Sec. 3.

1 Jersey City, New Jersey enacted a licensing scheme in 1871 for concealed weapons
2 carrying of pistols and other dangerous weapons, defined in the law as “any gun,
3 pistol, cannon, or fowling piece or other fire-arms”³¹ As this wording makes
4 clear, this extended to long guns as well (a fowling piece is a long-barreled shotgun
5 for shooting small animals³²). Jersey City’s 1873 law laid out a broadly
6 discretionary set of criteria for granting licenses, described below (as determined by
7 the city’s municipal court), that bears great similarity to contemporary gun
8 licensing schemes:

9
10 The Municipal Court of Jersey City may grant permits to carry any of the
11 weapons named in the first section to such persons as should, from the nature
12 of their profession, business or occupation, or from peculiar circumstances,
be allowed so to do; and may, in granting such permits, impose such
conditions and restrictions in each case as to the court shall seem proper.³³

13 The Jersey City ordinance added that carry permits would not be granted “to any
14 person until the court is satisfied that such person is temperate, of adult age, and
15 capable of exercising self-control.”³⁴

16 35. Hyde Park, Illinois enacted a similar licensing law for concealed
17 weapons carrying, including handguns, in 1876. In this instance, the licenses were

18
19 ³¹ Ordinances of Jersey City, Passed By The Board Of Aldermen since May 1,
20 1871, under the Act Entitled “An Act to Re-organize the Local Government of
21 Jersey City,” passed March 31, 1871, and the Supplements Thereto Page 46, Image
46 (1874) available at The Making of Modern Law: Primary Sources. 1871.

22 ³² <https://www.thefreedictionary.com/fowling+piece>.

23 ³³ Ordinances of Jersey City, Passed By The Board Of Aldermen since May 1,
24 1871, under the Act Entitled “An Act to Re-organize the Local Government of
25 Jersey City,” Passed March 31, 1871, and the Supplements Thereto Page 86-87,
Image 86-87 (1874) available at The Making of Modern Law: Primary Sources.
26 1873.

27 ³⁴ Ordinances of Jersey City, Passed By The Board Of Aldermen since May 1,
28 1871.

1 granted “by written permission of the Captain of Police.”³⁵ Evanston, Illinois’s
2 concealed carry licensing law of 1893 granted licensing issuance authority to the
3 city mayor.³⁶

4 36. New York City criminalized the carrying of “a pistol of any description
5 concealed on his person” in 1881 but provided for a legal carry license exception:

6 Any person, except as provided in this article, who has occasion to carry a
7 pistol for his protection, may apply to the officer in command at the station-
8 house of the precinct where he resided, and such officer, if satisfied that the
9 applicant is a proper and law abiding person, shall give said person a
10 recommendation to the superintendent of police, or the inspector in command
11 at the central office in the absence of the superintendent, who shall issue a
12 permit to the said person allowing him to carry a pistol of any description.³⁷

13 This provision also allowed for non-residents who had occasional business in the
14 city to apply for permits as well.

15 37. An 1884 New York state law barred the carrying or possession of named
16 weapons, including fighting knives and types of clubs, from those under eighteen,
17 unless they possessed a license to do so. Licenses could only be granted for up to
18 one year and were subject to revocation “at the pleasure of the mayor.”³⁸ A year

19 ³⁵ Consider H. Willett, *Laws and Ordinances Governing the Village of Hyde Park
20 Together with Its Charter and General Laws Affecting Municipal Corporations;
21 Special Ordinances and Charters under Which Corporations Have Vested Rights in
22 the Village. Also, Summary of Decisions of the Supreme Court Relating to
23 Municipal Corporations, Taxation and Assessments* Page 64, Image 64 (1876)
24 available at *The Making of Modern Law: Primary Sources*. 1876. Misdemeanors,
25 § 39.

26 ³⁶ George W. Hess, *Revised Ordinances of the City of Evanston: Also Special Laws
27 and Ordinances of General Interest* Page 131-32, Image 143-44 (1893) available at
28 *The Making of Modern Law: Primary Sources*.

³⁷ Elliott Fitch Shepard, *Ordinances of the Mayor, Aldermen and Commonalty of
the City of New York, in Force January 1, 1881; Adopted by the Common Council
and Published by Their Authority* Page 214-15, Image 214-15 (1881) available at
The Making of Modern Law: Primary Sources.

³⁸ George R. Donnan, *Annotated Code of Criminal Procedure and Penal Code of*

1 later, the law was extended to all cities in the state and included “any pistol or other
2 firearms of any kind.”³⁹ (This would have included long guns as it did not specify
3 only concealed carry.) In 1891, the state extended permitting to Buffalo covering
4 handguns and other dangerous weapons.⁴⁰

5 38. Wheeling, West Virginia enacted a law in 1881 making it “unlawful for
6 any person to carry” various named weapons, including a “colt” revolver, or to
7 “carry about his person, hid from common observation” any pistol or other named
8 weapon without a permit from the mayor.⁴¹ Under the heading “License,” an 1882
9 law applying to St. Paul, Minnesota criminalized any concealed weapons carrying,
10 absent such licensing.⁴²

11 39. An 1888 Salt Lake City, Utah ordinance barred the carrying of “any
12 concealed weapon” unless the person obtained a permit from the city mayor.⁴³ New
13 Haven, Connecticut enacted a similar anti-carry law in 1890, extending to pistols,
14 unless the person first obtained a permit either from the mayor or police
15

16 _____
17 the State of New York as Amended 1882-5 Page 172, Image 699 (1885) available
18 at The Making of Modern Law: Primary Sources. 1884.

19 ³⁹ George R. Donnan, Annotated Code of Criminal Procedure and Penal Code of
20 the State of New York as Amended 1882-5. Fourth Edition Page 298, Image 824
21 (1885) available at The Making of Modern Law: Primary Sources.

22 ⁴⁰ 1891 N.Y. Laws 129, 177, An Act to Revise the Charter of the City of Buffalo,
23 ch. 105, tit. 7, ch. 2, § 209.

24 ⁴¹ Laws and Ordinances for the Government of the City of Wheeling, West Virginia
25 (Wheeling, WV: W. Va. Printing 1891), p. 206, SEC. 14. 1881.

26 ⁴² W. P. Murray, The Municipal Code of Saint Paul: Comprising the Laws of the
27 State of Minnesota Relating to the City of Saint Paul, and the Ordinances of the
28 Common Council; Revised to December 1, 1884 Page 289, Image 295 (1884)
available at The Making of Modern Law: Primary Sources. 1882.

⁴³ The Revised Ordinances of Salt Lake City, Utah, Chapter XXVI, Misdemeanors,
p. 283 Sec. 14 (1888), Dangerous and Concealed Weapons. SEC. 14.

1 superintendent.⁴⁴ Oakland, California enacted a similar law in 1890 making it
2 unlawful “to wear or carry concealed about his person” a pistol or other listed
3 weapon unless the person obtained a permit from the mayor. The permit was good
4 for up to a year, and could be granted to “any peaceable person whose profession or
5 occupation may require him to be out at late hours of the night to carry a concealed
6 deadly weapon upon his person.”⁴⁵ The California cities of Stockton (1891)⁴⁶ and
7 Fresno (1896)⁴⁷ did the same.

8 40. A law passed by the U.S. Congress in 1892 for the District of Columbia
9 criminalized the concealed carry of “any deadly or dangerous weapons,” including
10 pistols, unless granted a permit by a judge of the police court “for a period of not
11 more than one month at any one time, upon satisfactory proof to him of the
12 necessity for the granting thereof. . . .”⁴⁸ Florida’s 1893 law made it “unlawful to
13 carry or own a Winchester or other repeating rifle without first taking out a license
14 from the County Commissioner. . . .”⁴⁹ In addition, the law specified that the
15 applicant “shall give a bond running to the Governor of the State in the sum of one
16 hundred dollars, conditioned on the proper and legitimate use of the gun with
17

18 ⁴⁴ Charles Stoers Hamilton, Charter and Ordinances of the City of New Haven,
19 Together with Legislative Acts Affecting Said City Page 164, Image 167 (1890)
available at The Making of Modern Law: Primary Sources.

20 ⁴⁵ Fred L. Button, ed., General Municipal Ordinances of the City of Oakland,
21 California (Oakland, CA; Enquirer, 1895), p. 218, Sec. 1, An Ordinance to Prohibit
22 the Carrying of Concealed Weapons, No. 1141. 1890.

23 ⁴⁶ Charter and Ordinances of the City of Stockton (Stockton, CA: Stockton Mail
Printers and Bookbinders, 1908), p. 240, Ordinance No. 53. 1891.

24 ⁴⁷ L. W. Moultrie, Charter and Ordinances of the City of Fresno Page 30, Image 28
25 (1896) available at The Making of Modern Law: Primary Sources.

26 ⁴⁸ Washington D.C. 27 Stat. 116 (1892), ch. 159.

27 ⁴⁹ 1893 Fla. Laws 71-72, An Act to Regulate the Carrying of Firearms, ch. 4147,
28 §§ 1-4.

1 sureties to be approved by the County Commissioners,” along with “a record of the
2 name of the person taking out such license, the name of the maker of the firearm so
3 licensed to be carried and the caliber and number of the same.”⁵⁰

4 41. Montana enacted a wide-ranging state licensing law in 1895 that
5 threatened imprisonment and fines for anyone “who brings into this state an armed
6 person or armed body of men for the preservation of the peace or the suppression of
7 domestic violence, except at the solicitation and by the permission of the legislative
8 assembly or of the governor”⁵¹

9 42. A state law in Nebraska granted the mayor of Lincoln the authority to
10 issue concealed carry weapons licenses good for a year “at his pleasure” in 1895.⁵²
11 The city of Spokane, Washington criminalized the concealed carrying of “either a
12 revolver, pistol or other fire-arms” unless persons obtained a “special written permit
13 from the Superior Court” to do so.⁵³ Milwaukee, Wisconsin enacted a permitting
14 system in 1896 for persons to carry various otherwise barred dangerous weapons
15 including “any pistol or colt.” The city police chief granted a license if “it is
16 necessary for the personal safety of such person or for the safety of his property or
17
18

19 ⁵⁰ 1893 Fla. Laws 71-72, An Act to Regulate the Carrying of Firearms, ch. 4147,
20 §§ 1-4.

21 ⁵¹ Decius Spear Wade, *The Codes and Statutes of Montana. In Force July 1st, 1895.*
22 *Including the Political Code, Civil Code, Code of Civil Procedure and Penal Code.*
23 *As Amended and Adopted by the Fourth Legislative Assembly, Together with*
24 *Other Laws Continued in Force Page 873, Image 914 (Vol. 2, 1895) available at*
The Making of Modern Law: Primary Sources. 1895. Crimes Against the Public
Peace, § 759.

25 ⁵² 1869 Neb. Laws 53, An Act to Incorporate Cities of the First Class in the State of
26 Nebraska, § 47.

27 ⁵³ Rose M. Denny, ed., *The Municipal Code of the City of Spokane, Washington*
28 *(Spokane, WA; W.D. Knight, 1896), p. 309-10, Ordinance No. A544, Sec. 1. 1895.*

1 of the property with which he may be entrusted, to carry such weapon.” The chief
2 could also “revoke such permit at any time.”⁵⁴

3 43. In the twentieth century, permitting accelerated, spread, and broadened.
4 In 1905, New Jersey enacted a state law licensing concealed weapons carrying for a
5 year “unless sooner revoked by the officer or body granting the same.”⁵⁵ Licensing
6 was extended to long guns—machine guns and automatic rifles—in New Jersey in
7 1927⁵⁶ and 1934.⁵⁷ In 1906, a Massachusetts state law noted that prosecution for
8 carrying “a loaded pistol or revolver” did not apply to those with a license.⁵⁸ It
9 extended licensing to a variety of guns in 1927.⁵⁹ In 1908, Virginia enacted a
10 dangerous weapons concealed carry permit law, with permits granted for one year
11 “upon a written application and satisfactory proof of the good character and
12 necessity of the applicant to carry concealed weapon.”⁶⁰ It extended the permitting
13 process in 1926.⁶¹ Georgia enacted a detailed handgun permitting system in 1910.⁶²

14 _____
15 ⁵⁴ Charles H. Hamilton, ed., *The General Ordinances of the City of Milwaukee to*
16 *January 1, 1896: With Amendments Thereto and an Appendix* (Milwaukee, WI: E.
17 Keough, 1896), pp.692-93, Sec. 25. Chapter XX. Misdemeanors. Section 25.

18 ⁵⁵ 1905 N.J. Laws 324-25, A Supplement to an Act Entitled “An Act for the
19 Punishment of Crimes,” ch. 172, § 1.

20 ⁵⁶ 1927 N.J. Laws 180-81, A Supplement to an Act Entitled “An Act for the
21 Punishment of Crimes,” ch. 95, §§ 1-2.

22 ⁵⁷ 1934 N.J. Laws 394-95, A Further Supplement to an Act Entitled “An Act for the
23 Punishment of Crimes,” ch. 155, §§ 1-5.

24 ⁵⁸ 1906 Mass. Acts 150, ch. 172, An Act to Regulate by License the Carrying of
25 Concealed Weapons.

26 ⁵⁹ 1927 Mass. Acts 413, An Act Relative to Machine Guns and Other Firearms,
27 ch. 326, §§ 1-2 (amending §§ 121, 123).

28 ⁶⁰ 1908 Va. Laws 381, An Act To Amend And Re-Enact Section 3780 Of The Code
In Relation To Carrying Concealed Weapons, § 3780.

⁶¹ 1926 Va. Acts. 285-87, ch. 158.

⁶² Orville Park, *Park’s Annotated Code of the State of Georgia 1914*, Penal Code,

1 As discussed earlier, New York State established comprehensive handgun licensing
2 in 1911.⁶³

3 44. A paradigmatic example of a modern permitting system was enacted in
4 Montana in 1918:

5 every person within the State of Montana, who owns or has in his possession
6 any fire arms or weapons shall make a full, true, and complete verified report
7 upon the form hereinafter provided to the sheriff of the County in which such
8 person lives, of all fire arms and weapons which are owned or possessed by
9 him or her or are in his or her control, and on sale or transfer into the
10 possession of any other person such person shall immediately forward to the
11 sheriff of the County in which such person lives the name and address of that
12 purchaser and person into whose possession or control such fire arm or
13 weapon was delivered.⁶⁴

14 Thereafter, permitting was enacted in states (not including those that enacted
15 permitting in the 1800s, most of which also enacted permitting laws in the 1900s as
16
17
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19
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23 Article 3, Carrying pistols without license, § 348(a)-(d). 1910.

24 ⁶³ 1911 N.Y. Laws 442-43, An Act to Amend the Penal Law, in Relation to the Sale
25 and Carrying of Dangerous Weapons. ch. 195, §§1-2.

26 ⁶⁴ 1918 Mont. Laws 6-7, 9, An Act Entitled “An Act Providing for the Registration
27 of All Fire Arms and Weapons and Regulating the Sale Thereof and Defining the
28 Duties of Certain County Officers and Providing Penalties for a Violation of the
Provisions of This Act,” ch. 2, §§ 1, 3, 8.

1 well) including Hawaii,⁶⁵ Indiana,⁶⁶ Michigan,⁶⁷ New Hampshire,⁶⁸ North
2 Carolina,⁶⁹ North Dakota,⁷⁰ Ohio,⁷¹ Oregon,⁷² Pennsylvania,⁷³ Rhode Island,⁷⁴ and
3 South Carolina.⁷⁵

4
5
6 ⁶⁵ 1927 Haw. Sess. Laws 209-17, AN ACT Regulating the Sale, Transfer and
7 Possession of Certain Firearms and Ammunitions, and Amending Sections 2136,
8 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2146 and 2147 of the Revised Laws of
9 Hawaii 1925 (the “Small Arms Act”), §§ 10-11, § 17; 1933 Haw. Sess. Laws 39,
10 An Act Regulating the Sale, Transfer, and Possession of Firearms and Ammunition,
11 § 8, 10-16.

12 ⁶⁶ 1925 Ind. Acts 495, 495-98.

13 ⁶⁷ 1925 Mich. Pub. Acts 47, An Act to Regulate the Possession and Sale of Pistols,
14 Revolvers and Guns; to Provide a Method of Licensing Those Carrying Such
15 Weapons Concealed; and to Provide Penalties for Violations of Such Regulations,
16 § 7; 1927 Mich. Pub. Acts 888-89, 91, An Act to Regulate and License the Selling,
17 Purchasing, Possessing and Carrying of Certain Firearms, §§ 3, 9.

18 ⁶⁸ 1923 N.H. Laws 138.

19 ⁶⁹ 1919 N.C. Sess. Laws 397-99, Pub. Laws, An Act to Regulate the Sale of
20 Concealed Weapons in North Carolina, ch. 197, §§1, 5.

21 ⁷⁰ 1915 N.D. Laws 96, An Act to Provide for the Punishment of Any Person
22 Carrying Concealed Any Dangerous Weapons or Explosives, or Who Has the Same
23 in His Possession, Custody or Control, unless Such Weapon or Explosive Is Carried
24 in the Prosecution of a Legitimate and Lawful Purpose, ch. 83, §§ 1-3, 5; 1923 N.D.
25 Laws 379, 380-82 ch. 266; 1925 N.D. Laws 216–17, Pistols and Revolvers,
26 ch. 174, § 2; 1931 N. D. Laws 305-06, An Act to Prohibit the Possession, Sale and
27 Use of Machine Guns, Sub-Machine Guns, or Automatic Rifles and Defining the
28 Same . . . , ch. 178, §§ 1-2.

⁷¹ 1933 Ohio Laws 189-90, Reg. Sess., An Act. . . Relative to the Sale and
Possession of Machine Guns, § 1.

⁷² 1913 Or. Laws 497; 1917 Or. Sess. Laws 804-808; 1925 Or. Laws 468, 469-71.

⁷³ 1929 Pa. Laws 777; 1931 PA. Laws 498, No. 158.

⁷⁴ 1927 (January Session) R.I. Pub. Laws 256.

⁷⁵ 1934 S.C. Acts 1288.

1 **B. Permits for Discharge of Firearms or Use of Explosives and**
2 **Licensing of Gunpowder**

3 45. Laws pertaining to the licensing or permitting of firearm discharges, the
4 use of explosives, and gunpowder are similar to requiring background checks for
5 firearm ammunition, in that they extend licensing beyond the firearms themselves
6 to the firing processes or implements.

7 46. As noted above, at least 26 states enacted licensing mechanisms to allow
8 firearms and like discharges under certain circumstances. Generally speaking,
9 firearms discharge licensing pertained to any firearm, not just handguns. From the
10 1700s to 1860, at least 13 states enacted discharge licensing authority to local
11 officials. The earliest were in Pennsylvania. In 1713, Philadelphia penalized various
12 activities in the city including “firing a Gun without license.”⁷⁶ An act pertaining to
13 the entire colony from 1721 imposed “penalties and forfeitures” to anyone who
14 engaged in various activities including firing “any gun or other fire arm” or selling
15 or setting off various types of fireworks “without the governor’s special license.”⁷⁷
16 Another Philadelphia ordinance to prevent “mischief [that] may happen by shooting
17 of guns” or setting off fireworks, criminalized such activities unless individuals first
18 obtained a “governor’s special license.”⁷⁸ A 1750 law did the same for the District
19

20 ⁷⁶ Pennsylvania Archives. Selected And Arranged From Original Documents In The
21 Office Of The Secretary Of The Commonwealth, Conformably To Acts Of The
22 General Assembly, February 15, 1851, & March 1, 1852 Page 160, Image 162
(1852) available at The Making of Modern Law: Primary Sources. 1713.

23 ⁷⁷ Act of 26th August 1721. [An Act of 9th of February, 1750-51], § 1.

24 ⁷⁸ John C. Lowber, Ordinances of the Corporation of the City of Philadelphia; to
25 Which are Prefixed, the Original Charter, the Act of Incorporation, and Other Acts
26 of Assembly Relating to the City; with an Appendix, Containing the Regulation of
27 the Bank of the River Delaware, the Portraiture of the City, as Originally Laid Out
28 by the Proprietor, &c. &c. Page 15-16, Image 18-19 (1812) available at The
Making of Modern Law: Primary Sources. 1721.

1 of Southwark (Penn.),⁷⁹ as did a colony-wide law also in 1750.⁸⁰ In 1824,
2 permission from the president of the board of commissioners was required for
3 anyone seeking to test through firing any gun, cannon, or similar weapons in certain
4 sections of Philadelphia.⁸¹

5 47. Charleston, South Carolina enacted an ordinance in 1802 similar to those
6 of Philadelphia where Commissioners of the Streets would grant a license for gun
7 firing and fireworks “at times of public rejoicing” and at specified locations.⁸² New
8 Hampshire enacted a discharge permit system for Portsmouth in 1823.⁸³ New York
9 State enacted a law in 1824 that allowed the Schenectady mayor or other city
10 officials to grant permission for discharge of any gun or various fireworks.⁸⁴
11 Marietta, Ohio enacted a discharge licensing law in 1823 because of concern that
12 “the quiet of any of the inhabitants may be disturbed, or their lives and safety
13 endangered.”⁸⁵ New London, Connecticut singled out “some public day of review”

14 _____
15 ⁷⁹ Ordinances of the Corporation of the District of Southwark and the Acts of
16 Assembly Relating Thereto Page 49, Image 47 (1829) available at The Making of
17 Modern Law: Primary Sources. 1750.

18 ⁸⁰ 1750 Pa. Laws 208.

19 ⁸¹ An Act of Incorporation for that Part of the Northern Liberties, Lying between
20 the Middle of Sixth Street and the River Delaware, and between Vine Street and
21 Cohocksink Creek, with Ordinances for the Improvement of the Same Page 51,
22 Image 52 (1824) available at The Making of Modern Law: Primary Sources. 1824.

23 ⁸² Alexander Edwards, Ordinances of the City Council of Charleston, in the State of
24 South-Carolina, Passed since the Incorporation of the City, Collected and Revised
25 Pursuant to a Resolution of the Council Page 289, Image 299 (1802) available at
26 The Making of Modern Law: Primary Sources. 1802.

27 ⁸³ 1823 N.H. Laws 73-74, An Act to Establish a System of Police in the Town of
28 Portsmouth, and for Other Purposes, ch. 34, § 4.

⁸⁴ Laws of the State of New-York, Relating to the City of Schenectady: And the
Laws and Ordinances of the Common Council of the City of Schenectady Page 58,
Image 58 (1824) available at The Making of Modern Law: Primary Sources.

⁸⁵ The Act of Incorporation, and the Ordinances and Regulations of the Town of

1 in an 1835 law as a permissible reason for issuing a discharge permit,⁸⁶ and New
2 Haven enacted a similar law in 1845.⁸⁷ The same was enacted for Quincy, Illinois
3 in 1841,⁸⁸ Jeffersonville, Indiana in 1855,⁸⁹ and Richmond, Virginia in 1859.⁹⁰
4 Another 20 states enacted such laws from the end of the Civil War up to the end of
5 the 1800s (not including states that enacted laws both before and after the Civil
6 War: Alabama, Arkansas, California, Colorado, Louisiana, New Jersey, Oregon,
7 Texas, Vermont, Washington State, West Virginia, Wisconsin, and Wyoming).
8 Most of them applied to specified cities and towns within their states (see Exhibits
9 B and C).

10 48. In addition, gunpowder was widely and extensively regulated in the
11 colonies and states. In fact, with one exception, every state in the country enacted
12 one or more gunpowder laws from the seventeenth century through the start of the
13 twentieth century.⁹¹ One element of this regulation was gunpowder licensing; at

14 _____
15 Marietta, Washington County, Ohio Page 17-18, Image 17-18 (1837) available at
16 The Making of Modern Law: Primary Sources. 1823.

17 ⁸⁶ The By-Laws of the City of New London, with the Statute Laws of the State of
18 Connecticut Relative to Said City Page 47-48, Image 47-48 (1855) available at The
19 Making of Modern Law: Primary Sources. 1835.

20 ⁸⁷ 1845 Conn. Acts 10, An Act Prohibiting the Firing of Guns and Other Fire Arms
21 in the City of New Haven, ch. 10.

22 ⁸⁸ Samuel P. Church, The Revised Ordinances of the City of Quincy, Ill. to Which
23 are Prefixed the Charter of the City of Quincy, and the Amendment Thereto Page
24 47, Image 47 (1841) available at The Making of Modern Law: Primary Sources.
25 1841.

26 ⁸⁹ W. G. Armstrong, The Ordinances and Charter of the City of Jeffersonville Page
27 15-17, Image 15-17 (1855) available at The Making of Modern Law: Primary
28 Sources. 1855.

⁹⁰ The Charters and Ordinances of the City of Richmond, with the Declaration of
Rights, and Constitution of Virginia Page 227, Image 274 (1859) available at The
Making of Modern Law: Primary Sources. 1859.

⁹¹ Mark Anthony Frassetto, “The Duty to Bear Arms: Historical Militia Law, Fire

1 least 21 states enacted such licensing from the 1700s through the early 1900s (see
2 Exhibits B and C).

3 **C. Commercial Licensing and Recording**

4 49. A number of licensing and recording laws demonstrate a tradition of
5 placing requirements on vendors, in addition to the purchasers themselves.

6 50. As noted, a total of at least 21 states enacted commercial licensing laws
7 with 16 states doing so throughout the 1800s, and 9 states doing so in the early
8 1900s (some states enacted laws in both centuries).

9 51. The earliest commercial licensing law was an 1814 Illinois measure that
10 made it unlawful for whites to engage in commercial activities with Native
11 Americans unless they obtained a license from the governor.⁹² A century later, a
12 Chicago ordinance imposed a licensing requirement both on persons or entities to
13 sell concealable weapons, and also a licensing requirement to those seeking to buy
14 them.⁹³ An 1854 law for San Francisco, California licensed commercial shooting
15
16

17 _____
18 Prevention Law, and the Modern Second Amendment” (January 12, 2022), 8, in
19 *New Histories of Gun Rights and Regulation: Essays on the Place of Guns in*
20 *American Law and Society* (eds. Jacob Charles, Joseph Blocher & Darrell Miller)
21 (Oxford University Press, Forthcoming), available at SSRN:
22 <https://ssrn.com/abstract=4007491> or <http://dx.doi.org/10.2139/ssrn.4007491>; Saul
23 Cornell and Nathan DeDino, “A Well Regulated Right: The Early American
24 Origins of Gun Control,” *Fordham Law Review* 73(2004): 510; Winkler, *Gunfight*,
25 116-17, 286.

26 ⁹² An Act concerning the Kaskaskia Indians, in Nathaniel Pope, *Laws of the*
27 *Territory of Illinois* (1815). 1814. This law is placed under this category because it
28 pertained to white settler commerce; it was not a law that licensed Natives to
engage in commerce.

⁹³ Samuel A. Ettelson, *Opinions of the Corporation Counsel and Assistants from*
May 1, 1915, to June 30, 1916 Page 458-59, Image 458-59 (Vol. 7, 1916) available
at *The Making of Modern Law: Primary Sources*. 1914.

1 galleries.⁹⁴ Indeed, at least 10 of the states in this category enacted shooting gallery
2 licensing requirements.

3 **D. Weapons Sellers Recording Purchases**

4 52. Aside from direct licensing of weapons purchasers by a government
5 official or entity, at least 15 states required those who sold or otherwise transferred
6 guns (mostly handguns) or other weapons to others to record information about the
7 buyer, with that information to be maintained and subject to possible later
8 examination. This regulatory mechanism put the burden of information collection
9 and maintenance on the seller or dealer, rather than directly on the government,
10 though it served the same purpose: to acquire and maintain information about those
11 who obtained the weapons in question and when, for future reference or inspection
12 by government officials or others. In some instances these requirements existed
13 along with direct governmental licensing.

14 53. In 1885, Illinois enacted this registration requirement for weapons
15 dealers:

16 All persons dealing in deadly weapons, hereinbefore mentioned, at retail
17 within this State shall keep a register of all such weapons sold or given away
18 by them. Such register shall contain the date of the sale or gift, the name and
19 age of the person to whom the weapon is sold or given, the price of the said
20 weapon, and the purpose for which it is purchased or obtained. The said
21 register shall be in the following form. [Form of Register] Said register is to
22 be kept open for inspection of the public. . . .⁹⁵

23 With minor variations, this law was typical of such requirements. For example, a
24 1911 Colorado law offered this detailed set of instructions:

25 ⁹⁴ Ordinances and Joint Resolutions of the City of San Francisco; Together with a
26 List of the Officers of the City and County, and Rules and Orders of the Common
27 Council Page 220, Image 256 (1854) available at The Making of Modern Law:
28 Primary Sources. 1854.

⁹⁵ Merritt Starr & Russell H. Curtis, Annotated Statutes of the State of Illinois in
Force (1885), Criminal Code, ch. 38, ¶ 90.

1
2 Every individual, firm or corporation engaged . . . in the- retail sale, rental or
3 exchange of firearms, pistols or revolvers, shall keep a record of each pistol
4 or revolver sold, rented or exchanged at retail. Said record shall be made at
5 the time of the transaction in a book kept for that purpose and shall include
6 the name of the person to whom the pistol or revolver is sold or rented, or
7 with whom exchanged; his age, occupation, residence, and, if residing in a
8 city, the street and number therein where he resides; the make, calibre and
9 finish of said pistol, or revolver, together with its number and serial letter, if
10 any; the date of the sale, rental or exchange of said revolver; and the name of
11 the employee or other person making such sale, rental or exchange. Said
12 record-book shall be open at all times to the inspection of any duly
13 authorized police officer.⁹⁶

14 54. The 1911 New York law discussed earlier required every person selling
15 any handgun to maintain a register “at the time of sale, the date of sale, name, age,
16 occupation and residence of every purchaser of such a pistol, revolver or other
17 firearm, together with the calibre, make, model, manufacturer’s number or other
18 mark of identification on such pistol, revolver or other firearm.”⁹⁷ The purchaser
19 also had to produce a permit at the time of the transaction, with the seller to note the
20 permit information.

21 **E. Licensing Pertaining to Named Groups**

22 55. The licensing of “Named Groups” referenced in Exhibit B includes the
23 granting of weapons licenses to non-state residents, non-citizens, minors, felons, the
24 intoxicated (who stood to lose their licenses), and Native Americans/Indigenous
25 people. Licensing the sale of weapons to Native Americans might seem
26 paradoxical, since white leaders fought protracted conflicts with Natives from the
27 1600s through the end of the nineteenth century. But whites also traded arms with
28 Natives throughout this entire period, as they sought profitability, access to highly

26 ⁹⁶ 1911 Colo. Sess. Laws 408, § 3.

27 ⁹⁷ 1911 N.Y. Laws 444-45, An Act to Amend the Penal Law, in Relation to the Sale
28 and Carrying of Dangerous Weapons. ch. 195, § 2.

1 desired goods made available by Indigenous people, and security alliances with
2 some Indians through the supplying of weapons. This steady and enduring trade
3 revealed “the high degree of interdependence between Indians and Euro-
4 Americans.”⁹⁸

5 56. As for licensing related to enslaved persons and free African Americans
6 (listed separately in Exhibit B), found in Southern and border states, it is well
7 understood that white racist regimes before the Civil War were frantic to keep
8 weapons out of the hands of enslaved persons.⁹⁹ The laws listed here, however, are
9 all instances when enslaved persons or free persons of color were allowed to have
10 possession of weapons under listed, restricted circumstances through licensing in
11 the pre-Civil War era. Some whites who owned enslaved persons sought the
12 convenience of allowing the enslaved to carry weapons for hunting or other
13 purposes designated by, and often under the supervision of, the white owners.

14 57. The fact that groups treated as marginalized in prior centuries—
15 especially African Americans and Native Americans—were authorized to gain
16 limited access to dangerous weapons through licensing may seem incompatible
17 with an otherwise racist tradition aimed at subjugating these groups, but such
18 measures reflect the fact that it was in the interest of whites to allow weapons
19 acquisition to these groups under limited circumstances.

20 **IV. WEAPONS CONFISCATION/FORFEIT LAWS**

21 58. As discussed, a background check system exists to provide for some kind
22 of process to examine or evaluate an individual seeking a firearm, or related
23 information, or for other similar purposes. It naturally suggests circumstances
24 where the check may produce information that might prevent the completion of,
25 say, a weapons sale. But in the exploration of analogous weapons laws, what about

26 ⁹⁸ David J. Silverman, *Thundersticks* (Cambridge, MA: Harvard University Press,
27 2016), 15-16 and passim.

28 ⁹⁹ Carl T. Bogus, *Madison’s Militia* (NY: Oxford University Press, 2023).

1 circumstances where an individual who owns a firearm is actually deprived of that
2 weapon for various behaviors, infractions, or reasons? The most common penalties
3 for firearms violations in historic gun laws, including violations of weapons
4 carrying restrictions, were some combination of fines and incarceration. But as the
5 account below demonstrates, numerous old weapons laws also provided for
6 weapons confiscation (usually in addition to fines and imprisonment). That
7 weapons could be confiscated as a penalty for something in an individual’s life or
8 behavior demonstrates the tradition—carried out today through background
9 checks—of limiting possession based on those enumerated traits. The account
10 below details gun confiscation penalties in at least two broad circumstances:
11 violation of weapons carrying laws, and violation of hunting laws.

12 **A. Weapons Confiscation for Violating Carry and Related Laws**

13 59. Weapons confiscation was by no means a ubiquitous penalty, but it was a
14 remarkably frequent penalty for violating weapons carrying laws. From the 1600s
15 to the early 1900s, at least 35 states had such laws. Of those, 5 states adopted
16 confiscation laws only applied to enslaved persons or persons of color (these were
17 Southern states before the Civil War¹⁰⁰). Subtracting those 5 leaves 30 states with
18 confiscation laws. Broken down by century, 5 of the remaining states had weapons
19 confiscation laws in the 1700s. In the 1800s, 20 states had such laws. In the 1900s,
20 13 states had such laws (note that some states enacted laws in more than one
21 century) (see Exhibits D and E).

22 60. Among the earliest of these laws was one from Virginia in 1633 which
23 called for anyone who sold or bartered with Native Americans “any arms or
24 ammunition” to forfeit “all the goods and chattels” owned by the individual found
25

26 _____
27 ¹⁰⁰ Alabama (1805), Georgia (1768), Kentucky (1798), Louisiana (1806), and
28 Missouri (1818). See Exhibit D.

1 bartering with Natives (which, one assumes, would include any firearms).¹⁰¹ In
2 1642, Virginia enacted a similar law punishing any who would sell or barter with
3 any Native any “piece, powder and shot . . . shall forfeit his whole estate.”¹⁰² A
4 1651 Virginia law called for “all ammunition, powder and arms, other than for
5 private use” to “be delivered up, security being given to make satisfaction for it,” a
6 measure apparently aimed at insuring weapons availability for community use.¹⁰³

7 61. The Massachusetts colony enacted a law in 1637 that required named
8 individuals who expressed “opinions & revelations” that “seduced & led into
9 dangerous errors many of the people” of New England to turn in all “guns, pistols,
10 swords, powder, shot, & match as they shalbee owners of, or have in their custody”
11 and it further barred them from “buy[ing] or borrow[ing]” any of the same until
12 such time as the local court said otherwise. If those disarmed admitted to their
13 “seditious libel” to two magistrates, they could have their weapons restored.¹⁰⁴

14 62. In 1708, New Hampshire enacted a law that punished any “who shall go
15 armed offensively, or put his Majesty’s subjects in fear, by menaces or threatening
16 speeches.” The penalty, in part, was that “the arms or weapons so used by the
17 offender, to be taken away, which shall be forfeited and sold for his Majesty’s
18 use.”¹⁰⁵ A 1746 Massachusetts law called for the seizure of “any gun or pistol”
19 discharged in Boston or anywhere near the harbor.¹⁰⁶ A 1783 Massachusetts law

20 ¹⁰¹ 1633 Va. Acts 219, Acts Made by the Grand Assembly, Holden At James City,
21 August 21st, 1633, An Act That No Arms or Ammunition Be Sold To The Indians,
22 Act X.

23 ¹⁰² 1642 Va. Acts 255, Acts of March 2nd, 1642, Act XXIII.

24 ¹⁰³ 1651 Va. Acts 365, Articles At The Surrender Of The Country, art. 13.

25 ¹⁰⁴ I RECORDS OF THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BAY IN
26 NEW ENGLAND 211–12, enacted November 20, 1637 (Nathaniel B. Shurtleff ed.,
1853).

27 ¹⁰⁵ New Hampshire Public Carry Prohibition (1708).

28 ¹⁰⁶ 1746 Mass. Acts 208, An Act to Prevent the Firing of Guns Charged with Shot

1 subjected to seizure “any cannon, swivel, mortar, howitzer, cohorn, or fire arm,
2 loaded with or having gunpowder in the same” if found in any dwelling or other
3 building or structure in Boston.¹⁰⁷ A 1786 Virginia law called for any who “ride
4 armed by night nor by day, in fair or markets, or in other places, in terror of the
5 county” to “forfeit his armour” (i.e. weaponry). This law also applied the same
6 penalty to any who would come before local officials with “force and arms.”¹⁰⁸

7 63. Pennsylvania enacted a law at the start of the Revolutionary War in 1776
8 that provided for local militias to confiscate firearms from any who refused to
9 pledge loyalty to the new government.¹⁰⁹ Massachusetts enacted a similar law in
10 1776,¹¹⁰ as did Virginia in 1777.¹¹¹ These were not penalties for anti-carry law
11 violations, and as Scott Paul Gordon notes, those from whom the guns were taken
12 were typically law-abiding and peaceful.¹¹² Still, these were gun confiscation laws
13 for those viewed as disloyal (unwilling to pledge loyalty), as was a 1756 Maryland

14 _____
15 or Ball in the Town of Boston, ch. 11, § 1.

16 ¹⁰⁷ 1783 Mass. Acts 37, An Act in Addition to the Several Acts Already Made for
17 the Prudent Storage of Gun Powder within the Town of Boston, § 2.

18 ¹⁰⁸ 1786 Va. Acts 35. (Ch. 49, An Act Forbidding and Punishing Affrays).

19 ¹⁰⁹ 1776 Pa. Laws 11, An Ordinance Respecting The Arms Of Non-Associators,
20 § 1; also 1778 Pa. Laws 123, An act for the further security of the government, ch.
21 LXI, §1; 1779 Pa. Laws 193, An Act. . . for Disarming Persons Who Shall not Have
22 Given Attestations of Allegiance and Fidelity to this State, §§ 4-5.

23 ¹¹⁰ Act of Mar. 14, 1776, ch. VII, 1775-1776 Mass. Act at 31–32, 35.

24 ¹¹¹ Act of May 5, 1777, ch. 3, in 9 HENING’S STATUTES AT LARGE 281, 281-
25 82 (1821). Winkler reported that ten of the colonies impressed firearms that were
26 privately owned to be used during the Revolutionary war. *Gunfight*, 113.

27 ¹¹² Scott Paul Gordon, “A Moravian Rifle Goes to War: Disarming and Arming
28 Pennsylvanians, 1775–1776,” *Pennsylvania History* 90 (April 2023),
[https://scholarlypublishingcollective.org/psup/pa-
history/article/90/2/155/352020/A-Moravian-Rifle-Goes-to-War-Disarming-and-
Arming](https://scholarlypublishingcollective.org/psup/pa-history/article/90/2/155/352020/A-Moravian-Rifle-Goes-to-War-Disarming-and-Arming).

1 law that stripped “Papists” (i.e. Catholics) of their “Armour, Gunpowder, and
2 Ammunition.”¹¹³

3 64. Aside from firearms, other early laws called for confiscation of
4 gunpowder in individuals’ possession (though gunpowder was of course
5 indispensable to the firing of guns well into the nineteenth century). A
6 Massachusetts law from 1719 directed that any gunpowder found on board any
7 vessel docked at the port of Boston was subject to confiscation.¹¹⁴ The concern over
8 gunpowder led Massachusetts to enact a more sweeping measure in 1801 directing
9 that all gunpowder entering Boston that was not promptly stored in a designated
10 Powder House would be confiscated.¹¹⁵ Similar New Hampshire laws in 1786 and
11 1793 said that any container or building which housed ten pounds of gunpowder or
12 more in Portsmouth would be subject to seizure.¹¹⁶ A 1795 Pennsylvania law
13 imposed a series of testing, transport, storage, and sale requirements on gunpowder

14 _____
15 ¹¹³ An Act to Prevent Popery within this Province, Votes and Proceedings of the
16 Lower House of Assembly of the Province of Maryland (22 May, 1756). At the
17 time, Catholics were perceived as potentially more loyal to the Pope in Rome than
18 to local governmental authorities. Maryland was established as a haven for English
19 Catholics, but they were soon outnumbered by Protestants, who feared a replication
20 of Catholic-Protestant warfare in England. And antagonists France and Spain were
21 both Catholic countries, all of which sparked repressive measures against Catholics
22 in the colony. “The Founding of Maryland,” Bill of Rights Institute,
23 <https://billofrightsinstitute.org/essays/the-founding-of-maryland>.

24 ¹¹⁴ 1719 Mass. Acts 348, An Act In Further Addition To An Act For Erecting A
25 Powder House In Boston, ch. III, § 1.

26 ¹¹⁵ 1801 Mass. Acts 507, An Act to Provide for the Storing and Safe Keeping of
27 Gun Powder in the Town of Boston, and to Prevent Damage from the Same,
28 ch. XX.

¹¹⁶ 1786 N.H. Laws 383-84, An Act to Prevent the Keeping of Large Quantities of
Gun-Powder in Private Houses in Portsmouth, and for Appointing a Keeper of the
Magazine Belonging to Said Town; 1793 N.H. Laws 464-65, An Act to Prevent the
Keeping of Large Quantities of Gun-Powder in Private Houses in Portsmouth, and
for Appointing a Keeper of the Magazine Belonging to Said Town.

1 that called for the confiscation of any powder over twenty-five pounds to be sold in
2 Philadelphia if not inspected first.¹¹⁷

3 65. An ordinance for Columbia, South Carolina in 1817 penalized firearms
4 discharging with a fine, but for minors or others who had no “ostensible property”
5 against which the fine could be levied would find their gun or pistol seized.¹¹⁸ An
6 1859 ordinance for Georgetown, District of Columbia, provided that anyone found
7 carrying various concealed dangerous weapons, including pistols, would pay a fine
8 and also that “all such weapons named above shall be taken away from the persons
9 on whom they may be found.”¹¹⁹ An 1867 Mississippi law imposed a tax on “every
10 gun and pistol which may be in the possession of any person” in Washington
11 County. Those who failed to pay the tax would have their guns seized and sold.¹²⁰
12 Lexington, Virginia enacted an ordinance, also in 1867, that subjected anyone
13 found carrying concealed any of several listed weapons, including pistols, to a fine
14 and confiscation of the weapons in question.¹²¹ An 1869 ordinance for Baltimore,
15 Maryland said that if any collection of firearms or other weapons or ammunition

16 _____
17 ¹¹⁷ Laws of the Commonwealth of Pennsylvania, from the Fourteenth Day of
18 October, One Thousand Seven Hundred, to the Twentieth Day of March, One
19 Thousand Eight Hundred and Ten Page 240-44, Image 284-88 (1810) available at
The Making of Modern Law: Primary Sources. 1795.

20 ¹¹⁸ Ordinances, of the Town of Columbia, (S. C.) Passed Since the Incorporation of
21 Said Town: To Which are Prefixed, the Acts of the General Assembly, for
22 Incorporating the Said Town, and Others in Relation Thereto Page 61-61, Image
61-62 (1823) available at The Making of Modern Law: Primary Sources. 1817.

23 ¹¹⁹ An Ordinance Prohibiting the Carrying of Firearms, Ordinances of the
24 Corporation of Georgetown (1859).

25 ¹²⁰ 1867 Miss. Laws 327-28, An Act To Tax Guns And Pistols in The County Of
Washington, ch. 249, § 1.

26 ¹²¹ Staunton, The Charter and General Ordinances of the Town of Lexington,
27 Virginia Page 87, Image 107 (1892) available at The Making of Modern Law:
28 Primary Sources, 1867.

1 was discovered in the vicinity of any election polling places for the purpose of
2 intimidation or otherwise believed to be for “interfering with the freedom or peace
3 of any election,” they would be seized and appropriately disposed of.¹²² A state law
4 was enacted for Baltimore in 1884 that called for weapons confiscation for anyone
5 charged with any offense.¹²³

6 66. An 1871 Texas law said that anyone found “carrying on or about his
7 person, saddle, or in his saddle bags” any pistol or other named weapon would be
8 fined and also forfeit the weapon or weapons to the county where the violation
9 occurred.¹²⁴ Texas enacted a similar law in 1879.¹²⁵ The town of Front Royal,
10 Virginia enacted an ordinance to penalize the carrying of various concealed
11 weapons, including pistols, by levying a fine and confiscation of the weapons in
12 question.¹²⁶ The same measure was enacted statewide in Virginia in 1887.¹²⁷ South
13 Carolina enacted a weapons seizure law for concealed carry of named weapons,

14 _____
15 ¹²² The Baltimore City Code: Comprising the Statutes and Ordinances Relating to
the City of Baltimore, at 171 – Art. XVI, Section 27 (1869).

16 ¹²³ John Prentiss Poe, The Maryland Code. Public Local Laws, Adopted by the
17 General Assembly of Maryland March 14, 1888. Including also the Public Local
18 Acts of the Session of 1888 Incorporated Therein Page 522-23, Image 531-32
(Vol. 1, 1888), 1884.

19 ¹²⁴ 1871 Tex. Laws 25, An Act to Regulate the Keeping and Bearing of Deadly
20 Weapons, § 1; George Washington Paschal, A Digest of the Laws of Texas:
21 Containing Laws in Force, and the Repealed Laws on Which Rights Rest [Carefully
22 Annotated] Page 1322-24, Image 292-94 (Vol. 2, 1873) available at The Making of
23 Modern Law: Primary Sources, 1871, An Act to Regulate the Keeping and Bearing
of Deadly Weapons, Art. 6512.

24 ¹²⁵ 1879 Tex. Crim. Stat. tit. IX, ch. 4.

25 ¹²⁶ Charter and Ordinances of the Town of Front Royal, Va. Page 18, Image 18
(1899) available at The Making of Modern Law: Primary Sources, 1884.

26 ¹²⁷ The Code of Virginia: With the Declaration of Independence and the
27 Constitution of the United States; and the Constitution of Virginia Page 897, Image
28 913 (1887); Offences Against the Peace, § 3780.

1 including pistols, in 1880.¹²⁸ Arizona enacted a state-wide law in 1889 that called
2 for weapons seizure for anyone found carrying named weapons including pistols.¹²⁹
3 The U.S. Congress enacted a similar concealed carry weapons seizure law for the
4 District of Columbia that included pistols in 1892.¹³⁰ Rhode Island added weapons
5 seizure in addition to other penalties in an 1893 law for any caught carrying a
6 concealed weapon, including any kind of firearm, if the individual were charged
7 with any offense.¹³¹ Three years later, Rhode Island extended weapons confiscation
8 to anyone found simply carrying a concealed weapon.¹³² St. Paul, Minnesota
9 enacted a penalty of weapons confiscation for anyone found carrying a concealed
10 pistol or other weapon in 1882,¹³³ as did the city of New Ulm (Minn.) in 1888.¹³⁴
11 Many other cities did the same, including Walla Walla, Washington in 1878,¹³⁵

12

13

14

15 ¹²⁸ 1880 S.C. Acts 448, § 1, as codified in S.C. Rev. Stat. (1894). § 129 (2472.).

16 ¹²⁹ Act of Mar. 18, 1889, 1889 Ariz. Sess. Laws 16-17.

17 ¹³⁰ Washington D.C. 27 Stat. 116 (1892), ch. 159.—An Act to punish the carrying or
18 selling of deadly or dangerous weapons within the District of Columbia, and for
19 other purposes.

20 ¹³¹ 1893 R.I. Pub. Laws 231, An Act Prohibiting The Carrying Of Concealed
21 Weapons, ch. 1180, § 1.

22 ¹³² General Laws of the State of Rhode Island and Providence Plantations to Which
23 are Prefixed the Constitutions of the United States and of the State Page 1010-11,
24 Image 1026-27 (1896); Offences Against Public Policy, § 23.

25 ¹³³ Concealed Weapons-License, Article 18, §§ 1-9, The Municipal Code of Saint
26 Paul (1884), 1882.

27 ¹³⁴ Ordinance No. 22: An Ordinance Relating to the Promotion of the Public Peace,
28 Feb. 7, 1888, reprinted in Charter and Ordinances of the City of New Ulm,
Minnesota 110–11 (Jos. A. Eckstein ed., 1888).

¹³⁵ Wall Walla City Ordinance No. 2. An Ordinance Defining Offenses and Fixing
the Punishment Thereof, §27 (16 Aug., 1878).

1 Wisconsin state laws for Nicolet (1883),¹³⁶ Oshkosh (1883),¹³⁷ and La Crosse
2 (1888),¹³⁸ Danville, Illinois (1883),¹³⁹ Nashville, Tennessee (1893),¹⁴⁰ and Fairfield,
3 Nebraska (1899).¹⁴¹

4 67. Also in the 1800s those who violated gunpowder transport, storage or
5 related laws faced seizure of the powder in various states and localities.¹⁴²

6
7
8 ¹³⁶ 1883 Wis. Sess. Law 1034, An Act to Incorporate the City of Nicolet, ch. 351,
§ 32, pt. 45.

9 ¹³⁷ 1883 Wis. Sess. Laws 713, vol. 2, An Act to Revise, Consolidate and Amend the
10 Charter of the City of Oshkosh, the Act Incorporating the City, and the Several Acts
11 Amendatory Thereof, ch. 6, § 3, pt. 56.

12 ¹³⁸ Charter and Ordinances of the City of La Crosse, with the Rules of the Common
13 Council Page 176, Image 179 (1888) available at The Making of Modern Law:
Primary Sources.

14 ¹³⁹ Revised Ordinances of the City of Danville [Illinois] Page 66, Image 133 (1883);
15 Ordinances of the City of Danville. Concealed Weapons. § 22.

16 ¹⁴⁰ Claude Waller, Digest of the Ordinances of the City of Nashville, to Which are
17 Prefixed the State Laws Incorporating, and Relating to, the City, with an Appendix
18 Containing Various Grants and Franchises Page 364-65, Image 372-73 (1893),
Ordinances of the City of Nashville, § 738.

19 ¹⁴¹ Compiled Ordinances of the City of Fairfield, Clay County, Nebraska Page 34,
20 Image 34 (1899), Ordinance No. 20, An Ordinance to Prohibit the Carrying of
Concealed Weapons and Fixing a Penalty for the violations of the same. Be it
ordained by the Mayor and Council of the City of Fairfield, Nebraska: § 1.

21 ¹⁴² E.g. The Charter and Ordinances of the City of Providence, Together with the
22 Acts of the General Assembly Relating to the City Page 89-96, Image 89-96 (1854)
23 Available at The Making of Modern Law: Primary Sources, 1821; Chas. Ben.
24 Darwin, Ordinances of the City of Burlington, with Head Notes and an Analytic
25 Index Page 72-73, Image 72-73 (1856) available at The Making of Modern Law:
26 Primary Sources, 1847; Offenses Affecting Public Safety, Ordinances of the City
27 Council of Memphis, ch.14, Art. 3, §1 (1867); Asa Fowler, The General Statutes of
28 the State of New-Hampshire; to Which are Prefixed the Constitutions of the United
States and of the State. With a Glossary and Digested Index Page 206, Image 227
(1867), 1854, Safe-Keeping of Gunpowder, § 1.

1 68. In the early 1900s, gun seizure laws, pertaining mostly to violations of
2 laws against concealed weapons carrying, were enacted by Arizona (1901),¹⁴³
3 Arkansas (1931, 1935),¹⁴⁴ California (1917),¹⁴⁵ Hinsdale, Illinois (1912),¹⁴⁶ Indiana
4 (1905, 1925),¹⁴⁷ Maine (1909),¹⁴⁸ Massachusetts (allowing for seizure of an
5 “unreasonable number” of guns or ammunition located “in a particular house or
6 place” upon receipt of a complaint, 1919),¹⁴⁹ Anaconda, Montana (1905),¹⁵⁰ New
7 Hampshire (1923),¹⁵¹ North Dakota (1923),¹⁵² Oregon (1925, 1933),¹⁵³ Washington
8 State (1933),¹⁵⁴ and West Virginia (1925).¹⁵⁵ Finally, Pennsylvania enacted a law in
9 1810 that penalized any found participating in a duel to “forfeit and be deprived of
10 all the rights of citizenship” for seven years.¹⁵⁶

11 _____
12 ¹⁴³ Laws regulating weapons in certain places, Title 11, §§ 381, 387, 388, & 391 in
13 The Revised Statutes of Arizona Territory (1901).

14 ¹⁴⁴ Act of Mar. 26, 1931, No. 225, §§ 1-6, Ark. Acts 705-06; Uniform Machine Gun
15 Act, Act No. 80, §§ 1-14, 1935 Ark. Acts 171-75; ACT 80.

16 ¹⁴⁵ 1917 Cal. Sess. Laws 221-25.

17 ¹⁴⁶ Ch. 26—Concealed Weapons, §§ 1-8, in, Revised Ordinances of the Village of
18 Hinsdale, Illinois (1912).

19 ¹⁴⁷ 1905 Ind. Acts 687–88, Weapon—Carrying Dangerous § 449; 1925 Ind. Acts
20 495, 495-98.

21 ¹⁴⁸ 1909 Me. Laws 141.

22 ¹⁴⁹ 1919 Mass. Acts 139.

23 ¹⁵⁰ Chapter 22—Concealed Weapons, §§ 526-534 in Codified Ordinances of the
24 City of Anaconda (1905).

25 ¹⁵¹ 1923 N.H. Laws 138.

26 ¹⁵² 1923 N.D. Laws 380, Pistols and Revolvers, ch. 266, § 6.

27 ¹⁵³ 1925 Or. Laws 468, 469-71; 1933 Or. Laws 489, An Act to Amend Sections
28 72-201, 72-202, 72-207, Oregon Code 1930, ch. 315, §§ 3-4.

¹⁵⁴ 1933 Wash. Sess. Laws 335-36.

¹⁵⁵ 1925 W.Va. Acts 30-31.

¹⁵⁶ Laws of the Commonwealth of Pennsylvania, from the Fourteenth Day of

1 69. Many of these laws pertained to cities or towns for the obvious reason
2 that irresponsible gun carrying or use had far greater consequences in places where
3 large numbers of people lived in close proximity to each other. But what they all
4 have in common is the penalty of confiscation, an action viewed by some in the
5 modern era as draconian, but that was one type of punishment for various weapons
6 infractions earlier in our history.

7 **B. Hunting Law Violations and Gun Confiscation**

8 70. At least 9 states enacted hunting-related laws where a violation could
9 lead to, or include, gun confiscation. Of these, 3 states enacted such laws in the
10 1700s, 4 states did so in the 1800s, and 3 states in the early 1900s (one state enacted
11 laws in more than one century).

12 71. In 1717, Massachusetts enacted a law that barred anyone caught hunting
13 any kind of waterfowl from any kind of boat from using a gun to engage in that
14 activity for three years.¹⁵⁷ While not a confiscation law, it prohibited use of the
15 weapon for the activity in question—a deprivation of gun use. A 1771 New Jersey
16 law penalized non-New Jersey residents caught hunting on others' property with a
17 fine and also forfeiting of the gun.¹⁵⁸ Two North Carolina deer hunting laws
18 included gun confiscation in 1768. One penalized any person found hunting who
19 had “no settled habitation, or not tending five thousand corn hills.”¹⁵⁹ The other
20 called for gun forfeiture of anyone found to be deer hunting if they did not have “a

21 October, One Thousand Seven Hundred, to the Twentieth Day of March, One
22 Thousand Eight Hundred and Ten Page 182, image 226 (Vol. 3, 1810).

23 ¹⁵⁷ 1717 Mass. Acts 336, An Act For The Better Regulation Of Fowling.

24 ¹⁵⁸ Charles Nettleton, Laws of the State of New-Jersey Page 26, Image 53 (1821),
1771.

25 ¹⁵⁹ 1756-1776 N.C. Sess. Laws 168, An Act To Amend An Act Entitled, “An
26 Additional Act To An Act, Entitled, An Act To Prevent Killing Deer At
27 Unseasonable Times, And For Putting A Stop To Many Abuses Committed By
28 White Persons Under Pretense Of Hunting, ch. 13, 1768.

1 freehold of one hundred acres of land within this province, or tending ten thousand
2 corn hills, at least five feet distance each.”¹⁶⁰

3 72. An 1834 Kentucky law penalized deer hunting at night by firelight by a
4 fine, but included gun confiscation as a penalty if the hunters were Indians.¹⁶¹ An
5 1839 Virginia law penalized any who would hunt waterfowl from a skiff in
6 Accomack or Fairfax counties by confiscating both their guns and their boats.¹⁶²
7 The state did the same in an 1852 law that applied state-wide.¹⁶³ A more wide-
8 ranging 1865 state law criminalized hunting on private land without the owners’
9 permission, or shooting “along any public road, or in the streets of any town or
10 village” anywhere in the state with part of the penalty to include forfeiting of “his
11 gun and shooting apparatus.”¹⁶⁴ An 1875 Virginia law that criminalized the
12 shooting of wild fowl in the counties bordering the Potomac and Rappahannock
13 rivers “with any gun which cannot be conveniently discharged from the shoulder at
14 arm’s length without a rest.” Any such guns were to be confiscated and
15 destroyed.¹⁶⁵

16 ¹⁶⁰ John. A Haywood, *Manual of the Laws of North-Carolina, Arranged under*
17 *Distinct Heads in Alphabetical Order. With References from One Head to Another,*
18 *When a Subject is Mentioned in Any Other Part of the Book Than under the*
Distinct Where It is Placed Page 178, Image 186 (1801), 1768.

19 ¹⁶¹ *A Digest of the Statute Laws of Kentucky, of a Public and Permanent Nature,*
20 *from the Commencement of the Government to the Session of the Legislature,*
21 *Ending on the 24th February, 1834. With References to Judicial Decisions* Page
22 788, Image 794 (Vol. 1, 1834).

23 ¹⁶² Virginia State Laws 1839 ch. 80. – An ACT to prevent the destruction of wild
24 fowl in the counties of Accomack and Fairfax (Passed April 9, 1839).

25 ¹⁶³ 1852 Va. Acts 133, An Act Amending The Twentieth Section Of Chapter . . .
26 Concerning Wild Fowl, § 20.

27 ¹⁶⁴ *Third Edition of the Code of Virginia: Including Legislation to January 1, 1874*
28 *Page 802-03, Image 821-22 (1873), 1865.*

¹⁶⁵ 1875 Va. Acts 109, An Act To Amend And Re-enact Section Twelve, Chapter
Ninety-nine, Code of Eighteen Hundred And Seventy-Three, for the Protection Of

1 73. In 1863, Delaware enacted a law making it a crime for any non-state
2 residents to hunt fish or geese on any waters of the state. The penalty included
3 confiscation of any guns used along with any other tackle or apparel.¹⁶⁶ An 1893
4 state law levied a fine against any who shot birds or game on the lands of another
5 without the owners' permission, but any who failed to pay the fine would face gun
6 forfeit.¹⁶⁷ An 1882 Maryland law punished any caught "in the act of hunting or
7 shooting crippled ducks, or in purloining ducks that have been killed by other
8 persons." Those so caught would pay a fine and also "forfeit the gun, pistol or other
9 firearm" used.¹⁶⁸ An 1890 Maryland state law penalized any who would shoot or
10 hunt "with dog or gun on the Lord's day, commonly called 'Sunday'" with a fine
11 and forfeiting of the "pistol or other firearm used in such violation."¹⁶⁹

12 74. In the 1900s, Arizona (1936) confiscated guns and silencers if used or
13 possessed to kill "any song or insectivorous bird" while hunting. Kentucky (1904)
14 authorized game wardens to "destroy or confiscate such guns" or other devices if
15 used to hunt in violation of state fish, game, and bird hunting laws.¹⁷⁰ A 1905 New

16 _____
17 Wild Fowl in the Counties Bordering on the Potomac And Rappahannock, ch. 100,
§ 12.

18 ¹⁶⁶ 1863 Del. Laws 365, An Act to Amend Chapter 55 of the Revised Code of the
19 State of Delaware, Entitled "For The Protection Of Fish, Oysters and Game,"
20 ch. 328, § 10.

21 ¹⁶⁷ 1893 Del. Laws 410, For the Protection Of Fish, Oysters, and Game, ch. 422,
§ 16.

22 ¹⁶⁸ 1882 Md. Laws 257, An Act to . . . Exempt All That Portion of the Waters of the
23 Chesapeake Bay Lying Northward of a Certain Line Therein Described from the
Operation and Effect of Sections One and Three . . ., ch. 180, § 8.

24 ¹⁶⁹ 1890 Md. Laws 297, Sabbath Breaking, ch. 290, § 1.

25 ¹⁷⁰ 1904 Ky. Acts 150-51, An Act Creating the Offices of Fish and Game Wardens
26 and Defining the Powers and Duties and Fixing the Compensation of such Officers,
27 and for the Further Protection and Preservation of Fish, Game and Birds in the State
28 of Kentucky, ch. 68, § 3.

1 Hampshire law called for confiscation and destruction of “any punt gun swivel gun,
2 or other gun not fired from the shoulder, or of larger bore than ten gauge” if used to
3 hunt any game birds.¹⁷¹

4 75. This range of hunting laws varies as to their particulars, including types
5 of game being hunted, locations of hunting or firearms discharges, and other
6 circumstances undoubtedly unique to the particular problems faced by these states
7 and localities. But the sheer number and variety of hunting laws that included gun
8 confiscation as a penalty make clear that it was a well established and accepted
9 penalty for the otherwise routine and relatively common activity of hunting. Thus,
10 it demonstrates a tradition that is carried through in modern point-of-sale
11 background checks that prevent a purchase at the outset of a gun sale.

12 **V. CONCLUSION**

13 76. Early weapons licensing and permitting laws are best understood as the
14 ancestors of modern background check laws, as the very purpose of licensing was
15 and is to provide permission to do something subject to some kind of process or
16 procedure. Background checks today are commonly employed in areas such as
17 employment, granting of credit or loans, insurance, rental housing, and college
18 admissions. Applying the same technique to gun and ammunition purchases serves
19 a similar purpose as is the case with past licensing schemes pertaining to weapons
20 acquisition or use, as discussed here. The existence of weapons confiscation laws
21 goes a step further—actual weapon deprivation for various infractions, purposes, or
22 circumstances. The fact that such latter activities were utilized by state and local
23 governments in America’s past demonstrates a tradition of using certain facts in, or
24 information about, a person’s background to remove weapons from their possession
25

26
27 ¹⁷¹ 1905 N.H. Laws 515, An Act to Prohibit the Use of Swivel and Punt Guns,
28 ch. 98, § 1.

1 and buttresses the utilization of contemporary background checks for firearms and
2 ammunition to confirm the same.

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

4 Executed on August 15, 2023 at Williamsburg, VA.

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Robert J. Spitzer

Robert Spitzer

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EXHIBIT A

March 2023

Curriculum Vitae

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Education: A.B. (Political Science), summa cum laude, SUNY College at Fredonia, 1975.
M.A. Cornell University, 1978.
Ph.D. Cornell University, 1980.

Positions Held:

Affiliated Scholar, Government Department, College of William and Mary, 2023-present.
Adjunct Professor, College of William and Mary School of Law, Spring 2023-present.
Department Chair, SUNY Cortland, 2008-2020.
Interim Department Chair, SUNY Cortland, 2004-2005.
Distinguished Service Professor, SUNY Cortland, 1997-2021.
Visiting Professor, Cornell University, Spring, 2009, Spring 1993; Summers 1980, 1988-1990, 1992-2017.
Professor, SUNY Cortland, 1989 to 1997.
Continuing Appointment, SUNY Cortland, 1986.
Associate Professor, SUNY Cortland, 1984 to 1989.
Department Chair, SUNY Cortland, 1983 to 1989.
Visiting Professor, SUNY College of Technology, Utica-Rome, Graduate Division, 1985, 1986, 1988.
Copy Editor, Administrative Science Quarterly, 1982 to 1983.
Adjunct Professor, Tompkins-Cortland Community College, 1982-83.
Assistant Professor, SUNY Cortland, 1979 to 1984.
Instructor, Cornell University, 1979.
Instructor, Eisenhower College, 1978-1979.
Research Assistant, Theodore J. Lowi and Benjamin Ginsberg, 1976-1978.
Reporter (Stringer), Buffalo Courier-Express; Dunkirk Evening Observer, 1974-75.

Honors:

Fellow, the Royal Society for Arts, Manufactures and Commerce (RSA), London, England, 2020.

Founding member, Regional Gun Violence Research Consortium, coordinated with the Rockefeller Institute of Government. Consortium of gun policy experts from eight states to advance research on gun policy, 2018-present.

Member, SUNY Research Council, an advisory council to the SUNY Board of Trustees, SUNY System Administration, campus leadership teams, and the leadership team of the Research Foundation (RF) for SUNY, 2018-2021.

Member, Scholars Strategy Network, 2015-present. Created to improve public policy and strengthen democracy by connecting scholars and their research to policymakers, citizens associations, and the media.

Winner, Pi Sigma Alpha (the national political science honors society) Chapter Advisor of the Year Award for 2013.

Winner, Outstanding Achievement in Research Award, SUNY Cortland, 2010.

Winner, Outstanding Achievement in Research Award, SUNY Cortland, 2005.

Winner, State University of New York's Chancellor's Excellence in Scholarship and Creative Activities Award, 2003.

SUNY Cortland Nominee, National Scholar Competition of the Honor Society of Phi Kappa Phi, 1994-95.

Winner, New York State/United University Professions Excellence Award, 1991, for "outstanding professional performance and superior service."

Member, New York State Commission on the Bicentennial of the U.S. Constitution, 1986-1990.

Member, New York State Ratification Celebration Committee for U.S. Constitution Bicentennial, 1987-88.

Member, National Bicentennial Competition on the Constitution and the Bill of Rights, 1987-1991.

Who's Who in the World, 1996.

Dictionary of International Biography, 1995.

Who's Who in the East, 1995-96; 1997-98

Ex officio member, Cortland County Bicentennial Committee, 1987-89.

Chair, SUNY Cortland Bicentennial Committee, 1987-89.

Phi Eta Sigma, SUNY Cortland, 1994.

Phi Kappa Phi, SUNY Cortland, 1990.

Men of Achievement (1986)

Contemporary Authors, vol. 112 (1985) and subsequent updates.

International Authors and Writers Who's Who, 1985-present.

International Who's Who in Education, Winter 1985-86.

Herbert H. Lehman Graduate Fellowship, 1975-79.

Who's Who Among Students in American Universities and Colleges, 1974-75.

Phi Beta Kappa Club, SUNY College at Fredonia, 1975.

Phi Alpha Theta (History), SUNY College at Fredonia, 1974.

Phi Mu Alpha Sinfonia, (Music), SUNY College at Fredonia, 1973.

Research Fellowships and Projects:

Individual Development Awards, SUNY Cortland, 2001, 2003, 2005, 2006, 2007, 2008, 2009, 2014, 2017, 2020.

Title "F" Leave with pay, Spring 1994.

Professional Development and Quality of Working Life Award, 1989, 1993, 1998, 1999.

National Endowment for the Humanities (NEH) Research Grant for Study of the Constitution, 1986. Project Proposal: "The Presidential Veto: Constitutional Antecedents and Modern Applications."

SUNY Cortland Faculty Research Program Grant, "The Presidential Veto, 1986.

Consultant for Reporting Research Corporation, "Quality of Earnings Report," Thornton L. O'Glove, author; research on presidential veto use, 1984-1987.

SUNY University Awards Program Research Fellowship, "The Right to Life Party and New York State Politics, 1983.

SUNY Cortland Faculty Research Program Fellowship, "New York State Parties and Politics," 1980.

Publications and Papers:

Books:

The Presidency and Public Policy: The Four Arenas of Presidential Power (University, AL: The University of Alabama Press, 1983). A study of the President's relations with Congress in the making of domestic policy. Revised version of doctoral dissertation.

The Right to Life Movement and Third Party Politics (Westport, CT: Greenwood Press, 1987). A study of the New York multi-party system, single-issue third parties, and the state-based Right to Life Party.

The Presidential Veto: Touchstone of the American Presidency (Albany, NY: SUNY Press, 1988), with a foreword by Louis Fisher. A study of the constitutional antecedents and modern applications of the veto power. Published as part of SUNY Press Series on Leadership, edited by Barbara Kellerman.

Editor, The Bicentennial of the U.S. Constitution: Commemoration and Renewal (Cortland, NY: SUNY Cortland, 1990). A compendium of articles based on presentations

given at SUNY Cortland pertaining to the Constitution's Bicentennial. Contributors include Senator Daniel Patrick Moynihan, Theodore J. Lowi, Judith A. Best, and Robert Spitzer.

President and Congress: Executive Hegemony at the Crossroads of American Government (New York: McGraw-Hill; and Temple University Press, 1993). Published simultaneously by co-publishing agreement in paper by McGraw-Hill, and hardcover by Temple. An analytic survey and critique of presidential-congressional relations. Received Honorable Mention for the Richard Neustadt Award for Best Book on the Presidency for 1993.

Editor, Media and Public Policy (New York: Praeger, 1993). Published in Praeger's Political Communications Series, edited by Robert E. Denton, Jr. A collection of original essays dealing with various aspects of media's impact on public policy. Contributors include Doris Graber, Julio Borquez, Wenmouth Williams, Marion Just, Ann Crigler, Michael Hawthorne, Dean Alger, Jerry Medler, Michael Medler, Montague Kern, Robert Sahr, Holli Semetko, Edie Goldenberg, Patrick O'Heffernan, and Robert Spitzer.

The Politics of Gun Control (New York: Chatham House, 1995; 2nd edition, 1998; 3rd edition, CQ Press, 2004; 4th ed. 2008; 5th ed., Paradigm/Routledge Publishers 2012; 6th ed., Routledge, 2015, 7th ed., 2018; 8th ed. 2021; 9th ed. 2024). A comprehensive political and policy analysis of the gun issue that applies policy theory to the key elements of the gun debate, including analysis of the Second Amendment, cultural-historical factors, interest group behavior, criminological consequences, legislative and executive politics.

Editor, Politics and Constitutionalism: The Louis Fisher Connection, (Albany, NY: SUNY Press, 2000). A collection of original essays inspired by the works of Louis Fisher. Contributors include Neal Devins, Nancy Kassop, Dean Alfange, David Adler, Loch Johnson, Michael Glennon, Louis Fisher, and Robert Spitzer. Published as part of the SUNY Press Book Series on American Constitutionalism. Nominated by SUNY Press for the 2001 Silver Gavel Award of the American Bar Association.

The Right to Bear Arms: Rights and Liberties Under the Law (Santa Barbara, CA: ABC-CLIO, 2001). An extensive analysis of the Second Amendment "right to bear arms" from legal, historical, and political perspectives. Published as part of the "America's Freedoms" Series edited by Donald Grier Stephenson.

Essentials of American Politics, co-authored with Benjamin Ginsberg, Johns Hopkins; Theodore Lowi, Cornell; Margaret Weir, Berkeley. (W.W. Norton, 2002; 2nd edition, 2006). A synthetic, analytic look at American government and politics.

The Presidency and the Constitution: Cases and Controversies, co-authored with Michael A. Genovese (NY: Palgrave/Macmillan, 2005). A combination of analysis and cases

examining the courts' view of presidential power.

Saving the Constitution from Lawyers: How Legal Training and Law Reviews Distort Constitutional Meaning (New York: Cambridge University Press, 2008). A sweeping indictment of the legal community when it enters into the realm of constitutional interpretation.

We the People: Essentials Edition, co-authored with Benjamin Ginsberg, Johns Hopkins; Theodore Lowi, Cornell; Margaret Weir, Berkeley. (W.W. Norton, 7th ed. 2009; 8th ed. 2011; 9th ed., 2013; 10th ed. 2015; 11th ed. 2017; 12th ed. 2019; 13th ed. 2021).

Gun Control: A Documentary and Reference Guide (Westport, CT: Greenwood Publishing Group, 2009). A combination of analysis, commentary, and original historical and contemporary documents pertaining to the gun issue published in Greenwood's Documentary and Reference Series.

The Gun Debate: An Encyclopedia of Gun Rights and Gun Control, co-authored with Glenn Utter (Grey House Publishers, 2011; third edition 2016). An A-Z compendium of gun issues.

Guns across America: Reconciling Gun Rules and Rights (New York: Oxford University Press, 2015); revised paperback edition published 2017. Argues that our understanding of the gun issue as it has evolved in the U.S. is upside down, looking at gun law history, the Second Amendment, stand your ground laws, and New York State gun laws.

The Gun Dilemma: How History Is Against Expanded Gun Rights (New York: Oxford University Press, 2023). Argues that the courts are ushering in a new era of expanded gun rights, despite the fact that such a movement is contrary to our gun history by examining assault weapons, ammunition magazines, silencers, gun brandishing, and the Second Amendment sanctuary movement.

Book Series Editor, Series on American Constitutionalism, SUNY Press, 1996-present. Books include:

Daniel Hoffman, Our Elusive Constitution, (1997)

Martin Sheffer, God and Caesar: Belief, Worship, and Proselytizing Under the First Amendment, (1999)

Daniel Levin, Representing Popular Sovereignty: The Constitution in American Political Culture, (1999)

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Michael A. Dichio, The U.S. Supreme Court and the Centralization of Federal Authority (2018).

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Mary Stuckey, Political Rhetoric (2015)
Michael A. Genovese, Presidential Leadership in an Age of Change (2015)
Christopher Fettweis, Making Foreign Policy Decisions (2016)
Nancy Maveety, Picking Judges (2016)
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Graham G. Dodds, The Unitary Presidency (2020)

Member, Board of Editors for the Encyclopedia of Guns in American Society, 2 vols. (Santa Barbara, CA: ABC-CLIO, 2003; second ed. 2011). Winner of the Booklist Editors' Choice Award for 2003, American Library Association.

Member, Board of Editors, Issues: Understanding Controversy and Society, ABC-CLIO, 2011-2016.

Book Chapters:

"Third Parties in New York," in Governing New York State (formerly New York State Today), ed. by Robert Pecorella and Jeffrey Stonecash (Albany, N.Y.: SUNY Press, 1984, 1989, 1994, 2001, 2006). Chapter revised for second, third, fourth, and fifth editions.

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Nineteen entries in Encyclopedia of American Political Parties and Elections, ed. by L. Sandy Maisel (New York: Garland Pub., 1991): American Labor Party, Benjamin Bubar, closed primary, Conservative Party, cross-endorsement rule, Free Soil Party, Greenback Party, Liberal Party, Liberty Party, John V. Lindsay, Allard K. Lowenstein, open primary, Right to Life Committee, Right to Life Party, Prohibition Party, Alex Rose, split ticket voting, telethons, Mary Jane Tobin.

Author of "Thought Boxes" for Theodore J. Lowi and Benjamin Ginsberg, American Government: Freedom and Power (NY: W.W. Norton, 1990, 1992, 1994, 1996, 1998); 50 for 1st ed.; 30 additional for 2nd ed., 45 additional for 3rd ed.; 29 for 4th ed., 26 for 5th.

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"The Conflict Between Congress and the President Over War," in The Presidency and the Persian Gulf War, ed. by Marcia Whicker, Raymond Moore, and James Pfiffner (New York: Praeger, 1993).

"Is the Separation of Powers Obsolete?" in The Presidency Reconsidered, ed. by Richard W. Waterman (Itasca, IL: F.E. Peacock, 1993); also in Understanding the Presidency, ed. by James Pfiffner and Roger Davidson (NY: Longman, 1997; 2nd ed. 2000; 3rd ed. 2002; 4th ed. 2006).

Seven entries in the Encyclopedia of the American Presidency, ed. by Leonard W. Levy and Louis Fisher (NY: Simon and Schuster, 1994), including "Council on Environmental Quality," "Office of Intergovernmental Relations," "Presentation Clause," "Signing Statements," "Item Veto," "Pocket Veto," "Regular Veto".

Two entries in the Encyclopedia of the United States Congress, ed. by Donald C. Bacon, Roger H. Davidson, and Morton Keller (NY: Simon and Schuster, 1994), including "Separation of Powers" and "Presidential Veto".

"The President, Congress, and the Fulcrum of Foreign Policy," in The Constitution and the Conduct of American Foreign Policy, ed. by David Gray Adler, with an introduction by Arthur Schlesinger, Jr. (Lawrence, KS: University Press of Kansas, 1996), 85-113.

"Resources Development in the EOP," in The Executive Office of the President, ed. by Harold Relyea (Westport, CT: Greenwood Press, 1997).

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Constitutional Balance of Power," in Liberty Under Law, ed. by Kenneth Grasso and Cecilia R. Castillo (Lanham, MD: University Press of America, 1997; 2nd ed. 1998).

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Author of "Cultures" and "Debates" boxes for Benjamin Ginsberg, Theodore Lowi, and Margaret Weir, We the People (NY: W.W. Norton, 1997, 1999). 19 for 1st ed.; 17 for 2nd ed.

"Gun Control: Constitutional Mandate or Myth?" in Moral Controversies in American Politics, ed. by Raymond Tatalovich and Byron Daynes (NY: M.E. Sharpe, 1998; 2005; 2010), 164-195. Revised for new editions.

"The Right to Life Party" and related entries in The Encyclopedia of American Third Parties, ed. by Immanuel Ness and James Ciment (NY: M.E. Sharpe, 2000).

"New York, New York: Start Spreadin' the News," in Prayers in the Precincts, ed. by John Green, Mark Rozell, and Clyde Wilcox (Washington, DC: Georgetown University Press, 2000).

"The Clinton Crisis and Its Consequences for the Presidency," in The Clinton Scandal and the Future of American Politics, ed. by Mark Rozell and Clyde Wilcox (Washington, DC: Georgetown University Press, 2000), 1-17.

"Saving the Constitution from Lawyers," in Politics and Constitutionalism, ed. by Spitzer (Albany, NY: SUNY Press, 2000).

"Gun Control and Policy" and "Veto Power" for the Encyclopedia of American Political History, ed. by Paul Finkelman (Washington, D.C.: Congressional Quarterly, 2000).

"Article I, Section 7," in The Constitution and Its Amendments, ed. by Roger Newman (NY: Macmillan, 2001).

"Lost and Found: Researching the Second Amendment," in The Second Amendment in Law and History, ed. by Carl Bogus (NY: The New Press, 2001), 16-47.

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“Sandy Hook-Remington gun marketing settlement shows how to fight gun companies,” *NBC THINK*, February 19, 2022.

“The Sandy Hook-Remington Settlement: Consequences for Gun Policy,” Regional Gun Violence Research Consortium, Rockefeller Institute of Government, March 21, 2022.

“Study of US Government Requires Examination of Conflict,” *Virginia Daily Press/Virginian-Pilot*, May 1, 2022.

“How the NRA evolved from backing a 1934 ban on machine guns to blocking nearly all firearm restrictions today,” *The Conversation*, May 25, 2022. 150

“The NRA wasn’t always opposed to gun restrictions,” *Chicago Sun-Times*, May 27, 2022.

“Originalism, History, and Religiosity are the Faults of Alito's Reasoning in *Dobbs*,” *History News Network*, May 29, 2022.

“US tragedies from guns have often – but not always – spurred political responses,” *The Conversation*, June 8, 2022.

“How the Supreme Court rewrote history to justify its flawed gun decision,” *NBC THINK*, June 23, 2022.

“The Road Ahead for Gun Laws in New York State,” *New York Daily News*, June 28, 2022.

“Understanding the New Gun Policy Collision,” Regional Gun Violence Research Consortium, Rockefeller Institute of Government, July 12, 2022.

“Guns at voting sites have long sparked fears of intimidation and violence – yet few states ban their presence,” *The Conversation*, November 2, 2022.

“Guns at voting sites have long sparked fears of intimidation, violence,” *Syracuse Post-*

Standard, November 4, 2022.

“What our past tells us about young people and guns,” *The Hill*, March 28, 2023.

“Stand-Your-Ground, the Castle Doctrine, and Public Safety,” Regional Gun Violence Research Consortium, Rockefeller Institute of Government, May 3, 2023.

Testimony, Briefs, and Reports:

"Report of a Survey of Contributors to the Democratic Telethon," A Report to the Democratic National Committee, Washington, D.C., January 1974.

"Election Laws, Registration and Voting: Some Recommendations," Testimony presented before the New York State Assembly Committee on Election Law, Albany, N.Y., May 15, 1980.

"New York's Multi-Party System," a presentation given before members of the Mexican and Canadian Parliaments at the Rockefeller Institute for Governmental Studies, Albany, N.Y., October 29, 1982.

"Comments and Recommendations on 'The New York State Assembly: The Need for Improved Legislative Management,'" co-authored with Henry Steck, prepared for the New York State Assembly Republican Study Group, September, 1985.

"Registration, Voting, and the New York Election Law," Testimony presented before the Governor's Task Force to Encourage Electoral Participation, World Trade Center, New York City, December 21, 1987.

"The Pocket Veto and Sine Die Adjournments," Testimony presented to the Rules Committee, Subcommittee on the Legislative Process, House of Representatives, Washington D.C., July 26, 1989.

"Issues Pertaining to the Pocket Veto," Testimony presented to the Judiciary Committee, Subcommittee on Economic and Commercial Law, House of Representatives, Washington, D.C., May 9, 1990.

"The Stealth Veto: Does the President Already Possess Item Veto Powers?" Testimony presented to the Judiciary Committee, Subcommittee on the Constitution, U.S. Senate, Washington, D.C., June 15, 1994.

“The Hidden History of the Second Amendment,” The National Press Club, Washington, D.C., May 12, 1998.

“The Second Amendment: A Source of Individual Rights?” Testimony presented to the Judiciary Committee, Subcommittee on the Constitution, Federalism, and Property Rights, U.S. Senate, Washington, D.C., September 23, 1998.

“The Gun Industry: The NRA’s Silent Partner,” National Press Briefing, Atlanta, GA, February 2, 1999.

“Program Review: SUNY Oswego Political Science Department,” prepared as part of the department’s review and assessment process, March 2001.

Meeting on Executive Order 13233, pertaining to presidential records access, hosted by Alberto Gonzales, Office of Legal Counsel, the White House, Washington, D.C., December 7, 2001.

Article (“Lost and Found: Researching the Second Amendment,” Chicago-Kent Law Review, 2000) cited as controlling authority by the U.S. Court of Appeals, Ninth Circuit, in the case of *Silveira v. Lockyer* (312 F.3d 1052; 9th Cir. 2002); 2002 U.S. App. LEXIS 24612.

Coauthor, *amicus curiae* brief in the case of *Nordyke v. King*, U.S. Court of Appeals, Ninth Circuit, 319 F.3d 1185 (2003).

White House meeting on changing standards regarding FOIA requests, access to Executive Branch documents, and presidential library design, hosted by White House Counsel Alberto Gonzales and White House Staff Secretary Brett Kavanaugh, Washington, D.C., July 17, 2003.

Invited participant and panelist, “National Research Collaborative Meeting on Firearms Violence,” hosted by the Firearm and Injury Center at the University of Pennsylvania, and the Joyce Foundation, Philadelphia, PA, June 15-17, 2005.

Program Review Report, SUNY Geneseo Political Science Department, March, 2009.

Coauthor with Louis Fisher, *amicus curiae* brief in the case of *Republic of Iraq et al. v. Beatty et. al.*, U.S. Supreme Court, filed March 25, 2009; case decided June 8, 2009 (556 U.S. 848; 2009).

Testimony on bills to enact early voting and other state voting reform measures before the New York State Senate Standing Committee on Elections, Syracuse, NY, May 14, 2009.

Co-author, *amicus* brief in the cases of *NRA v. City of Chicago* and *McDonald v. Chicago*, U.S. Supreme Court, argued March 2, 2010, decided June 28, 2010, 561 U.S.

742 (2010).

Consultant for plaintiffs in *Conservative Party of New York and Working Families Party v. NYS Board of Elections* (10 Civ. 6923 (JSR)), 2010, U.S. District Court for the Southern District of New York.

Co-author, *amicus* brief in the case of *Ezell v. Chicago*, U.S. Court of Appeals for the Seventh Circuit, 651 F.3d 684 (2011).

Co-author, *amicus* brief in the case of *People of the State of Illinois v. Aguilar*, Illinois Supreme Court, No. 08 CR 12069, 2012.

Invited panelist and contributor to conference and report, Institute of Medicine and the National Research Council of the National Academies, “Committee on Priorities for a Public Health Research Agenda to Reduce the threat of Firearm-Related Violence,” National Academies Keck Center, 500 Fifth St., NW, Washington, DC, April 23, 2013.

“Perspectives on the ‘Stand Your Ground’ Movement,” Testimony submitted to the U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, Hearing on “‘Stand Your Ground’ Laws: Civil Rights and Public Safety Implications of the Expanded Use of Deadly Force,” Washington, D.C., October 29, 2013.

Testimony on the Hearing Protection Act to deregulate gun silencers submitted to the U.S. House of Representatives Committee on Natural Resources, Subcommittee on Federal Lands, for Hearings on the Sportsmen’s Heritage and Recreational Enhancement Act (SHARE Act), Washington, D.C., September 12, 2017.

Expert testimony submitted for the State of Massachusetts, Office of Attorney General, in the case of *Worman v. Baker*, No. 1:17-cv-10107-WGY, United States District Court for the District of Massachusetts, submitted September 15, 2017, challenging Massachusetts state assault weapons restrictions. In 2019 the U.S. Court of Appeals for the First Circuit upheld the Massachusetts law (922 F.3d 26).

Member, Regional Gun Violence Research Consortium Organizing Committee, a Task Force organized by NY Governor Andrew Cuomo and the State Department of Education to research and investigate the causes of gun violence in a multi-state effort. February 2018.

Program Review Report, SUNY New Paltz Political Science and International Relations Departments, April 2019.

Consultant on Facebook policies and actions regarding gun issues, Quonundrums Market

Research for Facebook, August 17, 2021.

Several of my publications cited in the case ruling of *Duncan v. Bonta*, U.S. Court of Appeals for the Ninth Circuit, November 30, 2021.

Papers and Presentations (not including those given on the Cortland campus):

"The President as Policy-Maker: The Arenas of Presidential Power from 1954 to 1974," American Political Science Association, Washington, D.C., August 28-31, 1980.

"The Right-to-Life Movement as a Third Party: The Policy Environment and Movement Politics," American Political Science Association, New York City, September 3-6, 1981. Reprinted by Rockefeller Institute for Governmental Studies Working Papers, Vol. I, No. 4, September, 1982.

"Viable Democracy or the French Fourth Republic: Multi-Party Politics in New York," New York State Political Science Association, Albany, April 6, 1984.

"The Right-to-Life Movement as Partisan Activity," American Political Science Association, Washington, D.C., August 30 - September 2, 1984.

"Biting the Bullet: Gun Control and Social Regulation," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

"The Presidential Veto," Northeastern Political Science Association, Boston, MA, November 13-15, 1986.

"Perspectives on the Presidential Veto Power: Antecedents and Evolution," Bicentennial Conference on the Presidency, co-sponsored by the Center for the Study of the Presidency, the Chautauqua Institution and Gannon University, Erie, PA, April 24-26, 1987.

"The Transformation of a Kingly Power: The Presidential Veto, Past and Present," American Political Science Association, Chicago, IL, September 3-6, 1987.

"The Pocket Veto: Expanding Presidential Prerogatives Through the Back Door," American Political Science Association, Washington, D.C., September 1-4, 1988.

"Liberalism and Juridical Democracy; or What's Interesting About Interest Group Liberalism," Western Political Science Association, Newport Beach, CA., March 22-24, 1990.

"Separation of Powers and the War Power," presentation sponsored by the Federalist Society, Cornell University School of Law, April 20, 1990.

"Is the Separation of Powers Obsolete? An Inquiry into Critiques of the Congressional-Presidential Balance of Power," American Political Science Association, Washington, D.C., August 29-September 1, 1991.

"Hate Speech and the College Campus," conference on Two Hundred Years of Free Expression, SUNY Oneonta, October 2-3, 1992.

"From Presidential Shield to 'Go Ahead, Make My Day': The Presidential Veto and the Constitutional Balance of Power," featured paper presenter for Fall 1992 Symposium on American Constitutionalism, Southwest Texas State University, San Marcos, TX, October 30, 1992.

"The Reagan Presidency and the Veto Power: Symbols and Actions of the 'Make-My-Day' President," Southern Political Science Association, Savannah, GA, November 3-6, 1993.

"Tenure, Speech, and the Jeffries Case: A Functional Analysis," conference on academic Freedom and Tenure, sponsored by New York City Bar Association and Pace University Law School, New York City, March 8, 1994.

"'It's My Constitution, and I'll Cry If I Want To': Constitutional Dialogue, Interpretation, and Whim in the Inherent Item Veto Dispute," American Political Science Association, Chicago, August 31-September 3, 1995. Winner, 1996 Presidency Research Group Founders' Award for Best Paper on the Presidency presented at the 1995 APSA. Paper received mention in the Washington Post, September 24, 1995.

"Guns and Violence," presentation before Bryn Mawr Presbyterian Church Task Force on Violence, Bryn Mawr, PA, October 8, 1995.

"Guns, Militias, and the Constitution," Distinguished Lecture Series, Utica College, Utica NY, March 26, 1996.

"The Right to Bear Arms: A Constitutional and Criminological Analysis of Gun Control," the Cornell University School of Law, October 8, 1996.

"The Veto King: The 'Dr. No' Presidency of George Bush," Conference on the Presidency of George Bush, Hofstra University, Hempstead, NY, April 17-19, 1997.

"Saving the Constitution from Lawyers," American Political Science Association, Washington, D.C., August 28-31, 1997.

“Revolution, the Second Amendment, and Charlton Heston,” Gettysburg College, Gettysburg, PA, October 30, 1997.

“Recent Developments in The Politics of Gun Control,” Gettysburg College, Gettysburg, PA, November 10, 1998.

“The Second Amendment, Disarmament, and Arms Control,” Communitarian Summit, the Washington National Airport Hilton, Arlington, VA, February 27-28, 1999.

“The Argument Against Clinton’s Impeachment,” Hyde Park Session, American Political Science Association, Atlanta, September 2-5, 1999.

“Gun Politics After Littleton,” Gettysburg College, Gettysburg, PA, November 9, 1999.

“Lost and Found: Researching the Second Amendment,” Symposium on “The Second Amendment: Fresh Looks,” Chicago-Kent Law School and the Joyce Foundation, Chicago, April 28, 2000.

“The Independent Counsel and the Presidency After Clinton,” American Political Science Association, Washington, D.C., August 31-September 3, 2000.

“From Columbine to Santee: Gun Control in the 21st Century,” Idaho State University, Pocatello, Idaho, April 19, 2001.

“Gun Control in the New Millennium,” Gettysburg College, Gettysburg, PA, November 13, 2001.

“Gun Rights for Terrorists? Gun Control and the Bush Presidency,” A Presidency Transformed By Crises: The George W. Bush Presidency, SUNY Fredonia, NY, October 17-18, 2002.

“Gun Control and the Bush Presidency,” Gettysburg College, Gettysburg, PA, November 21, 2002.

“The Ashcroft Justice Department and the Second Amendment,” American Bar Association Annual Meeting, San Francisco, August 8-11, 2003.

“The Bush Presidency and 9/11,” Keynote Address, Conference on 9/11, Cazenovia College, NY, September 11, 2003.

“Report of the National Task Force on Presidential Communication to Congress,” co-author, Tenth Annual Texas A&M Conference on Presidential Rhetoric, George Bush

Presidential Library and Conference Center, College Station, TX, March 4-7, 2004.

“Don’t Know Much About History, Politics, or Law: Comment,” Conference on The Second Amendment and the Future of Gun Regulation, co-sponsored by the Fordham School of Law, the Second Amendment Research Center, and the John Glenn Institute for Public Service and Public Policy of the Ohio State University, April 13, 2004, New York City.

“Bush vs. Kerry: Election of the Century?” Colgate University, Hamilton, NY, October 20, 2004.

“The Commander-in-Chief Power and Constitutional Invention in the Bush Administration,” a paper presented at a Conference on “Is the Presidency Dangerous to Democracy?”, Loyola Marymount University, Los Angeles, CA, February 7, 2005.

Participant, “The Wheler Family Address on International Relations,” Academic Conference on World Affairs, Cazenovia College, Cazenovia, NY, September 9, 2005.

“What Ever Happened to Gun Control?”, Gettysburg College, Gettysburg, PA, November 1, 2005.

“Clinton and Gun Control: Boon or Bane?” a paper presented at the 11th Presidential Conference on William Jefferson Clinton, Hofstra University, Hempstead, NY, November 10-12, 2005.

“George W. Bush and the Unitary Executive,” Keynote Address for “Quest,” SUNY Oswego Scholars Day, April 19, 2006.

“Resolving Conflict with Intractable Foes: The Lessons of International Relations Theory Applied to the Modern Gun Control Debate,” Bryant University, Smithfield, RI, April 24, 2006.

“The Unitary Executive and the Commander-in-Chief Power,” Conference on Presidential Power in America: The Constitution, the Defense of a Nation and the National Ethos, Massachusetts School of Law Conference Series, Andover, MA, October 14-15, 2006.

“The 2006 Elections,” LeMoyne College, Syracuse, NY, November 29, 2006.

“In Wartime, Who Has the Power?” Symposium on Presidential Power and the Challenge to Democracy, Idaho State University, Pocatello, ID, April 26, 2007.

“Saul Cornell’s Second Amendment: Why History Matters,” Conference on Firearms, the

Militia and Safe Cities: Merging History, Constitutional Law, and Public Policy, Albany Law School, Albany, NY, October 18-19, 2007.

“Gun Control and the 2008 Elections,” Third Annual Harry F. Guggenheim Symposium on Crime in America, John Jay College, New York City, December 3-4, 2007.

“The Post-Cold War Vice Presidency,” Cornell Adult University, Cornell University, Ithaca, NY, July 31, 2008.

“Is the Presidency Constitutional?” Roundtable panel on Restoring the Constitutional Presidency, APSA, Boston, August 28-31, 2008.

“The Future of the American Presidency,” Board of the Bristol Statehouse, Bristol, RI, November 30, 2008.

“Is the Constitutional Presidency Obsolete? The Future of the American Presidency,” Symposium on The Future of the American Presidency, Regent University, Virginia Beach, VA, February 6, 2009.

“The Failure of the Pro-Gun Control Movement,” SUNY Oneonta, March 19, 2009.

“The Post-Bush Presidency and the Constitutional Order,” American Political Science Association, Toronto, Canada, September 3-6, 2009.

“Inventing Gun Rights: The Supreme Court, the Second Amendment, and Incorporation,” SUNY Geneseo, March 24, 2010.

“Intelligence Don’t Matter,” Keynote Address to Phi Kappa Phi Induction Ceremony, SUNY Cortland, April 17, 2010.

“The Law and Politics of Gun Control after Tucson,” 6th Annual Harry Frank Guggenheim Symposium on Crime in America, conference on “Law and Disorder: Facing the Legal and Economic Challenges to American Criminal Justice,” John Jay College of Criminal Justice, CUNY, New York City, January 31-February 1, 2011.

“Looking Ahead to the 2012 Elections,” Tompkins County Democratic Committee, Ithaca, NY, August 7, 2011.

“Growing Executive Power: The Strange Case of the ‘Protective Return’ Pocket Veto,” American Political Science Association, Seattle, WA, September 1-4, 2011.

“Gun Control and the Second Amendment,” OASIS Conference, Syracuse, NY, October 3, 2011

“Comparing the Constitutional Presidencies of George W. Bush and Barack Obama: War Powers, Signing Statements, Vetoes,” conference on “Change in the White House? Comparing the Presidencies of George W. Bush and Barack Obama,” Hofstra University, Hempstead, NY, April 19, 2012.

“Watergate After 40 Years: Dick Cheney’s Revenge,” American Political Science Association, New Orleans, LA, August 30-September 2, 2012.

“The Media, American Elections, and Democracy,” OASIS, Syracuse, NY, October 22, 2012.

“Hot Button Issues in the 2012 Presidential Campaign,” Hiram College Conference on the 2012 Elections, Hiram, Ohio, November 15-17, 2012.

“Gun Legislation and Obstacles to Effective Gun Control,” Metropolitan Black Bar Association, New York City Bar Association, November 29, 2012.

“Guns and America,” Syracuse University, Syracuse, NY, February 19, 2013.

“The Constitution Between Opponents,” conference on “The State of the Presidency,” Andrus Center for Public Policy, Boise State University, Boise, ID, February 28, 2013.

“Gun Policy at a Crossroads,” Thursday Morning Roundtable, Syracuse, NY, March 7, 2013.

“Gun Policy Cycles and History,” Pediatric Grand Rounds at the Upstate Golisano Children’s Hospital, Syracuse, NY, March 13, 2013.

“Gun Law and the Constitution,” Monroe County Bar Association, Rochester, NY, March 21, 2013.

“The Architecture of the Gun Control Debate,” Goldfarb Center for Public Affairs, Colby College, Waterville, ME, April 2, 2013.

“The Campbell Debates: This Assembly Supports the NY SAFE Act,” Syracuse University, April 5, 2013.

“What has Sandy Hook Changed? The Evolving Gun Debate,” Reisman Lecture Series, Cazenovia College, Cazenovia, NY, April 17, 2013.

“Gun Policy Change: Infringing Rights, or Following History?” Jefferson Community College, Watertown, NY, April 18, 2013.

“Under the Gun,” Conference on “Gun Violence, Gun Laws, and the Media,” Center on Media, Crime and Justice, John Jay College of Criminal Justice, New York, May 14-15, 2013.

“Five Myths of the Gun Debate,” Lawman of the Year, Cortland County Lawman Committee, Cortland, NY, May 20, 2013.

“Gun Law History,” Sterling Historical Society, Sterling, NY, June 27, 2013.

“Analyzing the New York SAFE Act,” League of Women Voters Forum, Cortland, NY, September 12, 2013.

“Constitution Day, the Second Amendment, and Guns,” OASIS, Syracuse, NY, September 16, 2013.

“The Second Amendment and Guns in America,” Values, Arts, and Ideas Series Constitution Day Speaker, Manchester University, North Manchester, Indiana, September 17, 2013.

“Live By History, Die By History: The Second Amendment, Heller, and Gun Policy,” Georgetown University, Washington, DC, October 18, 2013.

“American Gun Policy,” “Gun Violence: A Comparative Perspective,” and “American History and Foreign Policy, 1960-1990,” King’s College, London, England; Southbank Centre, “Superpower Weekend,” November 8-11, 2013.

“Gun Politics and the Electoral Process,” Oneida County Women’s Democratic Club and County Committee, Utica, NY, November 17, 2013.

“The Second Amendment and the Hidden History of Gun Laws,” Institute for Legislative Studies, University of North Carolina, Greensboro, NC, November 20-21, 2013.

“The Future of Gun Regulation After Newtown,” Fordham University, New York, NY, January 21, 2014.

“The 2014 Elections: The End of the Obama Era?” 22nd Annual Chautauqua, Homer, NY, August 3, 2014.

“New York State and the NY SAFE Act: A Case Study in Strict Gun Laws,” conference on “A Loaded Debate: The Right to Keep and Bear Arms in the 21st Century,” Albany Law School, Albany, NY, October 9, 2014.

“Is Gun Control Un-American or at Least Unconstitutional?” Temple Concord, Syracuse, NY, October 14, 2014.

“The American Gun Debate is Under Water,” TEDxCortland Talk, Hathaway House, Solon, NY, October 25, 2014.

“The Unitary Executive and the Bush Presidency,” Conference on the Presidency of George W. Bush,” Hofstra University, Hempstead, NY, March 24-26, 2015.

“Assessing the Obama Presidency,” Western Political Science Association, Las Vegas, NV, April 1-3, 2015.

“Gun Laws, Gun Policies, and the Second Amendment,” Central New York Council of the Social Studies Professional Development Day Conference, Carnegie Conference Center, Syracuse, NY, October 20, 2015.

“The 2016 Elections,” The Cornell Club of Cortland County, November 17, 2015, Cortland, NY.

“Gun Law History in the U.S. and Second Amendment Rights,” Conference on The Second Amendment: Legal and Policy Issues, New York University Law School and the Brennan Center for Justice, New York City, April 8, 2016.

“The Presidential Elections,” The Century Club, June 7, 2016, Syracuse, NY.

“The 2016 Elections,” Chautauqua, August 3, 2016, Homer, NY.

“The 2016 Elections” Cortland Rotary, Cortland, N.Y. September 20, 2016.

“The 2016 Elections,” Cortland Community Roundtable, October 6, 2016.

“TrumPocalypse 2016,” Finger Lakes Forum, Geneva, N.Y., October 16, 2016.

“The 2016 Elections,” Homer Congregational Church, Homer, N.Y., October 30, 2016.

“Had Enough? Only Five More Days,” OASIS, November 3, 2016, Syracuse, N.Y.

“Guns for Everyone?” OASIS, November 14, 2016, Syracuse, N.Y.

“Sizing Up the Trump Presidency,” Cortland County Democratic Party, June 1, 2017.

“Understanding Impeachment,” Ladies Literary Society, Lafayette, NY, June 7, 2017.

“Guns Across America,” Ithaca College, Ithaca, NY, September 21, 2017.

Guest panelist, “Gun Studies Symposium,” University of Arizona, Tucson, AZ, October 20, 2017.

“Gun Policy and Schools After Parkland,” SUNY Student Assembly Annual Conference, Syracuse, NY, April 7, 2018.

“Gun Laws, History, and the Second Amendment: What Does the Constitution Allow?” Clemson University, SC, April 17, 2018.

“Gun Violence and the History of Gun Laws,” League of Women Voters of Tompkins County, Ithaca, NY, May 23, 2018.

“The Unknown History of Gun Laws in America,” Madison-Chenango Call to Action, Hamilton, NY, June 20, 2018.

“It’s All Academic: The Meaning of the Second Amendment Versus Heller,” Conference on “The Second Amendment: Its Meaning and Implications in Modern America,” Lincoln Memorial University School of Law, Knoxville, TN, January 18, 2019.

“Mulling Over the Mueller Report,” Indivisible Cortland County, Homer, NY, June 15, 2019.

“Gun Accessories and the Second Amendment: Assault Weapons, Magazines, and Silencers,” Symposium on Gun Rights and Regulation Outside the Home, Duke University, Durham, NC, September 27, 2019.

“Gun Policy 101: What Policymakers and the Public Need to Know,” Rockefeller Institute of Government, Albany, NY, October 1, 2019.

Guest expert, Federalist Society Teleforum on *New York State Rifle and Pistol Association v. NYC*, November 22, 2019.

“To Brandish or Not to Brandish: The Consequences of Gun Display,” Duke University Law School Conference on Historical Gun Laws, June 19, 2020 (virtual).

“The 2020 Elections,” Cortland Country Club, October 14, 2020.

Panelist, “Gun Law, Politics, and Policy,” Midwest Political Science Association, Chicago, April 14-17, 2021 (virtual).

“Gun Violence,” Beaches Watch, Florida, August 4, 2021 (virtual).

“Challenging Conversations: Gun Control,” Lockdown University (virtual), April 5, 2022.

“Scholars’ Circle: Gun Control,” June 30, 2022 (virtual).

“Gun Rules and Regulations,” Clubhouse AverPoint, July 2, 2022 (virtual).

“A Nation in Crisis: Are Guns the Problem?” Center for Ethics and Human Values’ Civil Discourse Forum, The Ohio State University, Columbus, OH, September 23, 2022.

“Explaining the 2022 Midterm Elections,” OSHER Lifelong Learning Institute at the College of William and Mary, Williamsburg, Va., October 13, 2022.

“The Gun Rights 2.0 Movement: Public Policy Consequences,” 2022 National Research Conference on Firearm Injury Prevention, Omni Shoreham Hotel, Washington, D.C., November 29-December 1, 2022.

“Gun Law History in America,” OSHER Lifelong Learning Institute at the College of William and Mary, Williamsburg, Va., February 16, 2023.

“The Obama Presidency and Gun Policy,” Paper Presented for Hofstra University’s 13th Presidential Conference on The Barack Obama Presidency, Hempstead, NY, April 19-21, 2023.

Panel Participation:

Discussant, "Historical Transformations of Political Institutions in the U.S.," Social Science History Association, Rochester, N.Y., November 7-9, 1980.

Chair, "The Political Economy of Single Issue Movements," 1981 American Political Science Association, New York City, September 3-6.

Discussant, "New York Republicans: An Emerging Majority Party?," New York State Political Science Association, Albany, N.Y., April 2-3, 1982.

Round table panel member, "Perspectives on the Reagan Administration," New York State Political Science Association, New York, N.Y., April 8-9, 1983.

Discussant, "Toward a Theory of the Chief Executive," 1983 American Political Science Association, Chicago, Ill., September 1-4, 1983.

Chair and Discussant, "Political Parties and Party Organization," 1984 American Political Science Association, Washington, D.C., August 30 - September 2, 1984.

Discussant, "Reforming the Presidential Selection Process," New York State Political Science Association, New York, N.Y., April 25-26, 1985.

Chair, "Theoretical Approaches to Policy Concerns," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

Discussant, "Perspectives on Presidential Influence," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

Discussant, "The Item Veto," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

Chair, "Mobilizing Interests on National Policies," American Political Science Association, Washington, D.C., August 28-31, 1986.

Discussant, "The News Media and American Politics," American Political Science Association, Washington, D.C., August 28-31, 1986.

Chair, "Perspectives on the Bicentennial of the U.S. Constitution," New York State Political Science Association, New York City, April 3-4, 1987.

Discussant, "The Presidency in Comparative Perspective," and "Media and Models of Public Policy-Making," American Political Science Association, Atlanta, Aug. 31 - Sept. 3, 1989.

Discussant, "Presidents and Economic Interests," American Political Science Association, Washington, D.C., August 29 - September 1, 1991.

Panel Chair, "The Presidential Role in Policy Making," American Political Science Association, Chicago, September 3-6, 1992.

Discussant, "Presidential Influence on Congress," American Political Science Association, Washington, D.C., September 2-5, 1993.

Discussant, "Bureaucratic Politics," Southern Political Science Association, November 3-6, 1993.

Discussant, "The President's Extra-Constitutional Power," American Political Science Association, New York City, September 1-4, 1994.

Discussant, "Roundtable on the President and Congress in a Republican Age," Western Political Science Association, San Francisco, March 14-16, 1996.

Chair, "Militias, the Second Amendment, and the State: Constitutional, Social, and Historical Implications," American Political Science Association, San Francisco, August 29-September 1, 1996.

Chair, "Roundtable on Teaching the Presidency," American Political Science Association, August 29-September 1, 1996.

Chair, "The Constitutionalism and Presidentialism of Louis Fisher," American Political Science Association, Washington, D.C., August 28-31, 1997.

Chair, "The President as Legislative Leader," American Political Science Association, Boston, September 3-6, 1998.

Chair, Roundtable on "Memo to the President," American Political Science Association, Atlanta, September 2-5, 1999.

Discussant, "Firearms in the U.S.," Midwest Political Science Association, Chicago, April 27-30, 2000.

Chair and discussant, Roundtable on "Is the Presidency Changed?" APSA, San Francisco, August 30-September 2, 2001.

Chair and discussant, "Presidential Use of Strategic Tools," APSA, Boston, August 29 - Sept. 1, 2002.

Discussant, "Executing the Constitution," APSA, Boston, August 29 - Sept. 1, 2002.

Chair, "Marketing the President," APSA, Philadelphia, August 28-31, 2003.

Discussant, "Media Coverage of the Presidency," APSA, Philadelphia, August 28-31, 2003.

Chair and discussant, "Does Presidential Leadership in Foreign Policy Matter?" APSA, Chicago, September 2-5, 2004.

Roundtable member, "The Ins and Outs of Obtaining a Book Contract," APSA, Chicago, September 2-5, 2004.

Discussant, "Presidential Power: Lessons From the Past," APSA, Washington, D.C., September 1-4, 2005.

Chair and Discussant, “The Unitary Executive in a Separated System,” APSA, Philadelphia, August 31-September 3, 2006.

Panel chair, “The Culpability of Congress,” Conference on Presidential Power in America: The Constitution, the Defense of a Nation and the National Ethos, Massachusetts School of Law Conference Series, Andover, MA, October 14-15, 2006.

Panel chair, “Keeping the Modern Presidency in Check and Balance,” APSA, Chicago, August 30-September 2, 2007.

Discussant, “Presidential Endings: George W. Bush and the Final Two Years,” APSA, Chicago, August 30-September 2, 2007.

Discussant, “Staffing and Decisionmaking in the White House,” APSA, Boston, August 28-31, 2008.

Panel Chair, “Early Assessments of the Obama Presidency,” APSA, Washington, D.C., September 2-5, 2010.

Discussant, “Historical Perspectives on the Presidency,” APSA, Chicago, August 29-Sept. 1, 2013.

Discussant, “Politics and Presidential Travel,” APSA, Washington, D.C., August 27-31, 2014.

Discussant, “The Obama Presidency and Constitutional Law,” APSA, San Francisco, Sept. 3-6, 2015.

Discussant, “Presidents, the Courts and the Law,” APSA, Philadelphia, Sept. 1-4, 2016.

Discussant, “Executive Power and Democratic Functioning in the Trump Era,” APSA, Boston, MA, August 30-September 2, 2018.

Panel chair, “Assessing the Presidency of Donald Trump,” APSA, Washington, DC, August 29-September 1, 2019.

Roundtable, “Gun Law, Politics, and Policy,” Midwest Political Science Association, April 17, 2021 (virtual).

Roundtable, “Guns and the Political Moment: Political Violence, Self-Defense, and Reckoning with Race,” Midwest Political Science Association, Chicago, April 7, 2022.

Book Reviews:

The American Presidency, by Richard M. Pious, reviewed in The Journal of Politics, November, 1979.

The Politics of Mistrust, by Aaron Wildavsky and Ellen Tenenbaum, reviewed in Administrative Science Quarterly, December, 1981.

Review essay, The President as Policymaker, by Laurence E. Lynn and David DeF. Whitman, review essay in Administrative Science Quarterly, March, 1982.

PL94-142: An Act of Congress, by Erwin L. Levine and Elizabeth M. Wexler, reviewed in the American Political Science Review, June, 1982.

Pure Politics and Impure Science, by Arthur M. Silverstein, reviewed in Administrative Science Quarterly, June, 1984.

Review essay, The President's Agenda, by Paul Light, reviewed in Administrative Science Quarterly, September, 1984.

The Evolution of American Electoral Systems, by Paul Kleppner, et al., reviewed in the American Political Science Review, December, 1983.

A Case of Third Party Activism, by James Canfield, reviewed in Perspective, July-August, 1984.

Winners and Losers: Campaigns, Candidates and Congressional Elections, by Stuart Rothenberg, reviewed in the American Political Science Review, December, 1984.

The Political Presidency, by Barbara Kellerman, reviewed in Perspective, January-February, 1985.

Presidents and Promises, by Jeff Fishel, reviewed in the American Political Science Review, December, 1985.

The Elections of 1984, ed. by Michael Nelson, reviewed in Perspective, May/June, 1985.

Economic Conditions and Electoral Outcomes, by Heinz Eulau and Michael S. Lewis-Beck, reviewed in Perspective, May/June, 1986.

Presidential Transitions: Eisenhower Through Reagan, by Carl M. Brauer, in Perspective, January/February, 1987.

Religion and Politics in the United States, by Kenneth D. Wald, in Journal for the Scientific Study of Religion, September, 1988.

Abortion and Divorce in Western Law, by Mary Ann Glendon, in The Annals of the American Academy of Political and Social Science, September, 1988.

The American Political Economy, by Douglas Hibbs, in Perspective, Spring, 1988.

God in the White House, by Richard G. Hutcheson, Jr., in Perspective, Fall, 1988.

The Reagan Legacy, Charles O. Jones, ed., in Social Science Quarterly, June, 1989.

Dilemmas of Presidential Leadership From Washington Through Lincoln by Richard Ellis and Aaron Wildavsky, in Perspective, September, 1989.

Taming the Prince by Harvey Mansfield, Jr., in Governance, April, 1990.

Public Policy and Transit System Management, ed. by George M. Guess, in Perspective, Spring, 1991.

The Myth of Scientific Public Policy, by Robert Formaini, in Perspective, Winter, 1992.

The Bush Presidency: First Appraisals, ed. by Colin Campbell and Bert Rockman in Public Administration Review, May/June, 1992.

The Illusion of a Conservative Reagan Revolution, by Larry Schwab, in Policy Currents, May, 1992.

The Vital South: How Presidents Are Elected, by Earl Black and Merle Black, in Perspective, Fall, 1993.

The Presidential Pulse of Congressional Elections, by James E. Campbell, in The Journal of American History, March, 1995.

Out of Order, by Thomas Patterson, in Presidential Studies Quarterly, Summer, 1994.

Congress, the President, and Policymaking, by Jean Schroedel, in the American Political Science Review, December, 1994.

The President and the Parties, by Sidney Milkis, in Governance, January 1995.

The Myth of the Modern Presidency, by David K. Nichols, PRG Report, Spring, 1995.

The End of the Republican Era, by Theodore Lowi, The Journal of American History, December, 1995.

Strategic Disagreement: Stalemate in American Politics by John B. Gilmour, in Governance (9), 1996.

Rivals For Power: Presidential-Congressional Relations, by James Thurber, in American Political Science Review, March, 1997.

American Presidential Elections, ed. by Harvey Schantz, in Perspectives, Spring 1997.

The Power of Separation by Jessica Korn, in Congress & the Presidency, Spring 1997.

Strong Presidents by Philip Abbott, in Perspective, Fall 1997.

Other People's Money: Policy Change, Congress, and Bank Regulation, by Jeffrey Worsham, in Perspectives, Spring 1998.

A Third Choice, in Journal of American History, December 1998.

Politics, Power and Policy Making: The Case of Health Care Reform in the 1990s, by Mark Rushefsky and Kant Patel in Perspectives, Winter 1999.

The Paradoxes of the American Presidency, by Thomas Cronin and Michael Genovese, for the American Political Science Review, March 1999.

Republic of Denial, by Michael Janeway, for Perspectives, Spring 2000.

The Art of Political Warfare, by John Pitney, Rhetoric and Public Affairs, Summer 2001.

Arming America, by Michael Bellesiles, Congress Monthly, January/February 2002.

Gun Violence in America by Alexander DeConde, Law and Politics Book Review, August 2001; also in Historynewsnetwork.org, 8/01.

Presidents as Candidates, by Kathryn D. Tenpas, in Rhetoric and Public Affairs, Spring 2002.

The Trouble With Government, by Derek Bok, Perspectives, Spring 2002.

King of the Mountain, by Arnold M. Ludwig, Rhetoric and Public Affairs, Winter 2002.

Power, the Presidency, and the Preamble, by Robert M. Saunders, Presidential Studies Quarterly, December 2002.

Presidents, Parliaments, and Policy, ed. by Stephen Haggard and Mathew McCubbins, Perspectives, Winter 2003.

The Modern American Presidency, by Lewis L. Gould, Rhetoric and Public Affairs.

Watergate: The Presidential Scandal that Shook America, by Keith W. Olson, Perspectives, Summer 2003.

The Militia and the Right to Arms, or, How the Second Amendment Fell Silent, by H. Richard Uviller and William G. Merkel, Journal of American History, March 2004.

Power Without Persuasion: The Politics of Direct Presidential Action, by William G. Howell, Perspectives on Politics, June 2004.

The George W. Bush Presidency: An Early Assessment, ed. By Fred Greenstein, Perspectives, Spring 2004.

The Invention of the United States Senate, by Daniel Wirls and Stephen Wirls, Perspectives, Summer 2004.

The Mythic Meanings of the Second Amendment, by David C. Williams, Law and Politics Book Review, April 2004.

Empowering the White House, by Karen M. Hult and Charles E. Walcott, Rhetoric and Public Affairs, Fall 2005.

Defining Americans: The Presidency and National Identity, by Mary E. Stuckey, Perspectives, Spring 2005.

Presidential Leadership: Rating the Best and Worst in the White House, ed. By James Taranto and Leonard Leo, Rhetoric and Public Affairs, Summer 2006.

A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America, by Saul Cornell, American Journal of Legal History, October 2006.

The Founders' Second Amendment: Origins of the Right to Bear Arms, by Stephen Halbrook, Law and Politics Book Review 18(October 2008).

Out of the Shadow: George H.W. Bush and the End of the Cold War, by Christopher Maynard, Journal of American History (September 2009).

Guns, Democracy, and the Insurrectionist Idea, by Joshua Horwitz, Law and Politics Book Review 19(June 2009).

Talking Together, by Lawrence Jacobs, Fay Lomax Cook, and Michael Delli Carpini, dailykos.com, posted June 20, 2009, with Glenn Altschuler.

Accidental Presidents, by Philip Abbott, Presidential Studies Quarterly, June 2010.

The Co-Presidency of Bush and Cheney, by Shirley Anne Warshaw, Congress and the Presidency, 2010.

Crisis and Command: The History of Executive Power from George Washington to George W. Bush, by John Yoo, Presidential Studies Quarterly (December 2010).

Declaring War: Congress, the President, and What the Constitution Does Not Say, by Brien Hallett, Law and Politics Book Review 22(November 2012).

Congress vs. the Bureaucracy: Muzzling Agency Public Relations, by Mordecai Lee, The Journal of American History (December 2012).

Arming and Disarming, by R. Blake Brown, Law and History Review (November 2013).

Reclaiming Accountability: Transparency, Executive Power, and the U.S. Constitution, by Heidi Kitrosser, Congress and the Presidency 42(2015).

The Six-Shooter State: Public and Private Violence in American Politics by Jonathan Obert and The Lives of Guns ed. by Jonathan Obert, Andrew Poe and Austin Sarat, Perspectives on Politics 17(September 2019).

The Toughest Gun Law in the Nation by James B. Jacobs and Zoe Fuhr, Criminal Law and Criminal Justice Books, March 2020.

Warped Narratives: Distortion in the Framing of Gun Policy by Melissa K. Merry, Perspectives on Politics 18(September 2020).

The Uses and Misuses of Politics: Karl Rove and the Bush Presidency by William G. Mayer, Presidential Studies Quarterly (December 2022).

Selected Media Appearances/Quotations:

NBC's "Today Show"; ABC's "Good Morning America" and "Network Nightly News";

PBS's "News Hour"; CNN's "Lou Dobbs," "NewsStand," "CNN & Co." CNN's HLN, and "Insight"; CNBC's "Upfront Tonight"; MSNBC's "Countdown with Keith Olbermann," "All In With Chris Hayes," "Ali Velshi," "Fresh Air With Terry Gross," "The Diane Rehm Show," 1A with Joshua Johnson, NPR; NHK Television (Japan); CGTN (China), documentary films "Guns and Mothers" (PBS, 2003), "Under the Gun" (Katie Couric Film Company, Epix, 2016), "The Price of Freedom" (Flatbush Pictures/Tribeca Films, 2021). Quoted in or by the New York Times, the Washington Post, Time Magazine, Newsweek, Der Spiegel (Germany), USA Today, the Los Angeles Times, the Wall Street Journal, the Christian Science Monitor, the Boston Globe, the Chicago Tribune, the Philadelphia Inquirer, the Miami Herald, Houston Chronicle, the St. Louis Post-Dispatch, San Francisco Chronicle, the Dallas Morning News, the Baltimore Sun, the Detroit Free Press, the Seattle Post-Intelligencer, Newsday, the Denver Post, Kansas City Star, Dallas News, Pittsburgh Post-Gazette, New Orleans Times Picayune, Orlando Sentinel, Columbus Dispatch, Buffalo News, San Jose Mercury News, Albany Times-Union, St. Petersburg Times, Arkansas Democrat-Gazette, Newark Star-Ledger, Bergen Record, Congress Daily, The Hill, CQ Report, Rolling Stone, The Nation, Ladies Home Journal, the National Journal, The Spectator, Legal Times, Financial Times, Toronto Globe, al Jazeera, Reuters, Bloomberg News, Knight Ridder, AP, Gannett, Newhouse, Scripps Howard, McClatchy, Hearst, the BBC (Britain), CBC (Canada), the Voice of America, Radio Free Europe, ABC News Online, Fox News Online, National Public Radio, CBS Radio, media outlets in South Korea, India, Brazil, Denmark, Spain, France, Norway, Germany.

Regular panelist on "The Ivory Tower," a weekly public affairs program broadcast on WCNY-TV, Syracuse, NY, from 2002-2021. A half hour discussion of the week's events conducted by five academics from area colleges.

Professional Associations:

Scholars Strategy Network.
 American Political Science Association.
 Center for the Study of the Presidency.
 Presidents and Executive Politics Section (formerly the Presidency Research Group),
 APSA; served on Governing Board of PRG, 1991 to 2003.
 New York Political Science Association.
 Pi Sigma Alpha.
 Phi Kappa Phi.

Teaching Areas:

American Government: courses taught include Law and Politics, Introduction to

American Government, The Legislative Process, Political Parties and Social Movements, The American Presidency, Media and Politics, Gun Control Politics and Policy, State and Local Government, Abortion Politics, Elections and American Politics, Media and War, internships in Washington, D.C., Albany, and Cortland County, Seminars on the Decline of Parties and Third Parties, American Institutions, Current Developments in American Politics, and Introduction to College Life.

Public Policy: courses taught include Politics and Policy, Introduction to Public Policy, Gun Policy. Areas of interest include policy theory, policy formation and decisionmaking, and policy implementation.

Teaching-Related Awards:

Three-time recipient of the SUNY Cortland Student Government Association Outstanding Faculty Award (the "DiGiusto Award"), 1987, 1991, and 2003, for "Outstanding Service to Students." (The only faculty member ever to win this award more than once.)

Other Professional Activities

External Reviewer, University of Michigan-Dearborn, Project to Expand Promotion and Tenure Guidelines (PTIE) to Inclusively Recognize Innovation and Entrepreneurial Impact, 2021.

Member, Howard Penniman Graduate Scholarship Selection Committee, Pi Sigma Alpha, 2018.

Member, Advisory Board of Pi Sigma Alpha Undergraduate Journal of Politics, 2014-2016.

Executive Council, Pi Sigma Alpha National Board, 2014-18.

Fund and organizing leader for American Political Science Association's new Distinguished Teaching Award, 2011-12.

Chair, Presidency Research Group Task Force on Membership and Recruitment, 2007-08.

Chair, Richard E. Neustadt Award Committee for Best Book on the Presidency published in 2005, Presidency Research Group, 2006.

President, Presidency Research Group, American Political Science Association, 2001-2003;
Vice-President 1999-2001.

Chair, Best Paper Award Committee, Presidency Research Group, American Political Science Association, for 1991 and 1992 conferences.

Member, Governing Board of the Presidency Research Group of the American Political Science Association, 1991-2003.

Editor, PRG Report, 1993-1997.

Board of Editors, State University of New York Press, 1993-1996; 1997-2000. Board Chair, 1998-2000.

Member, Leonard D. White Award Committee for Best Dissertation in Public Administration, American Political Science Association, 1995.

Conference Organizing Committee, "Presidential Power: Forging the Presidency for the 21st Century," Columbia University, November 15-16, 1996.

Chair, E.E. Schattschneider Award Committee, best doctoral dissertation in American Politics, American Political Science Association, 1997.

Secretary/Treasurer, Presidency Research Group, 1997-99.

Book and article reviews for Houghton Mifflin, Cengage Learning, Random House, McGraw-Hill, St. Martins, W.W. Norton, Oxford University Press, Cambridge University Press, University of Chicago Press, University of California Press, Princeton University Press, Cornell University Press, UNC Press, Pearson Longman, Allyn & Bacon, Palgrave/Macmillan, University of New Mexico Press, Texas A&M University Press, Chatham House, CQ Press, HarperCollins, SUNY Press, Thompson Wadsworth, University of Michigan Press, University of Missouri Press, Westview Press, Brooking Institution, Rowman and Littlefield, Routledge, University of Alabama Press, American Political Science Review, PS, Comparative Politics, American Journal of Political Science, Policy Studies Journal, Policy Studies Review, Political Science Quarterly, the Journal of Politics, Western Political Quarterly, Polity, Social Science Quarterly, Political Behavior, American Politics Quarterly, Political Communication, Legislative Studies Quarterly, Government and Policy, Congress and the Presidency, Social Science Journal, Journal of Policy History, Political Research Quarterly, Presidential Studies Quarterly, Politics and Policy, and the National Science Foundation.

Selected Community Service

Administrative Law Judge/Hearing Officer for Cortland County Board of Health, 1994-present; for Tompkins County, 1997-present; for Chenango County, 1997-present; for Madison County, 2006-2021.

Member, City of Cortland Planning Commission, 2009-2012.

Chair, SUNY Press Board of Editors, 1998-2000 (board member 1993-96, 1997-2000).

Board President, Cortland County Arts Council, 1989-1990 (board member, 1987-1990).

Chair, Homer Zoning Board of Appeals, 1995-1997; board member 1988-1997.

Board member, Cortland County Landmark Society, 1989-1995.

Chair, Planning Committee on Codes and Safety for the village of Homer's (N.Y.) Odyssey 2010 Project, 1996.

EXHIBIT B

TABLE OF WEAPONS LICENSING LAWS

EXHIBIT B**TABLE OF WEAPONS LICENSING LAWS***

STATE	CARRY OR HAVE	FIRE OR DISCHARGE PERMIT	HUNT SPORT	COMMERCIAL WEAPON SALE FIRE TRANSPORT	GUNPOWDER EXPLOSIVES LICENSING	SELLER REGISTERS BUYER	NAMED GROUPS [#]	PRE-CIVIL WAR BLACKS	REG TAX [†]
Alabama		1879		1892, 1898				1805	1867
Alaska									
Arizona									
Arkansas		1871		1882				1838	
California	1890, 1891, 1896, 1917, 1923	1869		1854	1883, 1889	1917, 1923, 1931			
Colorado		1875				1911			
Connecticut	1890, 1923	1835, 1845, 1869, 1877		1923	1775, 1827, 1874, 1901, 1909		1665		
Delaware				1911	1911	1911	1909	1797, 1832, 1841, 1843	
District of Columbia	1892, 1932								
Florida	1893, 1931			1887, 1895			1847		
Georgia	1910			1902				1768	
Hawaii	1925, 1927, 1933		1870, 1933	1927, 1933		1927, 1933, 1933			

Idaho									
Illinois	1876, 1893, 1914, 1917, 1931	1841, 1869		1814, 1914	1851, 1869	1885			
Indiana	1925	1855		1895, 1925	1847		1925		
Iowa		1853, 1880		1887	1873				
Kansas									
Kentucky					1864, 1874				
Louisiana		1870		1857				1848	
Maine					1848, 1873, 1874				
Maryland			1876, 1882				1882	1806	
Massachusetts	1906, 1927				1651, 1895, 1898		1769,1884 1922		
Michigan	1925, 1927	1848, 1895				1913,1925, 1927			
Minnesota	1882	1858			1858, 1889				
Mississippi				1906				1804	1867
Missouri	1871, 1880, 1892, 1921	1843, 1894		1888, 1921	1899	1921	1844	1818, 1854	
Montana	1895					1918	1913		
Nebraska	1895				1869				
Nevada									
New Hampshire	1917, 1923	1823, 1870			1820		1917, 1923		
New Jersey	1873, 1905,	1871	1902				1914, 1916		

	1927, 1934								
New Mexico			1915						
New York	1881, 1885, 1891	1824, 1881, 1898	1923		1885, 1890, 1903	1911	1680,1884 1885,1911, 1923		
North Carolina	1919			1919		1919		1840	1909
North Dakota	1915, 1923, 1925, 1931					1923			
Ohio	1933	1823, 1855, 1856			1835,1878, 1884,1889, 1900,1902				
Oklahoma				1890					
Oregon	1898, 1913, 1917, 1925	1868, 1879			1872	1913,1917			
Pennsylvania	1929, 1931	1713,1721, 1721,1750, 1750,1824					1763,1903		
Rhode Island	1927		1907		1821, 1902				
South Carolina	1934	1802		1890, 1893				1740	1923
South Dakota			1899						
Tennessee				1863, 1879					
Texas		1898	1919	1872,1880, 1899					
Utah	1888		1905		1875		1850,1905		
Vermont		1890, 1895	1908		1891,1894				
Virginia	1908,	1859				1926		1792,	1926

	1926							1805, 1806	
Washington State	1895	1890		1892	1881,1881, 1883		1911		
West Virginia	1881, 1925	1875	1909	1876		1925			
Wisconsin	1896	1888			1888				
Wyoming		1893	1899, 1913			1933	1915		
TOTAL STATES	29	26	12	21	21	15	14	11	5
TOTAL LAWS	62	45	15	31	44	22	24	17	5

* Source: <https://firearmslaw.duke.edu/repository/search-the-repository/>

Includes non-state residents, non-citizens, minors, felons, the intoxicated (who stood to lose their licenses), and Native Americans/Indigenous people.

† “Reg Tax” refers to “regulatory taxes.

EXHIBIT C
LICENSE AND LICENSING LAWS

EXHIBIT C

LICENSE AND LICENSING LAWS

ALABAMA

Harry Toulmin, A Digest of the Laws of the State of Alabama : Containing the Statutes and Resolutions in Force at the End of the General Assembly in January, 1823. To which is Added an Appendix; Containing the Declaration of Independence; the Constitution of the United States; the Act authorizing the People of Alabama to form a Constitution and State Government; and the Constitution of the State of Alabama Page 627, Image 655 (1823) available at The Making of Modern Law: Primary Sources. 1805

Negroes and Mulattoes, Bond and Free – 1805, Chapter I, An Act respecting Slaves. – Passed March 6, 1805: Sec. 4. And be it further enacted, that no slave shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, except the tools given him to work with, or that he is ordered by his master, mistress, or overseer, to carry the said articles from one place to another, but all and every gun , weapon, or ammunition, found in the possession or custody of any slave, may be seized by any person, and upon due proof made thereof, before any justice of the peace of the county or corporation where such seizure shall be made, shall, by his order, be forfeited to the seizer, for his own use; and moreover, every such offender shall have and receive, by order of such justice, any number of lashes, not exceeding thirty-nine, on his bare back for every such offense : Provided nevertheless, That any justice of the peace may grant, in his proper county, permission in writing to any slave, on application of his master or overseer, to carry and use a gun and ammunition within the limits of his said master’s or owner’s plantation, for a term not exceeding one year, and revocable at any time within such term, at the discretion of the said justice, and to prevent the inconveniences arising from the meeting of slaves.

[REGULATORY TAX] The Revised Code of Alabama Page 169, Image 185 (1867) available at The Making of Modern Law: Primary Sources. 1867
Taxation, § 10. On All pistols or revolvers in the possession of private persons not regular dealers holding them for sale, a tax of two dollars each; and on all bowie knives, or knives of the like description, held by persons not regular dealers, as aforesaid, a tax of three dollars each; and such tax must be collected by the assessor when assessing the same, on which a special receipt shall be given to the

tax payer therefor, showing that such tax has been paid for the year, and in default of such payment when demanded by the assessor, such pistols, revolvers, bowie knives, or knives of like description, must be seized by him, and unless redeemed by payment in ten days thereafter, with such tax, with an additional penalty of fifty per cent., the same must be sold at public outcry before the court house door, after five days notice; and the overplus remaining, if any, after deducting the tax and penalty aforesaid, must be paid over to the person from whom the said pistol, revolver, bowie knife, or knife of like description, was taken, and the net amount collected by him must be paid over to the collector every month, from which, for each such assessment and collection, the assessor shall be entitled to fifty cents, and when the additional penalty is collected, he shall receive fifty per cent. additional thereto.

J. M. Falkner, The Code of Ordinances of the City Council of Montgomery, with the Charter Page 151, Image 151 (1879) available at The Making of Modern Law: Primary Sources. 1879

[Ordinances of the City of Montgomery,] § 449. Any person who fires or discharges, or causes to be fired or discharged, any pistol, gun, cannon, anvil, or anything of like kind or character; or who lets off or discharges any rocket, fire-crackers, squib or other fire-works, without first having obtained permission of the Mayor, who shall designate the place where such firing may be done, must, on conviction, be fined not less than one nor more than one hundred dollars.

William Logan Martin, Commissioner, The Code of Alabama, Adopted by Act of the General Assembly of the State of Alabama, Approved February 16, 1897, Entitled "An Act to Adopt a Code of Laws for the State Alabama " with Such Statutes Passed at the Session of 1896-97, as are Required to be Incorporated Therein by Act Approved February 17, 1897; and with Citations to the Decisions of the Supreme Court of the State Construing or Mentioning the Statutes Page 1137, Image 1154 (Vol. 1, 1897) available at The Making of Modern Law: Primary Sources. 1892

[License Taxes; From Whom and For What Business Required; Prices; County Levy,] Taxation, § 27. For dealers in pistols, or pistol cartridges, or bowie-knives, or dirk-knives, whether principal stock in trade or not, three hundred dollars. Any cartridges, whether called rifle or pistol cartridges, or by any other name, that can be used in a pistol, shall be deemed pistol cartridges within the meaning of this subdivision. Any person or firm who orders for another, or delivers any cartridges within this state, shall be deemed a dealer under this provision.

1898 Ala. Acts 190, An Act To Amend The Revenue Laws Of The State Of Alabama, pt. 66-67.

66th. For dealers in pistol, bowie or dirk knives, whether principal stock in trade or not, one hundred dollars. 67th. For wholesale dealers in pistol or rifle cartridges in towns or cities of twenty thousand or more inhabitants, ten dollars. In all other places, five dollars: Provided, That the wholesale dealers license shall entitle them to sell at retail.

ARKANSAS

Revised Statutes of the State of Arkansas, Adopted at the October Session of the General Assembly of Said State, A. D. 1837, in the Year of Our Independence the Sixty-second, and of the State of Second Year Page 587, Image 602 (1838) available at The Making of Modern Law: Primary Sources. 1838

Negroes and Mulattoes, § 17. No free negro shall be suffered to keep or carry any gun or rifle, or weapon of any kind, or any ammunition without a license first had and obtained, for that purpose, from some justice of the peace of the county in which such free negro or mulatto resides, and such license may be granted and revoked by any justice of the peace of the county. §18. Every gun, rifle, or weapon of any kind, or ammunition, found in the possession or custody of any free negro or mulatto, not having a license as required by the preceding section, may be seized by any person, and upon due proof thereof made before some justice of the peace of the county in which such seizure was made, shall by order of such justice be forfeited to the use of the person making the seizure, and such justice shall also impose a fine on such negro or mulatto, for the use of the county, not exceeding twenty dollars.

George Eugene Dodge, A Digest of the Laws and Ordinances of the City of Little Rock, with the Constitution of State of Arkansas, General Incorporation Laws, and All Acts of the General Assembly Relating to the City Page 231, Image 231 (1871) available at The Making of Modern Law: Primary Sources. 1871

[Offenses Affecting the Public Safety, § 288. No person shall fire or discharge any cannon, gun, fowling piece, pistol, or fire-arms, of any description, or fire, explode, or set off any squibs, cracker, or other thing containing powder or other combustible or explosive material, without permission from the mayor which permission shall limit the time of such firing, and shall be subject to be revoked by the mayor at any time after it has been granted. Any violation hereof shall subject the party to a fine of not less than two nor more than ten dollars.]

John H. Herry, Digest of the Laws and Ordinances of the City of Little Rock, with the Constitution of the State of Arkansas; General Incorporation Laws; and All Acts of the General Assembly Relating to the City; in Force March 10, 1882 Page 149, Image 334 (1882) available at The Making of Modern Law: Primary Sources. 1882

[Ordinances of the] City of Little Rock, [§ 344. That it shall be unlawful for any person to engage in, exercise or pursue any of the following avocations or business without first having obtained and paid for a license therefor from the proper city authorities the amount of which licenses are hereby fixed as follows, to wit: . . .]§ 27. Shooting galleries, or pistol galleries, \$25 per annum, in advance.

CALIFORNIA

Ordinances and Joint Resolutions of the City of San Francisco; Together with a List of the Officers of the City and County, and Rules and Orders of the Common Council Page 220, Image 256 (1854) available at The Making of Modern Law: Primary Sources. 1854

Ordinances of the [City of San Francisco], § 13. Every person, house, or firm engaged in keeping a pistol or rifle shooting gallery, shall pay for a license to carry on the same, the sum of ten dollars per quarter, in addition to the amount of the powder license.

General orders of the Board of Supervisors providing regulations for the government of the City and County of San Francisco. 1869

[Discharge of Cannon: Permit to be given by Mayor, and filed in office of Chief of Police. Discharge of Fire Arms prohibited within certain limits.]Sec. 22. No person shall discharge any cannon within that portion of this city and county lying between Larkin and Ninth Streets and the outer line of the streets forming the water-front, except by special permission, in writing, from the Mayor, which permit shall designate the time and particular locality of the firing, and the number of discharges which are authorized. A copy of such permit shall be filed by the person obtaining the same, in the office of the Chief of Police, at least two hours before the time of such firing; and the person or persons engaged in the discharge of such cannon, shall, on the demand of any citizen or peace officer, exhibit the permit by which such firing is authorized; and no person shall discharge any fire-arm of any other description in that portion of the city and county bounded by Devisadero, Ridley, Market, and Ninth streets, and the outer line of the streets forming the water-front, or within three hundred yards of any public highway, or upon any ground set apart as a cemetery, or public square, or park, or within three hundred yards of any dwelling-house. But this section shall not be construed so as

to prohibit any person from shooting destructive animals within or upon his own inclosure. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, or by imprisonment in the county jail out more than thirty days.

1883 Cal. Stat. 156, § 153.

The Municipal Council shall provide by ordinance, for the payment into a “Fireman’s Charitable Fund” of such city, or city and county, of all moneys received for licenses for the storage, manufacture, or sale of gunpowder, blasting powder, gun cotton, fireworks, nitro-glycerine, dualine, or any explosive oils or compounds, or as a municipal tax upon the same; also all fines collected in the police court for violations of fire ordinances.

Nathan Newmark, *The Political Code of the State of California. As Enacted in 1872, and Amended in 1889. With Notes and References to the Decisions of the Supreme Court* Page 963 (1889) available at *The Making of Modern Law: Primary Sources*. 1889

[Political Code of the State of California,] Charitable Fund, §153. The Municipal Council shall provide, by ordinance, for the payment into a “Fireman’s Charitable Fund” of such city, or city and county, of all moneys received for licenses for the storage, manufacture, or sale of gunpowder, blasting powder, gun cotton, fireworks, nitro-glycerine, dualine, or any explosive oils or compounds, or as a municipal tax upon the same; also, all fines collected in the Police Court for violations of fire ordinances. Said fund shall be under the direction and control of and subject to such regulations as may be prescribed by the Board of Fire Commissioners.

Fred L. Button, ed., *General Municipal Ordinances of the City of Oakland, California (Oakland, CA; Enquirer, 1895)*, p. 218, Sec. 1, An Ordinance to Prohibit the Carrying of Concealed Weapons, No. 1141. 1890

Section 1 . It shall be unlawful for any person in the City of Oakland, not being a public officer or a traveler actually engaged in making a journey, to wear or carry concealed about his person without a permit, as hereinafter provided, any pistol, slung-shot, brass or iron knuckles, sand club, dirk or bowie knife, or iron bar or other dangerous or deadly weapon, or any sling or other contrivance by which shot or other missiles are or may be hurled or projected. A written permit may be granted by the Mayor for a period of not to exceed one year to any peaceable person whose profession or occupation may require him to be out at late hours of the night to carry a concealed deadly weapon upon his person.

Charter and Ordinances of the City of Stockton (Stockton, CA: Stockton Mail Printers and Bookbinders, 1908), p. 240, Ordinance No. 53. 1891

Be it ordained by the City Council of the City of Stockton as follows:

One-Concealed Weapons, Burglars' Tools.

Section 1. It shall be unlawful and a misdemeanor: 1. For any person not being a peace officer or actually prosecuting a journey to or from the town, city or county of his residence, to wear or carry concealed about his person any pistol, dirk, bowie-knife, slungshot, sand-club, metallic knuckles or any other deadly or dangerous weapon, except he first have a written permit to so do from the Mayor of the City of Stockton.

L. W. Moultrie, Charter and Ordinances of the City of Fresno Page 30, Image 28 (1896) available at The Making of Modern Law: Primary Sources. 1896
Ordinances of the City of Fresno, § 8. Any person excepting peace officers and travelers, who shall carry concealed upon his person any pistol or firearm, slungshot, dirk or bowie-knife, or other deadly weapon, without a written permission (revocable at any time) from the president of the board of trustees, is guilty of a misdemeanor.

1917 Cal. Sess. Laws 221-225, An act relating to and regulating the carrying, possession, sale or other disposition of firearms capable of being concealed upon the person; prohibiting the possession, carrying, manufacturing and sale of certain other dangerous weapons and the giving, transferring and disposition thereof to other persons within this state; providing for the registering of the sales of firearms; prohibiting the carrying or possession of concealed weapons in municipal corporations; providing for the destruction of certain dangerous weapons as nuisances and making it a felony to use or attempt to use certain dangerous weapons against another, §§ 3-4.

SEC. 3. Every person who carries in any city, city and county, town or municipal corporation of this state any pistol, revolver, or other firearm concealed upon his person, without having a license to carry such firearm as hereinafter provided in section six of this act, shall be guilty of a misdemeanor, and if he has been convicted previously of any felony, or of any crime made punishable by this act, he is guilty of a felony.

SEC 4. The unlawful possessing or carrying of any of the instruments, weapons, or firearms enumerated in section one to section three inclusive of this act, by any person other than those authorized and empowered to carry or possess the same as hereinafter provided, is a nuisance, and such instruments, weapons or firearms are hereby declared to be nuisances, and when any of said articles shall be taken from

the possession of any person the same shall be surrendered to the magistrate before whom said person shall be taken, except that in any city, city and county, town or other municipal corporation the same shall be surrendered to the head of the police force, or police department thereof. The officers to whom the same may be so surrendered, except upon certificate of a judge of a court of record, or of the district attorney of any county that the preservation thereof is necessary or proper to the ends of justice, shall proceed at such time or times as he deems proper, and at least once in each year to destroy or cause to be destroyed such instruments, weapons, or other firearms in such manner and to such extent that the same shall be and become wholly and entirely ineffective and useless for the purpose for which it was manufactured.

SEC 6. It shall be lawful for the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry concealed a pistol, revolver or other fire-arm; provided, however, that the application to carry concealed such firearm shall be filed in writing and shall state the name and residence of the applicant, the nature of applicant's occupation, the business address of applicant, the nature of the weapon sought to be carried and the reason for the filing of the application to carry the same.

1923 Cal. Stat. 696, An Act to Control and Regulate the Possession, Sale and Use of Pistols, Revolvers, and Other Firearms Capable of Being Concealed Upon the Person; To Prohibit the Manufacture, Sale, Possession or Carrying of Certain Other Dangerous Weapons Within this State; To Provide for Registering All Sales of Pistols, Revolvers or Other Firearms Capable of Being Concealed Upon the Person; To Prohibit the Carrying of Concealed Firearms Except by Lawfully Authorized Persons; To Provide for the Confiscation and Destruction of Such Weapons in Certain Cases; To Prohibit the Ownership, Use or Possession of Any of Such Weapons by Certain Classes of Persons; To Prescribe Penalties for Violations of This Act and Increased Penalties for Repeated Violations Hereof; To Authorize, In Proper Cases, The Granting of Licenses or Permits to Carry Firearms Concealed Upon the Person; To Provide for Licensing Retail Dealers in Such Firearms and Regulating Sales Thereunder; And To Repeal Chapter One Hundred Forty-Five of California Statutes of 1917, Relating to the Same Subject, ch. 339, § 3, 8.

Sec. 2. On and after the date upon which this act takes effect, no unnaturalized foreign born person and no person who has been convicted of a felony against the

person or property of another or against the government of the United States or of the State of California or of any political subdivision thereof shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person. The terms “pistol,” “revolver,” and “firearms capable of being concealed upon the person” as used in this act shall be construed to apply to and include all firearms having a barrel less than twelve inches in length. Any person who shall violate the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Sec. 3. If any person shall commit or attempt to commit any felony within this state while armed with any of the weapons mentioned in section one hereof or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as hereinafter provided, upon conviction of such felony, he shall in addition to the punishment prescribed for the crime of which he has been convicted, be punishable by imprisonment on a state prison for not less than five nor more than ten years...

Sec. 8. It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or other police head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue such person a license to carry concealed a pistol, revolver or other firearm for a period of one year from the date of such license...

1923 Cal. Stat. 698–99, An Act to Control and Regulate the Possession, Sale and Use of Pistols, Revolvers, and Other Firearms Capable of Being Concealed Upon the Person; To Prohibit the Manufacture, Sale, Possession or Carrying of Certain Other Dangerous Weapons Within this State; To Provide for Registering All Sales of Pistols, Revolvers or Other Firearms Capable of Being Concealed Upon the Person; To Prohibit the Carrying of Concealed Firearms Except by Lawfully Authorized Persons; To Provide for the Confiscation and Destruction of Such Weapons in Certain Cases; To Prohibit the Ownership, Use or Possession of Any of Such Weapons by Certain Classes of Persons; To Prescribe Penalties for Violations of This Act and Increased Penalties for Repeated Violations Hereof; To Authorize, In Proper Cases, The Granting of Licenses or Permits to Carry Firearms Concealed Upon the Person; To Provide for Licensing Retail Dealers in Such Firearms and Regulating Sales Thereunder; And To Repeal Chapter One Hundred Forty-Five of California Statutes of 1917, ch. 339, § 8.

Sec. 8. It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or other police head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue such person a license to carry concealed a pistol, revolver or other firearm for a period of one year from the date of such license...

1931 Cal. Stat. 2317, An Act to Control and Regulate the Possession, Sale and Use of Pistols, Revolvers and Other Firearms Capable of Being Concealed Upon the Person, ch. 1098, §9.

Every person in the business of selling, leasing, or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, except as hereinafter provided, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber, or other marks of identification on such pistol, revolver or other firearm. Such register shall be prepared by and obtained from the state printer and shall be furnished by the state printer to such dealers on application at a cost of three dollars per one hundred leaves in triplicate . . . [t]he purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign his name and affix his address to said register in triplicate, and the salesman shall affix his signature in triplicate as a witness to the signature of the purchaser. . . [t]his section shall not apply to wholesale dealers in their business intercourse with retail dealers.

COLOLRADO

Thomas M. Patterson, The Charter and Ordinances of the City of Denver, as Adopted Since the Incorporation of the City and Its Organization, November, 1861, to the First Day of February, A.D., 1875, Revised and Amended, Together with an Act of the Legislature of the Territory of Colorado, in Relation to Municipal Corporations, Page 78, Image 78 (1875) available at The Making of Modern Law: Primary Sources. 1875

[City of Denver,] Charter and Ordinances: Offenses Affecting Public Safety, § 1. If any person shall, within this city, fire or discharge any cannon, gun, fowling piece, pistol or fire arms of any description, or fire, explode or set off any squib, cracker, or other thing containing powder or other combustible or explosive material, without permission from the Mayor (which permission shall limit the time of such

firing, and shall be subject to be revoked by the Mayor or City Council at any time after the same has been granted), every such person shall, on conviction, be fined in a sum not less than one dollar and not exceeding one hundred dollars: Provided, that no permission shall be granted to any person or persons to hold or conduct any shooting match or competitive trial of skill with fire arms within the limits of this city.

1911 Colo. Sess. Laws 408

Section 3. Every individual, firm or corporation engaged, within this commonwealth, in the- retail sale, rental or exchange of firearms, pistols or revolvers, shall keep a record of each pistol or revolver sold, rented or exchanged at retail. Said record shall be made at the time of the transaction in a book kept for that purpose and shall include the name of the person to whom the pistol or revolver is sold or rented, or with whom exchanged; his age, occupation, residence, and., if residing in a city, the street and number therein where he resides; the make, calibre and finish of said pistol, or revolver, together with its number and serial letter, if any; the date of the sale, rental or exchange of said revolver; and the name of the employee or other person making such sale, rental or exchange. Said record-book shall be open at all times to the inspection of any duly authorized police officer.

Section 4. Every individual, firm or corporation fail- ng to keep the record provided for in the first section of this act, or who shall refuse to exhibit such record when requested by a police officer, and any purchaser, lessee or exchanger of a pistol or revolver, who shall, in connection with the making of such record, give false information, shall be guilty of a Misdemeanor, and shall, upon conviction, be punished by a fine of not less than twenty-five, nor more than one hundred dollars, or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and imprisonment.

CONNECTICUT

The Public Records Of The Colony Of Connecticut, Prior To The Union With New Haven Colony, May, 1665 Page 79, Image 91 (1850) available at The Making of Modern Law: Primary Sources. 1665

It is ordered, that no man within this Jurisdiction shall directly or indirectly amend, repair, or cause to be amended or repaired, any gun small or great belonging to any Indian, nor shall endure the same, nor shall sell or give to any Indian, directly or indirectly, any such gun or gunpowder, or shot, or lead, or mold, or military weapons, or armor, nor shall make any arrow heads, upon pain of a ten pound fine for every offense at least, nor sell nor barter any guns, powder, bullets or lead,

whereby this order might be evaded, to any person inhabiting out of this Jurisdiction, without license of this or the particular court, or some two magistrates, upon pain of ten pound for every gun, five pound for every pound of powder, 40s for every pound of bullets or lead, and so proportionately for any greater or lesser quantity.

The Public Records Of The Colony Of Connecticut. Hartford, 1890 Page 190-192, Image 194-196, available at The Making of Modern Law: Primary Sources. 1775 An Act for Encouraging the Manufacture of Salt Petre and Gun Powder. . .Be it enacted, That no salt petre, nitre or gun-powder made and manufactured, or that shall be made and manufactured in this Colony, shall be exported out of the same by land or water without the license of the General Assembly or his Honor the Governor and Committee of Safety, under the penalty of twenty pounds for every hundred weight of such salt petre, nitre or gun-powder, and proportionately for a greater or lesser quantity so without license exported; to be recovered by bill, plaint, or information, in any court of record in this Colony by law proper to take cognizance thereof. . . Be it further enacted by the authority aforesaid, That no powder-mill shall be erected in this Colony for the manufacture of gun-powder without the license of the general assembly, or in their recess the Governor and Council, first had and obtained under the penalty of thirty pounds for every such offence; to be recovered as the other forgoing personalities in this act are above directed to be recovered.

Charter and By-Laws of the City of New Haven, November, 1848 Page 48-49, Image 48-49 (1848) available at The Making of Modern Law: Primary Sources. 1827

A By-Law Relative to the Storage and Sale of Gunpowder. Be it ordained by the Mayor, Aldermen, and Common Council of the city of New Haven, in Court of Common Council assembled, 1st. That hereafter no person or persons shall, within the limits hereafter described, either directly or indirectly, sell and deliver any gunpowder, or have, store, or keep any quantity of gunpowder greater than one pound weight, without having obtained a license for that purpose from said Court of Common Council, in the manner herein prescribed. Provided, that nothing in this by-law contained shall be construed to prevent any person or persons from having or keeping in his or their possession, a greater quantity of powder than one pound weight, during any military occasion or public celebration, while acting under any military commander, and in obedience to his orders, or under permission and authority therefor, first had and obtained of the Mayor or some one of the Aldermen of said city. Provided also, That any person or persons purchasing gunpowder, shall be allowed between the rising and setting of the sun, sufficient

time to transport the same from any place without said limits, through said limits to any place without the same. 2d. The Court of Common Council aforesaid, shall have power, on application to them made, to grant and give any meet person or persons a license to sell gunpowder, and for that purpose to have, store, and keep gunpowder in quantity not exceeding at any one time seven pounds weight, and that well secured in a tin canister or canisters, and at such place or places within said limits and for such term of time, not exceeding one year, as said Court shall deem fit; which license shall be signed by the Clerk of said Court, and shall be in the form following, viz — Whereas the Mayor, Aldermen, and Common Council of the City of New Haven, in Court of Common Council convened, have approved of ____, as a suitable and proper person to keep, store, and sell gunpowder within the City of New Haven: We do therefore give license to said ____, to sell gunpowder at (describe the place) and for the purpose aforesaid, to have, keep, and store in said building any quantity of gunpowder not exceeding at any one time seven pounds weight, until the ____ day of _____. Dated, Signed per order, A.B., Clerk. For which license the person receiving the same shall pay the City Clerk twenty-five cents; and the same shall be by said Clerk recorded at full length. And before any license shall be given as aforesaid, the person or persons receiving the same shall pay to the Clerk aforementioned, for the use of said city, a sum after the rate of five dollars per annum. 3d. Before any shall proceed to sell or to store or keep gun-powder by virtue of any such license so given as aforesaid, such person shall put in a conspicuous place upon the front part of the building in which such powder is to be stored or sold, a sign, with the following words plainly and legibly inscribed thereon, viz., “Licensed to keep Powder,” and shall continue the same during the time he shall keep, store, or sell gunpowder in said building. 4th section repealed. 5th. That no person or persons shall put or receive or have any quantity of gunpowder on board of any steamboat, for transportation therein in any of the waters within the limits of said city. 6th. If any person shall sell, keep, or store any gunpowder within the limits aforesaid, contrary to the true intent and spirit of this by-law, or without complying with all the pre-requisites enjoined thereby; or if any person or persons shall put or receive, or have on board of any steamboat for transportation on any of the waters within the limits of said city, any quantity of gunpowder, such person or persons shall forfeit and pay the sum of thirty-four dollars, one half to him who shall give information, and the other half to the use of the city.

The By-Laws of the City of New London, with the Statute Laws of the State of Connecticut Relative to Said City Page 47-48, Image 47-48 (1855) available at The Making of Modern Law: Primary Sources. 1835

Chapter 26. A ByLaw in relation to the Firing of Guns and Pistols, within the limits of the city of New-London, and making parents and guardians, and masters, liable for breaches of by-laws by minors and apprentices. Be it ordained by the mayor and aldermen, and common council and freemen of the city of New-London, That no gun or pistol shall be fired at any time within the limits of said city, unless on some public day of review, and then by order of the officers of the military companies of said city, or by permission of the mayor, or one of the aldermen of said city; and whosoever shall fire any gun or pistol, contrary to the form and effect of this by-law, shall for every such offence, forfeit and pay the sum of two dollars, to be recovered by due process in any court in said city, proper to try the same. § 2. And whereas the firing of guns and pistols, crackers, or other fire works is most frequently done by apprentices and minors under age, who are unable to pay the forfeiture incurred by the by-law of this city – be it also ordained that where any minor or apprentice shall be guilty of any breach of the by-laws relating to the firing of guns, pistols, crackers, or other fire-works, the parent, guardian, or master of such minor or apprentice, shall be liable to pay the forfeitures incurred by said by-law, and the same shall be recoverable of any parent, guardian or master, by action of debt brought on said by law, before any court in said city proper to try the same. And it shall be the duty of the city attorney and lawful for any other person to prosecute for said penalty; and one-half of said penalty shall go to the informer, or the person prosecuting for the same, and the other half to the use of the city.

1845 Conn. Acts 10, An Act Prohibiting the Firing of Guns and Other Fire Arms in the City of New Haven, chap. 10.

[E]very person who shall fire any gun or other fire-arm of any kind whatever within the limits of the city of New Haven, except for military purposes, without permission first obtained from the mayor of said city, shall be punished by fine not exceeding seven dollars, or by imprisonment in the county jail not exceeding thirty days.

Charles L. Upham, The Charter and By-Laws of the City of Meriden. With Extracts from the Public and Private Acts of the State of Connecticut, Applicable to the City of Meriden; Together with Certain Votes of the Common Council; the Rules and Regulations of the Board of Water Commissioners, and of the Police Department; and the Rules of Order of the Common Council of the City of Meriden Page 135, Image 140 (1875) available at The Making of Modern Law: Primary Sources. 1869

A by-law concerning the discharge of fire-arms and fire-works [, City of Meriden, Conn.], § 1. Be it enacted by the Court of Common Council of the City of

Meriden, § 1. That no person shall discharge any pistol, gun, cannon, or other fire-arm of any sort or description, within the limits of said city, unless on occasion of some public festivity, and then by permission of the mayor or one of the aldermen of said city, or unless on occasion of military exercises and parade, and then by order of some military officer; and whoever shall discharge any pistol, gun, cannon, or other fire-arm of any sort, contrary to the form and effect of this by-law, shall, for every such offense, forfeit and pay, for the use of the treasury of said city, a fine of five dollars.

Charter and Ordinances of the City of Bridgeport: as Amended and Adopted Page 194 (1874) available at The Making of Modern Law: Primary Sources. 1874
An Ordinance Relative to Gunpowder and Explosive Substances. Be it ordained by the Common Council of the City of Bridgeport, § 1. No person shall have, or keep for sale or for any other purpose, within the limits of this city, any quantity of gunpowder or gun-cotton, exceeding one pound in weight; no person shall have, keep for sale, use, or other purpose, within the city limits, any quantity of nitro-glycerine, or other explosive substances or compounds exceeding six ounces, without special license thereof from the common council. No person shall transport any gunpowder through said city without a permit first had and obtained from the fire marshal, and in accordance with such rules and regulations as may be established by said fire marshal. No person shall, within said city, place, receive, or have any gunpowder on board of any steamboat used for the carrying of passengers, with intent to transport the same therein.

J. M. Meech, Charter and Revised Ordinances of the City of Norwich With the Amendments Thereto, and Statutes of the State Relating to Municipal Corporations, in Force January 1st, 1877 Page 178, Page 185 (1876) available at The Making of Modern Law: Primary Sources. 1877
Ordinances of Norwich. § 15. No person or persons shall fire any swivel, musket, fowling-piece, pistol, or other gun of any description within said city at a less distance than fifty rods from any dwelling house, or public highway, or street without written permission from the Mayor or one of the aldermen of said city; and every person so offending shall, for every such offence, forfeit and pay for the use of said city the sum of three dollars: Provided always, that nothing herein contained shall be construed to extend to the members of any military company when under the command of any military officer, not to prevent the firing of any gun or guns for the destruction of any noxious birds or animals by any person or persons upon his or their premises.

Charles Stoers Hamilton, Charter and Ordinances of the City of New Haven, Together with Legislative Acts Affecting Said City Page 164, Image 167 (1890) available at The Making of Modern Law: Primary Sources. 1890

Good Order and Decency § 192. Every person who shall carry in said City, any steel or brass knuckles, pistol, or any slung shot, stiletto or weapon of similar character, or shall carry any weapon concealed on his person without permission of the Mayor or Superintendent of Police in writing, shall, on conviction, pay a penalty of not less than five, nor more than fifty dollars for every such offense.

1901 Conn. Pub. Acts 602, § 20.

The warden and burgesses, when assembled according to law, shall have power to make, alter, repeal, and enforce such bylaws, orders, ordinances, and enactments as they deem suitable and proper, not inconsistent with this resolution or contrary to the laws of this state or of the United States, for the following purposes: . . . to license, regulate, or prohibit the manufacture, keeping for sale, or use of fireworks, torpedoes, firecrackers, gunpowder, petrolemn, dynamite, or other explosive or inflammable substance, and the conveyance thereof through any portion of the borough

1923 Conn. Acts 3707, An Act Concerning the Possession Sale and Use of Pistols and Revolvers, ch. 252, §2.

No person shall advertise, sell, deliver, offer or expose for sale or delivery or have in his possession with intent to sell or deliver any pistol or revolver at retail without having a permit therefor issued as hereinafter provided.

1930 Conn. Stat. 903, Dealing in Explosives; License., ch. 147, § 2644. 1909

No person shall manufacture, store, sell, or deal in gunpowder or any material or compound . . . unless he shall first obtain from the commissioner of state police or the fire marshal of the town where such business is conducted a written license therefor . . . which license shall specify the building where such business is to be carried on or such material deposited or used.

1923 Conn. Pub. Acts 3707, An Act Concerning the Possession, Sale and Use of Pistols and Revolvers, ch. 252, § 2, 3.

No person shall advertise, sell, deliver, offer or expose for sale or delivery or have in his possession with intent to sell or deliver any pistol or revolver at retail without having a permit therefor issued as hereinafter provided.

The chief of police or, where there shall be no chief of police, the warden of the borough of the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the

superintendent of state police for the sale at retail of pistols and revolvers within the jurisdiction of the authority issuing such permit. Upon the application of any person having a bona fide residence or place of business within the jurisdiction of any such authority or, upon the application of any bona fide resident of the United States having a permit or license to carry any firearm issued by the authority of any state or sub-division of the United States, such chief of police, warden or selectmen may issue a permit to such person to carry a pistol or revolver within the jurisdiction of the authority issuing the same, provided such authority shall find that such applicant intends to make no use of the pistol or revolver thereunder other than a proper use and that such person is a suitable person to receive such permit. The superintendent of state police may, upon application, issue to any holder of any permit to carry any pistol or revolver hereinbefore provided for, a permit to carry a pistol or a revolver within the state

Sec. 5. No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers shall be sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered shall be personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made shall provide evidence of his identity. The vendor of any pistol or revolver shall keep a record of every pistol or revolver sold in a book kept for that purpose, which record shall be in such form as shall be prescribed by the superintendent, of state police and shall include the date of the sale, the caliber, make, model and manufacturer's number of such pistol or revolver and the name, address and occupation of the purchaser thereof, which record shall be signed by the purchaser and by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistol or revolver for a period of at least six years.

Sec. 7. No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien, nor shall any person deliver any pistol or revolver at retail except upon written application therefor and no sale or delivery of any pistol or revolver shall be made upon the date of the filing or receipt of any written application for the purchase thereof, and when any pistol or revolver shall be delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no pistol or revolver when delivered on retail sale or purchase shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver the purchaser shall sign in triplicate a receipt

for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. One of such triplicate receipts shall, within twenty-four hours thereafter, be forwarded by the vendor of such pistol or revolver to the superintendent of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other shall be retained by such vendor for at least six years.

Sec. 8. No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.

DELAWARE

1797 Del. Laws 104, An Act For the Trial Of Negroes, ch. 43, §6.
And be it further enacted by the authority aforesaid, That if any Negro or Mulatto slave shall presume to carry any guns, swords, pistols, fowling pieces, clubs, or other arms and weapons whatsoever, without his master's special license for the same, and be convicted thereof before a magistrate, he shall be whipped with twenty-one lashes, upon his bare back.

1832 Del. Laws 208, A Supplement to an Act to Prevent the Use of Firearms by Free Negroes and Free Mulattoes, and for Other Purposes, chap. 176, § 1.
. . . it shall not be lawful for free negroes and free mulattoes to have, own, keep or possess any gun, pistol, sword or any warlike instruments whatsoever: Provided however, that if upon application of any such free negro or free mulatto to one of the justices of the peace of the county in which such free negro or free mulatto resides, it shall satisfactorily appear upon the written certificate of five or more respectable and judicious citizens of the neighborhood, that such free negro or free mulatto is a person of fair character, and that the circumstances of his case justify his keep and using a gun, then and in every such case it shall and may be lawful for such justice to issue a license or permit under his hand and authorizing such free negro or free mulatto to have use and keep in his possession a gun or fowling piece.

1841 Del. Laws 430, An Act Concerning Fees, ch. 368, § 1.
Justices of the Peace shall receive . . . For licenses to negroes to keep a gun, twenty five cents.

9 Del. Laws 552 (1843), A Further Supplement To An Act Entitled “An Act To Prevent The Use Of Fire-arms By Free Negroes And Free Mulattoes And For Other Purposes, § 1. 1843

That the proviso in the first section of the act to which this is a further supplement, and all and every the provisions of the said act, or any other supplemental act thereto, which authorizes the issuing, by a justice of the peace, of a license or permit to a free negro or free mulatto to have, use and keep in his possession, a gun or fowling piece, be and the same are hereby repealed, made null and void.

1909 Del. Laws 577, House Joint Resolution Providing for Increase in Non-Resident Gunners License Fee, ch. 271.

Whereas, there are numerous gunners from other States who make it a practice to gun in this State, and under existing laws a license fee of Five Dollars is collected from them. And Whereas, our neighboring States charge non-resident gunners a license fee of more than Five Dollars. Therefore be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That from and after the passage of this Resolution up to and including April 30th, 1911, all non-resident gunners shall be required to pay a license fee of Ten Dollars per annum, said license fee to be collected in the same manner and by the same agency as non-resident gunners’ licenses are now collected.

Vol. 26 Del. Laws 28, 28- 29 (1911)

Section 1. That from and after the first day of June, in the year of our Lord, one thousand nine hundred and eleven, it shall be unlawful for any person or persons, firm, company or corporation, to sell, or expose to sale, any pistol or revolver, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons made especially for the defense of one’s person, without first having obtained a license therefor, which license shall be known as “Special License to Sell Deadly Weapons;” provided, however, that this provision shall not relate to toy pistols, pocket knives, or knives used in the domestic household, or surgical instruments or tools of any kind.

Section 2. Any person or persons, firm, company or corporation, desiring to engage in the business of selling revolvers, pistols, or revolver or pistol cartridges, stilettos, steel or brass knuckles, or other weapons made for the defense of one’s person, shall, after the above mentioned date, apply to the Clerk of the Peace of the County in which it is desired to conduct such business and shall obtain a license therefor, for which he, they, or it shall pay the sum of twenty-five dollars, which said license shall entitle the holder thereof to conduct said business for the term of one year from its date.

Section 3. It shall be unlawful for any person or persons, or a member of any firm, or the agents or officers of any corporation to sell to a minor, or any intoxicated person, any revolver, pistol, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons, made especially for the defense of one's person.

Section 4. It shall be the duty of any person or persons, firm, company or corporation, desiring to engage in the business aforesaid, to keep and maintain in his place of business at all times, a book which shall be furnished him by the Clerk of the Peace of the County wherein he does business in which said book he shall enter the date of the sale, the name and address of the person purchasing any such deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, and the apparent age of the purchaser; and no sale shall be made weapon, etc. until the purchaser has been positively identified. This book shall at all times be open for inspection by any Judge, Justice of the Peace, Police Officer, Constable, or other Peace Officer of this State.

DISTRICT OF COLUMBIA

Washington D.C. 27 Stat. 116 (1892)

CHAP. 159.—An Act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any person or persons within the District of Columbia, to have concealed about their person any deadly or dangerous weapons, such as daggers, air-guns, pistols, bowie-knives, dirk knives or dirks, blackjacks, razors, razor blades, sword canes, slung shot, brass or other metal knuckles.

SEC. 2. That it shall not be lawful for any person or persons within the District of Columbia to carry openly any such weapons as hereinbefore described with intent to unlawfully use the same, and any person or persons violating either of these sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, forfeit and pay a fine or penalty of not less than fifty dollars nor more than five hundred dollars, of which one half shall be paid to any one giving information leading to such conviction, or be imprisoned in the jail of the District of Columbia not exceeding six months, or both such fine and imprisonment, in the discretion of the court: Provided, That the officers, non-commissioned officers, and privates of the United States Army, Navy, or Marine Corps, or of any regularly organized Militia Company, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property,

when any of such persons are on duty, shall not be liable for carrying necessary arms for use in performance of their duty: Provided, further, that nothing contained in the first or second sections of this act shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house, or premises any such dangerous or deadly weapons, or from carrying the same from place of purchase to his dwelling house or place of business or from his dwelling house or place of business to any place where repairing is done, to have the same repaired, and back again: Provided further, That nothing contained in the first or second sections of this act shall be so construed as to apply. to any person who shall have been granted a written permit to carry such weapon or weapons by any judge of the police court of the District of Columbia, and authority is hereby given to any such judge to grant such permit for a period of not more than one month at any one time, upon satisfactory proof to him of the necessity for the granting thereof; and further, upon the filing with such judge of a bond, with sureties to be approved by said judge, by the applicant for such permit, conditioned to the United States in such penal sum as said judge shall require for the keeping of the peace, save in the case of necessary self defense by such applicant during the continuance of said permit, which bond shall be put in suit by the United States for its benefit upon any breach of such condition.

SEC. 3. That for the second violation of the provisions of either of the preceding sections the person or persons offending shall be proceeded against by indictment in the supreme court of the District of Columbia, and upon conviction thereof shall be imprisoned in the penitentiary for not more than three years.

SEC. 4. That all such weapons as hereinbefore described which may be taken from any person offending against any of the provisions shall, upon conviction of such person, be disposed of as may be ordered by the judge trying the case, and the record shall show any and all such orders relating thereto as a part of the judgment in the case.

SEC. 5. That any person or persons who shall, within the District of Columbia, sell, barter, hire, lend or give to any minor under the age of twenty-one years any such weapon as hereinbefore described shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, pay a fine or penalty of not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the jail of the District of Columbia not more than three months. No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any weapon or weapons of the kind hereinbefore named without having previously obtained from the Commissioners of the District of Columbia a special license authorizing the conduct of such business by such person, and the said Commissioners are hereby authorized to grant such license, without fee therefor, upon the filing with them by the applicant therefor of a bond with sureties, to be by them approved, conditioned

in such penal sum as they shall fix to the United States for the compliance by said applicant with all the provisions of this section; and upon any breach or breaches of said condition said bond shall be put in suit by said United States for its benefit, and said Commissioners may revoke said license. Any person engaging in said business without having previously obtained said special license shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, of which one half shall be paid to the informer, if any, whose information shall lead to the conviction of the person paying said fine. All persons whose business it is to sell barter, hire, lend or give any such weapon or weapons shall be and they hereby, are, required to keep a written register of the name and residence of every purchaser, barterer, hirer, borrower, or donee of any such weapon or weapons, which register shall be subject to the inspection of the major and superintendent of Metropolitan Police of the District of Columbia, and further to make a weekly report, under oath to said major and superintendent of all such sales, barterings, hirings, lendings or gifts. And one half of every fine imposed under this section shall be paid to the informer, if any, whose information shall have led to the conviction of the person paying said fine. Any police officer failing to arrest any person guilty in his sight or presence and knowledge, of any violation of any section of this act shall be fined not less than fifty nor more than five hundred dollars.

SEC 6. That all acts or parts of acts inconsistent with the provisions of this act be, and the same hereby are, repealed.

Washington D.C. 47 Stat. 650, 651-652 (1932)

CARRYING CONCEALED WEAPONS

SEC. 4. No person shall within the District of Columbia carry concealed on or about his person, except in his dwelling house or place of business or on other land possessed by him, a pistol, without a license therefor issued as hereinafter provided, or any deadly or dangerous weapon.

EXCEPTIONS

SEC. 5. The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens, or their deputies, policemen or other duly appointed law-enforcement officers, or to members of the Army, Navy, or Marine Corps of the United States or of the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing,

repairing or dealing in firearms, or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving goods from one place of abode or business to another.

ISSUE OF LICENSES TO CARRY

SEC. 6. The superintendent of police of the District of Columbia may, upon the application of any person having a bona fide residence or place of business within the District of Columbia or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his person issued by the lawful authorities of any State or subdivision of the United States, issue a license to such person to carry a pistol within the District of Columbia for not more than one year from date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any other proper reason for carrying a pistol and that he is a suitable person to be so licensed. The license shall be in duplicate, in form to be prescribed by the Commissioners of the District of Columbia and shall bear the name, address, description, photograph, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, and the duplicate shall be retained by the superintendent of police of the District of Columbia and preserved in his office for six years.

SELLING TO MINORS AND OTHERS

SEC. 7. No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is a drug addict, or is a person who has been convicted in the District of Columbia or elsewhere of a crime of violence or, except when the relation of parent and child or guardian and ward exists, is under the age of eighteen years.

FLORIDA

Leslie A. Thompson, A Manual or Digest of the Statute Law of the State of Florida, of a General and Public Character, in Force at the End of the Second Session of the General Assembly of the State, on the Sixth Day of January, 1847 Page 547, Image 582 (1847) available at The Making of Modern Law: Primary Sources. 1847

For the Prevention of Indians Roaming at Large Throughout the State, § 1. From and after the passage of this act, if any male Indian of the years of discretion, venture to roam or ramble beyond the boundary lines of the reservations, which have been assigned to the tribe or nation to which said Indian belongs, it shall and

may be lawful for any person or persons to apprehend, seize, and take said Indian, and carry him before some Justice of the Peace, who is hereby authorized, empowered, and required, to direct (if said Indian have not a written permission from the agent to do some specific act) not exceeding thirty-nine stripes, at the discretion of the Justice, to be laid on the bare back of said Indian; moreover, to cause the gun of said Indian (if he has one) to be taken from him, and deposited with the colonel of the county, or captain of the district, in which said Indian may be taken, subject to the order of the superintendent of Indian Affairs.

1887 Fla. Laws 164-165, An Act to Establish the Municipality of Jacksonville Provide for its Government and Prescribe it's jurisdiction and powers, chap. 3775, § 4.

The Mayor and City Council shall within the limitations of this act have power by ordinance to . . . regulate and license the sale of firearms and suppress the carrying of concealed weapons.

1893 Fla. Laws 71-72, An Act to Regulate the Carrying of Firearms, chap. 4147, §§ 1-4. 1898

§ 1. That in each and every county of this State, it shall be unlawful to carry or own a Winchester or other repeating rifle or without first taking out a license from the County Commissioner of the respective counties, before such persons shall be at liberty to carry around with him on his person and in his manual possession such Winchester rifle or other repeating rifle. § 2. The County Commissioners of the respective counties in this State may grant such licenses at any regular or special meeting. § 3. The person taking out such license shall give a bond running to the Governor of the State in the sum of one hundred dollars, conditioned on the proper and legitimate use of the gun with sureties to be approved by the County Commissioners, and at the same time there shall be kept by the County Commissioners granting the same a record of the name of the person taking out such license, the name of the maker of the firearm so licensed to be carried and the caliber and number of the same. § 4. All persons violating the provisions of Section 1 of this Act shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding one hundred dollars or imprisonment in the county jail not exceeding sixty days.

1895 Fla. Laws 14

Fourteenth. No merchant, store-keeper or dealer shall keep for sale or sell pistols, Springfield rifles, repeating rifles, bowie knives or dirk knives, without first paying a license tax of ten dollars; Provided, Said pistols, Springfield rifles, repeating rifles, bowie knives or dirk knives, shall not be sold to minors. Every violation of

this paragraph shall be punished by a fine of fifty dollars, or by imprisonment in the county jail not more than six months.

1931 Fla. Laws 2069, § 7.

The village shall have the following rights and powers . . . To license, tax, regulate, or prohibit, within the village or any part thereof . . . explosives, guns, pistols and other weapons

GEORGIA

A Digest of the Laws of the State of Georgia. From Its First Establishment as a British Province down to the Year 1798, Inclusive, and the Principal Acts of 1799: In Which is Comprehended the Declaration of Independence; the State Constitutions of 1777 and 1789, with the Alterations and Amendments in 1794. Also the Constitution of 1798 Page 153-154, Image 160-161 (1800) available at The Making of Modern Law: Primary Sources. 1768

Laws of Georgia, An Act to amend and Continue “An Act for the Establishing and Regulating Patrols, and for Preventing any Person from Purchasing Provisions or any Other Commodities from, or Selling Such to any Slave, Unless Such Slave Shall Produce a Ticket from His or Her Owner, Manager or Employer . . . Be it enacted, That immediately from and after passing of this act, it shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of fire arms, or any offensive weapon whatsoever, unless such slave shall have a ticket or license in writing from his master, mistress, or overseer, to hunt and kill game, cattle, or mischievous birds or beasts of prey, and that such license be renewed every week, or unless there be some white person of the age of sixteen years or upwards in the company of such slave when he is hunting or shooting, or that such slave be actually carrying his master’s arms to or from his master’s plantation by a special ticket for that purpose, or unless such slave be found in the day-time, actually keeping off birds within the plantation to which such slave belongs, loading the same gun at night, within the plantation to which such slave belongs, loading the same gun at night, within the dwelling house of his master, mistress or white overseer: Provided always, That no slave shall have liberty to carry any gun, cutlass, pistol, or other offensive weapon, abroad at any time between Saturday evening after sunset and Monday morning before sun rise, notwithstanding a license or ticket for so doing. II. And be it further enacted, That in case any or either of the patrols, established or to be established within this province, by virtues of the said act, on searching and examining any negro house for offensive weapons, fire arms and ammunition, shall find any such, or in case any person shall find any slave using or carrying fire arms or other offensive

weapons, contrary to the intent and meaning of this act, such patrol, or person or persons, may lawfully seize and take away such offensive weapons, fire arms, and ammunition, but before the property thereof shall be vested in the person or persons who shall seize the same, such person or persons shall, within three days next after such seizure, go before a justice of the peace, and shall make oath of the manner of taking thereof, and if such justice of the peace, after such oath made, or upon due examination, shall be satisfied that the said fire arms, offensive weapon, or ammunition, shall have been seized according to the directions, and agreeable to the true intent and meaning of this act, the said justice shall, by certificate under his hand and seal, declare them forfeited, that the property is lawfully vested in the person or persons who seized the same.

1902 Ga. Laws 434-35, § 16.

Be it further enacted by the authority aforesaid, That the mayor and aldermen of the said city of Forsyth shall have full power to license, regulate and control by ordinance all . . . gun shops, dealers in guns or pistols

Orville Park, Park's Annotated Code of the State of Georgia 1914, Penal Code, Article 3, Carrying pistols without license, § 348(a)-(d). 1910
§ 348 (a). Carrying pistols without license. [It shall be unlawful for any person to have or carry about his person, in any county in the State of Georgia, any pistol or revolver without first taking out a license from the ordinary of the respective counties in which the party resides, before such person shall be at liberty to carry around with him on his person, or to have in his manual possession outside of his own home or place of business: Provided that nothing in this law shall be construed to alter, affect, or amend any laws now in force in this State relative to the carrying of concealed weapons on or about one's person, and provided further, that this shall not apply to sheriffs, deputy sheriffs, marshals, or other arresting officers of this State or United States, who are now allowed, by law, to carry revolvers; nor to any of the militia of said State while in service or upon duty; nor to any students of military colleges or schools when they are in the discharge of their duty at such colleges.] § 348 (b). License, how obtained. [The ordinary of the respective counties of this State in which the applicant resides may grant such license, either in term time or during vacation, upon the application of party or person desiring to apply for such license; provided applicant shall be at least eighteen years old or over, and shall give a bond payable to the Governor of the State in the sum of one hundred dollars, conditioned upon the proper and legitimate use of said weapon with a surety approved by the ordinary of said county, and the ordinary granting the license shall keep a record of the name of the person taking out such license, the name of the maker of the fire-arm to be carried,

and the caliber and number of the same.] § 348 (c). Fee for license. [The person making such application and to whom such license is granted, shall pay to the ordinary for granting said license the sum of fifty cents, which license shall cover a period of three years from date of granting same.] § 348 (d). Punishment. [Any person violating any of the provisions of the three preceding sections shall be punished as for a misdemeanor, as prescribed in section 1065 of this Code.]

HAWAII

1870 Haw. Sess. Laws 26, An Act to License the Carrying of Fowling Pieces and Other Firearms, chap. 20, §§ 1 to 3.

Lawrence McCully, Compiled Laws of the Hawaiian Kingdom Page 539, Image 545 (1884) available at The Making of Modern Law: Primary Sources. 1870

An Act to License the Carrying of Fowling Pieces and Other Fire-Arms. Whereas, the Act for the protection of Kolea or Plover and other useful birds, approved on the 20th day of April, A.D. 1859, has proved ineffectual for the purposes intended thereby, and Whereas, The general and indiscriminate use of fire-arms, which are frequently used for the destruction of useful, imported and migratory insectivorous birds and their progeny, is an injury to the agricultural and pastoral interests of this Kingdom, therefore, Be it Enacted by the King and Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled: § 1. That the Minister of the Interior may at any time license for a term of one year, any applicant for such license, to use and carry fire-arms for sporting purposes, in the District of Kona, Island of Oahu, on receiving for such license the sum of five dollars. § 2. Any person in said district who shall use or carry for sporting purposes, any gun, carbine, rifle, pistol, or other fire-arms, without having at first obtained a license as hereinbefore provided, shall, upon conviction therefor, before any police or district justice, be fined in a sum not to exceed fifty dollars for every such offense, and in default of payment of such sum, shall be imprisoned at hard labor, until such fine and costs are paid, according to law. § 3. All such licenses shall be signed by the Minister of the Interior, numbered according to their respective dates and impressed with the seal of his department, and no such license shall be transferable.

Revised Laws of Hawaii 1925, 791-92 (1925).

Section 2137. Form or report. It shall be the duty of the sheriff to prepare and furnish to all persons applying therefor [meaning applying under Section 18 of 1927 Haw. Sess. Laws 209-217], proper blanks upon which such information shall be furnished, in the following form: [requiring name of owner, name of possessor,

number, description, makers name, factory number, and number disposed of and date].

1927 Haw. Sess. Laws 209-217, AN ACT Regulating the Sale, Transfer and Possession of Certain Firearms and Ammunitions, and Amending Sections 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2146 and 2147 of the Revised Laws of Hawaii 1925 (the "Small Arms Act"), §§ 10-11, § 17.

Section 1. Definitions. "Pistol" or "revolver" as used in this Act, means any firearm with barrel less than twelve inches in length. "Crime of Violence", as used in this Act means any of the following crimes, namely, murder, manslaughter, rape, mayhem, assault to do great bodily harm, robbery, larceny, burglary and house-breaking. Section 2. Committing crime when armed. If any person, when armed with a pistol or revolver, shall commit or attempt to commit an act constituting a crime of violence, he may in addition to the punishment otherwise provided for the crime, be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars (\$1,000.00) or by both; provided, that the act aforesaid be one which is capable of being committed or facilitated by means of a pistol or revolver. Section 3. Being armed prima facie evidence of intent. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol or revolver and had no license to carry the same, shall be prima facie evidence of his intention to commit said crime of violence; provided, that the criminal act committed or attempted be one which is capable of being committed or facilitated by means of a pistol or revolver.

Section 5. Carrying or keeping small arms by unlicensed persons. Except as otherwise provided in Sections 7 and 11 hereof in respect of certain licensees, no person shall carry, keep, possess, or have under his control a pistol or revolver; provided, however, that any person who shall have lawfully acquired the ownership or possession of a pistol or revolver may, for purposes of protection and with or without a license, keep the same in the dwelling house or business office personally occupied by him, and, in case of an unlawful attack upon any person or property in said house or office, said pistol or revolver may be carried in any lawful, hot pursuit of the assailant.

Section 6. Exceptions. The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen, mail carriers, or other duly appointed law enforcement officers, or to members of the Army, Navy, or Marine Corps of the United States, or of the National Guard, when on duty, or of organizations by law authorized to purchase or receive such weapons from the United States or this territory, or to officers or employees of the United States authorized by law to carry a concealed pistol or revolver, or to duly authorized military organizations when on duty, or to the members thereof when at

or going to or from their customary places of assembly, or to the regular and ordinary transportation of pistols or revolvers as merchandise, or to any person while carrying a pistol or revolver unloaded in a wrapper from the place of purchase to his home or place of business, or to a place of repair or back to his home or place of business or in moving goods from one place of abode or business to another.

Section 9. Transfers regulated. No person shall transfer by way of sale, gift, loan or otherwise, a pistol or revolver unless the prospective transferee, when he applies for the transfer, presents a permit duly granted under Section 2141 of the Revised Laws of Hawaii 1925; nor shall he make such transfer unless the transferee be a person in respect of whom there is no reasonable cause, known to the transferor, for believing that such transferee has committed or attempted, or has been convicted of committing or attempting, a crime of violence. No seller shall in any event deliver a pistol or revolver on the day when the application to purchase and the statement hereinafter mentioned shall be made. When delivered, said pistol or revolver shall be securely wrapped and shall be unloaded. Before a delivery be made the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, race, nationality, color and place of birth, the date of sale, the caliber, make, model, and manufacturer's number of the weapon, and stating that he has never been convicted of a crime of violence. The seller shall promptly sign and forward by registered mail one copy thereof to the treasurer of the territory, and one copy thereof to the sheriff of the county or city and county of which the seller is a resident, and shall retain the other copy for six years. A statement shall be deemed promptly forwarded if it is forwarded within seven days, unless a shorter time is provided therefor in regulations established by the Governor.

Section 10. Dealers to be licensed. No retail dealer or selling agent shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol or revolver without being licensed as hereinafter provided.

Section 11. Dealers' Licenses; by whom granted, and conditions thereof. The duly constituted licensing authorities of any political subdivision of this territory may grant licenses in form prescribed by the treasurer of the territory, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city or town or political subdivision, pistols and revolvers, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.
2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. The seller shall faithfully comply with the requirements of Section 9 hereof and with all other provisions of this Act and of Chapter 128, Revised Laws of Hawaii 1925. A copy of the statement required by Section 9 hereof shall be entered by the seller in a book of record to be kept in his place of business and to be always open to the inspection of the officers and authorized representatives of the territorial government, including the police. Said book shall be preserved for six years.

5. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

No license to sell at retail shall be granted to anyone except as provided in this section.

Section 12. False information forbidden. No person shall, in purchasing or otherwise securing delivery of a pistol or revolver, or in applying for a license to carry the same, give false information or offer false evidence of his identity.

Section 17. Penalties. Any violation of any provision of this Act shall constitute an offense punishable by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one year, or both.

Section 25. Section 2143 of the Revised Laws of Hawaii 1925, is hereby amended by inserting, after the first sentence in said section [“The permit mentioned in section 2141 shall not be issued to any alien until the applicant has filed with the sheriff or a deputy sheriff of the county or city and county a request in writing, signed by two responsible citizens requesting that such permit be issued, and recommending and vouching for the applicant.”], the following: “The request aforesaid shall include (1) an expression of the belief of such citizens that the applicant has never committed or attempted a crime of violence, as that phrase is defined in the Small Arms Act; that he has never been convicted thereof anywhere and that he is not likely to commit or attempt any such crime and (2) a brief statement of the facts relating to the age, character, nativity and personal history of the applicant, insofar as these facts are within the personal knowledge of such responsible citizens. Such facts as are within the personal knowledge of one of them, only, shall be included in a supplemental written statement signed by the person having such knowledge.” [The rest of Section 2143 reads: “Aliens obtaining a permit as prescribed by the above section shall be required to secure an annual license from the treasurer of the county or city and county, and to pay to the treasurer an annual license tax of five dollars; provided, however, that to aliens who must necessarily use fire-arms in carrying on their business, such as rice planting, such license shall be issued free of charge upon a certificate from the sheriff of the county or city and county in which they carry on such business to the

effect that the fire-arms and ammunition mentioned in their permit are necessary to the conduct of their business.”]

Section 26. Section 2146 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows: “Section 2146. Penalties. Any person who shall be found in the possession of any firearm or firearms or any ammunition without having complied with the provisions of this chapter, or who shall fail to give, file or forward required information, reports or statements, or who shall otherwise violate the provisions of this chapter in matters not covered by Section 2142 hereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined by the court of appropriate jurisdiction in a sum of not more than five hundred dollars (\$500.00). Any person, firm, corporation, copartnership, failing to file any information herein required to be filed, shall be deemed guilty of a misdemeanor and upon conviction shall be fined by the court of appropriate jurisdiction not more than five hundred dollars (\$500.00).

The divulging of official information recorded or on file in a public office shall be punishable in like manner; provided, however, that where the information divulged has not tended, or been designed to encourage, or to render formidable armed resistance to the law, the fine shall not exceed twenty-five dollars (\$25.00).”

1933 Haw. Sess. Laws 36-37, An Act Regulating the Sale, Transfer, and Possession of Firearms and Ammunition, § 3.

Every person residing or doing business or temporarily sojourning within the Territory on the effective date of this Act who possesses a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, not already registered in the name of the present possessor, or who possesses ammunition of any kind or description, except shotgun ammunition, shall, within ten days of said effective date, register the same with the chief of police of the city and county of Honolulu or the sheriff of the county, other than the city and county of Honolulu, wherein is his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn. Every person arriving in the Territory after the effective date of this Act, who brings with him firearms or ammunition of the type and description set out in this section, shall register the same in similar manner within forty-eight hours after arrival. The registration shall be on such forms as may be designated by the bureau of crime statistics and shall include a description of the class of firearm or firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained. Within sixty days after the effective date of this Act, the chief of police of the city and county of Honolulu and the sheriffs of the several counties, other than the city and county of

Honolulu, shall furnish the bureau of crime statistics a record of all registrations now on file in their respective offices. Within ten days after the end of each month the chief of police of the city and county of Honolulu and the sheriffs of the several counties, other than the city and county of Honolulu, shall furnish to the bureau of crime statistics duplicate copies of all registrations made during the preceding month. No fee shall be charged for such registration. Any person who fails to comply with the provisions of this section shall be punished by a fine of not more than two hundred and fifty dollars (\$250.00).

1933 Haw. Sess. Laws 37-38, An Act Regulating the Sale, Transfer, and Possession of Firearms and Ammunition, § 4.

§ 4. No person residing or doing business or temporarily sojourning within the Territory shall take possession of any fire arm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior Acts or unregistered, or of any ammunition of any kind or description, except shotgun ammunition, either through sale, gift, loan, bequest, or otherwise, whether procured in the Territory or imported by mail, express, freight, or otherwise, until he shall first have procured from the chief of police of the city and county of Honolulu or the sheriff of the county, other than the city and county of Honolulu, wherein is his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein. The chief of police of the city and county of Honolulu or the sheriffs of the several counties, other than the city and county of Honolulu, are hereby authorized, within their discretion, to issue permits, within their respective jurisdictions, to acquire rifles, pistols, and revolvers to citizens of the United States, of the age of twenty years or more, and to duly accredited official representatives of foreign nations. Permits to acquire ammunition for rifles, pistols and revolvers acquired prior to the effective date of this Act and registered in accordance with the provisions hereof, may be granted persons [sic] of the age of twenty years or more irrespective of citizenship. Permits to acquire shotguns may be granted to persons of the age of sixteen years or more, irrespective of citizenship. Applications for such permits shall be signed by the applicant upon forms to be specified by the bureau of crime statistics, and shall be signed by the issuing authority. One copy of such permit shall be retained by the issuing authority, as a permanent official record. Such permit shall be void unless used within ten days after the date of issue. In all cases where possession is acquired from another person in the Territory the permit shall be signed in ink by the holder thereof and shall thereupon be delivered to and taken up by the person selling, loaning, giving or delivering the firearm or ammunition, who shall make entry thereon setting forth in the space provided therefor the name of the person to

whom the firearm or ammunition was delivered, and the make, style, caliber, and number, as applicable. He shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of such firearms or ammunition is had by mail, express, freight, or otherwise, from sources outside the Territory, the person to whom such permit has been issued, shall make the prescribed entries thereon, sign in ink, and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearms or ammunition. No person shall sell, give, loan, or deliver into the possession of another any firearm or ammunition except in accordance with the Provisions of this section. Any person acquiring a firearm or ammunition under the provisions of this section shall, within five days of acquisition, register same in the manner prescribed by Section 3 of this Act. No fee shall be charged for permits under this section. Any person who violates any provision of this section shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one year, or by both.

1933 Haw. Sess. Laws 38, An Act Regulating the Sale, Transfer, and Possession of Firearms and Ammunition, § 5. 1933

Any person who has procured a hunting license under the provisions of Sections 2028-2032, inclusive, of the Revised Laws of Hawaii 1925, as amended, shall, while actually engaged in hunting or while going to or from the place of hunting, be authorized to carry and use any lawfully acquired rifle or shotgun and suitable ammunition therefor.

1933 Haw. Sess. Laws 39, An Act Regulating the Sale, Transfer, and Possession of Firearms and Ammunition, § 8, 10-16.

§ 8. In an exceptional case, when the applicant shows good reason to fear injury to his person or property, the chief of police of the city and county of Honolulu or the sheriff of a county, other than the city and county of Honolulu, may grant a license to a citizen of the United States or a duly accredited official representative of a foreign nation, of the age of twenty years or more, to carry concealed on his person within the city and county or the county in which such license is granted, a pistol or revolver and ammunition therefor. Unless renewed, such license shall automatically become void at the expiration of one year from date of issue. No such license shall issue unless it appears that the applicant is a suitable person to be so licensed, and in no event to a person who has been convicted of a felony, or adjudged insane, in the Territory or elsewhere. All licenses to carry concealed weapons heretofore issued shall expire at midnight on the effective date of this Act. No person shall carry concealed on his person a pistol or revolver or ammunition therefor without being licensed so to do under the provisions of this

section. For each such license there shall be charged a fee of ten dollars (\$10.00), which shall be covered into the treasury of the city and county or the county in which such license is granted. Any person violating this section shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or by both.

1933 Haw. Special Sess. Laws 117, An Act . . . Regulating The Sale, Transfer And Possession Of Certain Firearms, Tear Gas And Ammunition: § 2.
Except as permitted under the provisions of this Act, no person, firm or corporation shall own, possess, sell, offer for sale or transport any firearm of the kind commonly known as a machine gun or any shell cartridge or bomb containing or capable of emitting tear gas or any other noxious gas. Provided, however, that nothing in this Act contained shall prohibit the sale to, purchase by, or possession of such firearms by any city and county, county, territorial or federal officer where such firearms are required for professional use in the discharge of his duties, nor to the transportation of such firearms for or on behalf of police departments and members thereof, sheriffs, or the military or naval forces of this Territory or of the United States and “Provided, further that nothing in this Act shall prohibit police departments and members thereof, sheriffs, or the military or naval forces of the territory or of the United States from possessing or transporting such shells, cartridges or bombs for professional use in the discharge of their duties. “The term ‘shell, cartridge or bomb’, as used in this Act shall be construed to apply to and include all shells, cartridges, or bombs capable of being discharged or exploded through or by the use of percussion caps, fuses, electricity, or otherwise, when such discharge or explosion will cause or permit the release or emission of tear gases. The term ‘machine gun’ as used in this Act shall be construed to apply to and include machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device.”

ILLINOIS

An Act concerning the Kaskaskia Indians, in Nathaniel Pope, Laws of the Territory of Illinois (1815). 1814

That it shall not be lawful for any person whatever without license from the Governor or some sub-agent appointed by him to purchase or receive by gift or other wise of any of the before mentioned Indians, any horse, mare, gun, tomohawk, knife, blanket, shrouding, calico, saddle, bridle, or any goods wares or merchandize whatever, that all such sales or gifts shall be considered as fraudulent

on the part of the buyer or receiver and that any white person or free person of colour whatever so buying or receiving any such articles of any one of those Indians shall be liable to pay a fine of twenty dollars to be recovered before a justice of the peace”

Samuel P. Church, *The Revised Ordinances of the City of Quincy, Ill. to Which are Prefixed the Charter of the City of Quincy, and the Amendment Thereto* Page 47, Image 47 (1841) available at *The Making of Modern Law: Primary Sources*. 1841

[An Ordinance Regulating the Police of the City of Quincy], § 5. Be it further ordained by the City Council of the City of Quincy, That no person shall, within the limits of said city, fire or discharge any cannon, musket, rifle, fowling piece, or other fire arms, or air-gun, except in cases of necessity, or in the performance of a public or lawful act of duty, or discharge or set of any cracker, rocket, torpedo, squib, or other fire works, within the limits of said city, without permission first obtained from the Mayor or one of the Aldermen, or Marshal of said city; and every person so offending shall forfeit and pay, for the use of said city, not less than one dollar, nor more than three dollars, for every such offense.

George Manierre, *The Revised Charter and Ordinances of the City of Chicago: To Which are Added the Constitutions of the United States and State of Illinois* Page 123-125, Image 131-133 (1851) available at *The Making of Modern Law: Primary Sources*. 1851

Ordinances of the City of Chicago: Regulating the Keeping and Conveying Gun Powder and Gun Cotton; § I. (Be it ordained by the Common Council of the city of Chicago) That no person shall keep, sell, or give away gun powder or gun cotton in any quantity without permission of the common council or mayor in writing, signed by the mayor and clerk and sealed with the corporate seal, under a penalty of twenty-five dollars for every offence. § II. All applications for permits shall be addressed to the common council or mayor in writing, signed by the applicant. Not exceeding four permits shall be granted in any block. When the number of applications in any block shall at any time exceed the number to be granted, the requisite number shall be chosen by ballot. When issued the clerk shall make an entry thereof in a register to be provided for the purpose which entry shall state the name and place of business and date of permit. Persons to whom permits may be issued shall not have or keep at their place of business or elsewhere within the city, a greater quantity of gun powder or gun cotton than fifty pounds at one time, and the same shall be kept in tin canisters or cases containing not to exceed thirteen pounds each, and in a situation remote from fires or lighted lamps, candles or gas from which they may be easily removed in case of fire. Nor shall any person sell or

weigh any gun powder or gun cotton after the lighting of lamps in the evening, unless in sealed canisters or cases. It shall be the duty of every person to whom a permit shall be given to keep a sign at the front door of his place of business with the words "gun powder and gun cotton" painted or printed thereon in large letters. A violation of any clause of this section shall subject the offender to a fine of not less than ten dollars nor exceeding one hundred dollars. § III. No person shall convey or carry any gun or carry any gun powder or gun cotton, (exceeding one pound in quantity), through any street or alley in the city, in any cart, carriage, wagon, dray, wheelbarrow, or otherwise, unless the gun powder or gun cotton be secured in tight cases or kegs well headed and hooped, and put into and entirely covered with a leather bag or case, sufficient to prevent such gun powder or gun cotton from being spilled or scattered under a penalty of one hundred dollars. IV. No vessel, laden in whole or in part with gun powder or gun cotton, shall land at, or make fast to any dock or wharf upon the Chicago river, or either branch thereof, between the south line of the school section and Chicago avenue, or to discharge such gun powder or gun cotton within said limits. If any master, or owner of any vessel, or other person shall violate any provision of this section, he shall be subject to a fine of not less than twenty-five dollars and not exceeding one hundred dollars. § V. The mayor shall have power to cause any vessel to be removed from the limits mentioned in the previous section, to any place beyond the same, by a written order, which shall be executed by the marshal or some other member of the police. If any person shall neglect or refuse to obey such order, or shall resist any officer in the execution of the same, he shall be subject to a penalty of one hundred dollars. § VI. All permissions granted under this ordinance shall expire on the tenth day of June each year. And no permit shall be granted to any retailer of intoxicating liquors or to any intemperate person. The clerk shall be entitled to a fee of one dollar for every permit so issued. § VII. It shall be the duty of the officers of the police department, fire-wardens, and firemen, to report all violations of this ordinance which may come to the knowledge of the city attorney for prosecution.

James M. Cunningham, The City Charter and the Revised Ordinances of the City of Peoria, Illinois; Also, the Original City Charter, and the Several Amendments Thereto, and the State Laws Relating to the City or Specially Affecting Its Interests; Together with the Rules of Order and Business for the Government of the City Council. Arranged, Revised, and Published, Under the Authority of the City Council, in the Year 1869 Page 254, Image 284 (1869) available at The Making of Modern Law: Primary Sources. 1869

Revised Ordinances [of the City of Peoria: Public Safety and Convenience], § 1. That it shall not be lawful for any person in said city, without permission from the mayor or superintendent of police, to fire or discharge any cannon, musket, rifle,

fowling-piece, pistol, or other fire-arms or air guns, except it is done in cases of necessity, or in the performance of a public act of lawful duty, or by military companies when on parade or in the discharge of duty; and every person violating the provisions of this section shall, on conviction, forfeit and pay not less than one dollar nor more than one hundred dollars for every offense.

Revised Ordinances of the City of Galesburg, the Charter and Amendments, State Laws Relating to the Government of Cities and Appendix Page 122-123, Image 127-128 (1869) available at The Making of Modern Law: Primary Sources. 1869 Revised Ordinances [of Galesburg, Ill.], Gunpowder-Fires, Fire-Arms, § 1. The keeping for sale or selling gunpowder, without a license therefor, is prohibited, and no license shall be issued allowing the keeping in store more than twenty-five pounds of gun powder at any one time, unless kept in some secure magazine or fire-proof powder house, located at least one hundred feet from any other occupied building, and when kept in a store or place for retail it shall be kept in tin or other metallic canisters or cases, and in a part of the building remote from any fire, lamp, candle or burning matter liable to produce explosion, and whoever shall violate this section, or any provision of it, shall be subject to a penalty of twenty dollars. § 2. Each person licensed to sell gunpowder shall keep a sign, with the words "Gunpowder for Sale," in plain letters, in some conspicuous place in the front of the building where such powder is kept. And no sales of gunpowder, except in unopened cans shall be sold after night, and any person convicted of violation of any of the provisions of this section shall be subject to a penalty of ten dollars. § 3. Whoever shall bring or cause to be brought into the city any gunpowder concealed in any box or other package, or in any package marked as containing other articles, in which such powder is contained, shall be subject to a penalty of twenty-five dollars. §4. The carrying gunpowder through the streets or other public places, in a careless or negligent manner, or the remaining with such powder in any place longer than necessary for the transportation of the same from one place to another, shall subject the party offending to a penalty of not less than five dollars. . .

Consider H. Willett, Laws and Ordinances Governing the Village of Hyde Park Together with Its Charter and General Laws Affecting Municipal Corporations; Special Ordinances and Charters under Which Corporations Have Vested Rights in the Village. Also, Summary of Decisions of the Supreme Court Relating to Municipal Corporations, Taxation and Assessments Page 64, Image 64 (1876) available at The Making of Modern Law: Primary Sources. 1876 Misdemeanors, § 39. No person, except peace officers, shall carry or wear under their clothes, or concealed about their person, any pistol, revolver, slung-shot,

knuckles, bowie-knife, dirk-knife, dirk, dagger, or any other dangerous or deadly weapon, except by written permission of the Captain of Police.

Merritt Starr & Russell H. Curtis, Annotated Statutes of the State of Illinois in Force (1885), Criminal Code Ch. 38, para. 90.

All persons dealing in deadly weapons, hereinbefore mentioned, at retail within this State shall keep a register of all such weapons sold or given away by them. Such register shall contain the date of the sale or gift, the name and age of the person to whom the weapon is sold or given, the price of the said weapon, and the purpose for which it is purchased or obtained. The said register shall be in the following form. [Form of Register] Said register is to be kept open for inspection of the public, and all persons who may wish to examine the same may do so at all reasonable times during business hours. A failure to keep such register, or to allow an examination of the same, or to record therein any sale or gift of a deadly weapon, or the keeping of a false register, shall be a misdemeanor, and shall subject the offender to a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

George W. Hess, Revised Ordinances of the City of Evanston : Also Special Laws and Ordinances of General Interest Page 131-132, Image 143-144 (1893) available at The Making of Modern Law: Primary Sources. 1893

Concealed Weapons, §531. 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, cross knucklet, or knuckles of lead, brass or other metal, or bowie knife, dirk, dagger, or any other dangerous or deadly weapon. . . § 537. The Mayor may grant to so many and such persons as he may think proper, licenses to carry concealed weapons, and may revoke any and all such licenses at his pleasure. § 538. Applications for such licenses shall be made to the city clerk, and when granted, the applicant therefor shall pay to the said clerk, for the use of the city, the sum of two dollars. § 539. Every such license shall state the name, age and occupation and residence of the person to whom it is granted.

Samuel A. Ettelson, Opinions of the Corporation Counsel and Assistants from May 1, 1915, to June 30, 1916 Page 458-459, Image 458-459 (Vol. 7, 1916) available at The Making of Modern Law: Primary Sources. 1914

Ordinance of May 25, 1914, § 4a. It shall be unlawful for any person, firm or corporation to sell, barter or give away to any person within the City of Chicago, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the general

superintendent of police as hereinafter required; provided, this section shall not apply to sales made of such articles which are delivered or furnished outside the City of Chicago. § 5. It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the General Superintendent of Police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification, of the person desiring such permit, and the applicant shall present such evidence of good character as the General Superintendent of Police in his discretion may require. § 6. It shall be the duty of the General Superintendent of Police to refuse such permit to (a) All persons having been convicted of any crime. (b) all minors. "Otherwise, in case he shall be satisfied that the applicant is a person of good moral character, it shall be the duty of the General Superintendent of Police to grant such permit, upon the payment of a fee of one dollar. § 8. Any person, firm or corporation violating any of the provisions of this ordinance, shall be fined not less than Fifty Dollars (\$50.00) nor more than Two hundred Dollars (\$200.00) for each offense, and every purchase, sale or gift of any weapon mentioned in this ordinance shall be deemed a separate offense.

Samuel Irwin, Reports of Cases At Law And In Chancery 566 (vol. #278, Chicago, Ill, 1917).

1917

It shall be the duty of the general superintendent of police to refuse such permit to (a) all persons having been convicted of any crime; (b) all minors. Otherwise, in case he shall be satisfied that the applicant is a person of good moral character, it shall be the duty of the general superintendent of police to grant such permit upon the payment of a fee of one dollar.

1931 Ill.Laws 453, An Act to Regulate the Sale, Possession and Transportation of Machine Guns, § 4.

Every manufacturer or merchant shall keep a register of all machine guns manufactured or handled by him. This register shall show the date of the sale, loan, gift, delivery or receipt of any machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received, and the purpose for which the person to whom the machine gun was sold, loaned, given or delivered, purchased or obtained said machine gun. Upon demand, every manufacturer or merchant shall permit any sheriff or deputy sheriff, or any police officer to inspect his entire stock of machine guns, parts and supplies therefor, and shall produce the register herein required and all written

permits to purchase or possess a machine gun, which he has retained and filed in his place of business for inspection by such officer.

INDIANA

1847 Ind. Acts 93, An Act to Reduce the Law Incorporating the City of Madison, and the Several Acts Amendatory Thereto Into One Act, and to Amend the Same, chap 61, § 8, pt. 4.

To regulate and license, or provide by ordinance for regulating and licensing . . . the keepers of gunpowder and other explosive compounds

W. G. Armstrong, The Ordinances and Charter of the City of Jeffersonville Page 15-17, Image 15-17 (1855) available at The Making of Modern Law: Primary Sources. 1855

Ordinances [of Jeffersonville], § 3, Pt. 11. It shall also be a nuisance and unlawful . . . To discharge or cause to be discharged any fire arms, squibs, bombs or fire works of any kind without license being first obtained therefor.

Revision of 1895. The General Ordinances of the City of Indianapolis. Containing also, Acts of the Indiana General Assembly so far as they Control Said City, to which Prefixed a Chronological Roster of Officers from, 1832 to 1895 and Rules Governing the Common Council Page 290-291, Image 372-373 (1895) available at The Making of Modern Law: Primary Sources.

1895

Laws and Ordinances [of the City of Indianapolis], An Ordinance Licensing Rifle and Pistol Practice in the City of Indianapolis, § 1. Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis, That it shall hereafter be unlawful for any person to conduct or carry on any shooting gallery or room where rifle or pistol shooting is practiced, in the City of Indianapolis, without first having procured a license so to do, as hereinafter provided. § 2. A license fee of twenty-five dollars for six months and fifty dollars for one year shall be paid by the person conducting such business. Upon the payment of twenty-five dollars to the City Treasurer by any person desiring to carry on such a gallery or room, the City Treasurer shall issue to him a receipt therefor, designating therein what said money is paid for; and upon the surrender thereof to the City Clerk [Comptroller] that officer shall issue to such person a license for the said term of six months; and likewise, upon the payment of fifty dollars, a license for one year shall issue. The Clerk [Comptroller] shall be entitled to charge one dollar for the issue of every such license. Said license shall be in the usual form. § 3. Any person opening or carrying on such a gallery or room without such license shall be fined in any sum

not exceeding fifty dollars; and every day's continuance shall constitute a spate offense.

1925 Ind. Acts 495, 495-98

Pistols and Revolvers Defined.

SECTION 1. Be it enacted by the general assembly of the State of Indiana, That the term "pistol or revolver," as used in this act, shall be construed as meaning any firearm with a barrel less than twelve inches in length.

Crime-Committing When Armed With Pistol or Revolver.

SEc. 2. If any person shall, within the State of Indiana, commit or attempt to commit a crime, when armed with a pistol or revolver, and having no permit to carry the same, he shall, in addition to the punishment provided for the crime, be guilty of a felony and shall be punished by imprisonment for not less than one year and not more than five years.

Subsequent Offenses.

SEc. 3. The judge shall have the power to sentence any person who may be convicted for a second or third, or other subsequent offense under section 2 of this act, to double or triple the penalty imposed thereby.

Felony-Conviction For-Prohibited From Possessing Pistol.

SEC. 4. No person who has been convicted of a felony committed against the person or property of another shall own or have in his possession or under his control, within the State of Indiana, a pistol or revolver. A violation of this section shall constitute a felony and be punishable by imprisonment for not less than one year, and not more than five years.

Pistol or Revolver-Possession Without Permit.

SEc. 5. No person shall carry, within the State of Indiana, a pistol or revolver concealed in any vehicle or upon his person, except in his dwelling house or place of business, without a permit therefor as hereinafter provided. Violations of this section shall constitute a misdemeanor and be punished by a fine of one hundred dollars (\$100.00), to which may be added imprisonment for not more than one year, and upon conviction the pistol or revolver shall be confiscated and destroyed by the sheriff on order of the court.

Persons Exempt From Act.

SEc. 6. The provisions of the preceding section shall not apply to marshals, sheriffs, deputy sheriffs, policemen or any other duly appointed peace officers, nor to the pistols or revolvers of any bank, trust company, or common carriers, or to the officers or employes of any bank, trust company, or common carriers, while such officers or employes are guarding money or valuables within the line of their duties as such employes, nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the army, navy, or marine corps or

the mail service of the United States, or the national guard, when on duty, or organizations by law authorized to purchase or receive such weapons from the United States, or the State of Indiana, nor to duly authorized military or civil organizations when parading, nor to the members thereof when at .or going to or from their customary places of assembly.

Permits-Clerk of Circuit Court-Application-Form Fee.

SEC. 7. The clerk of any circuit court of the State of Indiana, shall, upon application of any citizen having a bona fide residence or place of business within the State of Indiana, or of any person having a bona fide residence or place of business within the United States, and a permit to carry a firearm concealed upon his person issued by the authorities of any other state or subdivision of the United States, issue a permit to such citizen to carry a pistol or revolver within the State of Indiana, during the period of one year or until revoked, as herein provided. Such application for permit Shall be signed by two resident householders and freeholders of the county in which the applicant lives, and it shall appear from such application that the applicant is a suitable person to be granted a permit under the law. The permit shall be in duplicate, in form to be prescribed by the adjutant general of the State of Indiana, and shall bear the name, address, description and signature of the applicant and reason given for desiring a permit. The original thereof shall be delivered to the applicant, the duplicate shall be preserved for six years by the clerk of the circuit court issuing the same. For each permit so issued, the applicant shall pay the sum of one dollar (\$1.00).

Minors-Sale of Pistols or Revolvers to Prohibited.

SEc. 8. Any person or persons who shall, within the State of Indiana, sell, barter, hire, lend, or give to any minor under the age of twenty-one years, any pistol or revolver shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not more than one hundred dollars (\$100.00), or be imprisoned for not more than three months, or both, except for uses as hereinbefore provided.

Sale of Pistols and Revolvers-Record-Penalty.

SEc. 9. No person shall within the State of Indiana sell, deliver or otherwise transfer a pistol or revolver to a person who he has reasonable cause to believe either is not a citizen or has been convicted of a felony against the person or property of another, nor in any event shall he deliver a pistol or revolver on the day of the application for the purchase thereof, and when delivered said pistol or revolver shall be securely wrapped and shall be unloaded. Before a delivery be made, the purchaser or his duly authorized agent and the seller or his duly authorized agent shall in the presence of each other sign in duplicate a statement containing the purchaser's full name, age, dress, place of birth, and nationality, the date of sale, the caliber, make, model, and manufacturer's number of the weapon. The seller shall, within seven days, forward by registered mail, to the clerk of the

circuit court of the county in which the seller resides, one copy thereof and shall retain the other copy for six years. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Violations of this section shall constitute a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00), or by imprisonment for not more than one year, or by both such fine and imprisonment.

Pistols and Revolvers-Sale Without License.

SEC. 10. Whoever, within the State of Indiana, without being licensed as hereinafter provided, sells, delivers, transfers, advertises, or exposes for sale, or has in his possession with intent to sell, pistols or revolvers, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one year nor more than two years.

Dealers' Licenses-Conditions on Which Sold-Record Advertisement.

SEC. 11. The clerk of the circuit court of any county may grant licenses, to any reputable, established dealer, on forms to be prescribed by the adjutant general, permitting the licensee to sell at retail within the State of Indiana pistols and revolvers, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.
2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.
3. No pistol or revolver shall be delivered: (a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor, (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor, (c) If the seller has reasonable cause to believe that the purchaser is an unnaturalized foreign-born person or has been convicted of a felony against the person or property of another.
4. A true record, in duplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which shall be prescribed by the adjutant general and shall be signed by the purchaser and by the person effecting the sale, and in the presence of each other, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, age, place of birth, nationality of the purchaser. One copy of said record shall, within seven days, be forwarded by registered mail to the clerk of the circuit court of the county in which the seller resides, and the other copy shall be retained by the seller for six years.

5. No pistol or revolver, or placard advertising the sale thereof, or imitation thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

False Information.

SEC. 12. If any person in purchasing or otherwise securing delivery of a pistol or revolver or applying for a permit to carry same within the State of Indiana shall give false information or offer false evidence of his identity he shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment for not less than one year nor more than five years.

Obliteration of Make, Model, Number-Penalty.

SEC. 13. No person shall within the State of Indiana, change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that such possessor has changed, altered, removed, or obliterated the same. Violations of this section shall be a misdemeanor and shall be punished by imprisonment for not less than six months nor more than one year.

Felony-Possession of Revolver Prima Facie Evidence.

SEC. 14. In the trial of a person charged with committing or attempting to commit a felony against the person or property of another while armed with a pistol or revolver, without having a permit to carry such firearm as hereinbefore provided, the fact that such person was so armed shall be prima facie evidence of his intent to commit such felony.

Weapons Exempt.

SEC. 15. This act shall not apply to antique pistols or revolvers incapable of use as a deadly weapon.

Prior Licenses.

SEC. 16. Any or all licenses heretofore issued to carry or possess revolver or pistol shall be revoked and rendered null and void on and after thirty days from the taking effect of this act.

Revocation of License.

SEC. 17. Hereafter in any court of record upon trial of any person for a penal offense, and upon a showing that such person is not a fit person to carry concealed weapons, the court may enter an order revoking such person's license to carry concealed weapons and such fact shall be communicated to the public officer issuing the same.

Licensed Dealers-Statement-Penalty.

SEC. 17 1/2. It shall be unlawful from and after the taking effect of this act, for any person, firm or corporation to receive or have in his or its possession within the State of Indiana any pistol or revolver purchased or acquired after the taking effect

of this act, except a licensed dealer, who shall not have signed and forwarded to the clerk of the county in which he resides the statements provided for in section 9 of this act, before or at the time of taking possession of such pistol or revolver.

Whoever shall violate the provisions of this section of this act shall be deemed guilty of a misdemeanor and shall upon conviction thereof be- fined not more than \$100, to which may be added imprisonment for not more than sixty days.

Repeal.

SEC. 18. All laws and parts of laws in conflict herewith are hereby repealed.

Unconstitutional Provisions.

SEC. 19. If any provision or section of this act shall be held void or unconstitutional, all other provisions and all other sections of this act, which are not expressly held to be void or unconstitutional, shall remain in full force and effect.

IOWA

John F. Dillon, The Revised Ordinances of the City of Davenport, Revised and Digested by Order of the City Council, Containing the Original and Amended City Charters, with Notes and References to Judicial Decisions Page 145, Image 145 (1866) available at The Making of Modern Law: Primary. 1855

[Ordinances of Davenport Iowa,] Chapter 19, An Ordinance to Prohibit the Discharge of fire-arms, fire-crackers, and rockets within the city, § 1. No person shall discharge any gun, pistol or other fire-arms, or use or discharge any fire-crackers, rockets, or any other description of fire-works, within the limits of said city, without permission in writing from the Mayor. § 2. Any person violating any provision of this ordinance, shall pay a fine of not less than two dollars nor more than ten dollars for each offense.

The Code: Containing All the Statutes of the State of Iowa, of a General Nature, Passed at the Adjourned Session of the Fourteenth General Assembly Page 76-77, Image 88-89 (1873) available at The Making of Modern Law: Primary Sources. 1873

Cities and Incorporated Towns, Powers, § 456. They shall have power to prevent injury or annoyance from anything dangerous offensive or unhealthy, and to cause any nuisance to be abated; to regulate the transportation and keeping of gunpowder or other combustible, and to provide or license magazines for the same; to prevent and punish fast or immoderate riding through the streets; to regulated the speed of trains and locomotives on railways running over the streets or through the limits of the city or incorporated town by ordinance, and enforce the same by a fine not exceeding one hundred dollars: to establish and regulate markets; to provide for the

measuring or weighing of hay, coal, or any other article of sale; to prevent any riots, noise, disturbance, or disorderly assemblages; to suppress and restrain disorderly houses, houses of ill fame, billiard tables, nine or ten pin alleys, or tables and ball alleys, and to authorize the destruction of all instruments or devices used for purposes of gaming, and to protect the property of the corporation and its inhabitants and to preserve peace and order therein.

E. E. Aylesworth, Compiled Ordinances of the City of Council Bluffs; Containing the Original and Amended City Charter, with Statutes, Notes and References to Judicial Decisions Page 175, Image 175 (1880) available at The Making of Modern Law: Primary Sources. 1880

[Ordinances of the] City of Council Bluffs, [Misdemeanors,] § 16. Whoever shall discharge any cannon, gun, pistol or other fire-arms in or across any street or other public place, or in or across any private lot, tract of land or other place not of his own property, without first obtaining a permit to do so from the Mayor of the city, if in a public place, or from the owner of the lot or land if in a private place, shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by a fine of not less than three nor more than thirty dollars.

Geoffrey Andrew Holmes, Compiled Ordinances of the City of Council Bluffs, and Containing the Statutes Applicable to Cities of the First-Class, Organized under the Laws of Iowa Page 168-169, Image 171-172 (1887) available at The Making of Modern Law: Primary Sources. 1887

Ordinances, City of Council Bluffs, Shooting Gallery, § 5. No person shall carry on or take part in carrying on any pistol gallery or shooting gallery without license therefor from said city, and the charge for such license shall be ten dollars per month, or fifty dollars per annum. §6. No licensee or his employee, or any person in charge of any pin alley, ball alley, pistol gallery or shooting gallery, shall at any time, without gain or profit, permit or allow any minor to be or remain in or about the same to play thereat, under penalty of the same fine and forfeiture as set forth in section 2 of this chapter.

KENTUCKY

Charter of the City of Covington, and Amendments Thereto up to the Year 1864, and Ordinances of Said City, and Amendments Thereto, up to the Same Date Page 148-149, Image 148-149 (1864) available at The Making of Modern Law: Primary Sources. 1864

Ordinances of the City of Covington, An Ordinance Regulating the Sale of Powder in the City of Covington, § 1. Be it ordained by the City Council of Covington,

That it shall not be lawful for any person or persons to erect, within the limits of the corporation, any powder magazine, or any other building for the purpose of storing gun powder in greater quantities than is hereinafter specified; and any person violating the provision of this section, shall, on conviction before the Mayor, forfeit and pay a fine of one hundred dollars, and ten dollars for every twenty-four hours said building shall be used or occupied for the storage of more than twenty-five pounds of powder. § 2. Be it further ordained, That it shall not be lawful for any person to keep, in storage or for sale, more than one hundred pounds of powder in any one house in said city, at any one time: and that amount, or any part thereof, shall be securely and carefully kept, and closed up in a good and sufficient safe, so that it can not by any means be exposed. A violation of this section shall subject the person to a fine, on conviction, of five dollars for every offense. § 3. Be it further ordained, That no person or persons shall sell, or keep for sale, in said city, any gun powder without having first obtained a permission so to do from the Mayor of said city, who shall, before said license is granted, be fully assured and satisfied that the applicant has good and sufficient safes to keep powder in, in conformity with the second section of this ordinance; and when the Mayor is satisfied that the license may be granted, without too much risk to the community at large, he shall issue said license to the applicant, upon his paying into the City Treasury the sum of twenty dollars for one year's license, and to the Mayor fifty cents, and to the City Clerk twenty-five cents, for their certificates. Any person who shall sell any gun powder in said city from and after the passage of this ordinance, without having first obtained a license therefor, shall, for each and every offense, forfeit, pay, on conviction, the sum of five dollars and costs.

1874 Ky. Acts 327, An Act to Revise and Amend the Charter of the City of Newport, § 6.

To prohibit the manufacture of gunpowder or other explosive, dangerous, or noxious compounds or substances in said city, and to regulate their sale and storage by license.

LOUISIANA

John C. White, Digest of the Laws and Ordinances of the Parish of East Feliciana, Adopted by the Police Jury of the Parish Page 68, Image 70 (1848) available at The Making of Modern Law: Primary Sources. 1848

[Ordinances of the Parish of East Feliciana,] Of Slaves, § 5. No slave shall carry a gun to hunt, except on the plantation of his master or mistress; nor then unless accompanied by the overseer or some other free white member of the family, or has a written permit from his owner or overseer, which permit shall state for what

said slave is hunting: Any person having the charge of slaves, who shall permit this section to be violated, shall pay a fine of twenty dollars, for the use of the parish, upon information to any Justice, whose duty it is to take cognizance of the case.

Henry Jefferson Leovy, *The Laws and General Ordinances of the City of New Orleans, Together with the Acts of the Legislature, Decisions of the Supreme Court, and Constitutional Provisions, Relating to the City Government*. Revised and Digested, Pursuant to an Order of the Common Council Page 242, Image 268 (1857) available at *The Making of Modern Law: Primary Sources*.

1857

[Ordinances of the City of New Orleans,] Revenue – Taxes and Licenses, § No. 680. Every keeper of a pistol gallery, the whole tax being levied on each and every gallery, sixty dollars.

Henry Jefferson Leovy, *The Laws and General Ordinances of the City of New Orleans, Together with the Acts of the Legislature, Decisions of the Supreme Court. And Constitutional Provisions Relating to the City Government*. Revised and Digested, Pursuant to an Order of the Common Council Page 257, Image 257 (1870) available at *The Making of Modern Law: Primary Sources*.

1870

[Ordinances of the City of New Orleans,] Offences and Nuisances, § 635. No person shall fire or discharge any gun, pistol, fowling piece or fire-arms, within the limits of the city, or set fire to, or discharge any rocket, cracker, squib or serpent, or shall throw any lighted rocket, cracker, squib or serpent, within the limits of the city, without the license of the common council; Provided, that nothing herein contained shall apply to military reviews or to the lawful use of weapons in self defense.

MAINE

The Revised Ordinances of the City of Portland, 1848 Page 22, Image 22 (1848) available at *The Making of Modern Law: Primary Sources*.

[Ordinances of the City of Portland,] Of Gunpowder, § 1. No person not licensed to keep and sell gunpowder shall keep or have in his shop, store, dwelling house or other tenement, at any one time, a larger quantity of gunpowder than one pound. § 2. No person licensed to keep and sell gunpowder shall have or keep in his store, shop, dwelling house or in any other tenement or place whatever at any one time, a larger quantity of gunpowder than twenty-five pounds. § 3. Every person licensed to keep and sell gunpowder shall provide himself with a strongly made copper

chest or box with a copper cover well secured, with hinges and a lock of the same material, and the keg or canister in which said powder may be, shall be kept in said copper chest or box, which shall at all times be placed near the outer door of the building in which it is kept, in convenient place to remove in case of fire. § 4. No person shall haul unto, or lay at any wharf in the city, any vessel having on board a quantity of gunpowder exceeding twenty-five pounds, or receive gunpowder on board exceeding twenty-five pounds, without first having obtained a permit from the mayor and aldermen, and said permit shall designate the wharf at which said powder may be landed, or received on board.

The Charter, Amendments, and Acts of the Legislature Relating to the Municipal Court, and the Ordinances of the City of Lewiston, Together with the Boundaries of the Several Wards, Regulations Respecting Gunpowder, and an Abstract of the Laws Relating to the Powers and Duties of Cities and Towns Page 43, Image 43 (1873) available at The Making of Modern Law: Primary Sources. 1873
Regulations Relating to Gunpowder, § 1. No person shall keep or have in any shop, store, dwelling house or tenement, in the city of Lewiston, at any one time a larger quantity of gun-powder than one pound, unless he is licensed by the mayor and aldermen to keep and sell gunpowder, or except as hereinafter provided. § 2. It shall not be lawful for any person or persons to sell any gunpowder which may at the time be within said city, in any quantity, by wholesale or retail, without having first obtained from the mayor and aldermen a license to sell gunpowder, and every license shall be written or printed, and duly signed by the mayor, on a paper upon which shall be written or printed a copy of the rules and regulations established by the city relative to keeping, selling and transporting gunpowder within said city; and every such license shall be in force one year from the date thereof, unless revoked by the mayor and aldermen; but such license may, prior to its expiration, be renewed by an endorsement thereon by the mayor, for the further term of one year, and so from year to year, provided, always, that it may at any time be rescinded or revoked by the mayor and aldermen, for good and sufficient reasons. § 3. Every person who shall receive a license to sell gunpowder, as aforesaid, shall pay for the same to the treasurer of the city the sum of three dollars, and for each renewal of the same, the sum of one dollar.

A.G. Davis, City Clerk, Charter and Ordinances, and Rules and Orders of the City Council. Revised February 1874 Page 52, Image 53 (1874) available at The Making of Modern Law: Primary Sources. 1874
City Ordinances, § 4. No person shall haul unto, or lay at any wharf in the city, any vessel having on board more than twenty-five pounds of gun-powder, nor discharge or receive on board exceeding that quantity, without having first

obtained from the Mayor a permit therefor, designating the wharf at which said powder may be landed or received on board.

MARYLAND

1806 Md. Laws 44, An Act To Restrain The Evil Practices Arising From Negroes Keeping Dogs, And To Prohibit Them From Carrying Guns Or Offensive Weapons, ch. 81

...it shall not be lawful for any negro or mulatto within this state to keep any dog, bitch or gun , except he be a free negro or mulatto, and in that case he may be permitted to keep one dog, provided such free negro or mulatto shall obtain a license from a justice of the peace for that purpose, and that the said license shall be in force for one year, and no longer, and if any dog or bitch owned by any negro, not possessed of such license, shall be seen going at large, it shall be lawful for any person to kill the same, and in case of any suit instituted therefor, the person or persons killing the said dog or bitch may plead the general issue, and give this act in evidence. II. ...it shall not be lawful for any free negro or mulatto to go at large with any gun, or other offensive weapon; and in case any free negro or mulatto shall be seen going at large carrying a gun, or other offensive weapon, he shall be liable to be carried before any magistrate, in virtue of a warrant to be issued by any justice of the peace, directed to a constable of the county, and on conviction of having violated the provisions of this section of the act, such offender shall thereupon forfeit, to the use of the informant, such gun, or other offensive weapon, which shall thus have been found in his or her possession, and be subject to the payment of the costs which shall have accrued in such prosecution; provided, that nothing in this act shall extend to prevent any free negro or mulatto from carrying a gun, or other offensive weapon, who shall, at the time of his carrying the same, have a certificate from a justice of the peace, that he is an orderly and peaceable person, which certificate shall be in force for one year from the date thereof and no longer.

Lewis Mayer, Revised Code of the Public General Laws of the State of Maryland, with the Constitution of the State Page 173, Image 202 (1879) available at The Making of Modern Law: Primary Sources. 1876

Wild Fowl and Game, § 23. The clerk of the Circuit Court for Harford county, and the clerk of the Circuit Court for Cecil county, shall upon the application of any resident of the State of Maryland, being the owner of any sink-box, craft or sneak-boat, such as is allowed by this act to be used and employed in shooting at wild water fowl therefrom; and giving satisfactory evidence to said clerk that the said applicant is a resident of the State of Maryland, and is the bona fide owner of the

sink-box, craft, or sneak-boat, grant a license under the seal of his court, to such applicant to gun after and shoot at wild water-fowl from such sink-box or sneak-boat northward of the line named and described in first section of this act from the first day of November in each and every year to the thirty-first day of March next succeeding thereafter in each and every year; provided that such license shall not authorize any person using such sink-box or sneak-boat to gun after or shoot at wild water-fowl therefrom within a less distance than half a mile from any shore in Harford or Cecil County, or southward of the line particularly described in the first section of this act.

1882 Md. Laws 257, An Act to . . . Exempt All That Portion of the Waters of the Chesapeake Bay Lying Northward of a Certain Line Therein Described from the Operation and Effect of Sections One and Three . . ., ch. 180, § 8
. . . the special police appointed by this act are authorized to arrest any person or persons who may be discovered in the act of hunting or shooting crippled ducks, or in purloining ducks that have been killed by other persons having a proper license to shoot, as well as other persons violating the provisions of this section, and upon conviction thereof before any justice of the peace of Cecil or Harford Counties, the license of such persons or persons shall be revoked, and such persons or persons, whether licensed or not, shall be fined not less than twenty dollars for each offense, and shall forfeit the boat and gun or guns, and material so employed in violation of the provisions of this section, which boat and gun or guns, and material shall be sold, and the proceeds of such fine and sale, after the costs of prosecution have been paid, shall go to the officer or officers making the arrest. . .

1882 Md. Laws 656

Section 1. Be it enacted by the General Assembly of Maryland, That it shall be unlawful for any person or persons within the State of Maryland to manufacture or sell, barter or give away the cartridge toy pistol to any one whomsoever Sec. 2. Be it enacted, That it shall be unlawful for any person, be he or she licensed dealer or not, to sell, barter or give away any firearm whatsoever or other deadly weapons, except shotgun, fowling pieces and rifles, to any person who is a minor under the age of twenty-one years. Any person or persons violating any of the provisions of this act shall, on conviction thereof, pay a fine of not less than fifty nor more than two hundred dollars, together with the cost of prosecution, and upon failure to pay said fine and cost, be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur.

MASSACHUSETTS

William Henry Whitmore, *The Colonial Laws of Massachusetts: Reprinted From the Edition of 1672, with the Supplements Through 1686: Containing Also, a Bibliographical Preface and Introduction, Treating of All the Printed Laws From 1649 to 1686: Together with the Body of Liberties of 1641, and the Records of the Court of Assistants, 1641-1644* Page 126, Image 330 (1890) available at *The Making of Modern Law: Primary Sources*. 1651

Prescriptions, (1651) § 2. And it is further ordered; that no person (except for the defence of themselves and their vessels at Sea) shall transport any gunpowder out of this jurisdiction, without license first obtained from some two of the Magistrates, upon penalty of forfeiting all such powder as shall be transporting or transported, or the value thereof.

A Collection Of Original Papers Relative To The History Of The Colony Of Massachusetts-Bay Page 492, Image 497 (1769) available at *The Making of Modern Law: Primary Sources*. 1769

Laws of the Colony of Massachusetts, That notwithstanding the ancient law of the country, made in the year 1633, that no person should sell any arms or ammunition to any Indian upon penalty of 10l. for every gun, 5l. for a pound of powder, and 40s. for a pound of shot, yet the government of the Massachusetts in the year 1657, upon the design to monopolize the whole Indian trade did publish and declare that the trade of furs and peltry with the Indians in their jurisdiction did solely and properly belong to their commonwealth and not to every indifferent person, and did enact that no person should trade with the Indians for any fort or peltry, except such as were authorized by the court, under the penalty of 100l. for every offence, giving liberty to all such as should have license from them to sell, unto any Indian, guns, swords, powder and shot, paying to the treasurer 3d. for each gun and for each dozen of swords; 6d. for a pound of powder and for every ten pound of shot, by which means the Indians have been abundantly furnished with great store of arms and ammunition to the utter ruin and undoing of many families in the neighboring colonies to enrich some few of their relations and church members.

The Revised Ordinances of 1885, of the City of Boston, as Passed and Approved December 14, 1885. (With Amendments Thereto, Passed and Approved, to May 1, 1886): Being the Ninth Revision. To Which are Added the Revised Standing Regulations of the Board of Aldermen. 9th Rev. Page 172, Image 182 (1886) available at *The Making of Modern Law: Primary Sources*. 1884

Ordinances of the City of Boston. Of Fire-Arms, Bonfires, and Brick-Kilns. § 4. No person shall sell to any child under the age of sixteen years without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol, or other mechanical

contrivance arranged for the explosion of such cartridge, or of any fulminate. But the provisions of this section shall not apply to paper caps of which the only component parts are chlorate of potash and sulphide of antimony, nor to any appliance for exploding the same. The provisions of this section shall be inserted in every license granted for the sale of gunpowder.

Revised Ordinances of 1892, of the City of Boston, and the Revised Regulations of 1892, of the Board of Aldermen of the City of Boston, Being the Eleventh Revision, Third Edition, Containing All Ordinances Passed Between March 3, 1892, and February 1, 1895, and All Regulations of the Board of Aldermen Passed Between July 22, 1892, and February 1, 1895 Page 115, Image 129 (1895) available at The Making of Modern Law: Primary Sources. 1895
Ordinances of Boston, Prohibitions and Penalties, § 91. No person shall manufacture or sell, or expose for sale, any guncotton, nitro-glycerine, or any compounds of the same, nor any fulminate or substance, except gunpowder, intended to be used by exploding or igniting it, in order to produce a force to propel missiles, or to rend substances apart, except in accordance with a permit from the board of fire commissioners; nor shall any person send or carry through the public streets any such substance, except in the manner and in the quantities allowed by statute or ordinance.

Revised Ordinances of the City of Woburn. Revised Woburn, Massachusetts Page 91 Image 91 (1898) available at The Making of Modern Law: Primary Sources. 1898

License to Sell Gunpowder in the City of Woburn. No person shall sell any gunpowder within the city, without such license. Every license shall be in force one year from the date thereof; provided, that any license may be rescinded by the City Council, at their discretion. § 3. Every person so licensed shall keep a sign over and outside of the principal entrance from the street of the building in which the powder is kept, in which shall be printed in capitals the words: "License to keep and sell gunpowder" § 4. The city clerk shall keep a record of all licenses, and of the places designated therein, which places shall not be changed, unless by consent of the City Council, in writing. Every person who receives a license shall sign his name to a copy of the rules prescribed in this chapter, as evidence of his assent thereto. §5. The provisions of the foregoing four sections shall not apply or extend to the keeping or storing of metallic cartridges in fire proof magazines, nor to cartridge manufacturers, so long as they shall keep their powder in canisters, as prescribed in section one, and in fire proof magazines, located and built to the satisfaction of the City Council so long as such manufacturers allow no more than

one hundred pounds of gunpowder in any magazine, or five pounds of gunpowder not made into cartridges, in any workshop at any one time.

1906 Mass. Acts 150, ch. 172, An Act to Regulate by License the Carrying of Concealed Weapons

Section 2. Whoever, except as provided by the laws of this Commonwealth, carries on his person a loaded pistol or revolver, without authority or permission as provided in section one of this act, or whoever carries any stiletto, dagger, dirk-knife, slung-shot or metallic knuckles, shall upon conviction be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

1922 Mass. Acts 563, ch. 485, An Act Relative to the Sale and Carrying of Firearms, ch. 485, § 8 (amending § 130)

§ 8 (amending § 130). Whoever sells or furnishes to a minor under the age of fifteen, or to an unnaturalized foreign born person who has who has not a permit to carry firearms under section one hundred and thirty-one, any firearm, air gun or other dangerous weapon or ammunition therefor shall be punished by a fine of not less than ten nor more than fifty dollars, but instructors and teachers may furnish military weapons to pupils for instruction and drill.

1927 Mass. Acts 413, An Act Relative to Machine Guns and Other Firearms, ch. 326, §§ 1-2 (amending §§ 121, 123)

In sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, “firearms” includes a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel, not including any revolving, detachable or magazine breach, does not exceed twelve inches, and a machine gun, irrespective of the length of the barrel. Any gun of small arm calibre designed for rapid fire and operated by a mechanism, or any gun which operates automatically after the first shot has been fired, either by gas action or recoil action, shall be deemed to be a machine gun for the purposes of said sections, and of sections one hundred and thirty-one and one hundred and thirty one B. . . § 2. . . Eighth, That no pistol or revolver shall be sold, rented or leased to a person who has not a permit, then in force, to purchase, rent or lease the same issued under section one hundred and thirty-one A, and that no machine gun shall be sold, rented or leased to a person who has not a license to possess the same issued under section one hundred and thirty-one. . .

MICHIGAN

The Revised Charter and Ordinances of the City of Detroit Page 150, Image 151 (1848) available at The Making of Modern Law: Primary Sources. 1848 [Ordinances of Detroit,] Prevention of Fires, § 9. No person shall fire or set off any squib, cracker, gunpowder or fire works, or fire any gun or pistol in any part of this city, unless by written permission of the Mayor or two Aldermen, which permission shall limit the time of such firing, and shall be subject to be revoked at any time by the Common Council; and any person or persons violating any of the provisions of this section, shall forfeit the penalty of five dollars for each and every offence. § 10. Every person firing a cannon within this city, unless by permission of the Mayor or two Aldermen, shall forfeit the penalty of twenty-five dollars: Provided, that nothing in this or the preceding section shall be construed to prohibit any military company from firing any gun or cannon when authorized by their commanding officer or officers.

1895 Mich. Local Acts 596, § 44

SEC. 44. No person shall fire or discharge any gun or pistol firearms or fireworks. or carry firearms, or throw stones or other missiles within said park or boulevard, nor shall any person fire, discharge or set off any rocket, cracker, torpedo, squib or other fireworks or things containing any substance of any explosive character on said park or boulevard, without the permission of said commissioners, and then only under such regulations as they shall prescribe.

1913 Mich. Pub. Acts 472, An Act Providing for the Registration of the Purchasers of Guns, Pistols, Other Fire-arms and Silencers for Fire-arms and Providing a Penalty for Violation, § 1-2.

Every person, firm or corporation engaged in any way or to any extent in the business of selling at retail guns, pistols, other fire-arms and silencers for fire-arms shall keep a register in which shall be entered the name, age, occupation and residence (if residing in the city with the street number of such residence) of each and every purchaser of such guns, pistols, other fire-arms or silencers for fire-arms together with the number or other mark of identification, if any, on such gun, pistol, other fire-arms or silencer for firearms which said register shall be open to the inspection of all peace officers at all times. § 2. Every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction be subject to a fine of not more than fifty dollars or to imprisonment in the county jail for not more than ten days or to both such fine and imprisonment in the discretion of the court.

1925 Mich. Pub. Acts 473, An Act to Regulate the Possession and Sale of Pistols, Revolvers and Guns; to Provide a Method of Licensing Those Carrying Such

Weapons Concealed; and to Provide Penalties for Violations of Such Regulations, § 2-4.

§ 2. Any person who shall commit or attempt to commit a felony when armed with a pistol, revolver or gun, as defined in section one, shall, in addition to the punishment provided for committing the crime, be punished by imprisonment for not less than two nor more than five years within the discretion of the court. § 3. The court shall have power to sentence any person who may be convicted of a second offense to double the addition penalty imposed under section two thereof for carrying such concealed weapon without a license. § 4. In the trial of a person for the commission of murder, assault with intent to do great bodily harm, robbery, larceny, or any attempt to commit any of such offenses, the fact that he was armed with a pistol, revolver or gun as herein defined and had no permit to carry the same, shall be prima facie evidence of his intention to commit the crime with which he is charged[.]

No person shall carry a pistol, revolver or gun concealed on or about his person or in any vehicle owned or operated by him, except in his dwelling house, place of business or on his premises, without a license therefor, as hereinafter provided. The provisions of this section, however, shall not apply to the regular and ordinary transportation of pistols, revolvers or guns as merchandise, or to any member of the army, navy or marine corps of the United States, or to the national guard when on duty, or organizations by law authorized to purchase or receive such weapons from the United States or from this state, nor to duly authorized military organizations when on duty, nor to the members thereof when going to or returning from their customary places of assembly, nor to wholesale or retail dealers therein, nor to peace officers of the state.

1925 Mich. Pub. Acts 47, An Act to Regulate the Possession and Sale of Pistols, Revolvers and Guns; to Provide a Method of Licensing Those Carrying Such Weapons Concealed; and to Provide Penalties for Violations of Such Regulations, § 7.

No person shall deliver or otherwise transfer a pistol, revolver or gun as defined in this act, to a person unless it be securely wrapped and unloaded. Before the same is delivered to the purchaser, he shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within thirty days thereafter, sign and mail by registered letter one copy thereof to the secretary of state, one copy to the chief of police of the city or village in which the same was sold or to the sheriff of the county of which the seller is a resident and shall retain the other copy. This section shall not apply to sales at wholesale. Any person convicted of wilfully violating the provisions of this

section shall be punished by a fine of not less than one hundred dollars or by imprisonment of not more than one year or by both such fine and imprisonment in the discretion of the magistrate.

1927 Mich. Pub. Acts 888-89, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3.

It shall be unlawful within this state to manufacture, sell, offer for sale, or possess any machine gun or firearm which can be fired more than sixteen times without reloading, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb or bombshell, or any blackjack, slung shot, billy, metallic knuckles, sandclub, sandbag or bludgeon. Any person convicted of a violation of this section shall be guilty of a felony and shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison not more than five years, or by both such fine and imprisonment in the discretion of the court. . . .

1927 Mich. Pub. Acts 891, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 9.

SEC. 9. On or before the first day of November, nineteen hundred twenty-seven, any person within this state who owns or has in his possession a pistol as defined in this act, shall, if he reside in an incorporated city or an incorporated village having an organized police department, present such weapon for safety inspection to the commissioner or chief of police of such city or village; if such person reside in a part of the county not included within the corporate limits of such city or village he shall so present such pistol for safety inspection to the sheriff of such county. Any person owning or coming into possession of a pistol after the first day of November, nineteen hundred twenty-seven, shall forthwith present such pistol for safety inspection in the manner provided in this section. A certificate of inspection shall thereupon be issued in triplicate on a form provided by the commissioner of public safety, containing the name, age, address, description and signature of the person presenting such pistol for inspection, together with a full description thereof; the original of such certificate shall be delivered to the registrant; the duplicate thereof shall be mailed to the commissioner of public safety and field and indexed by him and kept as a permanent official record for a period of six years, and the triplicate of such certificate shall be retained and filed in the office of said sheriff, or commissioner or chief of police, as the case may be. The provisions of this section shall not apply to wholesale or retail dealers in firearms or to collections of pistols kept solely for the purpose of display, as relics, souvenirs, curios or antiques, nor to weapons heretofore registered under the provisions of section eleven of act number three hundred thirteen of the public acts

of nineteen hundred twenty-five. Any person who fails to comply with the provision of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court.

MINNESOTA

Henry John Horn, The Charter and Ordinances of the City of St. Paul, Together with Legislative Acts Relating to the City, and the State Constitution, in an Appendix Page 113, Image 114 (1858) available at The Making of Modern Law: Primary Sources. 1858

Revised Ordinances [of the City of St. Paul], An Ordinance to Restrain the Use of Fire Arms and the Exhibition of Fire Works. The Common Council of the City of Saint Paul do ordain as follows: § 1. It shall not be lawful for any person to fire or discharge any cannon, gun, fowling piece, pistol or fire arms of any description, or fire, explode or set off any squib, cracker or other thing containing powder or other combustible or explosive material, or to exhibit any fire works or make or exhibit any bonfire, within the limits of said city, without permission from the Common Council or written permission from the Mayor, which permission shall limit the time of such firing, and shall be subject to be revoked by the Common Council at any time after it has been granted. §2. Any person violating any provision of this ordinance, shall on conviction thereof, be punished by a fine not exceeding one hundred dollars.

The Charter and Ordinances of the City of St. Paul, (To August 1st, 1863, Inclusive,) Together with Legislative Acts Relating to the City. Page 166-167, Image 167-168 (1863) available at The Making of Modern Law: Primary Sources. 1858

Ordinances of the City of St. Paul, An Ordinance to Regulate the Sale of Gunpowder, § 1. No person shall keep, sell or give away gunpowder or guncotton in any quantity without first having paid into the City Treasurer the sum of five dollars, and obtain from the Common Council a permission in writing, signed by the Mayor and Clerk, and sealed with the corporate seal, under a penalty not exceeding fifty dollars, for every offence, provided any person may keep for his own use not exceeding one pound of powder or one pound of gun cotton, at one and the same time. § 2. All applications for permits shall be addressed to the Common Council, in writing, signed by the applicant. Not exceeding four permits shall be granted in any one block; when the number of applications in any block shall at any time exceed the numbers to be granted, the requisite number shall by

chosen by ballot. When issued, the Clerk shall make an entry thereof in a register to be provided for the purpose which entry shall state the name and place of business, and date of permits. Persons to whom permits may be issued, shall not have or keep at their place of business or elsewhere within the city, a greater quantity of gunpowder or guncotton than fifty pounds at one time, and the same shall be kept in tin canisters or cans, or kegs securely looped and headed, containing not to exceed twenty-five pounds each and in a situation remote from fires or lighted lamps, candles or gas, from which they may be easily removed in case of fire. Nor shall any person sell or weigh any gunpowder or guncotton, after the lighting of lamps in the evening, unless in sealed canisters or cans. It shall be the duty of every person to whom a permit shall be given to keep a sign at the front door of his place of business, with the word "gunpowder" painted or printed thereon in large letters. Any person violating any clause of this section, shall, upon conviction thereof be punished by a fine of not less than ten, nor more than one hundred dollars. § 3. No person shall convey or carry any gunpowder or guncotton, exceeding (one pound in quantity) through any street or alley in the city, in any cart, carriage, wagon, dray, wheelbarrow, or otherwise, unless the said gunpowder or guncotton be secured in tight cans or kegs well headed and hooped, sufficient to prevent such gunpowder or guncotton from being spilled or scattered, under a penalty of fifty dollars. § 4. All permissions granted under this ordinance shall expire on the second Tuesday of May in each year; and no permit shall be granted to any retailer of intoxicating liquors, or to any intemperate person. The clerk shall be entitled to a fee of one dollar for every permit which may be issued.

W. P. Murray, *The Municipal Code of Saint Paul: Comprising the Laws of the State of Minnesota Relating to the City of Saint Paul, and the Ordinances of the Common Council*; Revised to December 1, 1884 Page 289, Image 295 (1884) available at *The Making of Modern Law: Primary Sources*. 1882

Concealed Weapons – License, § 1. It shall be unlawful for any person, within the limits of the city of St. Paul, to carry or wear under his clothes, or concealed about his person, any pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead, brass or other metal, bowie-knife, dirk-knife or razor, or any other dangerous or deadly weapon. § 2. Any such weapons or weapons, duly adjudged by the municipal court of said city to have been worn or carried by any person, in violation of the first section of this ordinance, shall be forfeited or confiscated to the said city of St. Paul, and shall be so adjudged. § 3. Any policeman of the city of St. Paul, may, within the limits of said city, without a warrant, arrest any person or persons, whom such policeman may find in the act of carrying or wearing under their clothes, or concealed about their person, any pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead,

brass or other metal, bowie-knife, dirk-knife or razor, or any other dangerous or deadly weapon, and detain him, her or them in the city jail, until a warrant can be procured, or complaint made for the trial of such person or persons, as provided by the charter of the city of St. Paul, for other offenses under said charter, and for the trial of such person or persons, and for the seizure and confiscation of such of the weapons above referred to, as such person or persons may be found in the act of carrying or wearing under their clothes, or concealed about their persons.

George Brooks Young. General Statutes of the State of Minnesota in Force January 1, 1889 Page 1006, Image 1010 (Vol. 2, 1888) available at The Making of Modern Law: Primary Sources. 1888.

Making, Selling, etc., Dangerous Weapons, § 333. A person who manufactures, or causes to be manufactured, or sells, or keeps for sale, or offers or gives or disposes of any instrument or weapon of the kind usually known as slung-shot, sand-club, or metal knuckles, or who, in any city of this state, without the written consent of a magistrate, sells or gives any pistol or fire-arm to any person under the age of eighteen years, is guilty of a misdemeanor. Carrying, using, etc., certain Weapons, § 334. A person who attempts to use against another, or who, with intent so to use, carries, conceals, or possesses any instrument or weapon of the kind commonly known as a slung-shot, sand-club, or metal knuckles, or a dagger, dirk, knife, pistol or other fire-arm, or any dangerous weapon, is guilty of a misdemeanor.

Harry Toulmin, Ordinances of the City of Saint Paul, from May, 1887, to July, 1889 Page 90, Image 90 (1889) available at The Making of Modern Law: Primary Sources. 1889

Ordinances of the City of St. Paul, [Establishing and Fixing the License to be Paid to the City of St. Paul for Conducting, Managing or Carrying on Either or any of the Different Branches of Business Hereinafter Mentioned and Limiting the Duration Thereof, and Also Repealing Certain Ordinances Herein Named,] § 2. The different and various kinds of business, employments and avocations for which licenses are hereby fixed and established, and the sum and amount of the license for each separate one are as follows, to wit: Gun powder ...\$15.00.

MISSISSIPPI

1804 Miss. Laws 90-91, An Act Respecting Slaves, § 4.
[Slaves not to carry offensive or defensive weapons]. [N]o Slave shall keep or carry any gun, powder, shot, club or other weapon whatsoever offensive or defensive, except tools given him to work with, or that he is ordered by his master, mistress or overseer to carry the said articles from one place to another, but all, and

every gun, weapon or ammunition found in the possession or custody of any slave, may be seized by any person, and upon due proof thereof made before any justice of the peace of the county or corporation, where such seizure shall be made, by his order, be forfeited to the seizer for his own use; and moreover, every such offender shall have and receive by order of such justice, any number of lashes not exceeding thirty nine, on his bare back for every such offence: Provided nevertheless, That any justice of the peace may grant, in his proper county, permission in writing, to any slave, on application of his master, or overseer to carry and use a gun and ammunition within the limits of his said master's or owner's plantation, for a term not exceeding one year, and recoverable, at any time within such term, at the discretion of said justice.

[REGULATORY TAX] 1867 Miss. Laws 327-28, An Act To Tax Guns And Pistols in The County Of Washington, ch. 249, § 1.

[A] tax of not less than five dollars or more than fifteen dollars shall be levied and assessed annually by the board of Police of Washington county upon every gun and pistol which may be in the possession of any person in said county, which tax shall be payable at any time on demand, by the Sheriff, and if not so paid, it shall be the duty of the Sheriff to forthwith distrain and seize such gun or pistol, and sell the same for cash at the door of the Court House, after giving ten days notice by advertisement, posted in front of said Court House, and out of the proceeds of such sale, there shall be paid the amount of such tax and the cost of sale, and if any surplus remains, it shall be paid to the owner of such gun or pistol. The amount of the tax so assessed and collected, shall be paid to the county Treasurer, and shall constitute a part of the bridge fund of said county.

1906 Miss. Laws 367, Privilege Taxes, ch. 114, § 3887.

Dealers in Deadly Weapons: On each person or firm dealing in pistols, dirk knives, sword canes, brass or metallic knuckles, or other deadly weapons (shotguns and rifles excepted) – 100.00. And which shall be in addition to all and any other taxes or privileges paid. On each firm or dealer selling air guns, target or flobert rifles (and this shall apply even if the same has a license to sell merchandise, pistols or cartridges) – \$25.00.

MISSOURI

Henry S. Geyer, A Digest of the Laws of Missouri Territory. Comprising: An Elucidation of the Title of the United States to Louisiana:-Constitution of the United States:-Treaty of Session:-Organic Laws:-Laws of Missouri Territory, (Alphabetically Arranged):-Spanish Regulations for the Allotment of Lands:- Laws

of the United States, for Adjusting Titles to Lands, &c. to Which are Added, a Variety of Forms, Useful to Magistrates Page 374, Image 386 (1818) available at The Making of Modern Law: Primary Sources. 1818

Slaves, § 3. No slave or mulatto whatsoever, shall keep or carry a gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person and upon due proof made before any justice of the peace of the district [county] where such seizure shall be, shall by his order be forfeited to the seizor, for his own use, and moreover, every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her bare back well laid on for every such offence. § 4. Every free negro or mulatto, being a housekeeper may be permitted to keep one gun, powder and shot; and all negroes or mulattoes bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder shot and weapons, offensive and defensive, by license from a justice of the peace of the district [county] wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes or of the owners of such as are slaves.

Adam B. Chambers, The Revised Ordinances of the City of Saint Louis, Revised and Digested by the Fifth City Council during the First Session, Begun and Held in the City of St. Louis, on the Second Monday of May, A. D. 1843. with the Constitutions of the United States and the State of Missouri, and the City Charter Page 304, Image 305 (1843) available at The Making of Modern Law: Primary Sources. 1843

[Ordinances of Kansas City,] Misdemeanors, § 10. Every person who shall discharge any cannon or other ordinance, or fire off any carbine, fusil, rifle, musket, gun, pistol, or other arms, or set off any squib or cracker, or fly any kite in the air, within the city, shall be deemed guilty of a misdemeanor. This section shall not apply to the firing of salutes by any military corps, or to the firing of salutes upon any occasion of general public interest. Provided, such firing be caused by persons, associations or companies, volunteers or otherwise, who may be engaged in lawful celebrations of public rejoicings, or in the lawful military exercises of said companies or volunteers; nor to prevent any manufacturer from trying or proving the articles manufactured by him within the limits of the city, provided the same be done without danger or injury to the neighborhood. § 11. Every person who shall fire any heavy cannon, or set off any rockets or fire works, or illuminate in any unusual manner any house or building, without first having obtained written permission from the Mayor, specifying the time and place, when and where the same shall be allowed, shall be deemed guilty of a misdemeanor.

1844 Mo. Laws 577, An Act To Restrain Intercourse With Indians, ch. 80, § 4. No person shall sell, exchange or give, to any Indian, any horse, mule, gun, blanket, or any other article or commodity whatever, unless such Indian shall be traveling through the state, and leave a written permit from the proper agent, or under the direction of such agent in proper person.

1854 Mo. Laws 1094, An Act Concerning Free Negroes and Mulattoes, ch. 114, §§ 2-3.

§ 2. No free negro or mulatto shall be suffered to keep or carry any firelock, or weapon of any kind, or any ammunition, without license first had and obtained for the purpose, from a justice of the peace of the county in which such free negro or mulatto resides, and such license may be revoked at any time by the justice granting the same or by any justice of the county. § 3. Any gun, firelock, or weapon of any kind, or any ammunition, found in the possession of any free negro or mulatto not having a license, as required by the last preceding section, may be seized by any person, and upon due proof thereof, before any justice of the peace of the county in which such seizure shall have been made, shall be forfeited by order of such justice, to the person making the seizure, for his own use.

Everett Wilson 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* Page 491-492, Image 499-500 (1871) available at *The Making of Modern Law: Primary Sources*. 1871

Ordinances of the City of St. Louis, Misdemeanors, § 9. Hereafter it shall not be lawful for any person to wear under his clothes, or concealed about his person, any pistol, or revolver, colt, billy, slung shot, cross knuckles, or knuckles of lead, brass or other metal, bowie knife, razor, dirk knife, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon, within the City of St. Louis, without written permission from the Mayor; and any person who shall violate this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not less than ten nor more than five hundred dollars for each and every offence. § 10. Nothing in the preceding section shall be so construed as to prevent any United States, State, county or city officer, or any member of the city government, from carrying or wearing such weapons as may be necessary in the proper discharge of his duties.

An Ordinance in the Revision of the Ordinances Governing the City of Kansas (Kansas City, MO; Isaac P. Moore's Book and Job, 1880), p. 264, Sec. 3. 1880 Chapter XXXIV. Public Safety. . . .

Sec. 3. No person shall, in this city, wear under his clothes or concealed about his person, any pistol or revolver, except by special permission from the Mayor; nor shall any person wear under his clothes, or concealed about his person, any slung-shot, cross knuckles, knuckles of lead, brass or other metal, or any bowie knife, razor, billy, dirk, dirk-knife or dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon. Any person, violating any provision or requirement of this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before the City Recorder, shall be fined not less than fifty dollars nor more than five hundred dollars : Provided, however, That this section shall not be so construed as to prevent any United States, State, County or City officer, or any member of the City government, from carrying such weapons as may be necessary in the proper discharge of his duties.

Henry Smith Kelley, Laws Applicable to and Governing the City of Saint Joseph, Mo., As a City of the Second Class, Contained in the Revised Statutes of 1879, and Subsequent Legislative Enactments; Also the General Ordinances Now in Force, Revised and Made to Conform to the Laws Governing Such Cities Page 192, Image 222 (1888) available at The Making of Modern Law: Primary Sources. 1888 General Ordinances [of the City of St. Joseph], [Amusement-Shows,] Shooting Gallery; license for. — § 3. No person shall carry on or take part in carrying on, any pistol gallery or shooting gallery, without a license therefor from said city; and the charge for such license shall be five dollars per month.

The Municipal Code of St. Louis (St. Louis: Woodward 1901), p.738, Sec. 1471. 1892

Chapter 18. Of Misdemeanors.

Sec. 1471. Concealed weapons – carrying of, prohibited.

Hereafter it shall not be lawful for any person to wear under his clothes, or concealed about his person, any pistol or revolver, colt, billy, slung shot, cross knuckles, or knuckles of lead, brass or other metal, bowie knife, razor, dirk knife, dirk, dagger, or any knife resembling a bowie knife or any other dangerous or deadly weapon, within the City of St. Louis, without written permission from the mayor; and any person who shall violate this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than ten nor more than five hundred dollars for each and every offense.

The Revised Ordinances of the City of Huntsville, Missouri, of 1894. Collated, Revised, Printed and Published by Authority of the Mayor and Board of Aldermen of the City of Huntsville, Missouri, Under an Ordinance of the Said City, Entitled: “An Ordinance in Relation to Ordinances, and the Publication Thereof.” Approved

on the 11th Day of June, 189 Page 58-59, Image 58-59 (1894) available at The Making of Modern Law: Primary Sources. 1894

Ordinances of the City of Huntsville, An Ordinance in Relation to Carrying Deadly Weapons, § 1. If within the city any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under militia law of the state, having upon or about his person any kind of fire arms, bowie-knife, dirk, dagger, sling-shot, or other deadly weapon or shall in the presence of one or more persons exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment in the city prison not exceeding thirty days nor less than five days or by both such fine and imprisonment; provided, the Mayor may grant permission to any person to discharge gun, pistol or other firearms under the proper circumstances shown to him. § 2. The next preceding section shall not apply to police officers, nor to any officer or person whose duty it is to exercise process or warrants, or to suppress breaches of the peace or to make arrests, nor to persons moving or travelling peaceably through this state; and it shall be good defense to the charge of carrying such weapon, if the defendant shall show that he has been threatened with great bodily harm, or had good reason to carry the same in the necessary defense of his home, person or property.

Francis M. Wilson, The Revised Statutes of the State of Missouri, 1899. To This Volume are Annexed the Acts of Congress in Relation to the Election of United States Senators, in Relation to Fugitives from Justice, Concerning Naturalization and the Authentication of Public Records; an Appendix Containing the Scheme and Charter of and Laws Specially Applicable to the City of St. Louis and the Acts Establishing the Criminal Court of the Fifteenth Circuit, the Criminal Court of Jackson County, the Criminal Court of Buchana County, the Criminal Court of Greene County, the Louisiana Court of Common Pleas, the Hannibal Court of Common Pleas, the Cape Girardeau Court of Common Pleas and the Sturgeon Court of Common Pleas. Revised and Promulgated by the Fortieth General Assembly Page 1752, Image 645 (Vol. 2, 1899) available at The Making of Modern Law: Primary Sources. 1899

[Permit to Keep Explosives, § 7457. No person, corporation or joint-stock company shall, on and after ten days after this article shall take effect, have retain or keep in his possession or under his or her control, nor sell, give away or in any manner or way dispose of dynamite, giant powder, nitro-glycerine or any explosive substance, except gunpowder and blasting powder for ordinary purposes, without first obtaining a permit authorizing the same from the clerk of the county court, or mayor of the city of St. Louis, in whichever county or city such applicant may desire to do such business, nor without first making and delivering the affidavit required by the next succeeding section of this article.]

1921 Mo. Laws 691, 692

Section 1. Pistol, revolver or firearms to be plainly marked. No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped, upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of such description of such weapon, the name and address of the person from whom purchased and to whom sold, the date of such purchase or sale, and in the' case of retailers the date of the permit and the name of the circuit clerk granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

Sec. 2. Shall secure permit to acquire weapon.-No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter; deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving such weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering such weapon, within thirty days after the issuance thereof, a permit authorizing such person to acquire such weapon. Such permit shall be issued by the circuit clerk of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the said date, the -name and address of the person to whom granted and of the person from whom such weapon is to be acquired, the nature of

the transaction, and a full description of such weapon, and shall be countersigned by the person to whom granted in the presence of the circuit clerk. The circuit clerk shall receive therefor a fee of \$0.50. If the permit be used, the person receiving the same shall return it to the circuit clerk within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of such weapon. The circuit clerk shall keep a record of all applications for such permits and his action thereon, and shall preserve all returned permits. No person shall in any manner transfer, alter or change any such permit or make a false notation thereon or obtain the same upon any false representation to the circuit clerk granting the same, or use or attempt to use a permit granted to another.

Sec. 3. Weapons must be stamped.-No person within this state shall lease, buy or in anywise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 1 of this act; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the circuit clerk of the county in which such person resides, in the manner as provided in section 2 of this act.

Sec. 4. Manufacture not prohibited.-Nothing herein contained shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this state, to ship into other states or foreign countries, any such articles whether stamped as required by this act or not so stamped.

MONTANA

Decius Spear Wade, The Codes and Statutes of Montana. In Force July 1st, 1895. Including the Political Code, Civil Code, Code of Civil Procedure and Penal Code. As Amended and Adopted by the Fourth Legislative Assembly, Together with Other Laws Continued in Force Page 873, Image 914 (Vol. 2, 1895) available at The Making of Modern Law: Primary Sources. 1895

Crimes Against the Public Peace, § 759: Every person who brings into this state an armed person or armed body of men for the preservation of the peace or the suppression of domestic violence, except at the solicitation and by the permission of the legislative assembly or of the governor, is punishable by imprisonment in the state prison not exceeding ten years and by a fine not exceeding ten thousand dollars.

1913 Mont. Laws 53, An Act to Provide that Aliens Shall Pay a Gun License, and Providing a Penalty for Failure to Obtain License; to Provide for and Regulate the

Duties of the Game and Fish Warden and His Deputies, and to Provide for the Disposition of the Fines so Collected, ch. 38, § 1.

There is hereby created a gun license for aliens. No person not a bona fide citizen of the United States shall own or have in his possession, in the State of Montana, any gun, pistol or other firearm without first having obtained from the Game and Fish Warden a license therefor, which said license shall cost the owner of said firearm the sum of Twenty-five (\$25) Dollars, and shall expire one year from date of issuance thereof; provided, however, that this section shall not apply to one who has obtained the Twenty-five (\$25) Dollar hunting license required by the laws of Montana; provided, further, that the provisions of this section shall not apply to any alien who is a bona fide resident of the State of Montana and the owner of not less than one hundred and sixty acres of land therein, nor shall it apply to any settler on the public lands of the State of Montana who shall have begun to acquire land under the laws of the United States by filing thereon, nor shall it apply to persons engaged in tending or herding sheep or other animals, held in herd.

1918 Mont. Laws 6-7,9, An Act Entitled “An Act Providing for the Registration of All Fire Arms and Weapons and Regulating the Sale Thereof and Defining the Duties of Certain County Officers and Providing Penalties for a Violation of the Provisions of This Act,” ch. 2, §§ 1, 3, 8.

§ 1. Within thirty days from the passage and approval of this Act, every person within the State of Montana, who owns or has in his possession any fire arms or weapons shall make a full, true, and complete verified report upon the form hereinafter provided to the sheriff of the County in which such person lives, of all fire arms and weapons which are owned or possessed by him or her or are in his or her control, and on sale or transfer into the possession of any other person such person shall immediately forward to the sheriff of the County in which such person lives the name and address of that purchaser and person into whose possession or control such fire arm or weapon was delivered. § 3. Any person signing a fictitious name or address or giving any false information in such report shall be guilty of misdemeanor, and any person failing to file such report as in this Act provided, shall be guilty of a misdemeanor. § 8. For the purpose of this Act a fire arm or weapon shall be deemed to be any revolver, pistol, shot gun, rifle, dirk, dagger, or sword.

NEBRASKA

1869 Neb. Laws 53, An Act to Incorporate Cities of the First Class in the State of Nebraska, § 47.

The City Council shall have power to license all . . . vendors of gunpowder[.]

1895 Neb. Laws 210, Laws of Nebraska Relating to the City of Lincoln, An Ordinance Regulating and Prohibiting the Use of Fire-arms, Fire-works and Cannon in the City of Lincoln . . . Prescribing Penalties for Violation of the Provisions of This Ordinance, and Repealing Ordinances in Conflict Herewith, Art. XVI, § 6.

The Mayor may grant to so many and such persons as he may think proper, licenses to carry concealed weapons, and may revoke any and all of such licenses at his pleasure. Every such license shall state the name, age, occupation, and residence, of the person to whom granted, and shall be good for one year. A fee of fifty cents shall be paid therefor to the City Treasurer, and by him placed in the police fund.

NEW HAMPSHIRE

1820 N.H. Laws 274-76, An Act to Provide for the Appointment of Inspectors and Regulating the Manufacture of Gunpowder, ch. 25, §§ 1-9.

§ 1. [T]he Governor . . . is hereby authorized to appoint an inspector of gunpowder for every public powder magazine, and at every manufactory of gunpowder in this state, and such other places as may by him thought to be necessary[.] § 2. [F]rom and after the first day of July next, all gunpowder which shall be manufactured within this state shall be composed of the following proportions and quality of materials . . . § 3. It shall be the duty of each of said inspectors to inspect, examine and prove all gunpowder which after the first day of July shall not be deposited at any publick [sic] powder magazine, or manufactory of this state . . . § 4. [N]o gunpowder within this state shall be considered to be of proof unless one ounce thereof, placed in a chamber of a four and an half inch howitzer, with the howitzer elevated so as to form an angle of forty-five degrees with the horizon, will, upon being fired throw a twelve pound shot seventy-five yards at the least. § 5. [W]henever any of said inspectors shall discover any gunpowder, deposited at any public powder magazine, or any other place within this state, which is not well manufactured or which is composed of impure materials . . . the inspector in such case, shall mark each cask containing such impure, ill manufactured, or deficient gunpowder, with the word “Condemned” on both heads of the cask . . . § 6. [I]f any person shall knowingly sell any condemned gunpowder . . . every such person, so offending, shall forfeit and pay not less than two hundred nor more than five hundred dollars . . . § 7. [E]ach inspector . . . be sworn to the faithful and impartial discharge of the duties of his office, and each inspector shall be allowed one cent for each pound of gunpowder, by him examined, inspected and proved . . . to be paid by the owner or owners of the gunpowder. § 8. [I]f any manufacturer of

gunpowder shall sell or dispose of, or shall cause or permit to be sold or disposed of, or shall export or cause to be exported without the limits of this state, any powder of his manufacture, before the same has been inspected and marked agreeably to the provisions of this act, he shall forfeit and pay the sum of fifty cents for every pound of powder so sold, disposed of, or exported, to be recovered in the manner provided in the sixth section of this act. § 9. [I]f any person with within this state . . shall knowingly sell, expose, or offer for sale, within this state, any gunpowder which is not well manufactured, or which is composed of impure materials, and which shall not be composed of the proof herein before required, shall forfeit and pay not less than five dollars nor more than fifty dollars for each and every offence, to be recovered in the manner provided in the sixth section of this act.

1823 N.H. Laws 73-74, An Act to Establish a System of Police in the Town of Portsmouth, and for Other Purposes, ch. 34, § 4.

That if any person or persons shall within the compact part of the town of Portsmouth, that is to say, within one mile of the courthouse, fire or discharge any cannon, gun, pistol or other fire arms, or beat any drum, (except by command of a military officer, having authority therefor) or fire or discharge any rockets, squibs, crackers, or any preparation of gunpowder, (except by the permission of the police officers, or of a major part of them first had in writing) . . . every such person, for every such act shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties hereinafter expressed.

The Charter, with Its Amendments and the General Ordinances of the City of Dover Page 32, Image 32 (1870) available at The Making of Modern Law: Primary Sources. 1870

General Statutes [Ordinances of the City of Dover, [New Hampshire] Offences Against the Police of Towns,] § 5. No person shall, within the compact part of any town, fire or discharge any cannon, gun, pistol, or other fire-arms, or beat any drum, except by command of a military officer having authority therefor, or fire or discharge any rockets, squibs, crackers, or any preparation of gunpowder, except by permission of a majority of the police officers or selectmen in writing, or make any bonfire, or improperly use or expose any friction matches, or knowingly raise or repeat any false cry of fire.

1917 N.H. Laws 727-28, An Act for the Regulation of the Sale and Use of Explosives and Firearms, ch. 185, §§ 1-3, 6.

§ 1. No person shall manufacture, sell, or deal in firearms or in gunpowder, dynamite, nitro-glycerine, or other form of high explosive, unless he shall first

obtain, from the selectmen of the town or the chief of police of the city where such business is to be conducted, a written license therefor, and no person shall conduct such business within the state but outside the limits of any organized town or city, unless he shall first obtain such license from the county commissioners of the county in which such business is to be conducted; which license shall specify the building where such business is to be carried on or material deposited or used. § 2. No such licensed person shall sell or deliver firearms to any person not a citizen of the United States, unless he shall have legally declared his intention of becoming a citizen, or any such explosive material or compound to any person, except upon presentation of a permit such as is hereinafter provided for, nor unless satisfied that the same is to be used for a lawful purpose. § 3. Every person so licensed shall keep, on blanks to be furnished by the secretary of state, a record of the names and residences of all persons to whom he shall sell or deliver firearms or any such explosive material or compound, the purpose of which the same is to be used, the date of sale, the amount paid, the date of the purchaser's permit, the name and title of the person by whom the permit was issued, and, within five days after such sale or delivery, shall file such record thereof with the clerk of the city or town wherein he sale or delivery was made, or with the county commissioners in case of sales or deliveries within the state, but outside the limits of any organized city or town. The records thus filed shall at all times be open to the inspection of the police departments, or other public authorities. He shall also affix to the receptacle containing such explosive material or compound a label with the name of the compound, his own name, and the date of sale.

§ 6. No person not a citizen of the United States or one who has legally declared his intention of becoming such a citizen shall have in his possession any firearm or firearms of whatsoever kind or description unless he has a written permit to have such possession issued and signed as hereinafter provided. Any such person desiring to possess a firearm or firearms for any lawful purpose shall first make written application to the chief of police or selectmen of the town wherein he resides . . . stating the purposes for which the possession of the firearm or firearms is desired and a description of the firearm or firearms. The applicant shall also state his full name, occupation, place of residence and if in a city the street and number. If such chief of police or selectmen or county commissioners are satisfied that the applicant intends to use the firearm or firearms in a lawful manner and as set forth in his application, a permit shall be issued, signed by the chief of police of the city, a selectmen of the town, or county commissioners, as the case may be, giving to the applicant the right to have in his possession such firearm or firearms. The holder of any such permit shall keep the permit on his person at all times when he is in possession of the firearm or firearms as authority for such possession and shall exhibit the same when so requested by any person.

1917 N.H. Laws 728-29, An Act for the Regulation of the Sale and Use of Explosives and Firearms, ch. 185, § 6.

No person not a citizen of the United States or one who has legally declared his intention of becoming such a citizen shall have in his possession any firearm or firearms of whatsoever kind or description unless he has a written permit to have such possession issued and signed as hereinafter provided. Any such person desiring to possess a firearm or firearms for any lawful purpose shall first make written application to the chief of police or selectmen of the town wherein he resides . . . stating the purposes for which the possession of the firearm or firearms is desired and a description of the firearm or firearms. The applicant shall also state his full name, occupation, place of residence and if in a city the street and number. If such chief of police or selectmen or county commissioners are satisfied that the applicant intends to use the firearm or firearms in a lawful manner and as set forth in his application, a permit shall be issued, signed by the chief of police of the city, a selectmen of the town, or county commissioners, as the case may be, giving to the applicant the right to have in his possession such firearm or firearms. The holder of any such permit shall keep the permit on his person at all times when he is in possession of the firearm or firearms as authority for such possession and shall exhibit the same when so requested by any person.

1923 N.H. Laws 138

SECTION 1. Pistol or revolver, as used in this act shall be construed as meaning any firearm with a barrel less than twelve inches in length.

SECT. 2. If any person shall commit or attempt to commit a crime when armed with a pistol or revolver, and having no permit to carry the same, he shall in addition to the punishment provided for the crime, be punished by imprisonment for not more than five years.

SECT. 3. No unnaturalized foreign-born person and no person who has been convicted of a felony against the person or property of another shall own or have in his possession or under his control a pistol or revolver, except as hereinafter provided. Violations of this section shall be punished by imprisonment for not more than two years and upon conviction the pistol or revolver shall be confiscated and destroyed.

SECT. 4. No person shall carry a pistol or revolver concealed in any vehicle or upon his person, except in his dwelling house or place of business, without a license therefor as hereinafter provided. Violations of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment not exceeding one year or by both fine and imprisonment.

SECT. 5. The provisions of the preceding sections shall not apply to marshals, sheriffs, policemen, or other duly appointed peace and other law enforcement officers, nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the army, navy, or marine corps of the United States, nor to the national guard when on duty, nor to organizations by law authorized to purchase or receive such weapons, nor to duly authorized military or civil organizations when parading, or the members thereof when at or going to or from their customary places of assembly.

SECT. 6. The selectmen of towns or the mayor or chief of police of cities may, upon application of any person issue a license to such person to carry a loaded pistol or revolver in this state, for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury' to his person or property or for any other proper purpose, and that he is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original thereof shall be delivered to the licensee, the duplicate shall be preserved by the selectmen of towns and the chief of police of the cities wherein issued for a period of one year.

SECT. 7. Any person or persons who shall sell, barter, hire, lend or give to any minor under the age of twenty-one years any pistol or revolver shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not more than one hundred dollars or be imprisoned not more than three months, or both. This section shall not apply to fathers, mothers, guardians, administrators, or executors who give to their children, wards, or heirs to an estate, a revolver.

SECT. 8. No person shall sell, deliver, or otherwise transfer a pistol or revolver to a person who is an unnaturalized foreign-born person or has been convicted of a felony against the person property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery be made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, and nationality, the date of sale, the caliber, make, model, and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Violations of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECT. 9. Whoever, without being licensed as hereinafter provided, sells, advertises, or exposes for sale, or has in his possession with intent to sell, pistols or revolvers, shall be punished by imprisonment for not more than two years.

SECT. 10. The selectmen of towns and the chief of police of cities may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.
2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.
3. No pistol or revolver shall be delivered (a) to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor (b) to an unnaturalized foreign-born person or a person who has been convicted of a felony and has no permit as required by section 8 of this act.

A true record, in duplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which shall be prescribed by the secretary of state and shall be signed by the purchaser and by the person effecting the sale, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, and nationality of the purchaser. One copy of said record shall, within seven days, be forwarded to the selectmen of the town or the chief of police of the city and the other copy retained for one year.

SECT. 11. If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall be punished by imprisonment punished, for not more than two years.

SECT. 12. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Violations of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.

SECT. 13. All licenses heretofore issued within the state permitting the carrying of pistols or revolvers upon the person shall expire at midnight of July 31, 1923.

SECT. 14. This act shall not apply to antique pistols or revolvers incapable of use as such.

SECT. 15. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage.

NEW JERSEY

Ordinances of Jersey City, Passed By The Board Of Aldermen since May 1, 1871, under the Act Entitled “An Act to Re-organize the Local Government of Jersey City,” Passed March 31, 1871, and the Supplements Thereto Page 46, Image 46 (1874) available at The Making of Modern Law: Primary Sources. 1871 [Ordinances of Jersey City, NJ, In Relation to the Sidewalks, Public Grounds and Streets in Jersey City,] § 26. No person shall, within this city, fire or discharge any gun, pistol, cannon, or fowling piece or other fire-arms, unless in defense of his property or person; nor let off any squibs, crackers or other fireworks, unless by permission of the city authorities, under the penalty of ten dollars for each and every offense; provided, however, that this section of the ordinance shall not apply to the Fourth of July.

Ordinances of Jersey City, Passed By The Board Of Aldermen since May 1, 1871, under the Act Entitled “An Act to Re-organize the Local Government of Jersey City,” Passed March 31, 1871, and the Supplements Thereto Page 86- 87, Image 86-87 (1874) available at The Making of Modern Law: Primary Sources. 1873 An Ordinance In Relation to the Carrying of Dangerous Weapons. The Mayor and Aldermen of Jersey City do ordain as follows: § 1. That with the exceptions made in the second section of this ordinance, no person shall, within the limits of Jersey City, carry, have or keep on his or her person concealed, any slung-shot, sand-club, metal knuckles, dirk or dagger not contained as a blade of a pocket knife, loaded pistol or other dangerous weapon. § 2. That policemen of Jersey City, when engaged in the performance of police duty, the sheriff and constables of the County of Hudson, and persons having permits, as hereinafter provided for, shall be and are excepted from the prohibitions of the first section of this ordinance. § 3. The Municipal Court of Jersey City may grant permits to carry any of the weapons named in the first section to such persons as should, from the nature of their profession, business or occupation, or from peculiar circumstances, be allowed so to do; and may, in granting such permits, impose such conditions and restrictions in each case as to the court shall seem proper. All applications for permits shall be made in open court, by the applicant in person, and in all cases the court shall require a written endorsement of the propriety of granting a permit from at least three reputable freeholders; nor shall any such permit be granted to any person until the court is satisfied that such person is temperate, of adult age, and capable of exercising self-control . Permits shall not be granted for a period longer than one year, and shall be sealed by the seal of the court. The possession of a permit shall not operate as an excuse unless the terms of the same are strictly complied with. In

cases of emergency, permits may be granted by a single Justice of the Municipal Court, or by the Chief of Police, to be in force not longer than thirty days, but such permit shall not be renewable. §4. That no person shall, within the limits of Jersey City, carry any air gun or any sword cane. § 5. The penalty for a violation of this ordinance shall be a fine not exceeding fifty dollars, or imprisonment in the city prison not exceeding ten days, or both fine and imprisonment not exceeding the aforesaid amount and time, in the discretion of the court.

1902 N.J. Laws 780, An Act to Require Non-residents to Secure Licenses before Hunting or Gunning within the State of New Jersey and Providing Penalties for Violation of Its Provisions, ch. 263, § 1.

Every non-resident of this state shall be required to take out a license before he shall begin hunting or gunning in this state, which license the several county clerks of this state, and each of them, are hereby authorized and required to issue upon the payment by the applicant of a license fee of ten dollars, and an issuance fee of fifty cents to the county clerk issuing the same; such license shall be a certificate of permission to hunt and gun within the state of New Jersey and shall include the name, age and place of residence and business of the applicant with his description as nearly as may be[.]

1905 N.J. Laws 324-25, A Supplement to an Act Entitled “An Act for the Punishment of Crimes,” ch. 172, § 1.

Any person who shall carry any revolver, pistol or other deadly, offensive or dangerous weapon or firearm or any stiletto, dagger or razor or any knife with a blade of five inches in length or over concealed in or about his clothes or person, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding two hundred dollars or imprisonment at hard labor, not exceeding two years, or both; provided, however, that nothing in this act shall be construed to prevent any sheriff, deputy sheriff, police officer, constable, state detective, member of a legally organized detective agency or any other peace officer from carrying weapons in the discharge of his duty; nor shall this act apply to any person having a written permit to carry such weapon, firearm, stiletto, razor, dagger or knife, from the mayor of any city, borough or other municipality, having a mayor, or from the township committee or other governing body of any township or other municipality not having a mayor, which permits such officers and governing bodies are hereby authorized to grant; said permits shall be issued at the place of residence of the person obtaining the same and when issued shall be in force in all parts of the state for a period of one year from date of issue unless sooner revoked by the officer or body granting the same; and provided further, that nothing contained herein shall prevent any person from keeping or carrying about

his or her place of business, dwelling house or premises any such weapon, firearm, stiletto, dagger, razor or knife, or from carrying the same from any place of purchase to his or her dwelling house, or place of business, or from his or her dwelling house or place of business to any place where repairing is done to have the same repaired and returned; and provided further, that nothing in this act shall be construed to make it unlawful for any person to carry a gun, pistol, rifle or other firearm or knife in the woods or fields or upon the waters of this state for the purpose of hunting; a fee of twenty-five cents may be lawfully charged by such officer or body granting such permit.

1914 N.J. Laws 65, Supplement to an Act Entitled “An Act to License Citizens of this State to Hunt and Pursue Wild Animals and Fowl,” ch. 43, § 1.

No license to hunt, pursue or kill with a gun or any fire-arm any of the game birds, wild animals or fowl of this State, shall be issued to any person under the age of fourteen years, and if any applicant for license shall misrepresent his age he shall be liable to a penalty of twenty dollars, to be sued for and recovered as other penalties under the fish and game laws.

1916 N.J. Laws 275-76, An Act to Prohibit Any Person from Going into the Woods or Fields with a Gun or Other Firearm when Intoxicated, or under the Influence of any Drug or Intoxicating Liquor, ch. 130, §§ 1-2.

1. It shall be unlawful for any person to go into the woods or fields at any time with a gun or firearm when intoxicated or under the influence of any drug or drugs or of intoxicating liquor. 2. Any person violating any of the provisions of this act shall be liable to a penalty of fifty dollars for each offense, to be sued for and recovered in the manner provided and by the persons authorized to sue for and recover penalties. . . . Upon the conviction of any person for violating the provisions of this act, the license to hunt and fish of such person issued to him . . . shall become void, and the justice of the peace, District Court judge, or police magistrate before whom such conviction is had, shall take from the person so convicted the license, mark the same “revoked” and send it to the Board of Fish and Game Commissioners. If such conviction is reversed on appeal the license shall be restored to the defendant. Any license to hunt or fish issued to any person convicted of a violation of this act during the calendar year in which such offense occurred shall be null and void.

1927 N.J. Laws 180-81, A Supplement to an Act Entitled “An Act for the Punishment of Crimes,” ch. 95, §§ 1-2.

1. The term “machine gun or automatic rifle,” as used in this act, shall be construed to mean any weapon, mechanism or instrument not requiring that the trigger be

pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the said weapon, mechanism or instrument and fired therefrom at a rate of five or more shots to the second. 2. Any person who shall sell, give, loan, furnish or deliver any machine gun or automatic rifle to another person, or any person who shall purchase, have or possess any machine gun or automatic rifle, shall be guilty of a high misdemeanor; provided, the provisions of this section shall not apply to any person who has procured and possesses a license to purchase, have and possess a machine gun or automatic rifle as hereinafter provided for; nor to the authorized agents and servants of such licensee; or to the officers and members of any duly authorized military organization; nor to the officers and members of the police force of any municipality, nor to the officers and members of the State Police force; nor to any sheriff or undersheriff; nor to any prosecutor of the pleas, his assistants, detectives and employees.

1927 N.J. Laws 742

No retail dealer shall sell or expose for sale, or have in his possession with intent to use, any of the firearms or instruments enumerated in section one hereof without being licensed as hereafter provided. The Common Pleas judge of any court of this State, by the Secretary of State, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city or town or political-division, pistols or revolvers, subject to the follow-ing conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building or buildings designated in the license.
2. The license or a copy thereof certified by the issuing authority shall be displayed in a conspicuous place on the premises where it can be easily read.
3. No pistol or revolver, or imitation thereof, or placard advertising the sale thereof, shall be placed in any window or in any part of said premises where it can be readily seen from the outside.
4. No pistol or revolver shall be delivered (a) unless the purchaser shall have obtained a permit to purchase days shall have elapsed after the application for the permit; (c) unless the purchaser either is personally known to the seller or shall present evidence of his identity; (d) unless the pistol or revolver shall be unloaded and securely wrapped; provided, however, a permit to cover a pistol or revolver shall, for the purposes of this section and of section nine of this act, be equivalent to a permit to purchase a pistol or revolver. 5. A true record of every pistol shall be made in a book kept for the purpose, the form of which shall be prescribed by the Secretary of State and shall be personally signed by the person effecting the sale,

and shall contain the date of the sale, the calibre, make, model, and manufacturer's number of the weapon, and the name, address and permit number of the purchaser.

Any person who shall knowingly sell any of the firearms or instruments enumerated in section one hereof to a minor under the age of eighteen years, or to a person not of sound mind, or to a drug addict, or to a person who has been convicted of committing or attempting to commit any of the crimes enumerated in section two hereof when armed with any of the firearms or instruments enumerated in section one hereof, shall be guilty of misdemeanor.

No person shall sell a pistol or revolver to another person unless the purchaser has first secured a permit to purchase or carry a pistol or revolver. No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in other sections of this act, shall be denied a permit to purchase a pistol or revolver. The judge of any court within this State (except, however, justices of the peace), the sheriff of a county or the chief of police of a city, town or municipality shall upon application issue to any person qualified under the provisions of this section a permit to purchase a pistol or revolver, and the Secretary of State shall have concurrent jurisdiction to issue such permit in any case, notwithstanding it has been refused by any other licensing official, if in his opinion the applicant is qualified.

Applications for such permits shall be in form as prescribed by the Secretary of State and shall set forth the name, residence, place of business, age, occupation, sex, color, and physical description of the applicant, and shall state whether the applicant is a citizen, and whether he has ever been convicted of any of the crimes enumerated in section two hereof as defined in this act. Such application shall be signed by the applicant and shall contain as reference the names and addresses of two reputable citizens personally acquainted with him. Application blanks shall be obtainable from the Secretary of State and from any other officers authorized to grant such permit.. and may be obtained from licensed retail dealers. The application, together with a fee of fifty cents. shall be delivered or forwarded to the licensing authority who shall investigate the same, and unless good cause for the denial thereof shall appear, shall grant said permit within seven days from the date of the receipt of the application. The permit shall be in form prescribed by the Secretary of State and shall be issued to the applicant in triplicate. The applicant shall deliver to the seller the permit in triplicate and the seller shall indorse on the back of each copy the make, model, calibre and serial number of the pistol or revolver, sold under the permit. One copy shall then be returned to the purchaser with the pistol or revolver, one copy shall be kept by the seller as a permanent record, and the third copy shall be forwarded by the seller within three days to the Secretary of State. If the permit is not granted, the fee shall be returned to the applicant.

All fees for permits shall be paid into the general fund of the State if the permit be issued by the Secretary of State; to the municipality if the permit be issued by a municipal officer; in all other instances to the general fund of the county wherein the officer acts or the licensee resides or does business.

A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit.

1934 N.J. Laws 394-95, A Further Supplement to an Act Entitled "An Act for the Punishment of Crimes," ch. 155, §§ 1-5.

1. A gangster is hereby declared to be an enemy of the state. 2. Any person in whose possession is found a machine gun or a submachine gun is declared to be a gangster; provided, however, that nothing in this section contained shall be construed to apply to any member of the military or naval forces of this State, or to any police officer of the State or of any county or municipality thereof, while engaged in his official duties. 3. Any person, having no lawful occupation, who is apprehended while carrying a deadly weapon, without a permit so to do and how has been convicted at least three times of being a disorderly person, or who has been convicted of any crime, in this or in any other State, is declared to be a gangster. 4. Any person, not engaged in any lawful occupation, known to be a member of any gang consisting of two or more persons, who has been convicted at least three times of being a disorderly person, or who has been convicted of any crime, in this or in any other State, is declared to be a gangster; provided, however, that nothing in this section contained shall in any wise be construed to include any participant or sympathizer in any labor dispute. 5. Any person convicted of being a gangster under the provisions of this act shall be guilty of a high misdemeanor, and shall be punished by a fine not exceeding ten thousand dollars (\$10,000.00), or by imprisonment not exceeding twenty years, or both.

NEW MEXICO

1915 N.M. Law 153, An Act to Amend Sections . . . of Chapter 85 of the Laws of 1912 Relative to the Protection of Game and Fish, ch. 101, §7.

. . . No person shall at any time shoot, hunt or take in any manner any wild animals or birds or game fish as herein defined in this state without first having in his or her possession a hunting license as hereinafter provided for the year in which such shooting, fishing or hunting is done. The presence of any person in any open field, prairie or forest, whether enclosed or not with traps, gun or other weapon for hunting, without having in possession a proper hunting license as herein provided, shall be prima facie evidence of the violation of this section.

NEW YORK

The Colonial Laws Of New York From The Year 1664 To The Revolution, Including The Charters To The Duke Of York, The Commissions And Instructions To Colonial Governors, The Dukes Laws, The Laws Of The Dongan And Leisler Assemblies, The Charters Of Albany And New York And The Acts Of The Colonial Legislatures From 1691 To 1775 Inclusive Page 40-41, Image 62-63 (1896) available at The Making of Modern Law: Primary Sources. 1680.

Laws of the Colony of New York, Indians. No person shall sell, give or barter directly or indirectly any gun or guns, powder, bullet, shot, lead nor any vessel or burthen, or row boat, canoes only excepted without license first had and obtained under the governors hand and seal to any Indian whatsoever, nor to any person inhabiting out of this Government, nor shall amend or repair any gun belonging to any Indian, nor shall sell any armor or weapons, upon penalty of ten pounds for every gun, armor, weapon, vessel, or boat so sold given or bartered, five pounds for every for every pound of powder, and forty shillings for every pound of shot or lead and proportionately for any greater or lesser quantity.

Laws of the State of New-York, Relating to the City of Schenectady: And the Laws and Ordinances of the Common Council of the City of Schenectady Page 58, Image 58 (1824) available at The Making of Modern Law: Primary Sources. 1824 [Ordinances of the City of Schenectady,] XI. And be it further ordained, That if any person shall fire or discharge any gun, pistol, rocket, cracker, squib or other fire works, in any street, lane or alley, or in any yard, garden or other enclosure, or in any place which persons frequent to walk within the limits aforesaid, without permission of the mayor or one of the aldermen or assistants of this city, such person shall forfeit for every such offence the sum of one dollar...

Elliott Fitch Shepard, Ordinances of the Mayor, Aldermen and Commonalty of the City of New York, in Force January 1, 1881; Adopted by the Common Council and Published by Their Authority Page 214-215, Image 214-215 (1881) available at The Making of Modern Law: Primary Sources. 1881

Carrying of Pistols, § 264. Every person except judges of the federal, state and city courts, and officers of the general, state and municipal governments authorized by law to make arrests, and persons to whom permits shall have been issued, as hereinafter provided, who shall have in his possession within the city of New York a pistol of any description concealed on his person, or not carried openly, shall be deemed guilty of a misdemeanor, and shall be punished, on conviction by a fine not exceeding ten dollars, or, in default of payment of such fine by imprisonment

not exceeding ten days. § 265. Any person, except as provided in this article, who has occasion to carry a pistol for his protection, may apply to the officer in command at the station-house of the precinct where he resided, and such officer, if satisfied that the applicant is a proper and law abiding person, shall give said person a recommendation to the superintendent of police, or the inspector in command at the central office in the absence of the superintendent, who shall issue a permit to the said person allowing him to carry a pistol of any description. Any non-resident who does business in the city of New York, and has occasion to carry a pistol while in said city, must make application for permission to do so to the officer in command of the station-house of the police precinct in which his so does business, in the same manner as is required by residents of said city, and shall be subject to the same conditions and restrictions.

Charles Wheeler, By-Laws of the Village of Mechanicville. Adopted by the Trustees October 18, 1881 Page 7, Image 8 (1881) available at The Making of Modern Law: Primary Sources. 1881
[Ordinances of the Village of Mechanicville, NY,] Fires and Their Prevention, Fire Arms and Fire Works, § 20. No person, except on the anniversary of our national independence, and on that day only, at such place or places as the President or Trustees shall permit, shall fire, discharge or set off, in the village, any gun, cannon, pistol, rocket, squib, cracker or fire ball, under the penalty of five dollars for each offense.

George R. Donnan, Annotated Code of Criminal Procedure and Penal Code of the State of New York as Amended 1882-5 Page 172, Image 699 (1885) available at The Making of Modern Law: Primary Sources. 1884
Carrying, Using, Etc., Certain Weapons, § 410. A person who attempts to use against another, or who, with intent so to use, carries, conceals or possesses any instrument or weapon of the kind commonly known as the slung-shot, billy, sand – club or metal knuckles, or a dagger, dirk or dangerous knife, is guilty of a felony. Any person under the age of eighteen years who shall have, carry or have in his possession in any public street, highway or place in any city of this state, without a written license from a police magistrate of such city, any pistol or other fire-arm of any kind, shall be guilty of a misdemeanor. This section shall not apply to the regular and ordinary transportation of fire-arms as merchandise, or for use without the city limits. § 411. Possession, Presumptive Evidence. The possession, by any person other than a public officer, of any of the weapons specified in the last section, concealed or furtively carried on the person, is presumptive evidence of carrying, or concealing, or possessing, with intent to use the same in violation of that section.

George R. Donnan, Annotated Code of Criminal Procedure and Penal Code of the State of New York as Amended 1882-5. Fourth Edition Page 298, Image 824 (1885) available at The Making of Modern Law: Primary Sources. 1885

An Act to Limit the Carrying and Sale of Pistols and other fire arms in the cities of this state. Chap. 375, § 1. No person under the age of eighteen years shall have, carry or have in his possession in any public street, highway or place in any of the cities of this state, any pistol or other firearms of any kind, and no person shall in such cities sell or give any pistol or other fire-arms to any person under such age. § 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and in all trials or examinations for said offense the appearance of the person so alleged or claimed to be under the age of eighteen years shall be evidence to the magistrate or jury as to the age of such person. § 3. Nothing herein contained shall apply to the regular and ordinary transportation of pistols or fire-arms as articles of merchandise in said cities, or to the carrying of a gun or rifle through a street or highway of any city, with the intent to use the same outside the said city; nor to any person under such age carrying an pistol or firearms under license given by the mayor of said cities; but no license so given shall be in force more than one year from its date; and all such licenses may be revoked at the pleasure of the mayor, and a full complete and public record shall be kept by the mayor of said cities of all such licenses and the terms and date thereof.

Charter and Ordinances of the City of Syracuse: Together with the Rules of the Common Council, the Rules and Regulations of the Police and Fire Departments, and the Civil Service Regulations Page 184, Image 185 (1885) available at The Making of Modern Law: Primary Sources. 1885

Ordinances of [the City of Syracuse,] Gunpowder, Etc. § 1. No person except when on military duty in the public service of the United States, or of this State, or in case of public celebration with permission of the mayor or common council, shall have, keep or possess in any building, or carriage, or on any dock, or in any boat or other vessel, or in any other place within the city limits, gun-powder, giant-powder, nitro-glycerine, dynamite or other explosive material, in quantity exceeding one pound, without written permission from the chief engineer of the fire department. Any person violating any of the provisions of this section shall be liable to a fine of not less than ten nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor more than three months, for each offense.

Mark Ash, The New York City Consolidation Act, as in Force in 1891: With Notes Indicating the Statutory Sources, References to Judicial Decisions, and All Laws

Relating to New York City, Passed Since January 1, 1882, Together with an Appendix of the Royal English Colonial Charters of New York City Page 209, Image 233 (Vol. 1, 1891) available at The Making of Modern Law: Primary Sources. 1890

Ordinances of the City of New York, § 455. No person shall manufacture, have, keep, sell, or give away any gunpowder, blasting powder, gun-cotton, nitro-glycerine, dynamite, or any explosive oils or compounds, within the corporate limits of the city of New York, except in the quantities limited, in the manner, and upon the conditions herein provided, and under such regulations as the board of fire commissioners shall prescribe : and said board shall make suitable provision for the storage and safe keeping of gunpowder and other dangerous and explosive compounds or articles enumerated under this title, beyond the interior line of low water-mark in the city and county of New York. The said board may issue licenses to persons desiring to sell gunpowder or any of the articles mentioned under this section at retail, at a particular place in said city to be named in said license (provided that the same shall not be in a building used in any part thereof as a dwelling unless specially authorized by said license), and persons so licensed may on their premises, if actually kept for sale, persons so licensed may have on their premises, if actually kept for sale, a quantity not exceeding at any one time, of nitro-glycerine, five pounds; of gun-cotton, five pounds of gunpowder, fourteen pounds; blasting powder, twenty-five pounds. . .

1891 N.Y. Laws 129, 177, An Act to Revise the Charter of the City of Buffalo, ch. 105, tit. 7, ch. 2, § 209.

No person other than members of the police force, regularly elected constables, the sheriff of Erie county, and his duly appointed deputies, shall, in the city, carry concealed upon or about his person, any pistol or revolver, or other dangerous weapon or weapons, without first obtaining a permit, as hereinbefore provided; and such permit shall be produced and exhibited by any person holding the same, upon the request of a member of the police force. A violation of any of the provisions of this section shall be a misdemeanor and punishable as such; and all fines imposed and collected for such violations shall be deposited to the credit of said pension fund by the clerk of the court imposing the same.

Rules, By-Laws and Ordinances of the Village of Wappingers Falls. Adopted September 13, 1898 Page 34, Image 32.(Wappingers Falls, 1898) available at The Making of Modern Law: Primary Sources. 1898

Ordinances of Wappinger Falls. Park Ordinances. § 1. No person or persons shall fire or discharge any gun or pistol or other firearm, or any rocket torpedo, or other fireworks of any description, nor send up any balloon, nor throw stones or missiles,

nor play ball within the limits of Mesier Park, without the permission obtained of the Park Commissioners at a meeting of the Board.

An Ordinance to regulate the government of parks and other public pleasure grounds of The City of New York, at 600 (1903). 1903

Be it Ordained by the Board of Aldermen of The City of New York, as follows: All persons are forbidden . . .

XXIV. No one shall fire or carry any firearm, fire cracker, torpedo or fire-works, nor make a fire, nor make any oration, nor conduct any religious or other meeting or ceremony within any of the parks, parkways, squares or places in The City of New York under the jurisdiction of the Department of Parks without special permission from the Commissioner having jurisdiction.

1911 N.Y. Laws 442-43, An Act to Amend the Penal Law, in Relation to the Sale and Carrying of Dangerous Weapons. ch. 195, §1.

Section . . . eighteen hundred and ninety-seven . . . [is] hereby amended to read as follows: § 1897. Carrying and use of dangerous weapons. A person who attempts to use against another, or who carries, or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles or bludgeon, or who with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any other dangerous or deadly instrument or weapon, is guilty of a felony. Any person under the age of sixteen years, who shall have, carry, or have in his possession, any of the articles named or described in the last section, which is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor. . . . Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city, village, or town of this state, any pistol, revolver, or other firearm without a written license therefor, theretofore issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance of such city, village or town, shall be guilty of a felony.

1911 N.Y. Laws 443, An Act to Amend the Penal Law, in Relation to the Sale and Carrying of Dangerous Weapons. ch. 195, §1.

Any person over the age of sixteen years, who shall have in his possession in any city, village or town of this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, without a written license therefor, issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance in such city, village or town, shall be guilty of a misdemeanor.

1911 N.Y. Laws 444-45, An Act to Amend the Penal Law, in Relation to the Sale and Carrying of Dangerous Weapons. ch. 195, § 2.

Such chapter is hereby amended . . . § 1914. Sale of pistols, revolvers and other firearms. Every person selling a pistol, revolver or other firearm of a size which may be concealed upon the person whether such seller is a retail dealer, pawnbroker or otherwise, shall keep a register in which shall be entered at the time of sale, the date of sale, name, age, occupation and residence of every purchaser of such a pistol, revolver or other firearm, together with the calibre [sic], make, model, manufacturer's number or other mark of identification on such pistol, revolver or other firearm. Such person shall also, before delivering the same to the purchaser, require such purchaser to produce a permit for possessing or carrying the same as required by law, and shall also enter in such register the date of such permit, the number thereon, if any, and the name of the magistrate or other officer by whom the same was issued. Every person who shall fail to keep a register and enter therein the facts required by this section, or who shall fail to exact the production of a permit to possess or carry such pistol, revolver or other firearm, if such permit is required by law, shall be guilty of a misdemeanor. Such register shall be open at all reasonable hours for the inspection of any peace officer. Every person becoming the lawful possessor of such pistol, revolver or other firearm, who shall sell, give or transfer the same to another person without first notifying the police authorities, shall be guilty of a misdemeanor. This section shall not apply to wholesale dealers.

1923 N.Y. Laws 140–141, An Act to Amend the Conservation Law in Relation to Aliens, ch. 110, § 2.

2. It shall be unlawful for any unnaturalized foreign born person to hunt for, or capture or kill, in this state any wild bird or animal, either game or otherwise, of any description except in defense of person or property or except under a special license issued directly by the conservation commission; and to that end it shall be unlawful for any unnaturalized foreign born person within this state, to own or be possessed of a shotgun or rifle of any make, unless he possess such special license.

NORTH CAROLINA

James Iredell, A Digested Manual of the Acts of the General Assembly of North Carolina, from the Year 1838 to the Year 1846, Inclusive, Omitting All the Acts of a Private and Local Nature, and Such as were Temporary and Whose Operation Has Ceased to Exist Page 73, Image 73 (1847) available at The Making of Modern Law: Primary Sources. 1840

Crimes and Punishments, 1840 – 1. – Ch. 30, If any free negro, mulatto, or free person of color shall wear, or carry about his or her person, or keep in his or her house, any shot gun, musket, rifle, pistol, sword, dagger, or bowie knife, unless he or she shall have obtained a license therefor from the Court of Pleas and Quarter Sessions of his or her county, within one year preceding the wearing, keeping or carrying thereof, he or she shall be guilty of a misdemeanor and may be indicted therefor.

1909 N.C. Sess. Laws 777, Priv. Laws, An Act for a New Charter for the City of Southport, North Carolina, ch. 345, § 23, pt. 14.

[O]n dealers in pistols, guns, dirks, bowie knives, sling shots, brass or metal knuckles or other like deadly weapons, in addition to all other taxes, a license tax not exceeding fifty dollars; on dealers in firecrackers, Roman candles, skyrockets, toy pistols or fireworks of any kind, a tax not exceeding fifty dollars.

1919 N.C. Sess. Laws 397-99, Pub. Laws, An Act to Regulate the Sale of Concealed Weapons in North Carolina, ch. 197, §§1, 5.

§ 1. That it shall be unlawful for any person, firm, or corporation in this State to sell, give away or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, without a license or permit therefor shall have first been obtained by such purchaser or receiver from the clerk of the Superior Court of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump-gun, bowie knife, dirk, dagger or metallic knucksn[sic]. . . § 5. That each and every dealer in pistols, pistol cartridges and other weapons mentioned in section one of this act shall keep and accurate record of all sales thereof, including the name, place of residence, date of sale, etc., of each person, firm, or corporation, to whom or which any and all such sales are made, which said record shall be open to the inspection of any duly constituted State, county or police officer, within this State.

NORTH DAKOTA

1915 N.D. Laws 96, An Act to Provide for the Punishment of Any Person Carrying Concealed Any Dangerous Weapons or Explosives, or Who Has the Same in His Possession, Custody or Control, unless Such Weapon or Explosive Is Carried in the Prosecution of a Legitimate and Lawful Purpose, ch. 83, §§ 1-3, 5.

§ 1. Any person other than a public officer, who carries concealed in his clothes any instrument or weapon of the kind usually known as a black-jack, slung-shot, billy, sand club, sand bag, bludgeon, metal knuckles, or any sharp or dangerous weapon usually employed in attack or defense of the person, or any gun, revolver,

pistol or other dangerous fire arm loaded or unloaded, or any person who carries concealed nitro-glycerin, dynamite, or any other dangerous or violent explosive, or has the same in his custody, possession or control, shall be guilty of a felony, unless such instrument weapon or explosive is carried in the prosecution of or to effect a lawful and legitimate purpose. § 2. The possession, in the manner set forth in the preceding Section, of any of the weapons or explosives mentioned therein, shall be presumptive evidence of intent to use the same in violation of this act. § 3. Penalty – Any person upon conviction of violating the provisions of this Act, shall, in the discretion of the court, be imprisoned in the State Penitentiary nor more than two years, or in the county jail not more than one year, or by a fine of not more than one hundred dollars, or by both such fine and imprisonment. Provided, however, that any citizen of good moral character may, upon application to any district court, municipal, or justice of the court, be granted the permission to carry a concealed weapon upon the showing of reasonable cause. . . . § 5. Emergency. An emergency is hereby declared to exist in that professional criminals are frequently found to carry concealed about their persons, the dangerous weapons or explosives mentioned in Section 1 of this Act. And, whereas, the present law is inadequate to prevent such criminals from carrying concealed weapons or explosives; therefore, this Act shall take effect and be in force from and after its passage and approval.

1923 N.D. Laws 379, 380-82 ch. 266

Sec. 2. Committing Crime When Armed. If any person shall commit or attempt to commit a crime when armed with a pistol or revolver, and having no permit to carry the same, he shall be in addition to the punishment provided for the crime, be punished by imprisonment for not less than ten years.

Sec. 6. Carrying Pistol Concealed. No person shall carry a pistol or revolver concealed in any vehicle or in any package, satchel, grip, suit case or carry in any way or upon his person, except in his dwelling house or place of business, without a license therefor as hereinafter provided. Violations of this section shall be punished by imprisonment for not less than one year, and upon conviction the pistol or revolver shall be confiscated or destroyed.

Sec. 8. Issue of Licenses to Carry. The justice of a court of record, the chief of police of a city or town and the sheriff of a county, or persons authorized by any of them shall upon the application of any person having a bonafide residence or place of business within the jurisdiction of said licensing authority, or of any person having a bona fide residence or place of business within the United States and license to carry a fire arm concealed upon his person issued by the authorities of any State or sub-division of the United States, issue a license to such person to carry a pistol or revolver within this State for not more than one year from date of

issue, if it appears that the applicant has good reason to fear an injury to his person or property or for any other proper purpose, and that he is a suitable person to be so licensed . . .

Sec. 10. SALES REGULATED. No person shall sell, deliver, or otherwise transfer a pistol or revolver to a person who he has reasonable cause to believe either is an unnaturalized foreign born person or has been convicted of a felony against the person or property of another, or against the Government of the United States or any State or subdivision thereof, nor in any event shall he deliver a pistol or revolver on the day of the application for the purchase thereof, and when delivered, said pistol or revolver shall be securely wrapped and shall be unloaded. Before a delivery be made the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, and nationality, the date of sale, the caliber, make, model, and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward by registered mail one copy thereof to the Secretary of State, and one copy thereof to the chief of police of the city or town, or the sheriff of the county of which the seller is a resident, and shall retain the other copy for six years. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Violations of this section shall be punished by a fine of not less than \$100 or imprisonment for not less than one year, or by both such fine and imprisonment.

Sec. 11. DEALERS TO BE LICENSED. Whoever, without being licensed as hereinafter provided, sells, or otherwise transfers, advertises, or exposes for sale, or transfers or has in his possession with intent to sell, or otherwise transfer, pistols or revolvers, shall be punished by imprisonment for not less than two years.

Sec. 12. DEALERS' LICENSES: By WHOM GRANTED, AND CONDmoNs THEREOF.) The duly constituted licensing authorities of any city, town or subdivision of this state, may grant licenses in form prescribed by the Secretary of State, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city or town or political subdivision, pistols and revolvers, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

The business shall be carried on only in the building designated in the license.

The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

No pistol or revolver shall be delivered-

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor

(c) If the seller has reasonable cause to believe that the purchaser either is an unnaturalized foreign born person or has been convicted of a felony against the person or property of another, or against the Government of the United States or any State or subdivision thereof.

A true record, in triplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which may be prescribed by the Secretary of State, and shall be personally signed by the purchaser and by the person affecting the sale, each in the presence of the other, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, occupation, and nationality of the purchaser. One copy of said record shall, within seven days, be forwarded by registered mail to the Secretary of State and one copy thereof to the chief of police of the city or town or the sheriff of the county of which the seller is a resident, and the other copy retained for six years.

No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

1925 N.D. Laws 216–17, Pistols and Revolvers, ch. 174, § 2.

§ 2 Committing Crime When Armed. If any person shall commit, or attempt to commit, a crime when armed with a pistol or revolver, and has no permit to carry the same, he may be punished by imprisonment for not more than ten years, in addition to the punishment provided for the crime. Such imprisonment, if not exceeding one year, to be in the County jail, and if exceeding one year to be in the State Penitentiary.

1931 N. D. Laws 305-06, An Act to Prohibit the Possession, Sale and Use of Machine Guns, Sub-Machine Guns, or Automatic Rifles and Defining the Same . . . , ch. 178, §§ 1-2.

§ 1. The term “machine gun, sub-machine gun or automatic rifle” as used in this act shall be construed to mean a weapon mechanism or instrument not requiring the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the said weapon, mechanism or instrument and fired therefrom at a rate of five or more shots to the second. § 2. Any person who shall sell, give, loan, furnish or deliver any machine gun, sub-machine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases to another person, or any person who shall purchase, have or possess any machine gun, sub-machine

gun, automatic rifle, or a caliber larger than twenty-two or a bomb loaded with explosives or poisonous or dangerous gases, shall be guilty of a felony and shall be punished by imprisonment in the state penitentiary not to exceed ten years, or by a fine of not more than three thousand dollars, or both. Provided, that the provisions of this act shall not apply to any person who has procured and possesses a license to purchase, sell, have or possess a machine gun, sub-machine gun, automatic rifle, of a caliber larger than twenty-two, or bomb loaded with explosives or poisonous or dangerous gases, as hereinafter provided for, nor to the authorized agents and servants of such licensee or to the officers and members of any duly authorized military organization, nor to the officers and members of the police force of any municipality, nor to any Sheriff, deputy sheriff, nor any other officer having police powers under the laws of the State.

OHIO

The Act of Incorporation, and the Ordinances and Regulations of the Town of Marietta, Washington County, Ohio Page 17-18, Image 17-18 (1837) available at The Making of Modern Law: Primary Sources. 1823

[Ordinances of Marietta, Ohio; An Ordinance For Preventing the Wanton Use of Fire Arms, Etc., § 1. Be it ordained by the Town of Marietta, in Town meeting legally assembled, and by the authority thereof it is ordained and enacted , That if any person, after this ordinance takes effect, shall discharge or explode, or aid or assist in discharging or exploding any gun powder, from guns, fire arms, or by any other means, within the limits of the town plot of Marietta, where by the quiet of any of the inhabitants may be disturbed, or their lives and safety endangered (unless such firing shall be authorized by permission in writing from the town council then in office, or by the command of some military officer in discharge of his duty as such,) the person so offending may be complained of before any justice of the peace for the town and upon conviction, shall be fined by such justice not than less one dollar (sic), nor more than five dollars for the first offence, and for the second and all subsequent offences against this ordinance, such person shall be fined not less than five, nor more than ten dollars, and pay all costs, to be collected as other penalties by law are. . .

An Act Incorporating the City of Cincinnati: And a Digest of the Ordinances of Said City, of a General Nature, Now in Force, with an Appendix Page 57-58, Image 58-59 (1835) available at The Making of Modern Law: Primary Sources. 1835

Ordinances of the City of Cincinnati, An Ordinance to Regulate the Keeping of Gunpowder, § 1. Be it ordained by the City Council of the City of Cincinnati, That

no person or persons in the city of Cincinnati, shall keep, have, or possess, in any house, warehouse, shop, shed, or other building, nor in any street, side walk, lane, alley, passage, way, or yard, nor in any cellar, wagon, cary, or carriage, of any kind whatever; nor in any other place, within said city, Gun Powder, in any way or manner, other than as provided for by this ordinance; nor in any quantity exceeding twenty-five pounds, to be divided into six equal parts. § 2. Be it further ordained, That it shall not be lawful for any person or persons to sell gun powder by retail within said city, without having first obtained a license from the city council for that purpose; and every person obtaining a grant for a license to sell gun powder, shall receive a certificate of such grant from the city clerk, and pay into the city treasury, a sum not exceeding one hundred dollars, nor less than ten dollars; besides fifty cents to the Mayor for issuing the same; Provided that license be granted to not more than four persons in any one ward, and so that they be separated from each other, by at least two entire blocks or squares; and all applications for such license, shall be in writing, stating the situation where such gunpowder is to be kept. § 3. Be it further ordained, That every person who obtains a license as aforesaid to retail gun powder, shall keep the same in tin canisters, well secured with good and sufficient covers; and shall place on the store or building containing the same, a sign with the words, LICENSED TO SELL GUN POWDER, Provided that nothing in this ordinance shall be so construed to prevent any person from carrying gun powder through the streets in its exportation, or to some place of deposit, without the limits of the corporation, if the same be put up in tight and well secured kegs or vessels. § 4. Be it further ordained, That it shall be the duty of the city marshal and his deputies, and any of the fire wardens, on any day, (Sundays excepted) between sun rising and setting, to enter into any house or building, or any other place within said city, where gun powder is kept or suspected to be kept, and examine the premises, and if they or either of them shall find any gun powder, contrary to the provisions of this ordinance, they or either of them shall seize such powder, together with the vessel containing the same, in the name of the city of Cincinnati; and the officer making such seizure, if he be other than the marshal, shall forthwith report such seizure to the marshal, who shall immediately take charge of the gun powder so seized, as if in case of seizure by himself; and in either case he shall immediately take charge of the gun powder so seized; to be conveyed to some safe place of deposit without the limits of the city. And the marshal shall, moreover, forthwith report such seizure to the mayor, with the name of the person in whose possession such gun powder was seized, or with the name of the owner, if his name be known, whereupon the mayor shall issue a citation against the owner, if known and within his jurisdiction, and if not, then against the person whose possession such gunpowder was seized, citing the defendant to appear on a day to be named in such citation, and show cause, if any

he have, why the gun powder so seized should not be forfeited to the city, and a fine imposed agreeably to the provisions of this ordinance; upon which citation proceedings shall be had as in other cases upon the city ordinances, and if a final judgment of forfeiture be pronounced against the gun powder so seized, the marshal shall proceed to sell and dispose of the same for the benefit of said city, after having given three days notice of such sale, by advertisement in at least three public places in the city, and at one of the market houses on market day, to the highest bidder; and the net proceeds thereof shall be credited on the execution against the person fined for keeping the same contrary to the provisions of this ordinance: Provided, that, of any lot of powder seized according to the provisions of this ordinance, not more shall be sold by the marshal than will pay the fine and costs of suit and expense attending the seizure.

George W. Malambre, *Laws and General Ordinances of the City of Dayton, Containing the Laws of the State upon Municipal Government; All the General Ordinances in Force August 30th, 1855; a List of the Officers of the City under the New Act of Incorporation, Together with the Amount of Taxes Levied in Each Year for General and Special Purposes, since 1851, and the Total Amount in Each Year, of Property Subject to Taxation* Page 214, Image 219 (1855) available at *The Making of Modern Law: Primary Sources*. 1855

Ordinances of the City of Dayton. Offenses. § 38. Sec. XXXIX. If any person, or persons, shall fire any cannon, gun, or other firearms, within the bounds of the building lots, or cemetery ground in this city, or within one hundred yards of any public road, within this corporation, except by permission of council, and except in proper situations for firing salutes, or by command of a military officer in performance of military duty, every person, so offending, on conviction thereof, shall pay a fine not exceeding ten dollars, and costs.

W. H. Gaylord, *Standing Rules of Order of the Cleveland City Council: With a Catalogue of the Mayors and Councils of the City of Cleveland, from Its Organization, April, 1836, to April, 1871, and Officers of the City Government for 1872* Page 101, Image 124 (1872) available at *The Making of Modern Law: Primary Sources*. 1856

[*Ordinances of the City of Cleveland,*] *An Ordinance to Prevent the Firing of Guns and Fire-works, § 1. Be it ordained by the City Council of the City of Cleveland, That no person shall fire any cannon, gun, rifle, pistol, or fire-arms of any kind, or fire or explode any squib, rocket, cracker, Roman candle, or other combustible fire-works within the city. § 2. This ordinance shall not apply to any military company, when drilling under command of any officer thereof, or to the use of fire-arms in the lawful defense of the person, family or property of any person, or*

to the killing of any dog whose owner or possessor has not complied with the provisions of the ordinance relating to dogs. § 3. The board of city improvements may, at its discretion, give permission to any person or persons to discharge fire-arms or fire-works on the fourth day of July; such permission may be given through any public paper of the city, or otherwise. § 4. That any person violating any provision of this ordinance shall, on conviction thereof, be fined in any sum not exceeding twenty dollars.

1878 Ohio Laws 199, An Act to Amend, Revise, and Consolidate the Statutes Relating to Municipal Corporations, to Be Known as Title Twelve, Part One, of the Act to Revise and Consolidate the General Statutes of Ohio, div. 3, ch. 3, § 1, pt. 14.

To regulate the transportation and keeping of gunpowder, and other explosive and dangerous combustibles, and to provide or license magazines for the same.

M. Augustus Daugherty, Supplement to the Revised Statutes of the State of Ohio Containing All the Statutes Amendatory of or Supplementary to the Revised Statutes, Together with the Miscellaneous Acts, General or Permanent in Their Nature, In Force January 1, 1884. 3d ed. Edited by James M. Williams Page 633, Image 641 (1884) available at The Making of Modern Law: Primary Sources. 1884 Licenses, § 24. All vendors of gunpowder shall pay a license fee of fifteen (15) dollars per annum. All keepers or owners of gunpowder magazines shall pay a license fee of one hundred (100) dollars per annum.

1889 Ohio Laws 164, An Act to Amend Section 2669 of the Revised Statutes, as Amended April 22, 1885, § 1.

The council of the city or village may provide by ordinance for licensing all exhibitors of shows or performances of any kind, not prohibited by law, hawkers, peddlers, auctioneers of horses and other animals on the highways or public grounds of the corporation, vendors [sic] of gun powder and other explosives, taverns and houses of public entertainment, and hucksters in the public streets or markets, and in granting such license, may extract and receive such sum of money as it may think reasonable[.]

1900 Ohio Laws 730, An Act to Provide a License on Trades, Business and Professions Carried on . . . , §§24-25.

§ 24. All keepers or owners of gun powder magazines shall pay a license fee of one hundred dollars (\$100) per annum, and shall notify the chief of the fire department, in writing, of the place where the same is kept or stored; but no license shall be issued under this section without the consent of the mayor. § 25. All keepers of

shooting galleries shall pay a license fee of fifty dollars (\$50) per annum, or for a less period of one year at a rate of ten dollars (\$10) per month, no license to be issued for a less period than one month.

1902 Ohio Laws 23, Extraordinary Sess., An Act to Provide for the Organization of Cities and Incorporated Villages . . . and to Repeal All Sections of the Revised Statutes Inconsistent Herewith, § 7, pt. 11.

To regulate the transportation, keeping and sale of gunpowder and other explosives or dangerous combustibles and materials and to provide or license magazines for the same.

1933 Ohio Laws 189-90, Reg. Sess., An Act. . . Relative to the Sale and Possession of Machine Guns, § 1.

That § 12819 of the General Code be supplemented . . . to read as follows:

Definitions. § 12819-3. For the purpose of this act, a machine gun, a light machine gun or a sub-machine gun shall be defined as any firearm which shoots automatically, or any firearm which shoots more than eighteen shots semi-automatically without reloading. Automatically as above used means that class of firearms which, while the trigger on the firearm is held back continues to fire successive shots. Semi-automatically means that class of firearm which discharges one shot only each time the trigger is pulled, no manual reloading operation being necessary between shots. Machine gun permit; application; bond or applicant; exceptions. § 12819-4. No person shall own, possess, transport, have custody of or use a machine gun, light machine gun or sub-machine gun, unless he first procures a permit therefor from and at the direction of the adjutant general of Ohio, who shall keep a complete record of each permit so issued. A separate permit shall be obtained for each gun so owned, possessed or used. The adjutant general shall require each applicant for such permit to give an accurate description of such weapon, the name of the person from whom it was or is to be obtained, the name of the person or persons to have custody thereof and the place of residence of the applicant and custodian. Before obtaining such permit each applicant shall give bond to the state of Ohio, to be approved by the adjutant general in the sum of five thousand dollars, conditioned to save the public harmless by reason of any unlawful use of such weapon while under the control of such applicant or under the control of another with his consent; and any person injured by such improper use may have recourse on said bond. Provided, however, that this section shall not affect the right of the national guard of Ohio, sheriffs, regularly appointed police officers of incorporated cities and villages, regularly elected constables, wardens and guards of penitentiaries, jails, prisons, penal institutions or financial institutions maintaining their own police force and such special officers as are now

or may be hereafter authorized by law to possess and use such weapons when on duty. Any person who owns, possesses or has custody of a machine gun, light machine gun or sub-machine gun at the time when this section shall become effective, shall have thirty days thereafter in which to comply with the provisions of this section. Penalty for possession, transportation, etc., without permit. § 12819-5. Whoever owns, possesses, transports or has custody of or uses a machine gun, light machine gun or sub-machine gun without a permit, as provided by section 12819-4 of the General Code, or whoever having such permit, uses or consents to the use by another of such weapon in an unlawful manner, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than ten years. [War trophies excepted].

OKLAHOMA

General Laws Relating to Incorporated Towns of Indian Territory Page 43, Image 39 (1890) available at The Making of Modern Law: Primary Sources. 1890 Revised Ordinances of the Town of Checotah, [An Ordinance Requiring Persons Engaged in Certain Businesses or Avocations to Procure a License for so Doing and Providing of Penalty for Failure so to do, § 1. That the licenses hereinafter named shall be fixed, imposed and collected at the following rates and sums, and it shall be unlawful for any person or persons to exercise or pursue any of the following avocations or businesses within the corporate limits of Checotah without having first obtained a license therefor from the proper authority, having paid for the same in lawful money of the united States as hereinafter provided,] 29th. Pistol or shooting Gallery – For each and every pistol and shooting gallery, per month, five dollars.

OREGON

Charter of the City of Portland, Street and Fire Department Laws, Ordinances, Regulations &C. Page 205-206, Image 206-207 (1872) available at The Making of Modern Law: Primary Sources.

1868

[Concerning Offences and Disorderly Conduct, § 2. That any person or persons who shall fire any pistol, gun or rifle, or any other species of fire-arms within the following limits: the Willamette river on the east and (10) Tenth Street on the west, Caruther's Addition on the south and F Street on Couch's Addition on the north, shall on conviction thereof before the Recorder, be subject to a penalty of not less than five nor more than fifty dollars, or imprisonment, at the discretion of the Recorder, not exceeding twenty days. Provided that the Marshal shall permit upon

the national holidays and other days of public celebration, any appropriate display of fire-arms and other instruments named in this section.]

Charter of the City of Portland, Street and Fire Department Laws, Ordinances, Regulations & C. Page 225-227, Image 226-228 (1872) available at The Making of Modern Law: Primary Sources.

1872

Ordinances of the City of Portland, To Regulate the Storage and Sale of Gunpowder, and Other Explosive Materials, § 1. No person shall keep for sale any gunpowder in any building, store or place in the City of Portland, without having first obtained a license therefor. § 2. The license for selling gunpowder shall be five dollars per quarter, to be issued as other licenses are issued under the provisions of Ordinance 984, entitled "An Ordinance to impose and regulate licenses in the City of Portland." § 3. No person shall receive, keep or store, or aid or assist any person in receiving, keeping or storing gunpowder in a larger quantity than five pounds, in or into any building, or upon any premises, unless the person receiving, keeping or storing the same is duly licensed to sell gunpowder. § 4. No person or persons duly authorized to sell gunpowder, as hereinbefore provided, shall keep, store, or have in any one place more than twenty five pounds of powder, which shall be kept in any air-tight metallic vessel marked with the word "Gunpowder," in plain Roman letters, not less than three inches in height, and of proportionate width, which vessel shall be placed or kept at all times, conspicuously in view near the entrance of the premises where kept, and convenient for removal therefrom. § 5. Upon the front of every building or premises where powder is kept in a conspicuous place a sign with the word "gunpowder" painted thereon in Roman letters, not less than three inches in height. § 6. No person shall convey, cause to be conveyed, or assist in conveying in any vehicle and gunpowder, unless the same shall be securely packed in close packages, nor unless such packages shall be securely covered while on the vehicle. § 7. No vessel shall be allowed to remain at any wharf more than twenty-four hours with gunpowder on board, except such as may be kept for ship's use, and if such vessel shall be at the wharf overnight, a watchman shall be kept on duty on board all night. All gunpowder landed or placed on a wharf, sidewalk, street or public way for forwarding or shipment shall be forwarded or shipped immediately after it shall be so landed or placed. § 8. The provisions of this Ordinance shall be deemed to apply to "giant powder" "gun cotton" or any other explosive substance having an explosive power equal to that of ordinary gunpowder. § 9. Any person or persons violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and on conviction before the Police Judge, shall be fined not less than ten nor more than one hundred dollars, or by imprisonment in the city jail not

less than two nor more than twenty days, or both, at the discretion of the Police Judge. § 10. The officers of the Fire Department and Police are directed to see that the provisions of this Ordinance are enforced, and to make complaint before the Police Judge for the violation of its provisions.

J.C. Moreland, Charter and Ordinances of the City of Portland and Table of Grades: Together with the Rules of Order, Reports of officers, etc. Page 207, Image 212 (1879) available at The Making of Modern Law: Primary Sources. 1879 Ordinances [of the City of Portland], Concerning Offenses and Disorderly Conduct, § 2. The City of Portland does ordain as follows... That any person or persons who shall fire any pistol, gun or rifle, or any other species of fire-arms, within the corporate limits of the city, shall, on conviction thereof before the Police Court, be fined not less than five dollars nor more than fifty dollars: Provided, That all circumstances of necessity may be plead as a defense to the offense described in this section; and, provided further, that the Chief of Police may permit upon the national holidays and other days of public celebration any appropriate display of firearms named in this section.

The Charter of Oregon City, Oregon, Together with the Ordinances and Rules of Order Page 259, Image 261 (1898) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Oregon | 1898

An Ordinance Providing for the Punishment of Disorderly Persons, and Keepers and Owners of Disorderly Houses, § 2.

It shall be unlawful for any person to carry any sling shot, billy, dirk, pistol or any concealed deadly weapon or to discharge any firearms, air gun, sparrow gun, flipper or bean shooter within the corporate limits of the city, unless in self-defense, in protection of property or an officer in the discharge of his duty; provided, however, permission may be granted by the mayor to any person to carry a pistol or revolver when upon proper representation it appears to him necessary or prudent to grant such permission.

1913 Or. Laws 497

Section 1. It shall be unlawful for any person, firm or corporation to display for sale at retail any pocket pistol or revolver or to sell at retail, barter, give away or dispose of the same to any person whomsoever, excepting a policeman, member of the militia or peace officer of the State of Oregon, unless the purchaser or person attempting to procure the same shall have a permit for the purpose of procuring such pocket pistol or revolver signed by the municipal judge or city recorder of the

city or county judge or a justice of the peace of the county wherein such person resides.

Section 2. Provided, that no judge, city recorder or justice of the peace shall issue such permit until said applicant has furnished him with an affidavit from at least two reputable freeholders as to the applicant's good moral character.

Section 3. All persons, firms or corporations engaged in the retail sale of pocket pistols or revolvers shall keep a record of the sale of such pocket pistols or revolvers by registering the name of the person or persons and the number of the pocket pistol or revolver and shall transmit same to the sheriff of the county in which purchase is made on the 1st and 15th day of each calendar month.

1917 Or. Sess. Laws 804-808, An Act Prohibiting the manufacture, sale, possession, carrying, or use of any blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, dirk, dagger or stiletto, and regulating the carrying and sale of certain firearms, and defining the duties of certain executive officers, and providing penalties for violation of the provisions of this Act, § 9.

Section 1. No person shall carry in any city, town, or municipal corporation of this State any pistol, revolver or other firearm concealed upon his or her person, or of a size which may be concealed upon his or her person, without a license or permit therefor, issued to him or her by a chief of police or sheriff of such city, town or municipal corporation, or in such manner as may be prescribed by ordinance of such city, town or municipal corporation. This section, however, shall not apply to sheriffs and their deputies, constables, marshals, police officers or any other duly appointed peace officers, nor to any person or persons summoned by such officers to assist in making arrest or preserving the peace while said person or persons are engaged in assisting such officers; nor to duly authorized military organizations when parading, nor to members thereof when going to and from places of meeting of their respective organizations.

Section 3-A. Any person who violates the provisions of Section 1, Section 2, or Section 3 of this Act, shall be fined in a sum no greater than \$100.00, or be imprisoned in the county jail for a term no longer than three months, or by both such fine and imprisonment.

Section 4. Any person who violates the provisions of Section 1, Section 2 or Section 3 of this Act, who theretofore has once been convicted of a violation of any of said sections, is guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in a county jail or reformatory for not less than thirty days nor for more than one year.

Section 4-A. Any person who violates the provisions of Section 1, Section 2 or Section 3 of this Act, who theretofore has more than once been convicted of a

violation of any of said sections, is guilty of a felony, and shall be punished by imprisonment in the State prison for a term not exceeding three years.

Section 4-B. Any person who violates any of the provisions of Section 1, Section 2 or Section 3 of this Act, who theretofore has been convicted of a felony, upon conviction thereof shall be imprisoned in the penitentiary of this State for a period not exceeding five years.

Section 4-C. For the purposes of this Act any pistol, revolver, or other firearm of a size which may be concealed upon his or her person shall be deemed a dangerous weapon.

Section 9. It shall be lawful for the sheriff of any county, chief of police, city or town marshal, or other head of the police department of any city, town or other municipal corporation of this State, upon proof before him that the person applying therefor is of good moral character, and that proper cause exists for the issuance thereof, to issue to such person a license for one year, to have and carry concealed a pistol, revolver or other firearm; provided, however, that no such license shall be issued to any person under the age of twenty-one years.

The person obtaining a permit to carry a concealed pistol or revolver shall pay to the officer issuing such permit the sum of One Dollar. Said license for carrying a concealed pistol or revolver is revocable at any time and must be immediately surrendered on demand. The license while in force entitles the holder to carry the said arm in any county in the State of Oregon.

1925 Or. Laws 468, 469-471

Section 5. Except as otherwise provided in this act, it shall be unlawful for any person within this state to carry concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person without having a license to carry such firearm, as hereinafter provided in section 8 hereof. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and if he has been convicted previously of any felony, or of any crime made punishable by this act, he is guilty of a felony. This section shall not be construed to prohibit any citizen of the United States, over the age of eighteen years, who resides or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by section 2 hereof, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business shall be required of any such citizen. Firearms carried openly in belt holsters shall not be deemed to be concealed within the meaning of this section.

PENNSYLVANIA

Charter To William Penn, And Laws Of The Province Of Pennsylvania, Passed Between The Years 1682 And 1700 Page 32, Image 37 (1879) available at The Making of Modern Law: Primary Sources. 1676

Laws of the Duke of York, Indians (1676). No person shall sell give or barter directly or indirectly any gun or guns powder, bullet, shot, lead nor any vessel of burthen, or row boat canoes only excepted without license first had and obtained under the Governor's hand and Seal, to any Indian whatsoever, nor to any person inhabiting out of this government nor shall amend or repair any gun belonging to any Indian, nor shall sell any armor or weapons, upon penalty of ten pounds for every gun, armor, weapons, vessel or boat, so sold given or bartered, five pounds for every pound of shot or lead and proportionally for any greater or lesser quantity.

Pennsylvania Archives. Selected And Arranged From Original Documents In The Office Of The Secretary Of The Commonwealth, Conformably To Acts Of The General Assembly, February 15, 1851, & March 1, 1852 Page 160, Image 162 (1852) available at The Making of Modern Law: Primary Sources. 1713

Pennsylvania Archives 1713, The Act for the Better Government of the City of Philadelphia (1713), This Act inflicts 5s penalty on persons riding a gallop and 10s for persons trotting, with Drays or their Teams in the streets, and 5th for suffering a Dog or a Bitch going at large; or firing a Gun without license, or if a Negro be found in any disorderly practices or other Misbehaviors may be whipped 21 lashes for any one offence or committed to prison, which words "other misbehaviors," are very uncertain and give very arbitrary power where the punishment is great. [(Summary of Statute from Archive compilation)].

Act of 26th August 1721. 1721

[An Act of 9th of February, 1750-51, § 1. If any person or persons whatsoever, within any county, town or within any other town or borough in this province, already built and settled, or hereafter to be built and settled , not hitherto restricted nor provided for by our laws, shall set on fire their chimneys to cleanse them, or shall suffer them or any of them to take fire, and blaze out at the top, or shall fire any gun or other fire arm, or shall make or cause to be made, or sell or utter, or offer to expose to sale, and squibs, rockets, or other fire works, or shall cast, throw or fire any squibs, rockets, or other fire works within any of the said towns or boroughs without the governor's special license for the same, every such person or persons so offending shall be subject to the like penalties and forfeitures, and be recovered in like manner, as in and by an act, passed in the eighth year of the reign

of king George the first, entitled ‘An act for preventing accidents that may happen by fire are directed to be levied and recovered.]

John C. Lowber, Ordinances of the Corporation of the City of Philadelphia; to Which are Prefixed, the Original Charter, the Act of Incorporation, and Other Acts of Assembly Relating to the City; with an Appendix, Containing the Regulation of the Bank of the River Delaware, the Portraiture of the City, as Originally Laid Out by the Proprietor, &c. &c. Page 15-16, Image 18-19 (1812) available at The Making of Modern Law: Primary Sources. 1721

[An Act for Preventing Accidents that may Happen by Fire, § IV. And whereas much mischief may happen by shooting of guns, throwing casting and firing of squibs, serpents, rockets, and other fire-works, within the city of Philadelphia, if not speedily prevented: Be it therefore enacted, That if any person or persons, of what sex, age, degree or quality soever, from and after publication hereof, shall fire any gun or other fire-arms, or shall make, or cause to be made, or sell or utter, or offer to expose to sale, any squibs, rockets or other fire works, or shall cast, throw or or fire, any squibs, rockets, or other fire works, within the city of Philadelphia, without the governor’s special license for the same, of which license due notice shall first be given to the mayor of the said city, such person or persons so offending, and being thereof convicted before any one justice of the peace of the said city, either by confession of the party so offending, or by the view of any of the said justices, or by the oath or affirmation of one or more witnesses, shall for every such offence forfeit and pay the sum of five shillings; one half to the use of the poor of the said city, and the other half to the use of him or them who shall prosecute, and cause such offender to be as aforesaid convicted; which forfeitures shall be levied by distress and sale of the offenders goods as aforesaid; and for want of such distress, if the offender refuse to pay the said forfeiture, he shall be committed to prison, for every such offence the space of two days without bail or main-prize; Provided, that such conviction be made within ten days after such offence committed [and if such offender be a negro or Indian slave, he shall instead of imprisonment be publically whipped, at the discretion of the magistrate.]

1750 Pa. Laws 208, An Act For The More Effectual Preventing Accidents Which May Happen By Fire, And For Suppressing Idleness, Drunkenness, And Other Debaucheries

That if any persons or persons whatsoever, within any county town, or within any other town or borough, in this province, already built and settled, or hereafter to be built and settled . . . shall fire any gun or other fire-arm, or shall make or cause to be made, or sell or utter, or offer or expose for sale, any squibs, rockets or other fire-works, . . . within any of the said towns or boroughs without the Governor’s

special license for the same, every such person or persons, so offending shall be subject to the like penalties and forfeitures, and to be recovered in like manner, as in and by an act, passed in the eighth year of the reign of King George the first, entitled, An act for preventing accidents that may happen by fire, are directed to be levied and recovered.

Ordinances of the Corporation of the District of Southwark and the Acts of Assembly Relating Thereto Page 49, Image 47 (1829) available at The Making of Modern Law: Primary Sources. 1750

[Ordinances of the District of Southwark,] An Act for the More Effectual Preventing [of] Accidents, etc. § 1. Be it enacted, That if any person shall fire any gun or other fire-arm, or shall make, or cause to be made, or sell or utter, or offer to expose to sale, any squibs, rockets or other fire-works, or shall cast, throw or fire any squibs, rockets or other fire-works, within any of the said towns or boroughs, without the Governor's special license for the same, every such person or persons, so offending, shall be subject to the like penalties and forfeitures, and to be recovered in like manner, as in and by an act, passed in the eighth year of the reign of King George the first, entitled, " An Act for Preventing Accidents, Etc

1763 Pa. Laws 319, An Act to Prohibit the Selling of Guns, Gunpowder or Other Warlike Stores to the Indians, § 1.

If any person or persons whatsoever shall directly or indirectly give to, sell barter or exchange with any Indian or Indians whatsoever any guns, gunpowder, shot, bullets, lead or other warlike stores without license . . . every such person or persons so offending, being thereof legally convicted . . . shall forfeit and pay the sum of five hundred pounds . . . and shall be whipped with thirty-nine lashes on his bare back, well laid on, and be committed to the common gaol(jail) of the county, there to remain twelve months without bail or mainprise.

An Act of Incorporation for that Part of the Northern Liberties, Lying between the Middle of Sixth Street and the River Delaware, and between Vine Street and Cohocksink Creek, with Ordinances for the Improvement of the Same Page 51, Image 52 (1824) available at The Making of Modern Law: Primary Sources. 1824 [An Ordinance for the Suppression of Nuisance, and for the regulation of drivers of carriages and horses, in and through the streets, lanes and alleys, within the incorporated part of the township of the Northern Liberties, and for enforcing useful regulations therein.] § 8. And be it further ordained and enacted by the authority aforesaid, That no person or persons shall fire, or discharge any cannon, or piece of artillery, or small arms, or prove any pistol, gun, musket barrels, or cannon, or illuminate, or cause to be illuminated, any house within the regulated

parts, incorporated as aforesaid, in said township, without permission from the president of the board of commissioners, under the penalty of forfeiting and paying for every piece of cannon or other artillery, or small arms, or pistol, gun, or musket barrel so fired, or house so illuminated, the sum of two dollars.

1903 Pa. Laws 178, An Act Requiring non-resident hunters, and unnaturalized, foreign born, resident-hunters, to procure a license before hunting in the Commonwealth ... §§1 and 2

§ 1. . . . every non-resident and every unnaturalized foreign-born resident of this Commonwealth shall be required to take out a license from the treasurer of the county in which he proposes to hunt. . . § 2. Possession of a gun, in the fields or in the forests or on the waters of this Commonwealth, by an unnaturalized, foreign-born resident or a non-resident of this Commonwealth, without having first secured the license required by this act, shall be prima facie evidence of a violation of its provisions; and any person so offending shall be liable to a penalty of twenty-five dollars for each offense. . .

1929 Pa. Laws 777, An Act prohibiting the sale, giving away, transfer, purchasing, owning, possession and use of machine guns: §§1 and 2

§ 1. Be it enacted, etc., That the term “machine gun” as used in this act, shall mean any firearm that fires two or more shots consecutively at a single function of the trigger or firing device. § 2. It shall be unlawful for any person, copartnership, association or corporation to sell, or give, or transfer, any machine gun to any person, copartnership, association or corporation within this Commonwealth; and it shall be unlawful for any person, copartnership, association, or corporation to purchase, own or have in possession any machine gun. Any person violating any of the provisions of this section shall be guilty of a felony, and, on conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo imprisonment by separate or solitary confinement at labor not exceeding five years. § 3. Any person who shall commit, or attempt to commit, any crime within this Commonwealth, when armed with a machine gun, shall, upon conviction of such crime or attempt to commit such crime, in addition to the punishment for the crime for which he has been convicted, be sentenced to separate and solitary confinement at labor for a term not exceeding ten years. Such additional penalty of imprisonment shall commence upon the expiration or termination of the sentence imposed for the crime of which he stands convicted, and shall not run concurrently with such sentence. § 4. Nothing contained in this act shall prohibit the manufacture for, and sale of, machine guns to the military forces of the United States, or of the Commonwealth of Pennsylvania, or to any police department of this Commonwealth, or of any political subdivision thereof, nor to the purchase or

possession of machine guns by such governments and departments; and nothing contained in this act shall prohibit any organization, branch, camp or post of veterans, or any veteran of any war in which the United States was engaged, from owning and possessing a machine gun as a relic, if a permit for such ownership or possession has been obtained from the sheriff of the county, which permit is at all times attached to such machine gun. The sheriffs of the several counties are hereby authorized, upon application and the payment of a fee of one dollar, to issue permits for the ownership and possession of machine guns by veteran and organizations, branches, camps or posts of veterans and organizations, branches, camps or posts of veterans, upon production to the sheriff of such evidence as he may require that the organization, branch, camp or post is a bona fide organization of veterans, or that any such veteran applicant is a veteran of good moral character and reputation, and that the ownership and possession of such machine gun is actually desired as a relic.

1931 PA. Laws 498, No. 158

Sec. 4. No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

Sec. 5. No person shall carry a firearm in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided.

RHODE ISLAND

The Charter and Ordinances of the City of Providence, Together with the Acts of the General Assembly Relating to the City Page 89-96, Image 89-96 (1854)

Available at The Making of Modern Law: Primary Sources. 1821

An Act Regulating the Storage, Safe Keeping and Transportation of Gunpowder in the Town of Providence, (1821) § 2. And be it further enacted, That it shall not be lawful for any person or persons to sell any gunpowder which may at the time be within the town of Providence in any quantity, by wholesale or retail, without first having obtained from the town council of said town a license to sell gunpowder; and every such license shall be written or printed, and signed by the president of said council or their clerk, on a paper upon which shall be written or printed a copy of this act; and every such license shall be in force for one year from the date thereof, unless annulled by said council, and no longer; but such license may, prior to the expiration of that time, be renewed, by endorsement thereon, for a further term of one year, and so from year to year: provided, always, that the said town council may annul any such license, if in their opinion the person or persons

licensed have forfeited the right of using the same by any violation of the law relative thereto; and every person who shall receive a license as aforesaid shall pay therefor the sum of five dollars, and on having the same renewed shall pay therefor the sum of one dollar, which shall be paid to the clerk of said council, for their use, for the purpose of defraying the expense of carrying this act into execution. § 3. And be it further enacted, That any person or persons who shall keep, have, possess or transport any gunpowder within the town of Providence, contrary to the provisions of this act, or who shall sell any gunpowder therein, without having a license therefor, then in force, shall forfeit and pay a fine of not less than twenty dollars, and not exceeding five hundred dollars, for each and every offence; and if any gunpowder kept contrary to the provisions of this act shall explode in any shop, store, dwelling-house, ware-house or other building, or in any place in said town, the occupant, tenant or owner of which has not a license in force to keep and sell gunpowder therein, or which gunpowder shall have been kept in a manner contrary to the terms and conditions of such license, such occupant tenant or owner shall forfeit and pay a fine of not less than twenty dollars nor more than five hundred dollars. . . § 6. And be it further enacted, That the said firewards, or any of them, may enter the store or place of any person or persons licensed to sell gunpowder, to examine and ascertain whether the laws relating thereto are strictly observed; and also whenever there may be an alarm or fire; and in such last case may cause the powder there deposited to be removed to a place of safety, or to be destroyed by wetting or otherwise, as the exigency of the case may require; and it shall be lawful for any one or more of the firewards aforesaid to enter any dwelling house, store, building or other place in said town to search for gunpowder which they may have reason to suspect to be concealed or unlawfully kept therein; first having obtained from some justice of the peace of said town a search warrant therefor; which warrant any one of the justices of said town is hereby respectively authorized to issue, upon the complaint of such fireward or firewards, supported by his or their oath or affirmation. . . And be it further enacted, That all persons who wish have a license to keep and sell gunpowder within the town shall make application to the town council in writing, stating the place of business and whether they wish to sell by wholesale or retail, or both; and to each person or firm who may be approbated, a certificate of license shall be granted, on payment of the fee established by law. § 14. And be it further enacted, That every person or firm who may be licensed to sell gunpowder by retail, shall be allowed to keep in the place or building designated in the license, twenty-five pounds of gunpowder, and no more, at one time, which shall always be kept in tin or copper canisters, capable of containing no more than twelve and a half pounds each with a small aperture at the top, and a tin or copper cover thereto. § 15. And be it further enacted, That every person or firm who may be licensed to sell gunpowder by wholesale, shall

provide and keep a tin or copper chest, with two handles and a tight cover, furnished with a hinge, and secured with a padlock, all of tin or copper chest, with two handles and a tight cover furnished with a hinge and secured padlock, all of tin or copper; such chest shall always be kept on the lower floor, on the right side of and close to the principal door or entrance from the street into the building so licensed, except when otherwise designated by the council and shall always be kept locked, except when powder is put in or taken out; and such person or firm, so licensed shall be allowed to deposit and keep, in such tin or copper chest, a quantity of gunpowder not exceeding four casks of twenty-five pounds each; the heads of each cask not to be opened, and each cask to be kept in a strong leather bag, closely tied and marked as aforesaid. § 16. And be it further enacted, that every person or firm licensed to keep and sell gunpowder as aforesaid, by wholesale or retail, shall have and keep a signboard placed over the door or building in which such powder is kept, on which shall be painted in Roman capitals the words "Licensed to sell Gunpowder"

1902 R.I. Pub. Laws 67, An Act in addition to chapter 40 of the General Laws, Entitled "Of the Town Council": § 1.

Town councils and city councils may from time to time make and ordain all ordinances and regulations for their respective towns, not repugnant to law, which they may deem necessary for the safety of their inhabitants from the manufacture, storage, keeping, having in possession, transportation, sale, or use of gunpowder, gun-cotton, dynamite, nitro-glycerine, nitro-gelatine, lyddite, chlorate of potash, picric acid, sodium calcium carbide, acetylene gas, gasoline gas, and any and all other explosives and explosive chemicals; and may prohibit the manufacture, storage, keeping having in possession, transportation, sale, or use by any and all persons or persons of any or all said substances and gases in their respective towns, unless a license for the same shall be first obtained from the town council or board of aldermen, which license shall be for the term of one years from the date thereof unless sooner revoked by order of said town council or board of aldermen. Any person violating any provision of any such ordinance or regulation, or any such prohibition, shall be fined not less than twenty dollars nor more than one hundred dollars for each such offense.

1907 R.I. Pub. Laws 66, An Act for the Protection of Deer

§ 1. It shall be unlawful to pursue or shoot deer in this state except in accordance with the provisions of this act. § 2. Any person owning or occupying any farm or orchard and any person in his employ may, while on his own premises or the premises of his employer, kill any deer which shall be found destroying any crops, vegetables, or fruit trees belonging to such person or his employer: Provided,

however, that no such person shall shoot any deer unless he has obtained from the secretary of state a permit so to do; and the secretary of state shall, upon application, issue to any responsible land owner, or his employees, a permit authorizing such person to shoot deer in accordance with the provisions of this section. No person shall pursue or shoot any deer except with a shot gun, or employ any missile larger than buck shot. § 3. Any person violating the provisions of this act shall be fined not less than one hundred dollars nor more than five hundred dollars for each offence.

1927 (January Session) R.I. Pub. Laws 256, An Act to Regulate the Possession of Firearms: § § 1, 4, 5 and 6

§ 1. When used in this act the following words and phrases shall be construed as follows: "Pistol" shall include any pistol or revolver, and any shot gun, rifle or similar weapon with overall less than twenty-six inches, but shall not include any pistol without a magazine or any pistol or revolver designed for the use of blank cartridges only. "machine gun" shall include any weapon which shoots automatically and any weapon which shoots more than twelve shots semi-automatically without reloading. "Firearm shall include any machine gun or pistol. . . "Crime of violence" shall mean and include any of the following crimes or any attempt to commit any of the same, viz.: murder, manslaughter, rape, mayhem, assault or battery involving grave bodily injury, robbery, burglary, and breaking and entering. "Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly.

§ 2. If any person shall commit or attempt to commit a crime of violence when armed with or having available any firearm, he may in addition to the punishment provided for such crime of violence be punished as provided in this act. In the trial of a person for committing or attempting to commit a crime of violence the fact that he was armed with or had available a pistol without license to carry the same, or was armed with or had available a machine gun, shall be prima facie evidence of his intention to commit said crime of violence.

§ 4. No person shall, without a license therefor, issued as provided in section six hereof, carry a pistol in any vehicle or concealed on or about his person, except in his dwelling house or place of business or on land possessed by him, and no person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this act. § 5. The provisions of section four shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force or other duly appointed law enforcement officers, nor to members of the army, navy or marine corps of the United States, or of the national guard, when on duty, or of

organizations by law authorized to purchase or receive firearms from the United States or this state, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to duly authorized military organizations when on duty, nor to members thereof when at or going to or from their customary places of assembly, nor to the regular and ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded in a wrapper from the place of purchase to his home or place of business, or to a place of repair or back to his home or place of business, or in moving goods from one place or abode or business to another. § 6. The licensing authorities of any city or town shall upon application of any person having a bona fide residence or place of business within such city or town, or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his person issued by the authorities of any other state or subdivision of the United States, issue a license to such person to carry concealed upon his person a pistol within this state for not more than one year from date of issue, if it appears the applicant has good reason to fear an injury to his person or property or has any other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be prescribed by the attorney-general and shall bear the fingerprint, name, address, description and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the attorney-general and the triplicate shall be preserved for six years by the licensing authorities issuing said license. A fee of two dollars may be charged and shall be paid for each license, to the officer issuing the same. Before issuing any such permit the applicant for the same shall be required to give bond to the city or town treasurer in the penal sum of three hundred dollars, with surety satisfactory to the authority issuing such permit, to keep the peace and be of good behavior. Every such permit shall be valid for one year from the date when issued unless sooner revoked. The fee charged for the issuing of such license or permit shall be applied in accordance with the provisions of section thirty-three of chapter 401 of the general laws.

§ 7. The attorney-general may issue a permit to any banking institution doing business in this state or to any public carrier who is engaged in the business of transporting mail, money, securities or other valuables, to possess and use machine guns under such regulations as the attorney general may prescribe.

§ 8. It shall be unlawful within this state to manufacture, sell, purchase or possess except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged.

SOUTH CAROLINA

1731-43 S.C. Acts 168, § 23. 1740

It shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of firearms or any offensive weapon whatsoever, unless such negro or slave shall have a ticket or license in writing from his master, mistress or overseer, to hunt and kill game, cattle, or mischievous birds or beasts of prey, and that such license be renewed once every month, or unless there be some white person of the age of 16 or upwards, in the company of such slave when he is hunting or shooting; or that such slave be actually carrying his masters arms to or from his masters plantation, by a special ticket, for that purpose, or unless such slave be found in the day time actually keeping off rice birds, or other birds within the plantation to which such slave belongs, lodging the same gun at night within the dwelling house of his master, mistress or white overseer. And provided also that no negro or other slave shall have liberty to carry any guns, cutlass, pistol or other weapon abroad from at any time between Saturday evening after sunset and Monday morning before sunrise notwithstanding a license or ticket for so doing. And in case any person shall find any slave using or carrying fire-arms, or other offensive weapons, contrary to the true intention of this act; every such person may lawfully seize and take away such fire-arms or offensive weapons; but before the property of such goods shall be vested in the person who shall seize the same, such person shall, within 48 hours next after such seizure, go before the next justice of the peace, and shall make oath of the manner of the taking; and if such justice of the peace after such oath shall be made, or upon any other examination, he shall be satisfied, that the said fire-arms or other offensive weapons, shall have been seized according to the directions and agreeable to the true intent and meaning of this act, the said justice shall, by certificate under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person who seized the same. Provided that no such certificate shall be granted by any justice of the peace until the owner or owners of such fire-arms or other offensive weapons so to be seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from, whom such fire-arms or other offensive weapons shall be taken or seized shall be duly summoned, to show cause (if any such they have) why the same should not be condemned as forfeited; or until 48 hours after the service of such summons and oath made of the service thereof before the said justice.

Alexander Edwards, Ordinances of the City Council of Charleston, in the State of South-Carolina, Passed since the Incorporation of the City, Collected and Revised Pursuant to a Resolution of the Council Page 289, Image 299 (1802) available at The Making of Modern Law: Primary Sources. 1802

[Ordinances of the City of Charleston, An Ordinance for Appointing Commissioners of the Streets, Defining their Powers, and for other Purposes therein Mentioned, § 8. And be it further ordained by the authority aforesaid, That no person or persons, shall fire any squibs, crackers, or other fireworks, except at times of public rejoicing, and at such places as the intendant for the time being may permit, by license under his hand; nor burn any chips, shavings, or other combustible matters, in any of the streets, lanes, wharves, alleys, or open or enclosed lots of the city, nor fire any gun, pistol, or fire arms, within the limits of the city, except on occasion of some military parade, and then by the order of some officer having the command, under the penalty of ten dollars, for every such offense; nor shall any person or persons, raise or fly any paper or other kite, within the said city, under the said penalty of ten dollars.]

John E. Breazeale, The Revised Statutes of South Carolina, Containing the Code of Civil Procedure, and the Criminal Statutes. Also The Constitutions of the United States and of the State, and the Rules of the Supreme and of the Circuit Courts of the State Page 431, Image 529 (Vol. 2, 1894) available at The Making of Modern Law: Primary Sources. 1890

Chapter XXVIII Violations of the License Laws by Insurance and Other Companies, Emigrant Agents, owners or shows, etc., Persons Selling Pistols, etc. §490. No person or corporation within the limits of this State shall sell or offer for sale any pistol, rifle, cartridge or pistol cartridge less than .45 caliber, or metal knuckles, without first obtaining a license from the county in which such person or corporation is doing business so to do. The County Board of Commissioners of the several Counties of this State are authorized to issue licenses in their respective Counties for the sale of pistols and pistol and rifle cartridges of less than .45 caliber, and metal knuckles, upon the payment to the County Treasurer by the person or corporation so applying for said license of the sum of twenty-five dollars annually; and any person who shall sell or offer for sale any pistol, or pistol or rifle cartridge of less than .45 caliber, or metal knuckles, without having obtained the license provided in this Section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

1893 S.C. Acts 426, An Act To Amend An Act Entitled “An Act To Provide For A License For The Sale Of Pistols Or Pistol Cartridges Within The Limits Of This State”, § 2

. . . That the County Commissioners of the Several Counties of the State be, and they are herby, authorized to issue licenses in their respective Counties for the sale of pistols and pistol cartridges upon the payment to County Treasurer by the person

or corporation so applying for said licenses of the sum of twenty-five dollars annually.

1923 S.C. Acts 19-20, License Tax on Ammunition — Candy — Admissions — Regulations to have force of law.

That every person, firm or corporation doing business within the State of South Carolina and engaging in the business of selling at retail or in any individual instance selling to the final consumer, such articles as are named in this section, for the privilege of carrying on such business, shall be subject to the payment of a license tax which shall be measured by and graduated in accordance with the volume of sales of such person, firm or corporation as follows: (a) There shall be levied, assessed, collected and paid upon all ammunition, including shells for shotguns and cartridges for rifles, pistols, revolvers, automatic pistols, rifles and machine guns, and upon such shells and cartridges partially prepared for use but lacking powder or shot or other necessary constituent, and upon blank shells and cartridges (but not upon powder or shot or caps not prepared and not in form to use in modern firearms), when sold at retail or to the ultimate consumer, the following: Upon all shotgun or other shells, two (\$2.00) dollars per thousand rounds; Upon all cartridges, twenty-five (25) caliber or greater, two (\$2.00) dollars per thousand rounds. (b) The license taxes imposed upon ammunition shall be paid by stamps to be affixed and cancelled by the retailer or other final seller, and said stamps shall be affixed to the smallest container in which or from which articles are sold, as soon as the original packages are opened or broken, or if received in no other form than that in which sold, as soon as the containers are placed in the place of business of the retailer; in the case of articles intended for sale in the packages in which received from outside the State of South Carolina without opening or alteration of any sort, each package must be immediately marked with the date of receipt and the place from which received and no stamps need be affixed so long as such package remains unopened and unaltered.

1934 S.C. Acts 1288, An Act regulating the use and possession of Machine Guns: §§ 1 to 6.

§ 1. "Machine gun" defined. – Be it enacted by the General Assembly of the State of South Carolina: For the purposes of this Act the word "machine gun" applies to and includes all firearms commonly known as machine rifles, machine guns and sub-machine guns of any caliber whatsoever, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to such gun from or by means of clips, disks, belts or other separable mechanical device. § 2. Transportation of Machine Gun. – It shall be unlawful for any person or persons in any manner to transport from one place to

another in this State, or from any railroad company, or express company, or other common carrier, or any officer, agent or employee of any of them, or any other person acting in their behalf knowingly to ship or to transport from one place to another in this State in any manner or by any means whatsoever, except as hereinafter provided, any firearm as described hereinabove or commonly known as a machine gun. § 3. Storing, Keeping, and/or Possessing Machine Gun. – It shall be unlawful for any person to store, keep, possess, or have in possession, or permit another to store, keep, possess, or have in possession, except as hereinafter provided, any firearm of the type defined above or commonly known as a machine gun. § 4. Selling, Renting or Giving away Machine Gun. – It shall be unlawful for any person to sell, rent, or give away, or be interested directly or indirectly, in the sale, renting or giving away, or otherwise disposing of any firearm of the type above described or commonly known as a machine gun. § 5. Exceptions – Register Machine Guns. – The provisions of this Act shall not apply to the army, navy or marine corps of the United States, the National Guard, and organizations authorized by law to purchase or received machine guns from the United States, or from this State, and the members of such corps. National Guard and organizations while on duty or at drill, may possess, carry and transport machine guns, and, Provided, further, That any peace officer of the State, counties or political sub-division thereof. State Constable, member of the Highway patrol, railway policemen, warden, superintendents, headkeeper or deputy of any State prison, penitentiary, workhouse, county jail, city jail, or other institution for detention of persons convicted or accused of crime, or held as witnesses in criminal cases, or persons on duty in the postal service of the United States, or common carrier while transporting direct to any police department, military or naval organization, or persons authorized by law to possess or use a machine gun, may possess machine guns when required in the performance of their duties, nor shall the provisions of this Act be construed to apply to machine guns kept for display as relics and which are rendered harmless and not useable. Within thirty days after the passage of this Act every person permitted by this Act to possess a machine gun or immediately after any person is elected to or appointed to any office or position which entitles such person to possess a machine gun, shall file on the office of the Secretary of State on a blank to be supplied by the Secretary of State on application therefor, an application to be properly sworn to, which shall be approved by the Sheriff of the county in which the applicant resides or has its principal place of business, which shall include the applicants name, residence and business address, description including sex, race, age weight, height, color of eyes, color of hair, whether or not ever charged or convicted of any crime, municipal, State or otherwise, and where, if so charged, and when same was disposed of. The applicant shall also give the description including the serial number and make the

machine gun which he possesses or desires to possess. Thereupon the Secretary of State shall file such application in his office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, and assign to him a number, and issue to him a card which shall bear the signature of the applicant, and which he shall keep with him while he has such machine gun in his possession. Such registration shall be made on the date application is received and filed with the Secretary of State, and shall expire on December 31, of the year in which said license is issued. § 6. Penalty – Any person violating any of the provisions of this Act shall be guilty of a felony, and, on conviction thereof shall be sentenced to pay a fine not exceeding One Thousand Dollars, and undergo imprisonment by separate or solitary confinement at labor not exceeding twenty (20) years.

SOUTH DAKOTA

1899 S.D. Sess. Laws 112, An Act For The Protection Of Game And The Appointment Of Wardens, And The Licensing Of Hunters And Prescribing Penalties For The Violation Of Its Provisions, pt. 3

At any time kills or shoots any wild duck, goose or brant with any swivel gun or other gun, except as is commonly shot from the shoulder, or in hunting such birds makes use of any artificial light or battery. . .

TENNESSEE

William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, Together with the Acts of the Legislature Relating to the City, with an Appendix Page 148-149, Image 149-150 (1863) available at The Making of Modern Law: Primary Sources. 1863

[Ordinances of the City of Memphis, Shooting Galleries, § 1. That no person or persons shall set up or use any pistol gallery, or place for the discharging of pistols, guns or other firearms in the first story of any building in the city; nor shall any gallery be used in any manner involving risk or danger to any person in the city; nor shall any person setting up or using such pistol gallery be exempt from the ordinance and penalties now in force, for discharging or shooting any pistol, gun or firearms within the city limits, until such person or persons have applied and paid for license to set up and use such pistol gallery, according to the provisions of this ordinance. § 2. That the person or persons applying for license to keep such pistol gallery, shall, at the time of obtaining such license, enter into bond with good security, to be approved by the City Register, in the sum of three thousand dollars, payable as other city bonds, conditioned that no gambling of any kind be permitted

in such pistol gallery, or in the room used for such pistol gallery, or any room adjacent thereto, under the control and connected with said pistol gallery, or its proprietors or keepers; and that all shooting or discharging of firearms shall be done only with the perfect security against any harm to persons or property in the vicinity of such pistol gallery; such penalty to be recoverable for every violation of this section of this ordinance, and of the conditions of said bond. § 3. That the proprietors or persons keeping such pistol gallery shall not permit any minors to shoot in such gallery without the written consent of the lawful guardian of such minor, unless such guardian be personally present, and consenting to such shooting; nor shall the proprietors or keepers of such gallery permit any shooting in the same after eleven o'clock at night, or on Sunday, nor shall such shooting gallery be allowed to be kept open for shooting after eleven o'clock at night or on Sunday. Any violation of this ordinance is hereby declared a misdemeanor, and each offender, on conviction shall be fined in any sum not less than five nor more than fifty dollars for any violation of this ordinance, recoverable as other fines. § 4. Any person or persons shall before putting up or using such pistol or shooting gallery, first apply for, and obtain license, as other licenses are obtained, and shall pay for such license the sum of one hundred dollars per annum for each and every pistol or shooting gallery establishment under the provision of this ordinance. § 5. That the board of Mayor and Aldermen retain the power and right to, at any time, repeal this ordinance and revoke and recall any license to keep a pistol gallery, by refunding a pro rata part of the amount paid for any license then outstanding.]

1879 Tenn. Pub. Acts 135-36, An Act to Prevent the Sale of Pistols, chap. 96, § 1. It shall be a misdemeanor for any person to sell, or offer to sell, or to bring into the State for the purpose of selling, giving away, or otherwise disposing of belt or pocket pistols, or revolvers, or any other kind of pistols, except army or navy pistol; Provided that this act shall not be enforced against any persons now having license to sell such articles until the expiration of such present license.

TEXAS

Charter and Revised Ordinances of the City of Galveston, and All Ordinances in Force to April 2d, 1872 Page 94, Image 107 (1873) available at The Making of Modern Law: Primary Sources.

1872

[Ordinances of the City of Galveston, Taxes – License Tax and Ad-Valorem Tax,] Art. 418, § 26. Every keeper of a billiard or other like table, for public use, a tax of twenty dollars for each and every table so kept; and every keeper of a tenpin alley,

a tax of thirty dollars for each and every alley so kept for public use. Every keeper of a pistol or rifle gallery, a tax of twenty-five dollars.

Revised Ordinances of the City of Fort Worth, Texas, 1873-1884 Page 64-65, Image 62-63 (1885) available at The Making of Modern Law: Primary Sources. 1880

Ordinances of the City of Fort Worth, An Ordinance prohibiting the shooting off, firing or discharging of Fire-arms; the firing, exploding or setting off of Squibs, Firecrackers, Torpedoes, Roman Candles, Sky-rockets or other things containing powder or other explosive matter, or the throwing of any fire balls, or making of any bon-fires in the corporate limits of the City of Fort Worth. Be it ordained by the City Council of the City of Fort Worth: § 1. It shall be unlawful for any person or persons to shoot off, fire, or discharge any gun, pistol, revolver or any firearm of any description, or to fire, explode or set off any squib, firecracker, torpedo, roman candle, sky-rocket, or other thing containing powder or other explosive matter, or to throw any fire-ball or make any bon-fire in the corporate limits of this city, and that any person or persons violating the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than one dollar nor more than one hundred dollars. Provided that this shall not apply to any licensed shooting gallery nor to the shooting of dogs running at large in violation of the city ordinances

The Laws of Texas 1822-1897. Austin's Colonization Law and Contract; Mexican Constitution of 1824; Federal Colonization Law; Colonization Laws of Coahuila and Texas; Colonization Law of State of Tamaulipas; Fredonian Declaration of Independence; Laws and Decrees, with Constitution of Coahuila and Texas; San Felipe Convention; Journals of the Consultation; Proceedings of the General Council; Goliad Declaration of Independence; Journals of the Convention at Washington; Ordinances and Decrees of the Consultation; Declaration of Independence; Constitution of the Republic; Laws, General and Special, of the Republic; Annexation Resolution of the United States; Ratification of the Same by Texas; Constitution of the United States; Constitutions of the State of Texas, with All the Laws, General and Special, Passed Thereunder, Including Ordinances, Decrees, and Resolutions, with the Constitution of the Confederate States and the Reconstruction Acts of Congress Page 234-235, Image 734-735 (Vol. 6, 1898) available at The Making of Modern Law: Primary Sources. 1898

[An Act to Incorporate the Town of Round Top, County of Fayette, . . . Article Tenth. That from and after the passage of this act it shall be unlawful to fire any pistol, rifle, shot gun, or other kind of fire-arms, within the limits of the town of Round Top, and any person violating this act shall be guilty of a misdemeanor, and

on conviction thereof shall be fined not less than five nor more than twenty-five dollars, to be collected by the mayor of the town; but this act shall not prevent any gunsmith, within the limits of the town, from discharging on the premises thereof, fire-arms made or repaired in his shop, for the purpose of training such fire-arms; provided, that none but gunsmiths shall have the privilege of being authorized to discharge fire-arms; and for that purpose each gunsmith shall build a rock wall, in front of which he shall cause a target to be placed, The mayor shall issue a permit to any gunsmith applying for the same, for the period of one year, which permit may be renewed after its expiration.]

Revised Ordinances of the City of Victoria Texas Page 75, Image 77 (1899) available at The Making of Modern Law: Primary Sources. 1899 [Ordinances of the City of Victoria,] Revised Penal Ordinances: Discharging Firearms, § 1. If any person shall discharge any gun, pistol or firearm of any description on or across any public square, street or alley, or elsewhere within the corporate limits of the City of Victoria, whether the premises on or across which such fire arm is discharged be public or private he shall be fined in any sum not to exceed ten dollars. § 2. Exceptions. The provisions of the foregoing section shall not be construed to apply to gunsmiths discharging fire arms brought to them for repairs, or to training guns or pistols of their own make, when done with the permission and at a place approved by the City Marshal; nor shall parties shooting in galleries licensed by the city come within the meaning of the preceding article. § 3. If any person shall discharge any gun, pistol or fire arm of any description as alarm for fire, or upon the discovery of any fire, or during the progress of any fire, he shall be fined in any sum not to exceed twenty-five dollars.

1919 Tex. Gen. Laws 297-98, An Act to Preserve, Propagate, Distribute, and Protect the Wild Game, Wild Birds, Wild Fowl of the State . . . , ch. 157, § 42. It shall be unlawful for any citizen of this State to hunt outside of the county of his residence with a gun without first having procured from the Game, Fish and Oyster Commissioner or one of his deputies or from the County Clerk of the County in which he resides a license to hunt, and for which he shall pay to the officer from whom he secures such license the sum of two (\$2.00) dollars. . . Any person hunting any game or birds protected by the laws of the State, and who shall refuse to show his license herein provided for to any sheriff . . . on demand shall be deemed guilty of a violation of the provisions of this law, and any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than ten (10.00) dollars nor more than one hundred (100.00) dollars.

UTAH

An Ordinance Prohibiting the Sale of Arms, Ammunition, or Spiritous Liquors to the Indians, in Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah 63 (Henry McEwan 1866). 1850

“Sec. 1. Be it ordained by the General Assembly of the State of Deseret: That if any person shall hereafter trade or give any guns, rifles, pistols or any other deadly weapons, ammunition or spirituous liquors to any Indian, without having a license, he shall, on conviction thereof before any Justice of the Peace, be fined in a sum not exceeding one hundred dollars for each offense, and also forfeit all the property received from the Indian, which shall be sold and the proceeds thereof paid into the public treasury.”

Revised Ordinances and Resolutions of the City Council of Salt Lake City, in the Territory of Utah, with Congressional and Territorial Laws on Townsites and Great Salt Lake City Charter, and Amendments Page 161-162, Image 196-197 (1875) available at The Making of Modern Law: Primary Sources. 1875

Ordinances of Salt Lake City, Relating to Gunpowder, Gun Cotton and Nitro-Glycerine, § 1. Be it ordained, by the City Council of Salt Lake City, that it shall not be lawful for any person or persons to keep, sell or give away, gunpowder, gun-cotton, or nitro-glycerine, in any quantity without permission of the City Council; Provided, any person may keep, for his own use, not exceeding five pounds of gun powder, one pound of gun cotton, or one ounce of nitro-glycerine. § 2. All permits, when issued, shall be registered by the Recorder, and shall state the name and place of business, and date of permit, and the same shall not be granted for a longer time than one year; and no person to whom any permits may be issued, shall have or keep, at his place of business or elsewhere, within the city, (except in such places as may be approved by the City Council), a greater quantity of gunpowder or guncotton than twenty-five pounds, and the same shall be kept in tin canisters or cases, and nitro-glycerine not to exceed five ounces, and in a situation remote from fires lighted lamps or candles. Nor shall any person sell or weigh gunpowder, gun cotton, or nitro-glycerine, after the lighting of lamps or gas in the evening, unless in sealed canisters or cases. It shall be the duty of every person to whom a permit shall be given to keep a sign at the front door of his place of business, with the word gunpowder painted or printed thereon in large letters. § 3. No person shall convey or carry any gunpowder exceeding one pound in quantity through any street or alley in the city, unless the said gunpowder is secured in tight cans, kegs or cases, sufficient to prevent the same from being spilled or scattered, and in no quantity exceeding one hundred pounds, except

under the direction of a police officer. § 4. A violation of any clause of this ordinance shall subject the offender to a fine, for each offence, in any sum not exceeding one hundred dollars.

The Revised Ordinances of Salt Lake City, Utah, Chapter XXVI, Misdemeanors, p. 283 Sec. 14 (1888)

Dangerous and Concealed Weapons.

SEC. 14. Any person who shall carry any slingshot, or any concealed deadly weapon, without the permission of the mayor first had and obtained, shall, upon conviction, be liable to a fine not exceeding fifty dollars.

1905 Utah Laws 197, An Act for the Protection of Fish, Game, and Birds . . . , ch. 118, § 30.

It shall be unlawful for any non-resident person or for resident who is not a citizen of the United States to kill any game, animals, birds or fish in this State, without first having procured the license to do so hereinafter provided for. Any non-resident person or any resident who is not a citizen of the United States, upon the payment to the State Commissioner, of the sum of twenty-five dollars, shall be entitled to receive a license, from said commissioner, which will entitle him to hunt and kill game, animals, birds and fish, for the period of one year subject to all the laws of this State for the protection of fish and game.

VERMONT

Act of Incorporation and By-Laws of the Village of Bradford Page 14, Image 15 (1890) available at The Making of Modern Law: Primary Sources. 1890 [Ordinances of the Village of Bradford] By-laws, Miscellaneous, § 6. Any person who shall fire any cannon, swivel gun, pistol, torpedo, squib, cracker, or throw any fire ball, in any street, alley or lane, except by permission of the trustees, shall be fined five dollars.

Act of Incorporation and By-Laws of the Village of Bradford. 1890 Page 12-13, Image 13-14 (1891) available at The Making of Modern Law: Primary Sources. Ordinances of the Village of Bradford, § 11. The Trustees may grant licenses, for one year or less, to keep gun powder or gun cotton or other explosives for sale, if in their opinion the public safety is not endangered thereby. Said gun powder or gun cotton or other explosive shall be kept in close tin canisters which shall only be opened in the day time. § 12. The license shall specify the quantity allowed and the place where such gun powder or gun cotton and other explosives shall be kept, and on every building in which such gunpowder or gun cotton or other explosives

is kept for sale shall be placed in a conspicuous position a sign with the words, "Licensed to sell Powder," printed or painted thereon. § 13. The Trustees may also grant licenses to store gun powder and other explosives in larger quantities in places used for no other purpose which they consider at a safe distance from other buildings. § 14. The Trustees may at any time inspect the premises where gun powder, gun cotton and other explosives are kept, in order to satisfy themselves that the regulations are complied with. § 15. Any person who shall without license keep in any building in the Village any nitro-glycerine, or more than half a pound of gun powder or two ounces of gun cotton, which shall be only for his own use, shall be fined five dollars for every day so offending. § 16. All licenses granted by the Trustees by virtue of these by-laws shall be signed by a majority of the Trustees and recorded in the office of the Clerk of the Corporation at the expense of the person licensed and shall not become valid until so recorded. § 17. The Trustees are authorized to revoke any license mentioned in these by-laws, whether granted by themselves or their predecessors in office, whenever in their opinion the public good requires it. Such revocation shall be recorded in the Clerk's office, and shall become operative whenever the Trustees shall deliver a written notice thereof to the person whose license is revoked.

Act of Incorporation and By-Laws of the Village of Northfield Page 19-20, Image 19-20 (1894) available at The Making of Modern Law: Primary Sources. 1894 Regulations for Handling Explosives, Article XV., § 1. No person shall at any time keep within the limits of said Village, any powder, or guncotton, without a written license, signed by a majority of the trustees, who shall have discretionary power to grant the same for retailing purposes ; not, however, exceeding twenty pounds shall be kept in any one building at a time, and that to be kept in close metal cans, or flasks, which are not to be opened except in the day time, Said license specify the building, or place where said powder or guncotton shall or may be kept, the quantity such person may keep, and shall be conditional that any Trustee may at any time make inspection of the quantity of powder or gun-cotton kept, and the manner of keeping the same; said license to be in force until revoked by a majority of the Trustees. And it shall be the duty of the person or persons so licensed to procure said license to be recorded in the records of said Village, and to put up, in some conspicuous place on every building within the limits of the Village in which he has powder or guncotton stored, a sign with the words "LICENSED TO SELL GUNPOWDER." Provided, that a majority of the Trustees may grant license for storing or keeping larger quantities, and that any person may keep not over two pounds which shall be kept in a metallic flask or a powder horn. Article XVI. PENALTY FOR VIOLATION OF ABOVE ARTICLE. § 1. If any person shall keep, without a license therefore, or as provided in the XVth article, any powder,

or gun cotton, or either of said articles, or shall keep either of said articles in any buildings or places except those mentioned in his license, he shall forfeit and pay to the treasurer of said Village Five dollars for each day said powder or guncotton shall be suffered to remain within the limits of said village.

Quoted in Brief of Amicus Curiae Patrick J. Charles at App. 13, N.Y. State Rifle & Pistol Ass'n, v. City of New York (Ordinances of the City of Barre, Vermont).
1895

CHAPTER 16, SEC. 18. No person, except on his own premises, or by the consent and permission of the owner or occupant of the premises, and except in the performance of some duty required by law, shall discharge any gun, pistol, or other fire arm loaded with ball or shot, or with powder only, or firecrackers, serpent, or other preparation whereof gunpowder or other explosive substance is an ingredient, or which consists wholly of the same, nor shall make any bonfire in or upon any street, lane, common or public place within the city, except by authority of the city council.

CHAPTER 38, SEC. 7. No person shall carry within the city any steel or brass knuckles, pistol, slung shot, stiletto, or weapon of similar character, nor carry any weapon concealed on his person without permission of the mayor or chief of police in writing.

1908 Vermont Session Laws 132, § 1.

No person shall at any time hunt, shoot, pursue, take or kill any of the wild animals, wild fowl or birds of this state, nor use a gun for hunting the same, without having first procured a license therefor as hereinafter provided, and then only during the respective periods of the year when it shall be lawful, and subject to all the provisions of chapter 220 of the Public Statutes. . .

VIRGINIA

Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as Are Now in Force; with a New and Complete Index. To Which are Prefixed the Declaration of Rights, and Constitution, or Form of Government Page 187, Image 195 (1803) available at The Making of Modern Law: Primary Sources. 1792

[An Act to Reduce into one, the Several Acts Concerning Slaves, Free Negroes, and Mulattoes (1792),] § 8. No negro or mulatto whatsoever shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, but all and every gun, weapon, and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person, and upon due proof thereof

made before any Justice of the Peace of the County or Corporation where such seizure shall be, shall by his order be forfeited to the seizor for his own use ; and moreover, every such offender shall have and receive by order of such Justice, any number of lashes not exceeding thirty-nine, on his or her bare back, well laid on, for every such offense. § 9. Provided, nevertheless, That every free negro or mulatto, being a house-keeper, may be permitted to keep one gun, powder and shot; and all negroes and mulattoes, bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder, shot, and weapons offensive or defensive, by license from a Justice of Peace of the County wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes, or of the owners of such as are slaves.

1805 Va. Acts 51, An Act Concerning Free Negroes and Mulatoes
That no free negro or mulato shall be suffered to keep or carry any firelock of any kind... without first obtaining a license from the court...

1806 Va. Acts 51, ch. 94
Required every “free negro or mulatto” to first obtain a license before carrying or keeping “any fire-lock of any kind, any military weapon, or any powder or lead.”

The Charters and Ordinances of the City of Richmond, with the Declaration of Rights, and Constitution of Virginia Page 227, Image 274 (1859) available at The Making of Modern Law: Primary Sources. 1859
[Ordinances of Richmond,] Nuisances Not in Streets, § 11. If any person shall sell, or expose for sale in this city, any torpedos, popcrackers, squibs, or other fire-works, of any kind whatever, except in packages containing each at least one hundred, or shall without permission in writing from the mayor, discharge, or set off, in any street or alley of the city, any balloon, rocket, torpedo, popcracker, fireworks or any combination of gunpowder, or any other combustible or dangerous material; or if any person shall, except under the fortieth section of the ordinance concerning streets, without necessity fire or discharge in this city any cannon, gun, pistol, or other fire-arms of any kind, or shall make therein any unusual noise, whereby the inhabitants thereof may be alarmed, or raise or fly a kite in this city, or if any auctioneer shall use any bell or herald to notify the public of any sale, except of real property, every such person herein offending, shall pay a fine of not less than one nor more than twenty dollars.

1908 Va. Laws 381, An Act To Amend And Re-Enact Section 3780 Of The Code In Relation To Carrying Concealed Weapons, § 3780

If any person carry about his person, hid from common observation, any pistol, dirk, bowie knife, razor, slungshot, or any weapon of like kind he shall be fined not less than twenty dollars nor more than one hundred dollars, or be committed to jail not more than thirty days, or both, in the discretion of the court, or jury, trying the case: and such pistol, dirk, bowie knife, razor, slungshot, or any weapon of like kind, shall be forfeited to the Commonwealth and may be seized by an officer as forfeited. Upon conviction of the offender the said weapon shall be sold by the officer and the proceeds accounted for and paid over as provided in section twenty-one hundred and ninety; provided, that this section shall not apply to any police officer, town or city sergeant, constable, sheriff, conservator of the peace, collecting officer while in the discharge of his official duty: provided the judge of any circuit or hustings court in term time, upon a written application and satisfactory proof of the good character and necessity of the applicant to carry concealed weapon may grant such permission for one year; the order making same shall be entered in the order book of such court.

1926 Va. Acts. 285-87, CHAP. 158-An ACT to improve a license tax on pistols and revolvers; to regulate the sale thereof and of ammunition therefor; and to provide that the proceeds of such tax shall be used for the establishment of a diseased and crippled children's hospital, §§ 1-9.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of every person residing in this State and owning a pistol or revolver therein, to pay on or before the first day of January of each year a license tax of one dollar on each pistol or revolver so owned, or in the event that such pistol or revolver shall be acquired by any such person on or after the first day of February, such license tax shall be forthwith paid thereon. The application for the license shall give the name of the owner, and the number, make and calibre [sic] of such pistol or revolver, which shall be set forth in the license. All pistol or revolver licenses shall run from the first day of January to the first day of the following January. Such license taxes shall be paid to the treasurer of the city or county whrein the said owner resides, and the said treasurer shall not receive more for handling the funds arising from the tax imposed by this act than he receives for handling other State funds. The treasurers shall not receive compensation for their services in issuing the license cards herein provided for. Upon payment of the tax provided for in this section the person paying the same shall be entitled to a license card therefor, showing the year for which the license is paid, the county or city issuing the card, the serial number of the license, and the number, calibre [sic], make and owner of the pistol or revolver. When the license card is issued the treasurer shall record the name of the owner of the pistol or revolver, and the number, calibre [sic] and make thereof with the number of the license, in a book prepared for the purpose. The license

cards and book shall be furnished by the boards herein provided and shall be paid out of the funds derived from the pistol and revolver licenses. If any such card should be lost the owner of the card shall pay to the treasurer twenty-five cents for a duplicate card.

2. It shall be the duty of every retailer selling a pistol or revolver in this State, at the time of such sale, to keep a record of the name and address of the purchaser and the number, make and calibre [sic] of the pistol or revolver, and to report once a month to the treasurer of his county or city the names of such purchasers, if any, together with the number, make and calibre [sic] of each pistol or revolver purchased; and all persons receiving or having in their possession a pistol or revolver for the purpose of repairing the same shall report to the treasurer of his county or city once a month giving the name and address of the owner and the calibre [sic], make and serial number of such pistol or revolver.

3. It shall be unlawful for any retailer in this State to sell ammunition for any pistol or revolver to any person unless the person desiring to make such purchase displays the license card for the current year provided for in this act.

4. Any person violating any provision of this act or using a license card not issued to him, for the purpose of purchasing ammunition, or using a license card for the purchase of pistol or revolver ammunition unless the ammunition is intended to be used for the weapon mentioned in the license card shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than fifty dollars, or sentenced to the State convict road force for not less than thirty or not more than sixty days, or both, in the discretion of the tribunal trying the case.

5. The provisions of this act shall not apply to any officer authorized by law to carry a pistol or revolver nor to the pistol or revolver of such officer when such pistol or revolver is carried in discharge of his official duty, except that every officer shall list his pistol or revolver with the treasurer of his county or city annually by January first; nor to a pistol of an obsolete type kept as a souvenir, memento or relic, such as cap and ball type, etcetera, or souvenir used or captured by any person or relative in any war. But such pistol shall be registered as herein provided, upon satisfactory proof to the officer issuing such license that the pistol in question comes properly within this exception, in which case, no license tax shall be charged.

6. The tax hereby imposed shall be in lieu of all other taxes on such pistols and revolvers; but nothing in this act shall be construed to apply to such weapons in the stocks of licensed wholesaler or retailers.

7. All funds arising from pistol and revolver licenses, except as hereinbefore provided, shall be kept separate from other funds and shall be paid into the State treasury to establish a fund known as the diseased and crippled children's hospital

fund, which shall be used for the purpose of establishing and maintaining within the State at such place or places as may be selected by the board hereinafter provided for, a hospital or hospitals for the care, treatment and vocational training of diseased and crippled children resident in Virginia, or for any such rehabilitation work that the board may deem wise.

Each treasurer shall between the first and fifteenth of July and between the first and fifteenth of January report to the auditor of public accounts collections, which he is required to make by this act, and shall at the same time pay into the State treasury the amount collected less the commissions which he is authorized to retain for collecting same as provided for in this act, and the auditor of public accounts shall keep said funds separate from other funds to be designated and known as “the diseased and cripple children’s hospital fund.”

8. The administration of the aid fund shall be under the direction of a board of seven physicians to be appointed by the governor. . . . [Description of board and its functions].

9. The State treasurer shall make payments from the fund hereinabove created on warrants from the auditor of public accounts, issued on vouchers certified by the chairman of the board hereinabove created on authority of the board.

WASHINGTON STATE

1881 Wash. Sess. Laws 76, An Act to Confer a City Govt. on New Tacoma, ch. 6, § 34, pt. 15.

[T]o regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitro-glycerine, or other combustibles, and to provide or license magazines for the same, and to prevent by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise . . . to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and firearms, firecrackers, and detonation works of all descriptions[.]

1881 Wash. Sess. Laws 93, An Act to Incorporate the City of Dayton, chap. 2, § 20.

The city of Dayton shall have power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and . . . to regulate the transportation, storing and keeping of gunpowder and other combustibles and to provide or license magazines for the same[.]

1881 Wash. Sess. Laws 121-22, An Act to Incorporate the City of Port Townsend, ch. 2, § 21.

The City of Port Townsend has power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and . . . to regulate the transportation and keeping of gunpowder, or other combustibles, and to provide or license magazines for the same[.]

1883 Wash. Sess. Laws 161, An Act to Incorporate the City of Ellensburg, ch. 2, § 20.

The city of Ellensburg shall have power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy . . . to regulate the transportation storing and keeping of gunpowder and other combustibles and to provide or license magazines for the same[.]

Del Cary Smith, Ordinances of the City of Port Townsend, Washington, Comprising the General Ordinances of the City, Together with the Private Ordinances Now in Force Page 27, Image 28 (1890) available at The Making of Modern Law: Primary Sources. 1890

[Ordinances of Port Townsend, WA,] Division III, Offenses Against Public Safety, Convenience and Health, § 15. Whoever shall fire or discharge any cannon, gun, pistol revolver or any firearm of any description, or shall fire, or explode or set off any squib, firecracker, torpedo or other thing containing powder or other explosive material, without permission from the Mayor or common council so to do, within the city limits, shall, on conviction, be punished by a fine of not less than five nor more than twenty dollars; provided that such permission, when given, shall definitely limit the time of such firing, and may at any time be revoked. But nothing in this section shall prevent the ordinary and usual fireworks demonstration on National holidays; subject, however, to such regulation, control and orders as the City Marshal may deem proper to make for the protection of property from fire.

Albert R Heilig, Ordinances of the City of Tacoma, Washington Page 334, Image 335 (1892) available at The Making of Modern Law: Primary Sources. 1892 Ordinances of Tacoma, Defining Disorderly persons and Prescribing the Punishment for disorderly conduct within the city of Tacoma, § 1. . . . All persons (except police officers as aforesaid) who shall draw, exhibit or attempt to use any deadly weapon upon, to or against another person, in said city with intent to do bodily injury to such person; and All persons (except peace officers as aforesaid and persons practicing at target shooting in a shooting gallery duly licensed) who shall, within the city limits, fire off or discharge any gun, pistol or fire arm of any kind, or bomb, shall be deemed and are disorderly persons, and guilty of a misdemeanor.

Rose M. Denny, ed., The Municipal Code of the City of Spokane, Washington (Spokane, WA; W.D. Knight, 1896), p. 309-10, Ordinance No. A544, Sec. 1. 1895 ORDINANCE No. A544. AN ORDINANCE TO PUNISH THE CARRYING OF CONCEALED WEAPONS WITHIN THE CITY OF SPOKANE.

The City of Spokane does ordain as follows:

SECTION I. If any person within the City of Spokane shall carry upon his person any concealed weapon, consisting of either a revolver, pistol or other fire-arms, or any knife (other than an ordinary pocket knife), or any dirk or dagger, sling-shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars, nor more than one hundred dollars and costs of prosecution, and be imprisoned until such fine and costs are paid; provided, that this section shall not apply to police officers and other persons whose duty it is to execute process or warrants or make arrests, or persons having a special written permit from the Superior Court to carry weapons.

SECTION 2. This ordinance shall take effect and be in force ten days after its passage.

Passed the City Council January 2, 1895.

Rose M. Denny, The Municipal Code of the City of Spokane, Washington. Comprising the Ordinances of the City (Excepting Ordinances Establishing Street Grades) Revised to October 22, 1896 Page 309-310, Image 315-316 (1896) available at The Making of Modern Law: Primary Sources. 1896 Ordinances of Spokane, An Ordinance to Punish the Carrying of Concealed Weapons within the City of Spokane, § 1. If any person within the City of Spokane shall carry upon his person any concealed weapon, consisting of either a revolver, pistol or other fire-arms, or any knife (other than an ordinary pocket knife) or any dirk or dagger, sling-shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars, nor more than one hundred dollars and costs of prosecution, and be imprisoned until such fine and costs are paid; provided, that this section shall not apply to police officers and other persons whose duty is to execute process or warrants or make arrests, or persons having a special written permit from the Superior Court to carry weapons.

1911 Wash. Sess. Laws 303, An Act Relating to the Carrying of Firearms, Requiring Licenses of Certain Persons, and Fixing a Penalty for the Violation Thereof, ch. 52, § 1.

It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shot gun, rifle or other firearm, without first having obtained a license from the state auditor, and said license is not to be issued by said state auditor except upon the certificate of the consul domiciled in the State of Washington and representing the country of such alien, that he is a responsible person and upon the payment for said license of the sum of fifteen dollars (\$15.00)[.]

WEST VIRGINIA

J. Nelson Wisner, Ordinances and By-Laws of the Corporation of Martinsburg: Berkeley Co., West Virginia, Including the Act of Incorporation and All Other Acts of a Special or General Nature Page 25, Image 25 (1875) available at The Making of Modern Law: Primary Sources.

1875

[Ordinances of Martinsburg, An Ordinance to Prevent Certain Improper Practices Therein Specified,] § 3. If any person shall fire or discharge within such parts of the town which are or shall be laid out into lots, or within two hundred yards of said limits, any cannon, gun, pistol or fire-arms, or any cracker, squib, rocket or fire-works, except it be in case of necessity, or in the discharge of some public duty, or at a military parade by order of the officer in command, or with the permission of the Mayor or Council of the town, such person for every such offence shall forfeit any pay to the town not less than one nor more than five dollars.

J. Nelson Wisner, Ordinances and By-Laws of the Corporation of Martinsburg: Berkeley Co., West Virginia, Including the Act of Incorporation and All Other Acts of a Special or General Nature Page 76, Image 76 (1875) available at The Making of Modern Law: Primary Sources.

1876

[Ordinances of Martinsburg,] An Ordinance in Relation to Pistol Galleries, § 1. Be it ordained by the Council of the Corporation of Martinsburg, That no pistol gallery, in which air guns or pistols, or guns or pistols in which are fired powder, is used, shall be established or carried on within the limits of the Corporation of Martinsburg by any person or persons, until the person or persons desiring to establish or carry on the same shall first obtain from the Mayor, attested by the

Clerk of the Corporation, a permit authorizing the person or persons therein named to prosecute said business, and designating the place at which the same is to be carried on. § 2. That the Mayor shall not issue the permit authorized by the first section of this ordinance, unless the building to be used for said pistol gallery, is so detached from adjacent or surrounding private dwellings, that the noise incident to the carrying on of said business, shall not render the said gallery a nuisance to the surrounding or adjacent dwellings. § 3. Any person or persons violating the provisions of this ordinance, shall be fined for the first offense, not less than two nor more than ten dollars, at the discretion of the Mayor, and for any subsequent offence, not less than two or more than thirty dollars, and commitment in the county jail not exceeding thirty days, either or both of said punishment, at the discretion of the Mayor.

Laws and Ordinances for the Government of the City of Wheeling, West Virginia (Wheeling, WV: W. Va. Printing 1891), p.206. 1881

An Ordinance in relation to offenses . . .

SEC. 14. It shall be unlawful for any person to carry any slung shot, colt, or knucklers of lead, brass or other metal or material, or to carry about his person, hid from common observation, any pistol, dirk , bowie knife, or weapon of the like kind, without a permit in writing from the mayor so to do. It shall also be unlawful for any person or persons to sell or give away to a person not of age, any slung shot, colt, or knuckler or knucklers of lead, brass or other metal or material, or any pistol, dirk, bowie knife or weapon of the like kind.

1909 W.Va. Acts 479-80, An Act to Amend and Re-Enact Sections . . . Relating to the Protection and Preservation of Certain Animals, Birds, and Fishes and of Forests and Streams, ch. 60, § 19.

The carrying of any uncased gun in any of the fields or woods of this state, by any person not having the lawful right to hunt, pursue or kill game, birds or animals in such fields or woods shall, as to such person, other than the bona fide owner, or owners of such fields or woods, his or their child or children, tenant or tenants, lessee or lessees, be deemed prima facie evidence of a violation of this section; and any person claiming to hold a license to hunt in this state, having in his possession any gun or other hunting paraphernalia in such woods, or fields, shall, on failure to produce such license for inspection to any warden of this state or owner or agent of the owner of such woods and fields on demand, be deemed guilty of a misdemeanor and shall be punished on conviction, as provided later in this section. Provided, however, that any resident owner, or owners, of farm lands, their resident child or children, or bona fide tenants, shall have the right to hunt, kill and pursue birds or game on such farm lands of which he, or they, are the bona fide

owners or tenants, during the season when it is lawful to kill, catch or pursue birds or game, without securing such resident license; and provided, further, that the owners of adjoining lands may each have the privilege of reciprocating the non-licensed privilege, by giving each other written privilege to exchange hunting rights only, on land immediately joining each other, and upon which each party resides.

1925 W.Va. Acts 25-30, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace; Providing for the Granting and Revoking of Licenses and Permits Respecting the Use, Transportation and Possession of Weapons and Fire Arms. . . , ch. 3, § 7, pt. a. Section 7 (a). If any person, without a state license therefor, carry about his person any revolver or other pistol, dirk, bowie-knife, slung shot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character, he shall be guilty of a misdemeanor and upon conviction thereof be confined in the county jail for a period of not less than six nor more than twelve months for the first offense; but upon conviction of the same person for the second offense in this state, he shall be guilty of a felony and be confined in the penitentiary not less than one or more than five years, and in either case fined not less than fifty nor more than two hundred dollars, in the discretion of the court; and it shall be the duty of the prosecuting attorney in all cases to ascertain whether or not the charge made by the grand jury is the first or second offense, and if it shall be the second offense, it shall be so stated in the indictment returned, and the prosecuting attorney shall introduce the record evidence before the trial court of said second offense, and shall not be permitted to use his discretion in charging said second offense nor in introducing evidence to prove the same on the trial; provided, that boys or girls under the age of eighteen years, upon the second conviction, may, at the discretion of the court, be sent to the industrial homes for boys and girls, respectively, of the state. Any person desiring to obtain a state license to carry any such weapon within one or more counties in this state shall first publish a notice in some newspaper, published in the county in which he resides, setting forth his name, residence and occupation, and that on a certain day he will apply to the circuit court of his county for such state license; and after the publication of such notice for at least ten days before said application is made and at the time stated in said notice upon application to said court, it may grant such person a license in the following manner, to-wit: The applicant shall file with said court his application in writing, duly verified, which said application shall show: First: That said applicant is a citizen of the United States of America. Second: That such applicant has been a bona fide resident of this state for at least one year next prior to the date of such application, and of the county sixty days next prior thereto.

Third: That such applicant is over twenty-one years of age; that he is a person of good moral character, of temperate habits, not addicted to intoxication, and has not been convicted of a felony nor of any offense involving the use on his part of such weapon in an unlawful manner. Fourth: The purpose or purposes for which the applicant desires to carry such weapon and the necessity therefor and the county or counties in which said license is desired to be effective. Upon the hearing of such application the court shall hear evidence upon all matters stated in such application and upon any other matter deemed pertinent by the court, and if such court be satisfied from the proof that there is good reason and cause for such person to carry such weapon, and all of the other conditions of this act be complied with, said circuit court or the judge thereof in vacation, may grant said license for such purposes, and no other, as said a circuit court may set out in the said license (and the word "court" as used in this act shall include the circuit judge thereof, acting in vacation); but before the said license shall be effective such person shall pay to the sheriff, and the court shall so certify in its order granting the license, the sum of twenty dollars, and shall also file a bond with the clerk of said court, in the penalty of three thousand five hundred dollars, with good security, signed by a responsible person or persons, or by some surety company, authorized to do business in this state, conditioned that such applicant will not carry such weapon except in accordance with his said application and as authorized by the court, and that he will pay all costs and damages accruing to any person by the accidental discharge or improper, negligent or illegal use of said weapon or weapons. Any such license granted after this act becomes effective shall be good for one year, unless sooner revoked, as hereinafter provided, and be co-extensive with the county in which granted, and such other county or counties as the court shall designate in the order granting such license; except that regularly appointed deputy sheriffs having license shall be permitted to carry such revolver or other weapons at any place, within the state, while in the performance of their duties as such deputy sheriffs and except that any such license granted to regularly appointed railway police shall be co-extensive with the state, and all license fees collected hereunder shall be paid by the sheriff and accounted for to the auditor as other license taxes are collected and paid, and the state tax commissioner shall prepare all suitable forms for licenses and bonds and certificates showing that such license has been granted and to do anything else in the premises to protect the state and see to the enforcement of this act. The clerk of the court shall immediately after license is granted as aforesaid, furnish the superintendent of the department of public safety a certified copy of the order of the court granting such license, for which service the clerk shall be paid a fee of two dollars which shall be taxed as cost in the proceeding; within thirty days after this act becomes effective it shall be the duty of the clerks of each court in this state having jurisdiction to issue pistol licenses to certify to the

superintendent of the department of public safety a list of all such licenses issued in his county. Provided, that nothing herein shall prevent any person from carrying any such weapon, in good faith and not for a felonious purpose, upon his own premises, nor shall anything herein prevent a person from carrying any such weapon (unloaded) from the place of purchase to his home or place of residence, or to a place of repair and back to his home or residence; but nothing herein shall be construed to authorize any employee of any person, firm or corporation doing business in this state to carry on or about the premises of such employer any such pistol, or other weapon mentioned in this act for which a license is herein required, without having first obtained the license and given the bond as herein provided; and, provided, further, that nothing herein shall prevent agents, messengers and other employees of express companies doing business as common carriers, whose duties require such agents, messengers and other employees to have the care, custody or protection of money, valuables and other property for such express companies, from carrying any such weapon while actually engaged in such duties, or in doing anything reasonably incident to such duties; provided, such express company shall execute a continuing bond in the penalty of thirty thousand dollars, payable unto the state of West Virginia, and with security to be approved by the secretary of state of the state of West Virginia, conditioned that said express company will pay all damages, accruing to anyone by the accidental discharge or improper, negligent or illegal discharge or use of such weapon or weapons by such agent, messenger or other employee while actually engaged in such duties for such express company, in doing anything that is reasonably incident to such duties; but the amount which may be recovered for breach of such condition shall not exceed the sum of three thousand five hundred dollars in any one case, and such bond shall be filed with and held by the said secretary of state, for the purpose aforesaid, but upon the trial of any cause for the recovery of damages upon said bond, the burden of proof shall be upon such express company to establish that such agent, messenger or other employee was not actually employed in such duties for such express company nor in doing anything that was reasonably incident to such duties at the time such damages were sustained; and, provided further, that nothing herein shall prevent railroad police officers duly appointed and qualified under authority of section thirty-one of chapter one hundred forty-five of Barnes' code or duly qualified under the laws of any other state, from carrying any such weapon while actually engaged in their duties or in doing anything reasonably incident to such duties; provided, such railroad company shall execute a continuing bond in the penalty of ten thousand dollars payable unto the state of West Virginia and with security to be approved by the secretary of state of the state of West Virginia conditioned that said railroad company will pay all damages accruing to anyone by the accidental discharge or improper, negligent or illegal discharge or use of such

weapon or weapons by such railroad special police officer whether appointed in this or some other state while actually engaged in such duties for such railroad company, in doing anything that is reasonably incident to such duties, but the amount which may be recovered for breach of such condition shall not exceed the sum of three thousand five hundred dollars in any one case, and such bond shall be filed with and held by the said secretary of state for the purpose aforesaid but upon the trial of any cause for the recovery of damages upon said bond, the burden of proof shall be upon such railroad company to establish that such railroad police officer was not actually employed in such duties for such railroad company nor in doing anything that was reasonably incident to such duties at the time such damages were sustained; and provided, further, that in case of riot, public danger and emergency, a justice of the peace, or other person issuing a warrant, may authorize a special constable and his posse whose names shall be set forth in said warrant, to carry weapons for the purpose of executing a process, and a sheriff in such cases may authorize a deputy or posse to carry weapons, but the justice shall write in his docket the cause and reasons for such authority and the name of the person, or persons, so authorized, and index the same, and the sheriff or other officer shall write out and file with the clerk of the county court the reasons and causes for such authority and the name, or names of the persons so authorized, and the same shall always be open to public inspection, and such authority shall authorize such special constable, deputies and posses to carry weapons in good faith only for the specific purposes and times named in such authority, and upon the trial of every indictment the jury shall inquire into the good faith of the person attempting to defend such indictment under the authority granted by any such justice, sheriff or other officer, and any such person or persons so authorized shall be personally liable for the injury caused to any person by the negligent or unlawful use of any such weapon or weapons. It shall be the duty of all ministerial officers, consisting of the justices of the peace, notaries public and other conservators of the peace of this state, to report to the prosecuting attorney of the county the names of all persons guilty of violating this section, and any person willfully failing so to do, shall be guilty of a misdemeanor and shall be fined not exceeding two hundred dollars, and shall, moreover, be liable to removal from office for such willful failure; and it shall likewise be the duty of every person having knowledge of the violation of this act, to report the same to the prosecuting attorney, and to freely and fully give evidence concerning the same, and any one failing so to do, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars; provided, further, that nothing herein contained shall be so construed as to prohibit sheriffs, their regularly appointed deputies, who actually collect taxes in each county, and all constables in their respective counties and districts, and all regularly appointed police officers of their

respective cities, towns or villages, all jailors and game protectors who have been duly appointed as such, and members of the department of public safety of this state, from carrying such weapons as they are now authorized by law to carry, who shall have given bond in the penalty of not less than three thousand five hundred dollars, conditioned for the faithful performance of their respective duties, which said officers shall be liable upon their said official bond, for the damages done by the unlawful or careless use of any such weapon or weapons, whether such bond is so conditioned or not. It shall be unlawful for any person armed with a pistol, gun, or other dangerous or deadly weapon, whether licensed to carry same or not, to carry, expose, brandish, or use, such weapon in a way or manner to cause, or threaten, a breach of the peace. Any person violating this provision of this act shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty nor more than three hundred dollars or imprisoned in the county jail not less than thirty nor more than ninety days, or be punished by both fine and imprisonment in the discretion of the court. Any circuit court granting any such license to carry any of the weapons mentioned in this act, the governor, or the superintendent of the department of public safety, with the consent of the governor, may, for any cause deemed sufficient by said court, or by the governor or by the superintendent of the department of public safety with the approval of the governor aforesaid, as the case may be, revoke any such license to carry a pistol or other weapon mentioned in this act for which a license is required, and immediate notice of such revocation shall be given such licensee in person, by registered mail or in the same manner as provided by law for the service of other notices, and no person whose license has been so revoked shall be re-licensed within one year thereafter; provided, that the authority so revoking such license may, after a hearing, sooner reinstate such licensee.

1925 W.Va. Acts 30-31, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace; Providing for the Granting and Revoking of Licenses and Permits Respecting the Use, Transportation and Possession of Weapons and Fire Arms . . . , ch. 3, § 7, pt. b.
(b) It shall be unlawful for any person to carry, transport, or have in his possession any machine gun, sub-machine gun, and what is commonly known as a high powered rifle, or any gun of a similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this state, and approved by the governor, or until a license therefore shall have been obtained from the circuit court as in the case of pistols and all such licenses together with the numbers identifying such rifle shall be certified to the superintendent of the department of public safety. Provided,

further, that nothing herein shall prevent the use of rifles by bona fide rifle club members who are freeholders or tenants for a fixed term in this state at their usual or customary place of practice, or licensed hunters in the actual hunting of game animals. No such permit shall be granted by such superintendent except in cases of riot, public danger, and emergency, until such applicant shall have filed his written application with said superintendent of the department of public safety, in accordance with such rules and regulations as may from time to time be prescribed by such department of public safety relative thereto, which application shall be accompanied by a fee of two dollars to be used in defraying the expense of issuing such permit and said application shall contain the same provisions as are required to be shown under the provisions of this act by applicants for pistol licenses, and shall be duly verified by such applicant, and at least one other reputable citizen of this state. Any such permit as granted under the provisions of this act may be revoked by the governor at his pleasure upon the revocation of any such permit the department of public safety shall immediately seize and take possession of any such machine gun, sub-machine gun, high powered rifle, or gun of similar kind and character, held by reason of said permit, and any and all ammunition therefor, and the said department of public safety shall also confiscate any such machine gun, sub-machine gun and what is commonly known as a high powered rifle, or any gun of similar kind and character and any and all ammunition therefor so owned, carried, transported or possessed contrary to the provisions of this act, and shall safely store and keep the same, subject to the order of the governor.

1925 W.Va. Acts 31-32, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace . . . , ch. 3, § 7, pt. b. It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, for rent or sale, any revolver, pistol, dirk, bowie knife, slung shot or other dangerous weapon of like kind or character or any machine gun, sub-machine gun or high powered rifle or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the forgoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and caliber, and report the same at once in writing to the superintendent of the department of public safety. It shall be unlawful for any person to sell, rent, give or lend any of the above mentioned arms to an unnaturalized person.

WISCONSIN

Charter and Ordinances of the City of La Crosse [WI], with the Rules of the Common Council Page 202, Image 205 (1888) available at The Making of Modern Law: Primary Sources. 1888

An Ordinance in Relation to the Discharge of Firearms and firecrackers and to the use and exhibition of fireworks, § 1. No person shall fire or discharge any cannon, gun, fowling piece, pistol or firearms of any description, or fire, explode or set off any squib, cracker or other thing containing powder or other combustible or explosive material, or set off or exhibit any fireworks within the limits of the city of La Crosse, without having first obtained written permission from the mayor, which permission shall limit the time and fix the place of such firing, and shall be subject to be revoked at any time after the same may have been granted. Any violation of this ordinance shall subject the person or persons so violating the same to a fine of not less than one dollar nor exceeding twenty-five dollars; but this ordinance shall not be construed to prohibit the discharge of firearms by the chief of police or any of his subordinates or any peace officer when required or made necessary in the performance of any duty imposed by law.

Charter and Ordinances of the City of La Crosse, with the Rules of the Common Council Page 239-242, Image 242-245 (1888) available at The Making of Modern Law: Primary Sources. 1888

Ordinances of La Crosse, An Ordinance to Provide for Licensing Vendors of Gunpowder and Other Explosive Substances and to Regulate the Storing, Keeping and Conveying of all Dangerous and Explosive Materials and Substances within the City of La Crosse, and in relation to the Storage and Sale of Lime Therein, § 1. It shall be unlawful for any person to keep for sale, sell or give away any gunpowder, giant powder, nitro-glycerine, gun-cotton, dynamite or any other explosive substance of like nature or use without having first obtained a license therefor from the city of La Crosse in the manner hereinafter provided. Any person convicted of a violation of this section shall be punished by a fine of twenty-five dollars for each offense. . . § 3. It shall be unlawful for any person licensed pursuant to the foregoing sections of this ordinance to have or keep at his or her place of business an amount of gunpowder or other explosive material greater in the aggregate than fifty pounds at any one time, or to keep the same in any other than cases or canisters made of tin, or other metal holding not to exceed ten pounds each. Such gunpowder or other explosive materials shall be kept in places remote from fires and lighted lamps or candles, and where the same may be easily accessible so as to be removed in case of fire. No person shall sell any gunpowder or other explosive material after the lighting of lamps in the evening unless in sealed canisters or cases; and all places where business is carried on under any such license shall have a sign put up in a conspicuous place at or near the front

door thereof with the word “gunpowder” painted thereon in large letters. Any person violating any provision of this section shall, upon conviction, be punished by a fine of not less than five dollars nor more than fifty dollars for each offense; and upon any such conviction the common council may at its discretion by resolution duly passed revoke the license of the person so convicted. This ordinance shall not be construed as to prevent persons who are not vendors of the articles mentioned in the title thereof from keeping gunpowder in quantities not exceeding one pound for their own use.

Charles H. Hamilton, ed., The General Ordinances of the City of Milwaukee to January 1, 1896: With Amendments Thereto and an Appendix (Milwaukee, WI: E. Keough, 1896), pp.692-93, Sec. 25. 1896
Chapter XX. Misdemeanors.

Section 25. It shall be unlawful for any person except policemen, regular or special, or any officer authorized to serve process, to carry or wear concealed about his person, any pistol or colt, slung-shot, cross-knuckles, knuckles of lead, brass or other metal, or bowie -knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapon, within the limits of the city of Milwaukee; provided, however, that the chief of police of said city may upon any written application to him made, issue and give a written permit to any person residing within the city of Milwaukee, to carry within the said city a pistol or revolver when it is made to appear to said chief of police that it is necessary for the personal safety of such person or for the safety of his property or of the property with which he may be entrusted, to carry such weapon; and the holding of such permit by such person shall be a bar to prosecution under this ordinance. Said chief of police shall keep the names and residences of all persons to whom he may grant such permits, in a book to be kept for that purpose, and he shall have power to revoke such permit at any time.

Said chief of police shall, upon granting each and every such permit, collect from the person to whom the same is granted, the sum of three (3) dollars, and he shall pay all moneys so collected by him upon granting such permits, into the city treasury.

Any person who shall wear or carry any such pistol , slung-shot, cross-knuckles, knuckles of brass, lead or other metal, knife, dirk or dagger, or any other dangerous or deadly weapon, within the limits of the city of Milwaukee, contrary to the provisions of this chapter, shall be liable to a penalty of not less than ten nor more than one hundred dollars for each and every offense.

WYOMING

A. McMicken, *The Revised Ordinances of the City of Rawlins, Carbon County, Wyoming* Page 115-116, Image 116-117 (1893) available at *The Making of Modern Law: Primary Sources*. 1893
[Ordinances of the] City of Rawlins, Article II, Protection of Persons and Property, § 1. If any person shall within this city fire or discharge any cannon, gun, fowling piece, pistol or firearms of any description, or fire, explode, or set off any squib, cracker, or anything containing powder or other combustible or explosive material, without permission of the Board of Trustees, or the written permission of the mayor (which permission shall limit the time of the firing and shall be subject to be revoked by the mayor or Board of Trustees at any time after the same has been granted) every such person shall, on conviction, be fined in a sum of not less than five dollars and not exceeding one hundred dollars.

1899 Wyo. Sess. Laws 32-33, *An Act for the Better Protection of the Game and Fish of this State . . .*, ch. 19, § 14.
Any person who is a bona fide citizen of the State of Wyoming shall, upon payment of one dollar to any Justice of the Peace of the county in which he resides, be entitled to receive from said Justice of the Peace, a gun license, which license shall permit such person to pursue, hunt and kill any of the animals mentioned in this Section, during the time allowed therefor. . . . Any person who is not a resident of the State of Wyoming, shall upon payment to any Justice of the Peace of this State of the sum of forty dollars to be entitled to receive from such Justice of the Peace a license, which license shall permit such person to pursue, hunt and kill any of the animals mentioned in this Section, during the time allowed therefor of the current year.

1913 Wyo. Sess. Laws 165, *An Act . . . Relating to the Duties of the State Game Warden, Assistant and Deputy Game Wardens, and the Preservation of the Game Animals and Game Birds and Fish of the State of Wyoming . . .*, ch. 121, § 38.
That Section 20 . . . be . . . amended . . . § 20. Any person who is not a bona fide elector of this state, or the child or legal ward of a bona fide elector of this state, or a soldier or sailor who is a bona fide elector of the United States, and has been stationed at a government post within this state for one year past, or non-residents having property in this state on which they pay taxes to the amount of \$100.00 or over annually, but who shall be a citizen of the United States or a free-holder in this state, shall upon payment of five dollars to any Justice of the Peace . . . be entitled to receive from such officer a gunner's license, which license shall permit such person to kill any of the game birds of this state during the current season under the restrictions heretofore and hereinafter imposed.

1915 Wyo. Sess. Laws 91, An Act Relating to the Preservation of the Game Animals, Game Birds, and Fish of the State of Wyoming . . . , ch. 91, § 13.

There is hereby created a special gun and fish license for aliens. No person, not a bona fide citizen of the United States, shall own or have in his possession, in the State of Wyoming, any gun, pistol or other firearm, or any fishing tackle, without first having obtained the specified license therefor, which such special gun and fish license shall cost the owner the sum of Twenty-five Dollars[.]

1933 Wyo. Sess. Laws 117, An Act Relating to the Registering and Recording of Certain Facts Concerning the Possession and Sale of Firearms by all Wholesalers, Retailers, Pawn Brokers, Dealers and Purchasers, Providing for the Inspection of Such Register, Making the Violation of the Provisions Hereof a Misdemeanor, and Providing a Penalty Therefor, ch. 101, §§ 1-4.

§ 1. All wholesalers, retailers, dealers and pawn brokers are hereby required to keep a record of all firearms which may come into their possession, whether new or second hand, which record shall be known as the Firearms Register. Such register shall contain the following information, to wit: the name of the manufacturer, person, persons, firm or corporation from whom the firearm was obtained, the date of its acquisition, its manufacturer's number, its color, its caliber, whether the same is new or second hand, whether it is automatic, a revolver, a single shot pistol, a rifle, a shot gun or a machine gun, the name of the party to whom said firearm is sold in such purchasers handwriting and the date of such sale. § 2. Every person who purchases any firearm from any retailer, pawn broker or dealer, shall sign his name or make his mark properly witnessed, if he cannot write, on said Firearm Register, at the time of the delivery to him of any firearm so purchased. § 3. The firearm register, herein required to be kept, shall be prepared by every wholesaler, retailer, pawn broker and dealer in firearms in the state of Wyoming within 30 days after this Act shall become effective and shall thereafter be continued as herein provided. It shall be kept at the place of business of said wholesaler, retailer, pawn broker or dealer, and shall be subject to inspection by any peace officer at all reasonable times. § 4. Any person, firm or corporation who shall fail or refuse to comply with the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$100.00, or imprisoned in the County Jail for a period of not to exceed six months, or by both such fine and imprisonment.

Source: <https://firearmslaw.duke.edu/repository/search-the-repository/>

EXHIBIT D

TABLE OF WEAPONS FORFEIT/CONFISCATION LAWS

EXHIBIT D**TABLE OF WEAPONS FORFEIT/CONFISCATION LAWS***

STATE	HUNTING	CARRY/ POSSESSION	OTHER
Alabama		1805 [#]	
Alaska			
Arizona	1936	1889,1901	
Arkansas		1835 [#] , 1931, 1935	
California		1917	
Colorado			
Connecticut			
Delaware	1863, 1893		
District of Columbia		1859,1892	
Florida		1827 [†] ,1847 [†] 1865 [#]	
Georgia		1768 [#]	
Hawaii			
Idaho			
Illinois		1883,1912	
Indiana		1804 [#] , 1905, 1925	
Iowa		1819 [#] ,1847 [†]	
Kansas			
Kentucky	1834,1904	1798 [#]	
Louisiana		1806 [#]	
Maine		1909	
Maryland	1882, 1890	1806 [#] ,1869, 1884	1756 (CATHOLICS)
Massachusetts	1717	1637,1719 [†] , 1746,1776, 1783 [†] ,1787, 1801 [†] ,1919	
Michigan			
Minnesota		1882, 1888	
Mississippi		1867	
Missouri		1818 [#]	
Montana		1905	
Nebraska		1899	
Nevada			
New Hampshire	1905	1708,1786 [†] ,	

		1793 [†] ,1854 [†] , 1923	
New Jersey	1771		
New Mexico			
New York		1656 [#]	
North Carolina	1768, 1768	1792	
North Dakota		1923	
Ohio		1788	
Oklahoma			
Oregon		1925,1933	
Pennsylvania		1776,1778, 1779, 1795 [†]	1810 (DUELING)
Rhode Island		1821 [†] , 1893, 1896	
South Carolina		1740 [#] ,1817, 1880	
South Dakota			
Tennessee		1867 [†] ,1893	
Texas		1839 [#] ,1840 [#] , 1871,1871, 1879	
Utah			
Vermont			
Virginia	1839,1852, 1865,1875	1633,1642, 1651,1777, 1786,1792 [#] , 1867,1884, 1887	
Washington State		1878,1933	
West Virginia		1925	
Wisconsin		1883,1883, 1888	
Wyoming			
TOTAL STATES	9	35	
TOTAL LAWS	16	83	

* Source: <https://firearmslaw.duke.edu/repository/search-the-repository/>

Laws pertaining to enslaved/persons of color, Indians.

† Gunpowder laws.

EXHIBIT E

WEAPONS FORFEIT/CONFISCATION LAWS

EXHIBIT E

WEAPONS FORFEIT/CONFISCATION LAWS

CARRY/POSSESSION

ALABAMA

Harry Toulmin, A Digest of the Laws of the State of Alabama : Containing the Statutes and Resolutions in Force at the End of the General Assembly in January, 1823. To which is Added an Appendix; Containing the Declaration of Independence; the Constitution of the United States; the Act authorizing the People of Alabama to form a Constitution and State Government; and the Constitution of the State of Alabama Page 627, Image 655 (1823) available at The Making of Modern Law: Primary Sources. 1805

Negroes and Mulattoes, Bond and Free – 1805, Chapter I, An Act respecting Slaves. – Passed March 6, 1805: Sec. 4. And be it further enacted, that no slave shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, except the tools given him to work with, or that he is ordered by his master, mistress, or overseer, to carry the said articles from one place to another, but all and every gun , weapon, or ammunition, found in the possession or custody of any slave, may be seized by any person, and upon due proof made thereof, before any justice of the peace of the county or corporation where such seizure shall be made, shall, by his order, be forfeited to the seizer, for his own use; and moreover, every such offender shall have and receive, by order of such justice, any number of lashes, not exceeding thirty-nine, on his bare back for every such offense : Provided nevertheless, That any justice of the peace may grant, in his proper county, permission in writing to any slave, on application of his master or overseer, to carry and use a gun and ammunition within the limits of his said master's or owner's plantation, for a term not exceeding one year, and revocable at any time within such term, at the discretion of the said justice, and to prevent the inconveniences arising from the meeting of slaves.

ARIZONA

Act of Mar. 18, 1889, 1889 Ariz. Sess. Laws 16–17

Sec. 1. If any person within any settlement, town, village or city within the Territory shall carry on or about his person, saddle, or in his saddlebags, any pistol, dirk, dagger, slung shot, sword cane, spear, brass knuckles, bowie knife, or any

other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and in addition thereto, shall forfeit to the County in which he is convicted, the weapon or weapons so carried.

Sec. 2. The preceding article shall not apply to a person in actual service as a militiaman, nor as a peace officer or policeman, or person summoned to his aid, nor to a revenue or other civil officer engaged in the discharge of official duty, nor to the carrying of arms on one's own premises or place of business, nor to persons traveling, nor to one who has reasonable ground for fearing an unlawful attack upon his person, and the danger is so imminent and threatening as not to admit of the arrest of the party about to make such attack upon legal process.

Sec. 3. If any person shall go into any church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into a ball room, social party or social gathering, or to any election precinct on the day or days of any election, where any portion of the people of this Territory are collected to vote at any election, or to any other place where people may be assembled to minister or to perform any other public duty, or to any other public assembly, and shall have or carry about his person a pistol or other firearm, dirk, dagger, slung shot, sword cane, spear, brass knuckles, bowie knife, or any other kind of a knife manufactured and sol for the purposes of offense or defense, he shall be punished by a fine not less than fifty nor more than five hundred dollars, and shall forfeit to the County the weapon or weapons so found on his person.

Sec. 4. The preceding article shall not apply to peace officers, or other persons authorized or permitted by law to carry arms at the places therein designated. . . .

Sec. 6. Persons traveling may be permitted to carry arms within settlements or towns of the Territory for one-half hour after arriving in such settlements or town, and while going out of such towns or settlements; and Sheriffs and Constables of the various Counties of this Territory and their lawfully appointed deputies may carry weapons in the legal discharge of the duties of their respective offices.

Laws regulating weapons in certain places, Title 11, §§ 381, 387, 388, & 391 in The Revised Statutes of Arizona Territory (1901).

“Sec. 381. Any person who shall, purposely or carelessly, discharge any gun, pistol or other firearm in any saloon, dance house, store or other public house or business house in this territory, thereby endangering the life or person of another, or thereby disturbing any of the inmates thereof, or who shall thereby injure, destroy or damage any property therein, or who shall discharge the same in any city, village or town of this territory, except in necessary self-defense, shall be

fined in any sum not exceeding three hundred dollars, or be imprisoned in the county jail for a period not exceeding six months, or shall be punished by both such fine and imprisonment.”

“Sec. 385. If any person within any settlement, town, village or city within this territory shall carry on or about his person, saddle, or in saddlebags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass knuckles, bowie-knife, or any other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and, in addition thereto, shall forfeit to the county in which he is convicted the weapon or weapons so carried.

“Sec. 387. If any person shall go into church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into a ball room, social party or social gathering, or to any election precinct, on the day or days of any election, where any portion of the people of this territory are collected to vote at any election, or to any other place where people may be assembled to minister or to perform any other public duty, or to any other public assembly, and shall have or carry about his person a pistol or other firearm, dirk, dagger, slung-shot, sword-cane, spear, brass knuckles, bowie knife or any other kind of a knife manufactured and sold for the purposes of offense or defense, he shall be punished by a fine not less than fifty nor more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person.

Sec. 388. The preceding section shall not apply to peace officers or other persons authorized or permitted by law to carry arms at the places therein designated.”

“Sec. 391. It shall be the duty of the keeper of each and every hotel, boarding house and drinking saloon, to keep posted up in a conspicuous place in his bar room, or reception room, if there be no bar in the house, a plain notice to travelers to divest themselves of their weapons, in accordance with section 382 of this act,¹ and the sheriffs of the various counties shall notify the keepers of hotels, boarding houses and drinking saloons, in their respective counties, of their duties under this law, and if after such notification any keeper of a hotel, boarding house or drinking saloon shall fail to keep notices posted, as required by this act, he shall, on conviction thereof before a justice of the peace, be fined in the sum of five dollars, to go to the county treasury.”

1901, AZ, Title 11, §§ 381, 387, 388, & 391 of the AZ Penal Code

The Revised Statutes of Arizona Territory: Containing Also the Laws Passed by the Twenty-First Legislative Assembly, the Constitution of the United States, the Organic Law of Arizona and the Amendments of Congress Relating Thereto

(Columbia, MO: Press of E. W. Stephens, 1901), 1249-1254. Penal Code, Part One of Crimes and Punishments: Title 11—Of Crimes Against the Public Peace, §§ 381, 387, 388, & 391.

1. Sec. 382 is posted elsewhere in the repository, but for ease of reference, it reads as follows: “It shall be unlawful for any person (except a peace officer in actual service and discharge of his duty), to have or carry concealed on or about his person, any pistol or other firearm, dirk, dagger, slung-shot, sword-cane, spear, brass knuckles, or other knuckles of metal, bowie-knife or any kind of knife or weapon, except a pocketknife, not manufactured and used for the purpose of offense and defense.”

ARKANSAS

Slaves, in Laws of the Arkansas Territory 521 (J. Steele & J. M’Campbell, Eds., 1835). Race and Slavery Based | Arkansas | 1835

§ 3. No slave or mulatto whatsoever, shall keep or carry a gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person and upon due proof made before any justice of the peace of the district [county] where such seizure shall be, shall by his order be forfeited to the seizer, for his own use, and moreover, every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her bare back well laid on for every such offense.

Act of Mar. 26, 1931, No. 225, §§ 1-6, Ark. Acts 705-06 (to prohibit the possession, transportation or sale of machine guns, and inflicting penalty for violation thereof).

“SECTION 1. It shall be unlawful for any person or persons in any manner to transport from one place to another in this State, or for any railroad company, or express company, or other common carrier, or any officer, agent; or employee of any of them, or any other person acting in their behalf knowingly to ship or to transport from one place to another in this State in any manner or by any means whatsoever, except as hereinafter provided, any firearm of the type commonly known as a machine gun.

SECTION 2. It shall be unlawful for any person to store, keep, possess, or have in possession, or permit another to store, keep, possess, or have in possession, except as hereinafter provided, any firearm of the type commonly known as a machine-gun.

SECTION 3. It shall be unlawful for any person to sell, or give away, or be interested directly or indirectly, in the sale or giving away, of any firearm of the type commonly known as a machine-gun.

SECTION 4. Provided, this Act shall not apply to the military authorities of the State or nation, and provided further, that any peace officer of the State, counties or political subdivision thereof, may possess machine-guns when required in the performance of their duties. After April 1, 1931, every person permitted by this Act to possess a machine-gun, shall file in the office of the Secretary of State, on a blank to be supplied by the Secretary of State, an application to be properly sworn to, which shall include his name and address, and the serial number of the machine-gun which he desires to possess. Thereupon, the Secretary of State shall file such application, in his office, registering such officer in a book or index to be kept for that purpose, and assign to him a number, and issue to him a card, which he shall keep with him while he has such machine-gun in his possession. Such registration shall be made on the date application is received and filed with the Secretary of State, and shall expire on December 31, of the year in which said license is issued.

SECTION 5. Any person violating any part of this law shall upon conviction be fined in any sum not more than \$1,000.00, and not less than \$100.00, and the machine-gun or guns found in his possession shall be confiscated and the title thereof shall pass to the political subdivision of the State making the capture.

SECTION 6. All laws and parts of laws in conflict herewith are hereby repealed, and whereas criminals are using machine-guns for illegal purposes, this Act being necessary for the immediate preservation of the public peace, health, and safety, an emergency is here-by declared, and it shall be in force and effect from and after its passage.”

Uniform Machine Gun Act, Act No. 80, §§ 1-14, 1935 Ark. Acts 171-75.

“ACT 80.

‘AN ACT Relating to Machine Guns, and to Make Uniform the Law With Reference Thereto.’

Be It Enacted by the General Assembly of the State of Arkansas;

SECTION 1. ‘Machine Gun’ applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device. ‘Crime of Violence’ applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny. ‘Person’ applies to and includes firm, partnership, association or corporation.

SECTION 2. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of (not less than twenty years).

SECTION 3. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of (not less than ten years).

SECTION 4. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose;

(a) when the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) when in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) when the machine gun is of the kind described in Section 8 and has not been registered as in said section required; or

(d) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

SECTION 5. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

SECTION 6. Nothing contained in this act shall prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

SECTION 7. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every

manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of (not less thanhundred dollars).[1]

SECTION 8. Every machine gun now in this State adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the (Secretary of state), on the effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the (secretary of state), and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

SECTION 9. Warrant to search any house or place and seize any machine gun adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber possessed in violation of this act, may issue in the same manner and under the same restrictions as provided by law for stolen property, and any court of record upon application of the (district attorney), shall have jurisdiction and power to order any machine gun, thus or otherwise legally seized, to be confiscated and either destroyed or delivered to a peace officer of the State or a political subdivision thereof.

SECTION 10. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 12. This act may be cited as the Uniform Machine Gun Act.

SECTION 13. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

SECTION 14. WHEREAS, under the present law of the state of Arkansas the officers of the state are powerless to effectively combat crime, therefore, it being necessary for the preservation of the public peace, health and safety, an emergency is hereby declared, and this act shall take effect and be in force from and after its passage and approval.”

Acts Concurrent Resolutions, Memorials and Proposed Constitutional Amendments of the Fiftieth General Assembly of the State of Arkansas Passed at the Regular Session Held at the Capitol in the City of Little Rock, Arkansas,

Convening on the 14th Day of January, 1935, and Adjourning on the 14th Day of March, 1935 Little Rock: AR: Democrat Printing & Litho. Co., 1935), 171-175. Act 80—An Act Relating to Machine Guns, and to Make Uniform the Law With Reference Thereto, §§ 1-14. Approved February 26, 1935.

CALIFORNIA

1917 Cal. Sess. Laws 221-225, An act relating to and regulating the carrying, possession, sale or other disposition of firearms capable of being concealed upon the person; prohibiting the possession, carrying, manufacturing and sale of certain other dangerous weapons and the giving, transferring and disposition thereof to other persons within this state; providing for the registering of the sales of firearms; prohibiting the carrying or possession of concealed weapons in municipal corporations; providing for the destruction of certain dangerous weapons as nuisances and making it a felony to use or attempt to use certain dangerous weapons against another, §§ 3-4.

SEC. 3. Every person who carries in any city, city and county, town or municipal corporation of this state any pistol, revolver, or other firearm concealed upon his person, without having a license to carry such firearm as hereinafter provided in section six of this act, shall be guilty of a misdemeanor, and if he has been convicted previously of any felony, or of any crime made punishable by this act, he is guilty of a felony.

SEC 4. The unlawful possessing or carrying of any of the instruments, weapons, or firearms enumerated in section one to section three inclusive of this act, by any person other than those authorized and empowered to carry or possess the same as hereinafter provided, is a nuisance, and such instruments, weapons or firearms are hereby declared to be nuisances, and when any of said articles shall be taken from the possession of any person the same shall be surrendered to the magistrate before whom said person shall be taken, except that in any city, city and county, town or other municipal corporation the same shall be surrendered to the head of the police force, or police department thereof. The officers to whom the same may be so surrendered, except upon certificate of a judge of a court of record, or of the district attorney of any county that the preservation thereof is necessary or proper to the ends of justice, shall proceed at such time or times as he deems proper, and at least once in each year to destroy or cause to be destroyed such instruments, weapons, or other firearms in such manner and to such extent that the same shall be and become wholly and entirely ineffective and useless for the purpose for which it was manufactured.

DISTRICT OF COLUMBIA

An Ordinance Prohibiting the Carrying of Firearms, Ordinances of the Corporation of Georgetown (1859).

“Be it ordained by the Board of Aldermen and Board of Common Council of the Corporation of Georgetown, That from and after the 1st of April, 1859, it shall not be lawful for any person or persons to have about their persons any concealed deadly or dangerous weapons, such as daggers, pistols, bowie-knives, dirk-knives, colt, slung-shots, or brass or other metallic knuckles, within the limits of this Corporation ; and any person or persons who shall be duly convicted of so carrying or having on their persons any such weapons, shall forfeit and pay upon such convictions not less than five dollars nor more than twenty dollars, which fine shall be prosecuted and recovered in the same manner as other fines and forfeitures according to this Corporation are sued for and recovered: Provided, That the police officers and military, when on duty, shall be exempt from such fines and forfeitures. And be it further enacted, That all such weapons named above shall be taken away from the persons on whom they may be found, and deposited with the Mayor.”

1859, DC, An Ordinance Prohibiting the Carrying of Firearms, Ordinances of the Corporation of Georgetown

Ordinances of the Corporation of Georgetown, from January, 1859, to January, 1860, with a Table of Contents (Washington, D.C.: Thomas McGill, 1860), 22-23. An Ordinance Prohibiting the Carrying of Firearms, &c. Approved 2 April, 1859.

Washington D.C. 27 Stat. 116 (1892)

CHAP. 159.—An Act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any person or persons within the District of Columbia, to have concealed about their person any deadly or dangerous weapons, such as daggers, air-guns, pistols, bowie-knives, dirk knives or dirks, blackjacks, razors, razor blades, sword canes, slung shot, brass or other metal knuckles.

SEC. 2. That it shall not be lawful for any person or persons within the District of Columbia to carry openly any such weapons as hereinbefore described with intent to unlawfully use the same, and any person or persons violating either of these sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, forfeit and pay a fine or penalty of not less than fifty dollars nor more than five hundred dollars, of which one half shall be paid to any one giving information leading to such conviction, or be imprisoned in the jail of the District of Columbia not exceeding six months, or both such fine and

imprisonment, in the discretion of the court: Provided, That the officers, non-commissioned officers, and privates of the United States Army, Navy, or Marine Corps, or of any regularly organized Militia Company, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any of such persons are on duty, shall not be liable for carrying necessary arms for use in performance of their duty: Provided, further, that nothing contained in the first or second sections of this act shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house, or premises any such dangerous or deadly weapons, or from carrying the same from place of purchase to his dwelling house or place of business or from his dwelling house or place of business to any place where repairing is done, to have the same repaired, and back again: Provided further, That nothing contained in the first or second sections of this act shall be so construed as to apply. to any person who shall have been granted a written permit to carry such weapon or weapons by any judge of the police court of the District of Columbia, and authority is hereby given to any such judge to grant such permit for a period of not more than one month at any one time, upon satisfactory proof to him of the necessity for the granting thereof; and further, upon the filing with such judge of a bond, with sureties to be approved by said judge, by the applicant for such permit, conditioned to the United States in such penal sum as said judge shall require for the keeping of the peace, save in the case of necessary self defense by such applicant during the continuance of said permit, which bond shall be put in suit by the United States for its benefit upon any breach of such condition.

SEC. 3. That for the second violation of the provisions of either of the preceding sections the person or persons offending shall be proceeded against by indictment in the supreme court of the District of Columbia, and upon conviction thereof shall be imprisoned in the penitentiary for not more than three years.

SEC. 4. That all such weapons as hereinbefore described which may be taken from any person offending against any of the provisions shall, upon conviction of such person, be disposed of as may be ordered by the judge trying the case, and the record shall show any and all such orders relating thereto as a part of the judgment in the case.

SEC. 5. That any person or persons who shall, within the District of Columbia, sell, barter, hire, lend or give to any minor under the age of twenty-one years any such weapon as hereinbefore described shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, pay a fine or penalty of not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the jail of the District of Columbia not more than three months. No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any weapon or

weapons of the kind hereinbefore named without having previously obtained from the Commissioners of the District of Columbia a special license authorizing the conduct of such business by such person, and the said Commissioners are hereby authorized to grant such license, without fee therefor, upon the filing with them by the applicant therefor of a bond with sureties, to be by them approved, conditioned in such penal sum as they shall fix to the United States for the compliance by said applicant with all the provisions of this section; and upon any breach or breaches of said condition said bond shall be put in suit by said United States for its benefit, and said Commissioners may revoke said license. Any person engaging in said business without having previously obtained said special license shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, of which one half shall be paid to the informer, if any, whose information shall lead to the conviction of the person paying said fine. All persons whose business it is to sell barter, hire, lend or give any such weapon or weapons shall be and they hereby, are, required to keep a written register of the name and residence of every purchaser, barterer, hirer, borrower, or donee of any such weapon or weapons, which register shall be subject to the inspection of the major and superintendent of Metropolitan Police of the District of Columbia, and further to make a weekly report, under oath to said major and superintendent of all such sales, barterings, hirings, lendings or gifts. And one half of every fine imposed under this section shall be paid to the informer, if any, whose information shall have led to the conviction of the person paying said fine. Any police officer failing to arrest any person guilty in his sight or presence and knowledge, of any violation of any section of this act shall be fined not less than fifty nor more than five hundred dollars.

SEC 6. That all acts or parts of acts inconsistent with the provisions of this act be, and the same hereby are, repealed.

FLORIDA

An Act to prevent Indians from roaming at large through the Territory, in
Compilation of the Public Acts of the Legislative Council of the Territory of
Florida, Passed Prior to 1840, at 46 (John P. Duval ed., 1839). 1827

Sec. 1. Be it enacted . . . If any male Indian, of the years of discretion, venture to roam or ramble beyond the boundary lines of the reservations which have been assigned to the tribe or nation to which said Indian belongs, it shall and may be lawful for any person or persons to apprehend, seize, and take said Indian, and carry him before some justice of the peace, who is hereby authorized, empowered, and required, to direct . . . not exceeding thirty-nine stripes . . . moreover, to cause the gun of said Indian (if he has one) to be taken from him, and deposited with the

colonel of the county, or captain of the district, in which said Indian may be taken, subject to the order of the super-intendent of Indian affairs. Sec. 2. And be it further enacted, That no general license to roam, or remain out of said limits, for the purpose of hunting, shall be received by said justice as an excuse of any Indian, when found without his assigned limits.

Leslie A. Thompson, A Manual or Digest of the Statute Law of the State of Florida, of a General and Public Character, in Force at the End of the Second Session of the General Assembly of the State, on the Sixth Day of January, 1847 Page 547, Image 582 (1847) available at The Making of Modern Law: Primary Sources.

For the Prevention of Indians Roaming at Large Throughout the State, § 1. From and after the passage of this act, if any male Indian of the years of discretion, venture to roam or ramble beyond the boundary lines of the reservations, which have been assigned to the tribe or nation to which said Indian belongs, it shall and may be lawful for any person or persons to apprehend, seize, and take said Indian, and carry him before some Justice of the Peace, who is hereby authorized, empowered, and required, to direct (if said Indian have not a written permission from the agent to do some specific act) not exceeding thirty-nine stripes, at the discretion of the Justice, to be laid on the bare back of said Indian; moreover, to cause the gun of said Indian (if he has one) to be taken from him, and deposited with the colonel of the county, or captain of the district, in which said Indian may be taken, subject to the order of the superintendent of Indian Affairs.

An Act Prescribing Additional Penalties for the Commission of Offences against the State, and for Other Purposes, Ch. 1460, No. 3, §§ 12-15, 1865 Fla. Laws 23, 25-27.

“Sec 12. Be it further enacted. That it shall not be lawful for any negro, mulatto, or other person of color, to own, use or keep in his possession or under his control, any Bowie-knife, dirk, sword, fire-arms or ammunition of any kind, unless he first obtain a license to do so from the Judge of Probate of the county in which he may be a resident for the time being: and the said Judge of Probate is hereby authorized to issue such license, upon the recommendation of two respectable citizens of the county, certifying to the peaceful and orderly character of the applicant; and any negro, mulatto, or other person of color, so offending, shall be deemed to be guilty of a misdemeanor, and upon conviction, shall forfeit to the use of the informer all such fire-arms and ammunition, and in addition thereto, shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, at the discretion of the jury,

Sec. 13. Be it further enacted, That it shall be the duty of the Judge of Probate to keep an accurate register of all licenses so issued as aforesaid, and at each regular

meeting of the Board of County Commissioners, to lay the same before them for their supervision, who shall have power to revoke any licenses which, in their opinion, may have been granted to improper persons.

Sec. 15. Be it further enacted, That if any person shall form any military organization in this State, not authorized by law, or shall participate or aid or abet in the formation of such organization, he shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding six months; or shall be made to stand in the pillory for one hour, and be whipped, not exceeding thirty-nine stripes, at the discretion of the jury: Provided, That if the person so convicted shall, upon the trial, be proved to have accepted an office in such organization, the penalties herein provided may be increased three-fold, at the discretion of the jury.” Acts and Resolutions Adopted by the General Assembly of Florida at Its Fourteenth Session, Begun and Held at the Capitol, in the City of Tallahassee, on Monday, December 18, 1865 (Tallahassee, FL: Dyke & Sparhawk, 1866), 25-27. Chapter 1,460 [No. 3.]—An Act Prescribing Additional Penalties for the Commission of Offences against the State, and for Other Purposes, §§ 12-15. Passed the House of Representatives January 4, 1866. Passed the Senate January 8, 1866. Approved by the Governor January 15, 1866.

GEORGIA

A Digest of the Laws of the State of Georgia. From Its First Establishment as a British Province down to the Year 1798, Inclusive, and the Principal Acts of 1799: In Which is Comprehended the Declaration of Independence; the State Constitutions of 1777 and 1789, with the Alterations and Amendments in 1794. Also the Constitution of 1798 Page 153-154, Image 160-161 (1800) available at The Making of Modern Law: Primary Sources. 1768
Laws of Georgia, An Act to amend and Continue “An Act for the Establishing and Regulating Patrols, and for Preventing any Person from Purchasing Provisions or any Other Commodities from, or Selling Such to any Slave, Unless Such Slave Shall Produce a Ticket from His or Her Owner, Manager or Employer . . . Be it enacted, That immediately from and after passing of this act, it shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of fire arms, or any offensive weapon whatsoever, unless such slave shall have a ticket or license in writing from his master, mistress, or overseer, to hunt and kill game, cattle, or mischievous birds or beasts of prey, and that such license be renewed every week, or unless there be some white person of the age of sixteen years or upwards in the company of such slave when he is hunting or shooting, or that such slave be actually carrying his master’s arms to or from his master’s

plantation by a special ticket for that purpose, or unless such slave be found in the day-time, actually keeping off birds within the plantation to which such slave belongs, loading the same gun at night, within the plantation to which such slave belongs, loading the same gun at night, within the dwelling house of his master, mistress or white overseer: Provided always, That no slave shall have liberty to carry any gun, cutlass, pistol, or other offensive weapon, abroad at any time between Saturday evening after sunset and Monday morning before sun rise, notwithstanding a license or ticket for so doing. II. And be it further enacted, That in case any or either of the patrols, established or to be established within this province, by virtues of the said act, on searching and examining any negro house for offensive weapons, fire arms and ammunition, shall find any such, or in case any person shall find any slave using or carrying fire arms or other offensive weapons, contrary to the intent and meaning of this act, such patrol, or person or persons, may lawfully seize and take away such offensive weapons, fire arms, and ammunition, but before the property thereof shall be vested in the person or persons who shall seize the same, such person or persons shall, within three days next after such seizure, go before a justice of the peace, and shall make oath of the manner of taking thereof, and if such justice of the peace, after such oath made, or upon due examination, shall be satisfied that the said fire arms, offensive weapon, or ammunition, shall have been seized according to the directions, and agreeable to the true intent and meaning of this act, the said justice shall, by certificate under his hand and seal, declare them forfeited, that the property is lawfully vested in the person or persons who seized the same.

ILLINOIS

Revised Ordinances of the City of Danville [Illinois] Page 66, Image 133 (1883) available at The Making of Modern Law: Primary Sources.

Ordinances of the City of Danville. Concealed Weapons. § 22.

Whoever shall carry concealed upon or about his person any pistol, revolver, derringer, bowie-knife, dirk, slung-shot, metallic knuckles, or a razor, as a weapon, or any other deadly weapon of like character, capable or being concealed upon the person, or whoever shall in a threatening or boisterous manner, flourish or display the same, shall be fined not less than one dollar, nor more than one hundred dollars; and in addition to the said penalty shall, upon the order of the magistrate before whom such conviction is had, forfeits the weapon so carried to the city.

Ch. 26—Concealed Weapons, §§ 1-8, in, Revised Ordinances of the Village of Hinsdale, Illinois (1912).

“Unlawful to Carry.] Sec. 1. It shall be unlawful for any person within the limits of the village of Hinsdale to carry or wear under his clothes or concealed about his person any pistol, colt or slung shot, cross knuckles, or knuckles of lead, brass or other metal, or bowie knife, dirk, dagger, or other dangerous or deadly weapon.

Confiscation of Weapons.] Sec. 2. Any such weapon or weapons duly adjudged by any police magistrate or justice of the peace to have been worn or carried by any person, in violation of the preceding section, shall be forfeited or confiscated to the village of Hinsdale, and shall be so adjudged, as a part of the judgment for each violation, by the magistrate before whom the trial of any person for a violation of this chapter shall be had.

Arrest for Carrying.] Sec. 3. Any policeman of the village of Hinsdale may, within the limits of said village, without a warrant, arrest any person or persons whom he may find in the act of carrying or wearing concealed about his or their persons any weapon specified in section one of this chapter, until a summons or warrant can be procured on complaint [sic] made, under oath or affirmation, for the trial of such person or persons.

Penalty.] Sec. 4. Any person or persons convicted of violating any of the provisions of this chapter shall be subject to a fine of not less than five dollars nor more than two hundred dollars.

To Whom Not Applicable.] Sec. 5. The prohibitions of this chapter shall not apply to the officers or members of the police force of said village when on duty, nor to any officer of any court whose duty it may be to serve warrants or to make arrests; nor to persons whose business or occupation may seem to require the carrying of weapons for their protection, and who shall have obtained from the president a license so to do, as hereinafter provided.

President to Grant License.] Sec. 6. The president may grant to so many and such persons as he may think proper licenses to carry concealed weapons, and may revoke any and all of such licenses at his pleasure.

Fee for License.] Sec. 7. Applications for such licenses shall be made to the village clerk, and when granted the applicant therefor shall pay to the village collector, for the use of the village, the sum of two dollars.

What License Shall State.] Sec. 8. Every such license shall state the name, age, occupation and residence of the person to whom it is granted.”

1912, Hinsdale, IL, Ch. 26—Concealed Weapons, §§ 1-8

Lawrence P. Conover, ed., Revised Ordinances of the Village of Hinsdale, Illinois 1912: Printed and Published by Authority of the President and Board of Trustees of the Village of Hinsdale, Pursuant to Ordinance, Passed and Approved, February 5, 1912, Issued in Book Form, February 15, 1912 (Hinsdale, IL: Merrill Printing Company, 1912), 168-169. Chapter 26—Concealed Weapons, §§ 1-8. Undated.

INDIANA

1804 Ind. Acts 108, A Law Entitled a Law Respecting Slaves, § 4.
And be it further enacted, That no slave or mulatto whatsoever shall keep or carry any gun, powder, shot, club or other weapon whatsoever, offensive or defensive, but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person and upon due proof thereof made before any justice of the peace of the district where such seizure shall be, shall by his order be forfeited to the seizer, for his use and moreover every such offender shall have and receive by order of such justice any number of loashes not exceeding thirty nine on his or her bare back, well laid for every such offense.

1905 Ind. Acts 687–88, Weapon—Carrying Dangerous § 449.
Every person, not being a traveler, who shall wear or carry any dirk, pistol, bowie-knife, dagger, sword in cane or any other dangerous or deadly weapon concealed, or who shall carry or wear any such weapon openly, with the intent or avowed purpose of injuring his fellowman, shall, on conviction, be fined not exceeding five hundred dollars. Any such weapon which upon arrest upon this charge shall be found upon the person of such arrested person shall be taken by the officer making such arrest, and unless such officer be the sheriff, such weapon shall be deposited with such sheriff, and in every instance such weapon shall be held by the sheriff subject to the final order of the court thereupon. In case the arrested person be found guilty of violating this statute by wearing or carrying such concealed weapon there shall be entered as part of the judgment of conviction of said crime an order to the sheriff directing the destruction of such weapon by the justice, mayor, city judge or judge of the criminal or circuit court before whom or in whose court such cause is pending, and the sheriff shall execute the same in the manner and at the time fixed by such order. Any person three times convicted within any period of two years of committing any of the offenses defined in this section shall upon such third conviction be imprisoned in the state prison not more than one year.

1925 Ind. Acts 495, 495-98

Pistols and Revolvers Defined.

SECTION 1. Be it enacted by the general assembly of the State of Indiana, That the term “pistol or revolver,” as used in this act, shall be construed as meaning any firearm with a barrel less than twelve inches in length.

Crime-Committing When Armed With Pistol or Revolver.

SEc. 2. If any person shall, within the State of Indiana, commit or attempt to commit a crime, when armed with a pistol or revolver, and having no permit to

carry the same, he shall, in addition to the punishment provided for the crime, be guilty of a felony and shall be punished by imprisonment for not less than one year and not more than five years.

Subsequent Offenses.

SEc. 3. The judge shall have the power to sentence any person who may be convicted for a second or third, or other subsequent offense under section 2 of this act, to double or triple the penalty imposed thereby.

Felony-Conviction For-Prohibited From Possessing Pistol.

SEC. 4. No person who has been convicted of a felony committed against the person or property of another shall own or have in his possession or under his control, within the State of Indiana, a pistol or revolver. A violation of this section shall constitute a felony and be punishable by imprisonment for not less than one year, and not more than five years.

Pistol or Revolver-Possession Without Permit.

SEc. 5. No person shall carry, within the State of Indiana, a pistol or revolver concealed in any vehicle or upon his person, except in his dwelling house or place of business, without a permit therefor as hereinafter provided. Violations of this section shall constitute a misdemeanor and be punished by a fine of one hundred dollars (\$100.00), to which may be added imprisonment for not more than one year, and upon conviction the pistol or revolver shall be confiscated and destroyed by the sheriff on order of the court.

Persons Exempt From Act.

SEc. 6. The provisions of the preceding section shall not apply to marshals, sheriffs, deputy sheriffs, policemen or any other duly appointed peace officers, nor the pistols or revolvers of any bank, trust company, or common carriers, or to the officers or employes of any bank, trust company, or common carriers, while such officers or employes are guarding money or valuables within the line of their duties as such employes, nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the army, navy, or marine corps or the mail service of the United States, or the national guard, when on duty, or organizations by law authorized to purchase or receive such weapons from the United States, or the State of Indiana, nor to duly authorized military or civil organizations when parading, nor to the members thereof when at .or going to or from their customary places of assembly.

IOWA

Ordinances of the Borough of Vincennes, with the Act of Incorporation and Supplement Thereto Prefixed Page 54-55, Image 54-55 (1820) available at The Making of Modern Law: Primary Sources. 1819

[An Ordinance to Prevent Nuisances, Etc.] § 7. Be it further ordained by the authority aforesaid, That any negro or mulatto, shall be punished with thirty-nine stripes on the bare back, if found with deadly weapons, other than the legal implements of his, or her business, when engaged therein; and it is hereby made the duty of the town constable, and permitted to any other citizen, to disarm and imprison such negro or mulatto, as may be found with a belt or butcher-knife, dirk, sword, or pistol, and make complaint to any magistrate within this Borough, to award the aforesaid punishment.

Chas. Ben. Darwin, Ordinances of the City of Burlington, with Head Notes and an Analytic Index Page 72-73, Image 72-73 (1856) available at The Making of Modern Law: Primary Sources. 1847

Burlington City Ordinances, An Ordinance to Regulate the Storage and Sale of Gunpowder in the City of Burlington, § 1. Be it ordained by the city Council of the city of Burlington, That it shall not be lawful for any merchant, trader, or other person, to retail or deliver gun-powder in said city in the night time, under a fine of five dollars. §2. It shall not be lawful for any such person to keep for sale or other purposes in said city, in his place of business, more than twenty-five pounds of gun-powder at any one time, and then only in a safe canister. § 3. It shall not be lawful for any person whatsoever to store away gun-powder for safe keeping, in any quantity whatever, in any ware-house, dwelling house, cellar, or other building or place, within the limits of said city, unless such house or place shall have first been designated by the city Council of said city and by them approbated as a suitable place for that purpose, and then only so long as the same shall from time to time be deemed suitable by the said city Council. § 4. If any person shall violate any of the provisions of the third section of this ordinance he shall forfeit for the use of the corporation all the gun-powder which the person so violating the same may have on hand, and on conviction thereof, shall also pay a fine of one hundred dollars, and the city Marshal shall seize and remove such powder to a secure place and dispose of it by sale, and pay the proceeds, reserving costs and charges, into the city treasury.

KENTUCKY

1798 Ky. Acts 106. No negro, mulatto, or Indian whatsoever shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive but all and every gun, weapon and ammunition found in the possession or custody of any negro, mulatto or Indian may be seized by any person and upon due proof thereof made before any justice of the peace of the county where such seizure shall be shall by his order, be forfeited to the seizer for his own use, and moreover every

such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her back, well laid for every such offense.

LOUISIANA

An Act prescribing the rules and conduct to be observed with respect to Negroes and other Slaves of this territory, in A General Digest of the Acts of the Legislature of Louisiana, Passed from the Year 1804 to 1827, Inclusive, And in Force at this Last Period, With An Appendix and General Index, Black Code (Approved June 7, 1806) (L. Moreau Lislet, Printed by Benjamin Levy, 1828).

“SECTION 19. No slave shall, by day or by night, carry any visible or hidden arms, not even with a permission for so doing, and in case any person or persons shall find any slave or slaves, using or carrying such fire arms, or any offensive weapons of any other kind, contrary to the true meaning of this act, he, she or they, lawfully, may seize and carry away such fire arms, or other offensive weapons; but before the person or persons, who shall so seize such fire arms can possess the same of right, he, she or they shall go, within forty-eight hours after the said seizure, before the next justice of the peace, and shall declare, upon oath, the manner in which he, she or they have seized the said arms; and if the justice of the peace, upon the oath of such person or persons, or upon any other examination or proof, be satisfied that the said fire arms or other offensive weapons have been seized, pursuant to the true intent and meaning of this act, the said justice of the peace shall de- clare, by a certificate under his hand and seal, that the said arms are forfeited, and that they have lawfully become the property of the person or persons who has or have seized the same: Provided, that no certificate of the above de- scription shall be delivered by any justice of the peace, until the owner or owners of the said fire arms or other offensive weapons, which shall have been seized as aforesaid, or the overseer or overseers who shall have the said slave or slaves in charge, upon whom the said fire arms or other offensive weapons shall have been seized, as aforesaid, be duly sum- moned to show cause, (if he, she or they have any,) why the said arms should not be forfeited, or until forty-eight hours shall have elapsed after the citation and oath made before the said justice of the peace: Provided, that the said slave or slaves do not actually carry the arms of his master to.....or from his plantation to.....with a special permission for that purpose.”

MAINE

1909 Me. Laws 141, An Act to prohibit the use of Firearms fitted with any device to deaden the sound of explosion, ch. 129, § 1

It shall be unlawful for any person to sell, offer for sale, use or have in his possession, any gun, pistol or other firearm, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any of the provisions of this act shall forfeit such firearm or firearms and the device or silencer, and shall further be subject to a fine not exceeding one hundred dollars, or to imprisonment not exceeding sixty days, or to both fine and imprisonment. . .

MARYLAND

1806 Md. Laws 44, An Act To Restrain The Evil Practices Arising From Negroes Keeping Dogs, And To Prohibit Them From Carrying Guns Or Offensive Weapons, ch. 81

...it shall not be lawful for any negro or mulatto within this state to keep any dog, bitch or gun , except he be a free negro or mulatto, and in that case he may be permitted to keep one dog, provided such free negro or mulatto shall obtain a license from a justice of the peace for that purpose, and that the said license shall be in force for one year, and no longer, and if any dog or bitch owned by any negro, not possessed of such license, shall be seen going at large, it shall be lawful for any person to kill the same, and in case of any suit instituted therefor, the person or persons killing the said dog or bitch may plead the general issue, and give this act in evidence. II. ...it shall not be lawful for any free negro or mulatto to go at large with any gun, or other offensive weapon; and in case any free negro or mulatto shall be seen going at large carrying a gun, or other offensive weapon, he shall be liable to be carried before any magistrate, in virtue of a warrant to be issued by any justice of the peace, directed to a constable of the county, and on conviction of having violated the provisions of this section of the act, such offender shall thereupon forfeit, to the use of the informant, such gun, or other offensive weapon, which shall thus have been found in his or her possession, and be subject to the payment of the costs which shall have accrued in such prosecution; provided, that nothing in this act shall extend to prevent any free negro or mulatto from carrying a gun, or other offensive weapon, who shall, at the time of his carrying the same, have a certificate from a justice of the peace, that he is an orderly and peaceable person, which certificate shall be in force for one year from the date thereof and no longer.

The Baltimore City Code: Comprising the Statutes and Ordinances Relating to the City of Baltimore, at 171 – Art. XVI, Section 27 (1869)

27. If the said board of police shall have reason to believe that in the neighborhood of any election polls in the said city or elsewhere, within any election precinct of the same, there is any depot or collection of fire arms or other weapons or

ammunition intended to be used for the purpose of intimidating or injuring voters, or interfering with the freedom or peace of any election then pending or approaching, it shall be the duty of said board to apply to the Criminal Court, or some justice of the peace of said city, for a warrant, on proper oath, to search the premises, and the said court or justice shall issue the same without delay, and shall cause the said arms, weapons and ammunition, if found, to be seized and delivered to said board, to be detained until the day after the returns of said election shall have been made, and until the same shall be disposed of by law.

John Prentiss Poe, The Maryland Code. Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Public Local Acts of the Session of 1888 Incorporated Therein Page 522-523, Image 531-532 (Vol. 1, 1888) available at The Making of Modern Law: Primary Sources. 1884 City of Baltimore, § 742. Whenever any person shall be arrested in the city of Baltimore, charged with any crime or misdemeanor, or for being drunk or disorderly, or for any breach of the peace, and shall be taken before any of the police justices of the peace of the said city, and any such person shall be found to have concealed about his person any pistol, dirk knife, bowie-knife, sling-shot, billy, brass, iron or any other metal knuckles, razor, or any other deadly weapon whatsoever, such person shall be subject to a fine of not less than five dollars nor more than twenty-five dollars in the discretion of the police justice of the peace before whom such person may be taken, and the confiscation of the weapon so found, which said fine shall be collected as other fines are now collected; provided, however, that the provisions of this section shall not apply to those persons who, as conservators of the peace are entitled or required to carry a pistol or other weapon as a part of their official equipment.

MASSACHUSETTS

1 Records of the Governor and Company of the Massachusetts Bay in New England 211-12 (Nathanial B. Shurtleff ed., 1853). 1637.

Whereas the opinions & revelations of Mr. Wheeleright & Mrs. Hutchinson have seduced & led into dangerous errors many of the people heare in Newe England, insomuch as there is just cause of suspition that they, as others in Germany, in former times, may, upon some revelation, make some suddaine irruption vpon those that differ from them in judgment, for prevention whereof it is ordered, that all those whose names are vnderwritten shall (vpon warning given or left at their dwelling houses) before the 30th day of this month of November, deliver in at Mr. Canes house, at Boston, all such guns, pistols, swords, powder, shot, & match as they shalbee owners of, or have in their custody, vpon paine of ten pound for ev'y

default to bee made therof ; which armes are to bee kept by Mr. Cane till this Court shall take further order therein. Also, it is ordered, vpon like penulty of x', that no man who is to render his armes by this order shall buy or borrow any guns, swords, pistols, powder, shot, or match, vntill this Court shall take further order therein. . . . The like order is taken for other townes, changing the names of those who shall deliver their armes, & keepe them. . . . It was ordered, that if any that are to bee disarmed acknowledg their siun in subscribing the seditious libell, or do not justify it, but acknowledg it evill to two magistrates, they shalbee thereby freed from delivering in their armes according to the former order./
file:///C:/Users/Bob/Downloads/ocm3522063_vol1.pdf

1719 Mass. Acts 348, An Act In Further Addition To An Act For Erecting A Powder House In Boston, ch. III, § 1

... That, from and after the publication of this Act, no gunpowder shall be kept on board any ship, or other vessel, lying to or grounded at any wharf within the port of Boston. And if any gunpowder shall be found on board such ship or vessel lying aground, as aforesaid, such powder shall be liable to confiscation, and under the same penalty, as if it were found lying in any house or warehouse. And be it further enacted by the authority aforesaid, that no powder be carried through any town upon trucks, under the penalty of ten shillings per barrel for every barrel of powder so conveyed, and so proportionally for smaller cask.

1746 Mass. Acts 208, An Act to Prevent the Firing of Guns Charged with Shot or Ball in the Town of Boston, chap. 11, §§ 1 to 3

§ 1. That no person or persons, from and after the publication of this act, shall presume to discharge or fire off any cannon laden with shot, from any wharf or vessel . . . (within certain areas) § 2. That no person shall . . . discharge any gun or pistol, charged with shot or ball, in the town of Boston, or in any part of the Harbor . . . And for the more effectual conviction of any person or persons so offending, it shall be lawful for any person to seize and take into custody any gun so fired off, and deliver the same . . . § 3 this law shall not be construed or understood as to prevent soldiers in their common training days from discharging arms. (reenacted frequently)

Act of Mar. 14, 1776, ch. VII, 1775-1776 Mass. Act at 31–32, 35.

Chap. VII An Act for the executing in the Colony of the Massachusetts Bay, in New England, one Resolve of the American Congress, dated March 14, 1776, recommending the disarming of such persons as are notoriously disaffected to the cause of America, or who refuse to associate to defend by arms the United American Colonies, against the hostile attempts of the British fleets and armies, and

for the restraining and punishing persons who are inimical to the rights and liberties of the said United Colonies, and for directing the Proceedings therein. Whereas on the fourteenth of March One Thousand Seven Hundred and Seventy-five, a certain resolve was made and passed by the American Congress, of the following tenor, viz. “Resolved, That it be recommended to the several Assemblies, Conventions and Councils, or Committees of Safety of the United Colonies, immediately to cause all persons to be disarmed within their respective Colonies, who are notoriously disaffected to the cause of America, or who have not associated and refuse to associate to defend by arms these United Colonies, against the hostile attempts of the British Fleets and Armies; and to apply the arms taken from such persons in each respective Colony, in the first place, to the arming of the Continental Troops raised in said Colony; in the next, to the arming such troops as are raised by the Colony for its own defense, and the residue to be applied to the arming [sic] the associators; that their arms when taken, be appraised by indifferent persons, and such as are applied to the arming Continental Troops, be paid for by Congress; and the residue by the respective Assemblies, Conventions or Councils, or Committees of Safety.” Be it therefore enacted by the Council, and House of Representatives in General Court assembled, and by the Authority of the same, that every male person above sixteen years of age, resident in any town or place in this colony, who shall neglect or refuse to subscribe a printed or written declaration of the form and tenor herein after prescribed, upon being required thereto by the Committee of Correspondence, Inspection and Safety for the town or place in which he dwells, or any of them, shall be disarmed and have taken from him in manner hereafter directed, all such arms, ammunities and warlike implements, as by the strictest search can be found in his possession or belonging to him; which declaration shall be in the form and words following, viz . . . Provided, nevertheless, and be it further enacted, that nothing in this shall be Act shall be construed to extend to the disarming, disqualifying or any way punishing any of the denomination of christians called Quakers, for not fighting the aforesaid declaration, in case upon being required to sign the following Declaration, and having the same tendered to him, shall not refuse or neglect to subscribe it.

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;
Thomas Wetmore, Commissioner, The Charter and Ordinances of the City of Boston: Together with the Acts of the Legislature Relating to the City Page 142-143, Image 142 (1834) available at The Making of Modern Law: Primary Sources.
1783

An Act in Addition to the Several Acts Already Made for the Prudent Storage of Gun Powder within the Town of Boston. Whereas the depositing of loaded arms in

the houses of the town of Boston, is dangerous to the lives of those who are disposed to exert themselves when a fire happens to break out in said town. § 1. Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That if any person shall take into any dwelling house, stable, barn, out house, ware house, store, shop or other building within the town of Boston, any cannon, swivel, mortar, howitzer, cohorn, or fire arm, loaded with or having gunpowder in the same, or shall receive into any dwelling house, stable, barn, out house, store, ware house, shop, or other building within said town, any bomb, grenade, or other iron shell, charged with, or having gun powder in the same, such person shall forfeit and pay the sum of ten pounds, to be recovered at the suit of the firewards [duties of Firewards transferred to Engineers,] of the said towns, in an action of debt before any court proper to try the same; one moiety thereof, to the use of said Firewards, and the other moiety to the support of the poor of said town of Boston. § 2. Be it further enacted, That all cannons, 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, warehouse, shop or other building, charged with or having in them any gunpowder, shall be liable to be seized by either of the Firewards of said town; and upon complaint made by the said Firewards to the Court of Common Pleas, of such cannon, swivels, mortars, 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 sold at public auction; one half of the proceeds thereof shall be disposed of to the Firewards, and the other half to the use of the poor of the town of Boston. And when any fire arms, or any bomb, grenade, or other shell, shall be found in any house, out house, barn, stable, store, ware house, shop or other building, so charged, or having gun powder in the same, the same shall be liable to be seized in manner aforesaid; and on complaint thereof, made and supported before a Justice of the Peace, shall be sold and disposed of, as is above provided for cannon.

Act of Feb. 16, 1787, ch. VI, 1787 Mass. Acts 555.

Chapt. IV. An Act, describing the disqualifications to which persons shall be subjected, who have been, or may be guilty of treason, or giving aid or support to the present rebellion, and whom a pardon may be extended. Where the General Court, at their present sessions, have “resolved that the Governour be authorized and empowered in the name of the general court, to promise a pardon, under such disqualifications as should thereafter be provided, to such private soldiers and others, who might have acted in the capacity of non-commissioned officers, as had been, or were in arms against the Commonwealth, with such exceptions as he, or the general officer, commanding the troops, might judge necessary: provided they

should deliver their arms and take and subscribe the oath of allegiance to this Commonwealth, within such time as might be limited by his Excellency, for that purpose:” And whereas it is fit and expedient, that the conditions and disqualifications upon which the pardon and indemnity to the offenders aforesaid, should be offered and given, should as soon as possible be established and made known: Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That no pardon or indemnity, shall be promised as aforesaid by the Governour, by virtue of any act or resolve of the General Court, that has been or shall be passed, to any person or persons, who have acted in the capacity of non-commissioned officers, or privates, or persons of any other description, who, since the first day of August, seventeen hundred and eighty-six, have been, now are, or hereafter may be in arms against the authority and Government of this Commonwealth, or who have given or may hereafter give them counsel, aid, comfort or support, voluntarily, with intent to encourage the opposition to the government, unless they shall on or before such time as the Governour shall limit for that purpose, deliver their arms to, and take and subscribe the oath of allegiance, before some Justice of the Peace, within some county of this Commonwealth; and no pardon or indemnity shall be offered or given by the Governour to any offenders aforesaid, who are not citizens of this state. And be it further enacted by the authority aforesaid, That to whomsoever of the offenders aforesaid, the Governour shall think fit, by virtue of any act or resolve of the General Court, to promise a pardon and indemnity, for the offences aforesaid, it shall be under the following restrictions, conditions and disqualifications, that is to say, That they shall keep the peace for the terms of three years, from the time of passing this act, and that during that term of time, they shall not serve as jurors, be eligible to any town office, or any other office under the Government of this Commonwealth . . .

1801 Mass. Acts 507, An Act to Provide for the Storing and Safe Keeping of Gun Powder in the Town of Boston, and to Prevent Damage from the Same, ch. XX §1... That all Gun Powder imported and landed at the port of Boston, shall be brought to and lodged in the Powder House or Magazine in said town, and not elsewhere, on pain of confiscation of all Powder put or kept in any other house or place...

1919 Mass. Acts 139, An Act Relative to the Issuance of Search Warrants for the Seizure of Firearms, Weapons and Ammunition Kept for Unlawful Purposes, ch. 179, §§ 1-2

§ 1. A court or justice authorized to issue warrants in criminal cases may, upon complaint under oath that the complainant believes that an unreasonable number of

rifles, shot guns, pistols, revolvers or other dangerous weapons, or that an unnecessary quantity of ammunition, is kept or concealed for any unlawful purpose in a particular house or place, if satisfied that there is a reasonable cause for such belief, issue a warrant to search such property. § 2. If the court or justice finds that such property is kept for an unlawful purpose, it shall be forfeited and disposed of as the court or justice may by order direct.

MINNESOTA

Concealed Weapons-License, Article 18, §§ 1-9, The Municipal Code of Saint Paul (1884). 1882

“Sec 1. It shall be unlawful for any person, within the limits of the city of St. Paul, to carry or wear under his clothes, or concealed about his person, any pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead, brass or other metal, bowie-knife, dirk-knife or razor, or any other dangerous or deadly weapon.

Sec. 2. Any such weapon or weapons, duly adjudged by the municipal court of said city to have been worn or carried by any person, in violation of the first section of this ordinance, shall be forfeited or confiscated to the said city of St. Paul, and shall be so adjudged.

Sec. 3. Any policeman of the city of St. Paul, may, within the limits of said city, without a warrant, arrest any person or persons, whom such policeman may find in the act of carrying or wearing under their clothes, or concealed about their person, any pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead, brass or other metal, bowie-knife, dirk-knife or razor, or any other dangerous or deadly weapon, and detain him, her or them in the city jail, until a warrant can be procured, or complaint made for the trial of such person or persons, as provided by the charter of the city of St. Paul, for other offenses under said charter, and for the trial of such person or persons, and for the seizure and confiscation of such of the weapons above referred to, as such person or persons may be found in the act of carrying or wearing under their clothes, or concealed about their persons.

Sec. 4. Upon complaint made under oath or affirmation, to the municipal court of the city of St. Paul, that any person has been guilty of violating any of the provisions of section one of this ordinance, a warrant shall issue for the arrest of the offender or offenders, returnable as other warrants are returnable; upon the return of such warrant, the municipal court shall proceed to the hearing and determination of the matter, and if it shall be adjudged that such person or persons has or have incurred any of the penalties fixed by this ordinance, such court shall so adjudge, and order that the weapon or weapons concerning the carrying or wearing

of which such penalty shall have been incurred, shall be confiscated to the city of St. Paul.

And further, every such person or persons so offending, on conviction, shall be required to find sureties for keeping the peace for a term not exceeding six months.

Sec. 5. Any person or person violating any of the provisions of section one of this ordinance shall pay a fine of not less than \$5 nor more than \$100, or be imprisoned for a term not exceeding ninety days or both, in the discretion of the municipal judge, before whom such conviction shall be had.

Sec. 6. The prohibition of this ordinance shall not apply to the officers and members of the police force of said city, when on duty, nor to any officer of any court whose duty may be to secure warrants or to make arrests, nor to persons whose business or occupation may seem to require the carrying of weapons for protection, and who shall have obtained from the Mayor of said city a license so to do as hereinafter provided.

Sec. 7. The Mayor of the city of St. Paul may grant to so many, and to such persons as he may think proper, licenses to carry concealed weapons; and may revoke any and all of such licenses at his pleasure.

Sec. 8. Application for such licenses shall be made to the mayor of said city, in writing, and when granted, the person applying therefor, shall pay into the city treasury the sum of two dollars, and thereupon a license shall be issued by the city clerk, and signed by the mayor.

Sec. 9: Every such license shall state the name, age, occupation and residence of the person to whom it is granted, and shall expire on the thirty-first day of December of each and every year.”

1884, MN, Concealed Weapons-License, Article 18, §§ 1-9, The Municipal Code of Saint Paul

W. P. Murray, The Municipal Code of Saint Paul: Comprising the Laws of the State of Minnesota Relating to the City of Saint Paul, and the Ordinances of the Common Council: Revised to December 1, 1884 (St. Paul, MN: Daily Globe, 1884), 289-290. Article 18, Concealed Weapons-License, §§ 1-9. Passed January 17, 1882.

Ordinance No. 22: An Ordinance Relating to the Promotion of the Public Peace, Feb. 7, 1888, reprinted in Charter and Ordinances of the City of New Ulm, Minnesota 110–11 (Jos. A. Eckstein ed., 1888).

Sec. 2. It shall be unlawful for any person, within the limits of this city to carry or wear under his clothes or concealed about his person, any pistol, dirk, sling-shot, or knuckle of brass or other metal, or any other dangerous or deadly weapon. Any such weapon duly adjudged by any justice court of said city to have been worn or carried by any person in violation of this section, shall be adjudged and declared

forfeited or confiscated to the city of New Ulm: and every such person so offending, on conviction, may in addition to the penalty hereinafter described, be required to furnish surities for keeping the peace for a term not exceeding six months.

Sec. 3. The prohibition in the preceding section shall not apply to police, peace, and other officers of courts, whose duty may be to secure warrants or make arrests, nor to persons whose business or occupation may require the carrying of weapons for protection. Nothing in the ordinances of this city shall be construed to prohibit within the city limits any firing of a gun, pistol or other firearm when done in the lawful defense of person, property or family, or in the necessary enforcement of the laws.

MISSISSIPPI

1867 Miss. Laws 327-28, An Act To Tax Guns And Pistols in The County Of Washington, ch. 249, § 1.

[A] tax of not less than five dollars or more than fifteen dollars shall be levied and assessed annually by the board of Police of Washington county upon every gun and pistol which may be in the possession of any person in said county, which tax shall be payable at any time on demand, by the Sheriff, and if not so paid, it shall be the duty of the Sheriff to forthwith distrain and seize such gun or pistol, and sell the same for cash at the door of the Court House, after giving ten days notice by advertisement, posted in front of said Court House, and out of the proceeds of such sale, there shall be paid the amount of such tax and the cost of sale, and if any surplus remains, it shall be paid to the owner of such gun or pistol. The amount of the tax so assessed and collected, shall be paid to the county Treasurer, and shall constitute a part of the bridge fund of said county.

MISSOURI

Organic Laws:-Laws of Missouri Territory, (Alphabetically Arranged):-Spanish Regulations for the Allotment of Lands:- Laws of the United States, for Adjusting Titles to Lands, &c. to Which are Added, a Variety of Forms, Useful to Magistrates Page 374, Image 386 (1818) available at The Making of Modern Law: Primary Sources. 1818.

Slaves, § 3. No slave or mulatto whatsoever, shall keep or carry a gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person and upon due proof made before any justice of the peace of the district [county] where such seizure shall be, shall by his order

be forfeited to the seizor, for his own use, and moreover, every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her bare back well laid on for every such offence. § 4. Every free negro or mulatto, being a housekeeper may be permitted to keep one gun, powder and shot; and all negroes or mulattoes bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder shot and weapons, offensive and defensive, by license from a justice of the peace of the district [county] wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes or of the owners of such as are slaves.

MONTANA

Chapter 22—Concealed Weapons, §§ 526-534 in Codified Ordinances of the City of Anaconda (1905).

“Sec. 526. Carrying Concealed Weapons an Offense.—It shall be unlawful for any person within the limits of the City of Anaconda to carry or wear under his clothes or concealed about his person, any pistol, revolver, slung-shot, cross-knuckles, knuckles of lead, brass or other metal, bowie knife, dirk knife or dirk, razor or dagger, or any other dangerous or deadly weapon.

Sec. 527. Such Weapons Confiscate to City.—Any such weapon or weapons, duly adjudged by the Police Magistrate or Justice of the Peace acting as Police Magistrate to have been worn or carried by any person, in violation of the foregoing section of this chapter, shall be forfeited or confiscated to the said City of Anaconda and shall be so adjudged.

Sec. 528. Police to Arrest Person Carrying Concealed Weapon.—It shall be the duty of the policemen of the City of Anaconda to arrest without a warrant any person or persons whom any policeman may find in the act of carrying or wearing under their clothes or concealed about their persons any pistol, revolver, slung-shot, cross- knuckles, knuckles of lead, brass or other metal, bowie knife, dirk knife, dirk or dagger, razor, or other dangerous or deadly weapon, and detain him in the city jail until a complaint can be made against him and a warrant secured, and bring him before the Police Magistrate for the trial of such person or persons, and for the seizure and confiscation of such of the weapons above referred to as such person or persons may be found in the act of carrying or wearing under their clothes, or concealed about their persons.

Sec. 529. Trial.—The Police Magistrate, or Justice of the Peace acting as Police Magistrate, before whom the complaint is made, as provided in the foregoing section, shall proceed to the hearing and determination of the matter, and if it shall be adjudged that such person or persons has or have incurred any of the penalties fixed by this chapter, such magistrate or justice of the peace shall so adjudge, and

order that the weapon or weapons, concerning the carrying or wearing of which said penalty shall have been incurred, shall be confiscated to the City of Anaconda.

Sec. 530. Penalty.—Any person or persons violating any of the provisions of Section 526 of this Chapter shall pay a fine of not less than ten dollars nor more than three hundred dollars.

Sec. 531. Exceptions; License to Carry.—The prohibitions of this Chapter shall not apply to the police force of the City of Anaconda when on duty, sheriffs and sheriffs' officers and officers of the State and of the United States, whose several duties may be of a character requiring them to have arms in the performance of their duty, nor to persons whose business or occupation may seem to require the carrying of weapons for their protection, and who shall have obtained from the Mayor a license so to do as hereinafter provided.

Sec. 532. Mayor May Grant License.—The Mayor may grant to so many and such persons as he may think proper licenses to carry concealed weapons, and may revoke any and all such licenses at his pleasure.

Sec. 533. Application for License.—Applications for such licenses shall be made to the Mayor, and when granted, the person applying therefor shall pay to the City Treasurer the sum of two dollars, and thereupon a license shall be issued by the City Clerk and signed by the Mayor. Every such license shall state the name, age, occupation and residence of the person to whom it is granted, and shall expire on the thirtieth day of April next following.

Sec. 534. Penally for Violation.—Any person who shall violate any of the provisions of this Chapter, where no other penalty is prescribed, shall upon conviction be fined in a sum not less than one hundred dollars for each and every offense.”

1905, Anaconda, MT, Ch. 22, §§ 526-534, Codified Ordinances of the City of Anaconda

T. O'Leary, ed., Codified Ordinances of the City of Anaconda: With the Declaration of Independence, Constitution of the United States, Constitution of the State of Montana, Laws Relating to Municipal Corporations, Laws for the Government of Cities (Anaconda, MT: City Council, 1906), 390-392. Chapter 22—Concealed Weapons, §§ 526-534. Passed October 2, 1905.

NEBRASKA

Compiled Ordinances of the City of Fairfield, Clay County, Nebraska Page 34, Image 34 (1899) available at The Making of Modern Law: Primary Sources. Carrying Weapons | Nebraska | 1899

Ordinance No. 20, An Ordinance to Prohibit the Carrying of Concealed Weapons and Fixing a Penalty for the violations of the same. Be it ordained by the Mayor and Council of the City of Fairfield, Nebraska: § 1.

It shall be unlawful for any person to carry upon his person any concealed pistol, revolver, dirk, bowie knife, billy, sling shot, metal knuckles, or other dangerous or deadly weapons of any kind, excepting only officers of the law in the discharge or their duties; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to the penalty hereinafter provided. § 2. Any such weapon or weapons, duly adjudged by the Police Judge of said city to have been worn or carried by any person in violation of the first section of this ordinance, shall be forfeited or confiscated to the City of Fairfield and shall be so adjudged.

NEW HAMPSHIRE

New Hampshire Public Carry Prohibition (1708)

And every justice of the peace within this province, may cause to be stayed and arrested, all affrayers, rioters, disturbers or breakers of the peace, or any other who shall go armed offensively, or put his Majesty's subjects in fear, by menaces or threatening speeches : And upon view of such justice, confession of the offender, or legal proof of any such offence, the justice may commit the offender to prison, until he or she find such sureties for the peace and good behaviour, as is required, according to the aggravations of the offence ; and cause the arms or weapons so used by the offender, to be taken away, which shall be forfeited and sold for his Majesty's use. And may also punish the breach of the peace in any person, who shall smite, or strike another, by fine to the King, not exceeding twenty shillings; and require bond with sureties for the peace, till the next court of general sessions of the peace, or may bind the offender over to answer for said offence at said court, as the nature and circumstances of the offence may require.

1786 N.H. Laws 383-84, An Act to Prevent the Keeping of Large Quantities of Gun-Powder in Private Houses in Portsmouth, and for Appointing a Keeper of the Magazine Belonging to Said Town.

That if any person or persons, shall keep in any dwelling-house, store or other buildings, on land, within the limits of said Portsmouth, except the magazine aforesaid, more than ten pounds of gun-powder at any one time, which ten pounds shall be kept in a tin canister properly secured for that purpose, such person or persons shall forfeit the powder so kept, to the firewards of said Portsmouth to be laid out by them in purchasing such utensils as they may judge proper for the extinguishing of the fire; and the said firewards are hereby directed and

empowered to seize, and cause the same to be condemned in any Court of Law or Record proper to hear and try the same, to be disposed of for the purchase aforesaid. And the offender shall also forfeit and pay a fine for the use of the poor of said Portsmouth, equal to the value of the powder so kept in any store, dwelling-house, or building; which fine, shall be sued for and recovered by the overseers of the poor of said Portsmouth, for the use of said poor, in any Court of Law proper to try the same.

1793 N.H. Laws 464-65, An Act to Prevent the Keeping of Large Quantities of Gun-Powder in Private Houses in Portsmouth, and for Appointing a Keeper of the Magazine Belonging to Said Town.

That if any person or persons, shall keep in any dwelling-house, store or other building on land, within the limits of said Portsmouth, except the magazine aforesaid, more than ten pounds of gun-powder at any one time, which ten pounds shall be kept in a tin canister, properly secured for the purpose, such person or persons shall forfeit the powder so kept to the firewards of said Portsmouth to be laid out by them in purchasing such utensils as they may judge proper for the extinguishing of the fire; and the said firewards are hereby directed and empowered to seize, and cause the same to be condemned in any court of record proper to hear and try the same, to be disposed of for the purchase aforesaid. And the offender shall also forfeit and pay a fine for the use of the poor of said Portsmouth, equal to the value of the powder so kept in any store, dwelling-house, or building; which fine, shall be sued for and recovered by the overseers of the poor of said Portsmouth, for the use of said poor, in any court of law proper to try the same.

Asa Fowler, The General Statutes of the State of New-Hampshire; to Which are Prefixed the Constitutions of the United States and of the State. With a Glossary and Digested Index Page 206, Image 227 (1867) available at The Making of Modern Law: Primary Sources. 1854

Safe-Keeping of Gunpowder, § 1. The board of firewards, if any, or the selectmen of any town, may establish rules and regulations from time to time relative to the times and places at which gunpowder may be brought to or carried from such town, by land or water, and the time when and the manner in which the same may be transported through the same. § 2. Any two firewards, police officers, or selectmen may search any building in the compact part of any town, and any vessel lying in any port, in which they have cause to suspect that gunpowder in a greater quantity than twenty-five pounds is kept or stored; and in case a greater quantity shall be found, shall seize the same as forfeited. § 3. Any person who shall keep or knowingly suffer any quantity of gunpowder greater than twenty-five pounds to be

kept or stored in any such building or vessel, or aid or assist in keeping or storing the same, or shall know that the same is so stored or kept, and shall not forthwith inform one of the firewards, police officers, or selectmen thereof, shall forfeit a sum not more than five dollars nor less than one dollar, for every day the same shall be so stored or kept.

1923 N.H. Laws 138

SECTION 1. Pistol or revolver, as used in this act shall be construed as meaning any firearm with a barrel less than twelve inches in length.

SECT. 2. If any person shall commit or attempt to commit a crime when armed with a pistol or revolver, and having no permit to carry the same, he shall in addition to the punishment provided for the crime, be punished by imprisonment for not more than five years.

SECT. 3. No unnaturalized foreign-born person and no person who has been convicted of a felony against the person or property of another shall own or have in his possession or under his control a pistol or revolver, except as hereinafter provided. Violations of this section shall be punished by imprisonment for not more than two years and upon conviction the pistol or revolver shall be confiscated and destroyed.

SECT. 4. No person shall carry a pistol or revolver concealed in any vehicle or upon his person, except in his dwelling house or place of business, without a license therefor as hereinafter provided. Violations of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment not exceeding one year or by both fine and imprisonment.

SECT. 5. The provisions of the preceding sections shall not apply to marshals, sheriffs, policemen, or other duly appointed peace and other law enforcement officers, nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the army, navy, or marine corps of the United States, nor to the national guard when on duty, nor to organizations by law authorized to purchase or receive such weapons, nor to duly authorized military or civil organizations when parading, or the members thereof when at or going to or from their customary places of assembly.

NEW YORK

1656 N.Y. Laws 235, Ordinance Of The Director And Council Of New Netherland Renewing The Ordinances For The Formation Of Villages, And Against Admitting Armed Indians Into Cities, Villages And Houses

. . . further, in order to prevent such dangers of isolated murders and assassinations, the Director General and Council, with the advice of the Burgomasters of this city,

cannot for the present devise any better or other expedient than already stated, and besides that, to interdict and forbid the admission of any Indians with a gun or other weapon, either in this city or in the Flatland, into the Villages and Hamlets, or into any Houses or any places, on pain of forfeiting such arms, which may and also shall be taken from them . . .

NORTH CAROLINA

Francois Xavier Martin, A Collection of Statutes of the Parliament of England in Force in the State of North Carolina, 60-61 (Newbern 1792)

Item, it is enacted, that no man great nor small, of what condition soever he be, except the King's servants in his presence, and his Ministers in executing of the King's precepts, of of their office, and such as be in their company assisting them, and also upon a cry made for arms to keep the peace, and the same in such places where such acts happen, be so hardy to come before the King's justices, or other of the King's Ministers doing their office with force and arms, nor bring no force in affray of peace, nor to go nor ride armed by night nor by day, in fairs, markets nor in the presence of the King's Justices, or other ministers, nor it [sic, likely "in"] no part elsewhere, upon pain to forfeit their armour to the King, and their bodies to prison at the King's pleasure. And that the King's Justices in their presence, Sheriffs and other ministers in their bailiwicks, Lords of Franchises, and their bailiffs in the same, and Mayors and Bailiffs of cities and boroughs, within the same cities and boroughs, and boroughholders, constables and wardens of the peace within their wards shall have power to execute this etc. [in original] And that the Justices assigned, at thier coming down into the country , shall have power to enquire how such officers and lords have exercised their offices in this case, and to punish them whom they find that have not done that which pertain to their office.

NORTH DAKOTA

1923 N.D. Laws 380, Pistols and Revolvers, ch. 266, § 6.

Sec. 6. Carrying Pistol Concealed. No person shall carry a pistol or revolver concealed in any vehicle or in any package, satchel, grip, suit case or carry in any way or upon his person, except in his dwelling house or place of business, without a license therefor as hereinafter provided. Violations of this section shall be punished by imprisonment for not less than one year, and upon conviction the pistol or revolver shall be confiscated or destroyed.

OHIO

1788-1801 Ohio Laws 20, A Law Respecting Crimes and Punishments . . . , ch. 6.
1788

Burglary . . . If the person or persons so breaking and entering any dwelling house, shop, store or vessel as aforesaid, shall commit, or attempt to commit any personal abuse, force, or violence, or shall be so armed with any dangerous weapon or weapons as clearly to indicate a violent intention, he, she or they so offending, upon conviction thereof, shall moreover, forfeit all his, her or their estate, real and personal, to this territory, out of which the party injured shall be recompensed as aforesaid, and the offender shall also be committed to any gaol [jail] in the territory for a term not exceeding forty years.

OREGON

1925 Or. Laws 468, 469-471

Section 5. Except as otherwise provided in this act, it shall be unlawful for any person within this state to carry concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person without having a license to carry such firearm, as hereinafter provided in section 8 hereof. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and if he has been convicted previously of any felony, or of any crime made punishable by this act, he is guilty of a felony. This section shall not be construed to prohibit any citizen of the United States, over the age of eighteen years, who resides or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by section 2 hereof, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business shall be required of any such citizen. Firearms carried openly in belt holsters shall not be deemed to be concealed within the meaning of this section.

Section 6. Nothing in the preceding section shall be construed to apply to or affect sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers, nor to any person summoned by any such officers to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; nor to the possession or transportation by any merchant of unloaded firearms as merchandise; nor to members of the army, navy or marine corps of the United States, or the national guard, when on duty, nor to organizations which are by law authorized to purchase or receive such weapons from the United States, or from this state; nor to duly authorized military or civil organizations while parading, nor to the members

thereof when going to and from the places of meeting of their respective organizations; nor to members of any club or organization now existing, or hereafter organized, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in this act upon such target ranges, or while going to and from such ranges; nor to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

Section 7. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any pistol, revolver or other firearm capable of being concealed upon the person, is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are hereby declared to be nuisances, and shall be surrendered to the magistrate before whom said person shall be taken, except that in any city, county, town or other municipal corporation the same shall be surrendered to the head of the police force or police department thereof. The officers to whom the same may be so surrendered, except upon the certificate of a judge or a court of record, or of the district attorney of the county, that the preservation thereof is necessary or proper to the ends of justice, shall annually, between the first and tenth days of July, in each year, destroy or cause to be destroyed such weapons to such extent that the same shall become and be wholly and entirely ineffective and useless for the purpose for which it was [they were] manufactured; provided, however, that in the event any such weapon has been stolen and is thereafter recovered from the thief or his transferee the same shall not be destroyed but shall be restored to the lawful owner thereof, so [as] soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership thereof; provided, that upon the certificate of a judge or of the district attorney that the ends of justice will be subserved thereby such weapon shall be preserved until the necessity for its use ceases.

Section 8. It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or other police head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry concealed a pistol, revolver or other firearm for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon

authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. Such applications and licenses shall be uniform throughout the state, upon forms to be prescribed by the attorney general.

1933 Or. Laws 489, An Act to Amend Sections 72-201, 72-202, 72-207, Oregon Code 1930, ch. 315, §§ 3-4.

§ 3. Except as otherwise provided in this act, it shall be unlawful for any person within this state to possess or have in his possession any machine gun . . . § 4. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any machine gun, pistol, revolver or other firearm capable of being concealed upon the person is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are hereby declared to be nuisances, and shall be surrendered to the magistrate before whom said person shall be taken . . .

PENNSYLVANIA

1776 Pa. Laws 11, An Ordinance Respecting The Arms Of Non-Associators, § 1
The colonel or next officer in command of every battalion of militia in this state is hereby authorized, empowered and required to collect, receive and take all the arms in his district or township nearest to such officer which are in the hands of non-associators in the most expeditious and effectual manner in his power, and shall give to the owners receipts for such arms, . . .

1778 Pa. Laws 123, An act for the further security of the government, ch. LXI, §§ 1-3, 5, 10

Section I. Whereas the welfare and happiness of the good people of this commonwealth, do, next under God, entirely depend upon the maintaining and supporting the independence and sovereignty of the state, as declared by congress Sect. 2. Be it therefore enacted . . . That all male white inhabitants of this state above the age of eighteen years, who have not hiterhto taken the oath or affirmation mentioned and appointed to be taken in the act of assembly . . . shall, on or before the first day of June next, take and subscribe the same in manner and form as by the said act is directed; and that every such person neglecting to take the said oath or affirmation, shall, during the time of such neglect, be liable to all the disabilities, incapacities and penalties to which to which they are subjected by the said act; and also shall be disabled, from and after the said day, to sue or use any action, bill, plaint or information, in course of law, or to prosecute any suit in

equity or otherwise howsoever, or to be gaurdian of the person or estate of any child, or executor or administrator of any person, or capabale of any legacy or deed of gift, or to make any will or testament, and moreover shall be liable and compelled to pay double the taxes, which another person of equal estate, who has taken such oath or affirmation, shall be rated or assessed at . . . Sect. 3. And be it further enacted, that all trustees, provosts, rectors, professors, masters and tutors of any college or academy, and all schoolmasters and ushers; merchants and traders; and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary, by practicing in any manner as such in any court or courts whatsoever; apothecary or druggist, and very person practicing physic or surgery in any manner for fee or reward; who shall at any time after the first day of June next, be admitted into or enter upon any of the beforementioned preferments, offices or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment, or business as aforesaid, without having first taken and subscribed the beforementioned oath or affirmation, he or they shall be ipso facto adjudged incapable an disabled in law, to all intents and purposes whatsoever, to have, occupy or enjoy the said preferment or preferments, office or offices, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them; and every such office or place of trust shall be void, and is hereby adjudged void . . . Sect. 5. And be it further enacted, That every such person who shall refuse or neglect to take the oath or affirmation before mentioned on or before the said first day of June next, and shall refuse or neglect to deliver up his arms to the lieutenant, or one of the sublieutenants, of the city or county where he inhabits, on or before the tenth day of June next, or who shall, from and after the same day last mentioned, carry any arms about his person or keep any arms or ammunition in his house or elsewhere, shall forfeit the said arms and ammunition to the state . . . Sect. 10 And be it further enacted, That the act, intituled “an Act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned,” enacted the thirteenth day of June last, and the supplement thereto, enacted the twelfth day of October last, and every clause, matter and thing therein contained, except for such parts thereof as are by this act altered, amended or supplied, shall be and remain in full force and effect; any thing herein contained to the contrary notwithstanding.

1779 Pa. Laws 193, An Act. . . for Disarming Persons Who Shall not Have Given Attestations of Allegiance and Fidelity to this State, §§ 4-5.

§ 4. And whereas it is very improper and dangerous that persons disaffected to the liberty and independence of this state shall possess or have in their own keeping, or

elsewhere, any firearms, or other weapons used in war, or any gun powder. § 5. ... That from and after the passing of this act, the lieutenant or any sub lieutenant of the militia of any county or place within this state, shall be, and is hereby empowered to disarm any person or persons who shall not have taken any oath or affirmation of allegiance to this or any other state and against whom information on oath shall be given before any justice of the peace, that such person is suspected to be disaffected to the independence of this state, and shall take from every such person any cannon, mortar, or other piece of ordinance, or any blunderbuss, wall piece, musket, fusee, carbine or pistols, or other fire arms, or any hand gun; and any sword, cutlass, bayonet, pike or other warlike weapon, out of any building, house or place belonging to such person.

Laws of the Commonwealth of Pennsylvania, from the Fourteenth Day of October, One Thousand Seven Hundred, to the Twentieth Day of March, One Thousand Eight Hundred and Ten Page 240-244, Image 284-288 (1810) available at The Making of Modern Law: Primary Sources. 1795

An Act providing for the inspection of Gun-powder. Whereas gun-powder imported from abroad and manufactured within this state, hath frequently been found to vary much in its strength, and sometimes of inferior qualities, and its defects not discovered until brought into actual use: and whereas the modes heretofore used to prove the force thereof have been found uncertain and variable: and whereas Joseph Leacock, of the city of Philadelphia, hath invented an engine, called a pendulum powder proof, with a graduated arch and catch-pall, by which it is conceived that the force of gun-powder may be proved by experiment and the article reduced to certain and uniform standards of strength, whereby the manufacture may be advanced towards ultimate perfection , and the purchaser and consumer protected against fraud and imposition: § 1. Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of October next, all gun-powder manufactured within this state, with intent to sell the same within the city or county of Philadelphia, shall be put in good and tight kegs or casks of twenty-five, fifty, or one hundred pounds neat weight , each made of well seasoned timber, bound together with at least twelve loops, and having a hole bored in each head with the diameter of one fourth part of an inch, well stopped with corks and having the tare weight (weight of the actual keg or cask) of each cask marked thereon, and that all such gun-powder, and all other gun-powder, wheresoever manufactured imported into the port of Philadelphia, or brought into the city or county of Philadelphia for sale, shall be deposited, forthwith on such importation or bringing by land or by water, in the public magazine in in the said city, and delivered to the care of the keeper the

same, who shall give his receipt for the same, deliverable to the order of him or them who shall deposit the same. § 2. And be it further enacted by the authority aforesaid, That David Rittenhouse, Francis Gurney, and Thomas Procter be, and they are hereby, appointed commissioners, to procure at least two pendulum powder proofs, upon the construction invented by the said Joseph Leacock, as nearly uniform in length and radius and weight of pendulum, and in length of caliber and weight of the pistol, as they can procure the same, and therewith make experiments of the respective strength or force of the several species of gun-powder imported from abroad and manufactured within this state, sufficient in number to ascertain the quality and force of three different degrees of strength in explosion, and marking the number of degrees on the graduated arch of the said engine, to which equal quantities of weight of the said three species of gunpowder, rammed with equal force into the pistol, shall elevate the said pendulum; and the power which shall be barely capable of raising the said pendulum to the lowest rate of elevation, shall be the standard for the state of Pennsylvania for gun-powder of the first or lowest proof; and the powder which shall be capable of raising the said pendulum to the highest rate of elevation, shall be the standard of gunpowder for the state of Pennsylvania of the third or highest proof; and the middle or second proof standard of gun-powder shall be ascertained by the number of degrees on the said graduated arch, to which the same quantity by weight in equal moieties of the first and third proof powder shall be capable of raising the said pendulum; and the said standard being so fixed and ascertained, the said commissioners shall make report thereof in writing, by indentures under their hands and seals, one part thereof, together with one of the said two pendulum powder proofs, as accurate a draft and description thereof as can be made shall be returned to the Governor, to be file and remain the office of the Secretary of the commonwealth; and one other part shall be returned to the Master of Rolls, to be recorded in his office, and filed among the laws of the state; and the other part, together with the other pendulum powder proofs, shall be delivered to the first Inspector of gun-powder to be appointed in pursuance of this act, and by him, and his successors in office, to his and their successors, as often as another officer shall be appointed. . . § 6. And by it further enacted by the authority aforesaid, That it shall be the duty of the inspector of gunpowder so to be appointed, for the time being, to attend at the aid public magazine, and his office so to be built, as often as shall be necessary, to inspect and examine all gunpowder there to be deposited, to draw samples from each cask of powder which shall be so as aforesaid bored, and to open or otherwise get samples of casks of powder not bored as aforesaid, and removing such samples to his office, there to prove the same b the pendulum proof aforesaid, and note the standard quality of each cask, to provide himself with cedar plugs stamped on the outer end with the letters S.P. and the figures number one, number two, and

number three, so designate the first, second and third proofs of standard gunpowder of the state of Pennsylvania, and another stamped with letters S.P. to designate condemned gun-powder, and therewith carefully to plug up the holes opened or made for the purpose with such marked plugs, as the proof quality of the powder in each cask respectively contained, and occasionally to weight the said casks; and if upon weighing the same suspicion shall arise that he casks are false tared, or do not contain the quantity herein above mentioned for each cask, to empty the same, and weigh the cask and powder separately, to ascertain the deficiency, if any, in the neath weight, and to fill the same to its due weight out of the other cask belonging to the same person, marking the weight taken on the ullage casks , and keeping an exact account in the books thereof, and of the names of the owners and persons bringing and depositing the same. . . §10. And be it further enacted by the authority aforesaid That if any person, from and after the first day of October next, importing or bringing into the port or city, or county of Philadelphia, any quantity of gun-powder exceeding twenty-five pounds, with intent to sell the same, shall neglect to deposit the same for inspection in the magazine aforesaid, or shall sell the same before it be inspected and marked as aforesaid, or shall sell any gun-powder that shall be condemned as aforesaid as and for merchantable gun-powder every person so offending shall forfeit all such gunpowder as aforesaid. § 11. And be it further enacted by the authority aforesaid, That the inspector shall be entitled to demand and receive of and from the owner and possessor of all gun-powder deposited in the said magazine, and by him or his Deputy examine, proved and plugged, as aforesaid, the following sums or rates, whether the same be approved or condemned, paid or secured before the same shall be removed from the magazine; if the Inspector shall so require; for every cask of powder, manufactured in this state, or any of the United States, bored, and stopped with corks by the manufacturer, containing twenty-five pounds neat weight, seven cents; for every like cask containing fifty pounds, eight cents; for every like cask containing one hundred pounds, nine cents; and fore very cask of foreign powder, or powder manufactured in the United States, not bored and stopped with corks as aforesaid, double the said price or rates; and for every cask which shall find deficient one per cent. In weight and shall fill up, fifty cents. § 12. And be it further enacted by the authority aforesaid, that if any dispute should arise between the owner, possessor or consignee of any such powder and the Inspector, touching the proof or condemnation thereof, or the goodness of the materials and manner in which the casks are made, upon application by the owner, possessor or consignee of such powder to one of the Magistrates of the city or county of Philadelphia, where the dispute shall arise, the said Magistrate shall issue this warrant to three indifferent judicious persons to be triers thereof, one of them to be named by the said owner, possessor or consignee, of by the said Inspector, and the

third of the said Magistrate shall thereupon give his judgment agreeably to the report of the said triers, or any two of them; and in case the said Magistrate shall on such reports adjudge the powder not to be merchantable, he shall award the owner, possessor or consignee thereof, to pay all costs; but in the case the said powder shall be found merchantable, the Inspector shall be adjudged to pay all costs, which may have accrued, and shall thereupon cause the powder to be marked as the standard to be directed by the said triers.

RHODE ISLAND

The Charter and Ordinances of the City of Providence, Together with the Acts of the General Assembly Relating to the City Page 89-96, Image 89-96 (1854)

Available at The Making of Modern Law: Primary Sources. 1821

An Act Regulating the Storage, Safe Keeping and Transportation of Gunpowder in the Town of Providence, (1821) § 2. And be it further enacted, That it shall not be lawful for any person or persons to sell any gunpowder which may at the time be within the town of Providence in any quantity, by wholesale or retail, without first having obtained from the town council of said town a license to sell gunpowder; and every such license shall be written or printed, and signed by the president of said council or their clerk, on a paper upon which shall be written or printed a copy of this act; and every such license shall be in force for one year from the date thereof, unless annulled by said council, and no longer; but such license may, prior to the expiration of that time, be renewed, by endorsement thereon, for a further term of one year, and so from year to year: provided, always, that the said town council may annul any such license, if in their opinion the person or persons licensed have forfeited the right of using the same by any violation of the law relative thereto; and every person who shall receive a license as aforesaid shall pay therefor the sum of five dollars, and on having the same renewed shall pay therefor the sum of one dollar, which shall be paid to the clerk of said council, for their use, for the purpose of defraying the expense of carrying this act into execution. § 3.

And be it further enacted, That any person or persons who shall keep, have, possess or transport any gunpowder within the town of Providence, contrary to the provisions of this act, or who shall sell any gunpowder therein, without having a license therefor, then in force, shall forfeit and pay a fine of not less than twenty dollars, and not exceeding five hundred dollars, for each and every offence; and if any gunpowder kept contrary to the provisions of this act shall explode in any shop, store, dwelling-house, ware-house or other building, or in any place in said town, the occupant, tenant or owner of which has not a license in force to keep and sell gunpowder therein, or which gunpowder shall have been kept in a manner contrary to the terms and conditions of such license, such occupant tenant or owner

shall forfeit and pay a fine of not less than twenty dollars nor more than five hundred dollars. . . § 6. And be it further enacted, That the said firewards, or any of them, may enter the store or place of any person or persons licensed to sell gunpowder, to examine and ascertain whether the laws relating thereto are strictly observed; and also whenever there may be an alarm or fire; and in such last case may cause the powder there deposited to be removed to a place of safety, or to be destroyed by wetting or otherwise, as the exigency of the case may require; and it shall be lawful for any one or more of the firewards aforesaid to enter any dwelling house, store, building or other place in said town to search for gunpowder which they may have reason to suspect to be concealed or unlawfully kept therein; first having obtained from some justice of the peace of said town a search warrant therefor; which warrant any one of the justices of said town is hereby respectively authorized to issue, upon the complaint of such fireward or firewards, supported by his or their oath or affirmation. . . And be it further enacted, That all persons who wish have a license to keep and sell gunpowder within the town shall make application to the town council in writing, stating the place of business and whether they wish to sell by wholesale or retail, or both; and to each person or firm who may be approbated, a certificate of license shall be granted, on payment of the fee established by law. § 14. And be it further enacted, That every person or firm who may be licensed to sell gunpowder by retail, shall be allowed to keep in the place or building designated in the license, twenty-five pounds of gunpowder, and no more, at one time, which shall always be kept in tin or copper canisters, capable of containing no more than twelve and a half pounds each with a small aperture at the top, and a tin or copper cover thereto. § 15. And be it further enacted, That every person or firm who may be licensed to sell gunpowder by wholesale, shall provide and keep a tin or copper chest, with two handles and a tight cover, furnished with a hinge, and secured with a padlock, all of tin or copper chest, with two handles and a tight cover furnished with a hinge and secured padlock, all of tin or copper; such chest shall always be kept on the lower floor, on the right side of and close to the principal door or entrance from the street into the building so licensed, except when otherwise designated by the council and shall always be kept locked, except when powder is put in or taken out; and such person or firm, so licensed shall be allowed to deposit and keep, in such tin or copper chest, a quantity of gunpowder not exceeding four casks of twenty-five pounds each; the heads of each cask not to be opened, and each cask to be kept in a strong leather bag, closely tied and marked as aforesaid. § 16. And be it further enacted, that every person or firm licensed to keep and sell gunpowder as aforesaid, by wholesale or retail, shall have and keep a signboard placed over the door or building in which such powder is kept, on which shall be painted in Roman capitals the words “Licensed to sell Gunpowder”

1893 R.I. Pub. Laws 231, An Act Prohibiting The Carrying Of Concealed Weapons, chap. 1180, § 1.

§ 1. No person shall wear or carry in this state any dirk, bowie knife, butcher knife, dagger, razor, sword in cane, air gun, billy, brass or metal knuckles, slung shot, pistol or fire arms of any description, or other weapons of like kind and description concealed upon his person: Provided, that officers or watchmen whose duties require them to make arrests or to keep and guard prisoners or property, together with the persons summoned by such officers to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provisions of this act. § 2. Any person convicted of a violation of the provisions of section 1 shall be fined not less than twenty dollars nor more than two hundred dollars, or be imprisoned not less than six months nor more than one year. § 3. Whenever any person shall be arrested charged with any crime or misdemeanor, or for being drunk or disorderly, or for any breach of the peace, and shall have concealed upon his person any of the weapons mentioned in section 1, such person, upon complaint and conviction, in addition to the penalties provided in section 2, shall be subject to a fine of not less than five dollars nor more than twenty five dollars, and the confiscation of the weapon so found.

General Laws of the State of Rhode Island and Providence Plantations to Which are Prefixed the Constitutions of the United States and of the State Page 1010-1011, Image 1026-1027 (1896) available at The Making of Modern Law: Primary Sources.

Offences Against Public Policy, § 23. No person shall wear or carry in this state any dirk, bowie-knife, butcher knife, dagger, razor, sword-in-cane, air-gun, billy, brass or metal knuckles, slung-shot, pistol or fire-arms of any description, or other weapons of like kind and description concealed upon his person: provided, that officers or watchmen whose duties require them to make arrests or to keep and guard prisoners or property, together with the persons summoned by such officers to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provisions of this and the two following sections. § 24. Any person convicted of a violation of the provisions of the preceding section shall be fined not less than ten nor more than twenty dollars, or be imprisoned not exceeding three months, and the weapon so found concealed shall be confiscated. . § 26. No negative allegations of any kind need be averred or proved in any complaint under the preceding three sections, and the wearing or carrying of such concealed weapons or weapons shall be evidence that the wearing or carrying of the same is unlawful; but the respondent in any such case may show any fact that would render the carrying of the same lawful under said sections.

SOUTH CAROLINA

1731-43 S.C. Acts 168, § 23. 1740

It shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of firearms or any offensive weapon whatsoever, unless such negro or slave shall have a ticket or license in writing from his master, mistress or overseer, to hunt and kill game, cattle, or mischievous birds or beasts of prey, and that such license be renewed once every month, or unless there be some white person of the age of 16 or upwards, in the company of such slave when he is hunting or shooting; or that such slave be actually carrying his masters arms to or from his masters plantation, by a special ticket, for that purpose, or unless such slave be found in the day time actually keeping off rice birds, or other birds within the plantation to which such slave belongs, lodging the same gun at night within the dwelling house of his master, mistress or white overseer. And provided also that no negro or other slave shall have liberty to carry any guns, cutlass, pistol or other weapon abroad from at any time between Saturday evening after sunset and Monday morning before sunrise notwithstanding a license or ticket for so doing. And in case any person shall find any slave using or carrying fire-arms, or other offensive weapons, contrary to the true intention of this act; every such person may lawfully seize and take away such fire-arms or offensive weapons; but before the property of such goods shall be vested in the person who shall seize the same, such person shall, within 48 hours next after such seizure, go before the next justice of the peace, and shall make oath of the manner of the taking; and if such justice of the peace after such oath shall be made, or upon any other examination, he shall be satisfied, that the said fire-arms or other offensive weapons, shall have been seized according to the directions and agreeable to the true intent and meaning of this act, the said justice shall, by certificate under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person who seized the same. Provided that no such certificate shall be granted by any justice of the peace until the owner or owners of such fire-arms or other offensive weapons so to be seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from, whom such fire-arms or other offensive weapons shall be taken or seized shall be duly summoned, to show cause (if any such they have) why the same should not be condemned as forfeited; or until 48 hours after the service of such summons and oath made of the service thereof before the said justice.

Ordinances, of the Town of Columbia, (S. C.) Passed Since the Incorporation of Said Town: To Which are Prefixed, the Acts of the General Assembly, for

Incorporating the Said Town, and Others in Relation Thereto Page 61-61, Image 61-62 (1823) available at The Making of Modern Law: Primary Sources. 1817 [Ordinances of the Town of Columbia, An Ordinance for Prohibiting the Firing of Guns in the Town of Columbia (1817). Whereas the practice of firing small arms within the town of Columbia is extremely dangerous to the lives; as well as the property of the inhabitants thereof, and ought to be strictly prohibited: Be it ordained by the Intendent and Municipal Wardens of the towns aforesaid, in council assembled, and it is hereby ordained by the authority of the same, That hereafter it shall not be lawful for any person to fire or discharge any gun, pistol or other small arms within the limits bounded by Henderson, Blossom, Lincoln and Upper streets; and if any person shall wantonly, knowingly, and willfully fire or discharge any gun, pistol, or other small arms within the said limits, such person shall forfeit and pay to the use of the town aforesaid, a sum not exceeding five dollars, for each and every such offence, to be sued for and recovered according to law. And whereas, offences of this kind may be committed by minors or other disorderly persons, who have no ostensible property whereof the said penalty can be levied. Be it therefore ordained by the authority aforesaid, That any gun, pistol or other small arms, fired or discharged by any such person in breach of this ordinance, shall be liable for the payment of the penalty or penalties aforesaid; and it shall be lawful for the intendant, either of the Wardens or constables, who shall see such person offending against this ordinance, to seize and take into possession the gun or pistol, or other small arms so fired or discharged, and despite the same with the Intendant or either of the Wardens; and if the person charged with the said offense, and convicted thereof, shall not within ten days after conviction pay the penalty incurred and the costs of prosecution, the same shall be sold to discharge the said penalty and costs: Provided nevertheless, That nothing in this ordinance contained shall extend to prohibit or restrain the usual exercises or duties of the military on muster or parade days, or in performance of patrol or other duties enjoined by law, or to prohibit or restrain any of the inhabitants of said town from shooting any mad dog, or any other dangerous animal found within the same, or from firing guns on the fourth of July, Christmas and New-Years days, or on any other day of general rejoicing of said town.]

1880 S.C. Acts 448, § 1, as codified in S.C. Rev. Stat. (1894). § 129 (2472.)
§ 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, not met and sitting in General Assembly, and by the authority of the same, That any person carrying a pistol, dirk, dagger, slung shot, metal knuckles, razor, or other deadly weapon usually used for the infliction of personal injury, concealed about his person shall be guilty of a misdemeanor and upon conviction thereof, before a Court of competent jurisdiction shall forfeit to the County the

weapon so carried concealed and be fined in a sum not more than two hundred dollars, or imprisoned for not more than twelve months, or both, in the discretion of the Court. § 2. It shall be the duty of every Trial Justice, Sheriff, Constable, or other peace officer, to cause all persons violating this Act to be prosecuted therefor whenever they shall discover a violation hereof.

TENNESSEE

Offenses Affecting Public Safety, Ordinances of the City Council of Memphis, Ch.14, Art. 3, §1 (1867).

“Section 1. It shall be deemed a misdemeanor to do, or cause to be done, any of the following acts; and any person convicted thereof shall be fined not less than five nor more than fifty dollars:”

“7th. To discharge any firearm within the city, unless in self-defense or while executing some law.

8th. To carry concealed on or about the person any pistol, bowie-knife, dirk or other deadly weapon.”

“12th. To violate any of the following provisions in relation to gunpowder and powder magazines:

That no powder magazine shall be erected or kept within the corporate limits of the city without a special license from the Board of Aldermen, and then only upon such condition and in such place as the Board may direct.

No merchant or other person shall keep on hand, or in store, or on his premises, within this city, more than twenty pounds of gunpowder at any one time, and this quantity shall be kept in a safe and secure box or canister completely closed.

No vehicle employed to carry powder about the city for sale or distribution shall carry more than ten kegs at a time; and said vehicle shall be so arranged as effectually to cover up the kegs and to guard and protect the same from public view and from accidental fire.

No boat shall deliver at this port more than ten kegs of gunpowder at one time without the permission of the Wharfmaster, and all gunpowder delivered from boats shall be delivered under the special superintendence of the said officer and according to his direction. And no person shall sell, or be allowed to sell, any gunpowder on board of or from any flatboat at this landing.

No person shall send to or deliver in the city any powder concealed in any box or barrel, or in any other manner, purporting to be any other article, under penalty of confiscation of the whole package, in addition to the fines imposed for violations of this ordinance.

Upon information given and sworn to before the Recorder, it is hereby made the duty of the Chief of Police to obtain a search warrant from the Recorder, and make examination of the premises named in the information, for powder, and if more gunpowder be found therein than is allowed by the ordinance to be kept, the said gunpowder shall be confiscated to the use of the city, and the offender shall be fined as herein directed.

No powder manufactory shall be allowed to be erected or carried on within this city, or within one mile of the same, all such establishments and manufactories being hereby declared nuisances. And if any such establishment shall be begun or carried on, or if any powder-house or magazine shall be erected and used without the special license aforesaid, on report and proof made to him, the Recorder shall order said nuisances to be abated immediately by the Chief of Police.”

1867, TN, Offenses Affecting Public Safety, Ordinances of the City Council of Memphis, Ch.14, Art. 3, §1

WM. H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, together with the Acts of the Legislature Relating to the City, with an Appendix (Memphis, TN: Bulletin Publishing Company, 1867), 337-339. Ch. 14 An Ordinance in Relation to Offenses Affecting Good Morals and Decency, Public Peace, Quiet, Safety and Property, and in Relation to Misdemeanors and Nuisances Generally, Art. 3 Offenses Affecting Public Safety, §1. Approved 11 July, 1867.

Claude Waller, Digest of the Ordinances of the City of Nashville, to Which are Prefixed the State Laws Incorporating, and Relating to, the City, with an Appendix Containing Various Grants and Franchises Page 364-365, Image 372-373 (1893) available at The Making of Modern Law: Primary Sources.

Ordinances of the City of Nashville, § 738. Every person found carrying a pistol, bowie-knife, dirk-knife, slung-shot, brass knucks, or other deadly weapon, shall be deemed guilty of a misdemeanor, and, upon conviction of such first offense, shall be fined from ten to fifty dollars, at the discretion of the court; but, upon conviction of every subsequent offense, shall be fined fifty dollars; Provided, however, That no ordinary pocket-knife and common walking canes shall be construed to be deadly weapons. . . § 740. It is expressly understood that the provisions of the above sections, relating to carrying such deadly weapons, do not extend to police of other officers, or persons that are entitled by law to carry such deadly weapons; nor does it extend to the act of handling or moving such deadly weapons in any ordinary business way. § 741. All pistols, knives, and other weapons, the carrying of which upon the person is unlawful, which may be found upon the persons of individuals arrested by the metropolitan police, shall be seized by the captain of the metropolitan police, and shall be retained by him and forfeited to the Mayor and

City Council, and shall, in no case, be returned to the individual from whom the same was taken or to any one claiming the same.

TEXAS

1839 Tex. Gen. Laws 172, An Act Concerning Slaves, § 6

That no slave in this republic shall carry a gun or other deadly weapon without the written consent of his master, mistress or overseer; such arms or other weapons shall be liable to be taken by any person from any such negro, and all such property forfeited, if it does not exceed ten dollars in value; but any such property may be reclaimed by the owner on paying ten dollars to the person who may have so taken the same.

The Laws of Texas 1822-1897 Austin's Colonization Law and Contract; Mexican Constitution of 1824; Federal Colonization Law; Colonization Laws of Coahuila and Texas; Colonization Law of State of Tamaulipas; Fredonian Declaration of Independence; Laws and Decrees, with Constitution of Coahuila and Texas; San Felipe Convention; Journals of the Consultation; Proceedings of the General Council; Goliad Declaration of Independence; Journals of the Convention at Washington; Ordinances and Decrees of the Consultation; Declaration of Independence; Constitution of the Republic; Laws, General and Special, of the Republic; Annexation Resolution of the United States; Ratification of the same by Texas; Constitution of the United States; Constitutions of the State of Texas, with All the Laws, General and Special, Passed Thereunder, including Ordinances, Decrees, and Resolutions, with the Constitution of the Confederate States and the Reconstruction Acts of Congress Page 172, Image 349 (Vol. 2, 1898) available at The Making of Modern Law: Primary Sources. 1840

Laws of the Republic of Texas, [An Act Concerning Slaves (1840),] § 6. Be it further enacted, That no slave in this Republic shall carry a gun or other deadly weapon without the written consent of his master, mistress or overseer; such arms or other weapons shall be liable to be taken by any person from any such negro, and all such property forfeited, if it does not exceed ten dollars in value; but any such property may be reclaimed by the owner on paying ten dollars to the person who may have so taken the same.

1871 Tex. Laws 25, An Act to Regulate the Keeping and Bearing of Deadly Weapons.

§ 1. Be it enacted by the Legislature of the State of Texas, That any 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 purposes of offense or defense, unless he had reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the State, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and on conviction thereof shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fine imposed and collected shall go into the treasury of the county in which they may have been imposed; provided, that this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the State from keeping or carrying arms with their baggage; provided further, that members of the Legislature shall not be included under the term "civil officers" as used in this act. § 2. Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was in danger of an attack on his person, or unlawful interference with his property, shall be required to show that such danger was immediate and pressing, and was of such a nature as to alarm a person of ordinary courage; and that the weapon so carried was borne openly and not concealed beneath the clothing; and if it shall appear that this danger had its origin in a difficulty first commenced by the accused, it shall not be considered as a legal defense.

George Washington Paschal, A Digest of the Laws of Texas: Containing Laws in Force, and the Repealed Laws on Which Rights Rest [Carefully Annotated] Page 1322-1324, Image 292-294 (Vol. 2, 1873) available at The Making of Modern Law: Primary Sources. 1871

An Act to Regulate the Keeping and Bearing of Deadly Weapons, Art. 6512. Any 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; or unless having or carrying the same on or about his person for the lawful defense the state, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished

by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fines imposed and collected shall go into the treasury of the county in which they may have been imposed: Provided, That this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the state from keeping or carrying arms with their baggage: Provided further, that members of the legislature shall not be included under the term “civil officers” as used in this act. Art. 6513. Any person charged under the first section of this act, who may offer or prove, by way of defense, that he was in danger of an attack on his person, or unlawful interference with his property, shall be required to show that such danger was immediate and pressing, and was of such a nature as to alarm a person of ordinary courage; and that the weapon so carried was borne openly and not concealed beneath the clothing; and if it shall appear that this danger had its origin in a difficulty first commenced by the accused, it shall not be considered as a legal defense. . . Art. 6515. This act shall not apply to nor be enforced in any county of the state which may be designated in a proclamation of the governor as a frontier county, and be liable to incursions of hostile Indians.

1879 Tex. Crim. Stat. tit. IX, Ch. 4 (Penal Code)

Art. 318. If any person in this state shall carry 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 purposes of offense or defense, he shall be punished by fine of not less than twenty-five nor more than one hundred dollars; and, in addition thereto, shall forfeit to the county in which he is convicted, the weapon or weapons so carried.

Art. 319. The preceding article shall not apply to a person in actual service as a militiaman, nor to a peace officer or policeman, or person summoned to his aid, not to a revenue or other civil officer engaged in the discharge of official duty, not to the carrying of arms on one’s own premises or place of business, nor to persons traveling, nor to one who has reasonable ground for fearing an unlawful attack upon his person, and the danger is so imminent and threatening as not to admit of the arrest of the party about to make such attack, upon legal process.

Art. 320. If any person shall go into any church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show, or public exhibition of

any kind, or into a ball-room, social party, or social gathering, 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 to any other public assembly, and shall have or carry about his person a pistol or other fire-arm, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of a knife manufactured and sold for the purposes of offense and defense, he shall be punished by fine not less than fifty nor more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person.

Art. 321. The preceding article shall not apply to peace officers, or other persons authorized or permitted by law to carry arms at the places therein designated.

Art. 322. Any person violating any of the provisions of articles 318 and 320, may be arrested without warrant by any peace officer, and carried before the nearest justice of the peace for trial; and any peace officer who shall fail to refuse to arrest such person on his own knowledge, or upon information from some credible person, shall be punished by fine not exceeding five hundred dollars.

Art. 323. The provisions of this chapter shall not apply to or be enforced in any county which the governor may designate, by proclamation, as a frontier county and liable to incursions by hostile Indians.

VIRGINIA

1633 Va. Acts 219, Acts Made by the Grand Assembly, Holden At James City, August 21st, 1633, An Act That No Arms or Ammunition Be Sold To The Indians, Act X

It is ordered and appointed, That if any person or persons shall sell or barter any guns, powder, shot, or any arms or ammunition unto any Indian or Indians within this territory, the said person or persons shall forfeit to public uses all the goods and chattels that he or they then have to their own use, and shall also suffer imprisonment during life, the one half of which forfeiture shall be to him or them that shall inform and the other half to public uses.

1642 Va. Acts 255, Acts of March 2nd, 1642, Act XXIII

Be it also enacted and confirmed, that what person or persons soever shall sell or barter with any Indian or Indians for piece, powder and shot and being thereof lawfully convicted, shall forfeit his whole estate . . . and if any person shall barter or trade with the Indians for any other commodities such person shall suffer imprisonment at the discretion of the Governor and Counsel. . . What person or persons soever within the colony, shall lend any Indian either piece, powder and shot, it shall be lawful for any person meeting with any such Indian so furnished, to

take away either piece, powder or shot, so as such person taking away . . . the party delinquent for his just offence shall forfeit two thousand pounds of tobacco . . . Available at <https://archive.org/details/statutesatlargeb01virg>

1651 Va. Acts 365, Articles At The Surrender Of The Country, art. 13
Articles Agreed On And Concluded At James City In Virginia For The
Surrendering And Settling Of That Plantation Under The Obedience And
Government Of The Commonwealth Of England . . . Art. 13: That all ammunition,
powder and arms, other than for private use shall be delivered up, security being
given to make satisfaction for it.

Act of May 5, 1777, ch. 3, in 9 HENING’S STATUTES AT LARGE 281, 281-82
(1821)

An act to oblige the free male inhabitants of this state above a certain age to give assurance of Allegiance to the same, and for other purposes. WHEREAS allegiance and protection are reciprocal, and those who will not bear the former are not entitled to the benefits of the later, Therefore Be it enacted by the General Assembly, that all free born male inhabitants of this state, above the age of sixteen years, except imported servants during the time of their service, shall, on or before the tenth day of October next, take and subscribe the following oath or affirmation before some one of the justices of the peace of the county, city, or borough, where they shall respectively inhabit; and the said justice shall give a certificate thereof to every such person, and the said oath or affirmation shall be as followeth, viz . . . And the justices tendering such oath or affirmation are hereby directed to deliver a list of the names of such recusants to the county lieutenant, or chief commanding officer of the militia, who is hereby authorised and directed forthwith to cause such recusants to be disarmed . . . And be it farther enacted, That every person above the age before mentioned, except as before excepted, refusing or neglected to take and subscribe the oath or affirmation aforesaid, shall, during the time of such neglect or refusal, be incapable to holding any office in this state, serving on juries, suing for any debts, electing or being elected, or buying lands, tenements, or hereditaments.

1786 Va. Acts 35. (Ch. 49, An Act Forbidding and Punishing Affrays).

“Be it enacted by the General Assembly, that no man, great nor small, of what condition soever he be, except the Ministers of Justice in executing the precepts of the Courts of Justice, or in executing of their office, and such as be in their company assisting them, be so hardy to come before the justices of any court, or either of their Ministers of Justice, doing their office, with force and arms, on pain, to forfeit their armour to the Commonwealth, and their bodies to prison, at the pleasure of a Court; nor go nor ride armed by night nor by day, in fair or markets,

or in other places, in terror of the county, upon pain of being arrested and committed to prison by any Justice on his own view, or proof by others, there to abide for so long a time as a jury, to be sworn for that purpose by the said Justice, shall direct, and in like manner to forfeit his armour to the Commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month.”

1786, VA, Ch. 49, An Act Forbidding and Punishing Affrays
Acts Passed at a General Assembly of the Commonwealth of Virginia Begun and Held at the Public Buildings in the City of Richmond, on Monday the Sixteenth Day of October in the Year of Our Lord, One Thousand Seven Hundred and Eighty-Six (Richmond, VA: Dixon, Holt, Nicolson, and Davies, 1786), 35. Chapter 49, An Act Forbidding and Punishing Affrays. Exact date of act’s passage not mentioned in text.

Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as Are Now in Force; with a New and Complete Index. To Which are Prefixed the Declaration of Rights, and Constitution, or Form of Government Page 187, Image 195 (1803) available at The Making of Modern Law: Primary Sources.

Race and Slavery Based | Virginia | 1792

[An Act to Reduce into one, the Several Acts Concerning Slaves, Free Negroes, and Mulattoes (1792),] §§ 8-9.

§8. No negro or mulatto whatsoever shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, but all and every gun, weapon, and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person, and upon due proof thereof made before any Justice of the Peace of the County or Corporation where such seizure shall be, shall by his order be forfeited to the seizer for his own use ; and moreover, every such offender shall have and receive by order of such Justice, any number of lashes not exceeding thirty-nine, on his or her bare back, well laid on, for every such offense.

§ 9. Provided, nevertheless, That every free negro or mulatto, being a house-keeper, may be permitted to keep one gun, powder and shot; and all negroes and mulattoes, bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder, shot, and weapons offensive or defensive, by license from a Justice of Peace of the County wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes, or of the owners of such as are slaves.

Staunton, The Charter and General Ordinances of the Town of Lexington, Virginia Page 87, Image 107 (1892) available at The Making of Modern Law: Primary Sources, 1867.

Ordinances of The Town of Lexington, VA, Of Concealed Weapons and Cigarettes, § 1. If any person carrying about his person, hid from common observation, any pistol, dirk, bowie-knife, razor, slung-shot, or any weapon of the like kind, he shall be fined not less than twenty dollars nor more than one hundred dollars; and any of such weapons mentioned shall be forfeited to the town. Nothing in this section shall apply to any officer of the town, county or state while in the discharge of his duty.

Charter and Ordinances of the Town of Front Royal, Va. Page 18, Image 18 (1899) available at The Making of Modern Law: Primary Sources. 1884

Ordered, that any person in the Corporation carrying about his person, concealed from public view, any pistol, dirk, razor, or any like weapon or other weapons, shall be fined not exceeding \$20.00 for each offense, and the said pistol, dirk, razor, or such like weapon so found, shall be confiscated by the Mayor and sold at public auction to the highest bidder for cash and the proceeds turned over to the School Fund of the Corporation.

The Code of Virginia: With the Declaration of Independence and the Constitution of the United States; and the Constitution of Virginia Page 897, Image 913 (1887). Offences Against the Peace, § 3780. Carrying Concealed Weapons, How Punished. Forfeiture and Sale of Weapons. If any person carry about his person, hid from common observation, any pistol, dirk, bowie-knife, razor, slung-shot, or any weapon of the like kind, he shall be fined not less than twenty nor more than one hundred dollars, and such pistol, dirk, bowie-knife, razor, slung-shot, or any weapon of the like kind, shall be forfeited to the commonwealth and may be seized by an officer as forfeited; and upon the conviction of the offender the same shall be sold and the proceeds accounted for and paid over as provided in section twenty-one hundred and ninety: Provided, that this section shall not apply to any police officer, town or city sergeant, constable, sheriff, conservator of the peace, or collecting officer, while in the discharge of his official duty.

WASHINGTON STATE

Wall Walla City Ordinance No. 2. An Ordinance Defining Offenses and Fixing the Punishment Thereof, §27 (16 Aug., 1878).

“Sec. 27. No person shall carry any concealed weapons within the corporate limits of the City of Walla Walla, and any person convicted thereof shall be fined in any sum not less than five or more than twenty-five dollars; and such weapons shall be confiscated and forfeited, and it shall be the duty of the Marshal, his Deputies and the Policemen of the City, upon being satisfied, by verbal complaint or other

information, that any person is carrying any weapon concealed upon his person, to arrest and search such person, and if any such weapon is found, to take the same and convey such person before a Justice of the Peace and make complaint against him, and upon his conviction, to sell such weapon at auction to the highest bidder, and pay the proceeds into such Justice's court. All sheath or bowie knives, pistols, and pocket knives with blades more than four inches long, also all sling-shots, metal knuckles, clubs, sticks or other instruments, capable of inflicting great bodily injury, shall be deemed weapons within the meaning of this section when carried either wholly or partially concealed; provided, that this section shall not apply to the City Marshal, his Deputies, or Policemen, or City Watchmen, or private watchmen employed as such by private citizens, nor the Sheriff, Deputy Sheriff, or any Constable of Walla Walla County, or to any person temporarily sojourning in the City for a period of not exceeding five days' prior to the filing of the complaint, but in no case shall it be necessary to specify in the complaint that the accused does not belong to the excepted classes herein specified."

1878, WA, Wall Walla City Ordinance No. 2. An Ordinance Defining Offenses and Fixing the Punishment Thereof, §27

Alex Mackay and W.T. Dovell eds., Amended Charter and Ordinances of the City of Walla Walla Together with General Laws of the State of Washington Applicable Thereto (Walla Walla, Wa: Press of the Walla Walla Union, 1896), 170. City Ordinance No. 2. An Ordinance Defining Offenses and Fixing the Punishment Thereof, §27.

1933 Wash. Sess. Laws 335-36, An Act Relating to Machine Guns, Regulating the Manufacture, Possession, Sale of Machine Guns and Parts, and Providing Penalty for the Violation Thereof, and Declaring an Emergency, ch. 64, §§ 1-5.

§ 1. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: provided, however, that such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington. § 2. For the purpose of this act a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second. § 3. Any person violating any of the provisions of this act shall be guilty of a felony. § 4. All machine guns, or parts thereof, illegally held or possessed are hereby declared to

be contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the State of Washington to seize said machine gun, or parts thereof, wherever and whenever found. § 5. This act is necessary for the immediate preservation of public health and safety, and shall take effect immediately.

WEST VIRGINIA

1925 W.Va. Acts 30-31, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace; Providing for the Granting and Revoking of Licenses and Permits Respecting the Use, Transportation and Possession of Weapons and Fire Arms . . . , ch. 3, § 7, pt. b.

(b) It shall be unlawful for any person to carry, transport, or have in his possession any machine gun, sub-machine gun, and what is commonly known as a high powered rifle, or any gun of a similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this state, and approved by the governor, or until a license therefore shall have been obtained from the circuit court as in the case of pistols and all such licenses together with the numbers identifying such rifle shall be certified to the superintendent of the department of public safety. Provided, further, that nothing herein shall prevent the use of rifles by bona fide rifle club members who are freeholders or tenants for a fixed term in this state at their usual or customary place of practice, or licensed hunters in the actual hunting of game animals. No such permit shall be granted by such superintendent except in cases of riot, public danger, and emergency, until such applicant shall have filed his written application with said superintendent of the department of public safety, in accordance with such rules and regulations as may from time to time be prescribed by such department of public safety relative thereto, which application shall be accompanied by a fee of two dollars to be used in defraying the expense of issuing such permit and said application shall contain the same provisions as are required to be shown under the provisions of this act by applicants for pistol licenses, and shall be duly verified by such applicant, and at least one other reputable citizen of this state. Any such permit as granted under the provisions of this act may be revoked by the governor at his pleasure upon the revocation of any such permit the department of public safety shall immediately seize and take possession of any such machine gun, sub-machine gun, high powered rifle, or gun of similar kind and character, held by reason of said permit, and any and all ammunition therefor, and the said department of public safety shall also confiscate any such machine gun, sub-machine gun and what is commonly known as a high powered rifle, or any gun

of similar kind and character and any and all ammunition therefor so owned, carried, transported or possessed contrary to the provisions of this act, and shall safely store and keep the same, subject to the order of the governor.

WISCONSIN

1883 Wis. Sess. Law 1034, An Act to Incorporate the City of Nicolet, ch. 351, § 32, pt. 45.

To regulate and prohibit the carrying or wearing by any person, under his clothes, or concealed about his person, of any pistol, sling-shot, or knuckles, bowie-knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapon, and to provide for the confiscation or sale of such weapon.

1883 Wis. Sess. Laws 713, vol. 2, An Act to Revise, Consolidate and Amend the Charter of the City of Oshkosh, the Act Incorporating the City, and the Several Acts Amendatory Thereof, ch. 6, § 3, pt. 56.

To regulate or prohibit the carrying or wearing by any person under his clothes, or concealed about his person, any pistol or colt, or slung shot, or cross knuckles or knuckles of lead, brass, or other metal or bowie knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapon; and to provide for the confiscation or sale of such weapon.

Charter and Ordinances of the City of La Crosse, with the Rules of the Common Council Page 176, Image 179 (1888) available at The Making of Modern Law: Primary Sources.

An Ordinance to Provide for the Government and Good Order of the City of La Crosse, for the suppression of vice and immorality, and the prevention of Crime,] § 15. It shall be unlawful for any person other than a policeman or other officer authorized to maintain the peace and to serve process to carry or wear any pistol, slungshot, knuckles, bowie knife, dirk or any other dangerous weapon, and any person convicted of a violation of this section shall be punished by a fine not exceeding one hundred dollars. In all cases of conviction hereunder, any and all dangerous weapons found on the person of the accused shall be confiscated and become the property of the city of La Crosse, and may be sold for the benefit thereof at such times and in such manner as the common council may from time to time direct.

HUNTING

ARIZONA

1936 Ariz. Sess. Laws 204, Game and Fish Preservation, § 1543.

It shall be unlawful for any person to take into the field or forest, or to have in his possession, while hunting wild animals or birds, any device designed to silence, muffle or minimize the report of any firearm, whether separated from or attached to such firearm. It shall be unlawful to kill or attempt to kill any deer, bear . . . except through the use of a gun propelling one ball or bullet at a single charge. Provided, however, that no ball or bullet weighing less than 87 grains may be used in taking deer, elk . . . The gun or implement used by any person in illegally killing any song or insectivorous bird is a nuisance and may be seized by any peace officer and confiscated by the warden for not more than one year.

DELAWARE

1863 Del. Laws 365, An Act to Amend Chapter 55 of the Revised Code of the State of Delaware, Entitled “For The Protection Of Fish, Oysters and Game,” chap. 328, § 10.

It shall be unlawful for any person not being a citizen of this State, to catch, take or kill, by himself or by his agent, or as the agent for or in the employment of any other person, whether such person be or be not a citizen of this State, any fish, wild goose . . . upon any of the waters of this state . . . or to enter upon such waters, land or marsh for such unlawful purpose, and any person offending against the provisions of this Section, shall be deemed guilty of a misdemeanor, and shall pay a fine of not less than fifty dollars and not more than one hundred dollars, and any boat or vessel, with her tackle, apparel and furniture, and any gun . . . used with the consent or knowledge of the owner thereof, shall be forfeited and may be seized, condemned and sold as hereinafter provided.

1893 Del. Laws 410, For the Protection Of Fish, Oysters, and Game, chap. 422, § 16.

If any person or persons shall enter upon any lands, not owned by himself, with gun and dog, or with gun alone, for the purpose of shooting any kind of birds or game without first obtaining permission to do so by the owner or occupant, he shall forfeit and pay a fine of five dollars; and if he shall not pay the said fine he shall forfeit his gun until redeemed, as hereinafter provided . . .

KENTUCKY

A Digest of the Statute Laws of Kentucky, of a Public and Permanent Nature, from the Commencement of the Government to the Session of the Legislature, Ending on the 24th February, 1834. With References to Judicial Decisions Page 788, Image 794 (Vol. 1, 1834) available at The Making of Modern Law: Primary Sources. 1834

An Act for the Better Preservation of the Breed of Deer, and Preventing unlawful Hunting, § 8. And be it further enacted by the authority aforesaid, That whosoever shall hereafter use any fire-hunting or the killing of any deer by such means on any patented land, every person present at such fire hunting shall forfeit and pay twenty shillings for every such offense; and if any Indian be found fire-hunting as aforesaid, it shall and may be lawful for the owner of such land, or his or her overseer, to take away the gun of such Indian, and the same to keep to his own use.

1904 Ky. Acts 150-51, An Act Creating the Offices of Fish and Game Wardens and Defining the Powers and Duties and Fixing the Compensation of such Officers, and for the Further Protection and Preservation of Fish, Game and Birds in the State of Kentucky, ch. 68, § 3.

Game wardens . . . may arrest on sight and without warrant any person detected by them in the act of violating any such law; they shall have the same right as sheriffs to require aid in executing any process or in arresting without process any person found by them in the act of violating any of said laws; and they shall have authority to seize without process; and birds, fish or game then found in the possession of any such person, together with the guns, nets, seines, traps or other devices, with which the same were taken or killed, and destroy or confiscate such guns, nets, seines, traps or other devices, and forthwith convey such offender before a court or magistrate

MARYLAND

1882 Md. Laws 257, An Act to . . . Exempt All That Portion of the Waters of the Chesapeake Bay Lying Northward of a Certain Line Therein Described from the Operation and Effect of Sections One and Three . . . , ch. 180, § 8

. . . the special police appointed by this act are authorized to arrest any person or persons who may be discovered in the act of hunting or shooting crippled ducks, or in purloining ducks that have been killed by other persons having a proper license to shoot, as well as other persons violating the provisions of this section, and upon conviction thereof before any justice of the peace of Cecil or Harford Counties, the license of such persons or persons shall be revoked, and such persons or persons, whether licensed or not, shall be fined not less than twenty dollars for each offense, and shall forfeit the boat and gun or guns, and material so employed in violation of

the provisions of this section, which boat and gun or guns, and material shall be sold, and the proceeds of such fine and sale, after the costs of prosecution have been paid, shall go to the officer or officers making the arrest. . .

1890 Md. Laws 297, Sabbath Breaking, ch. 290, § 1

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, and any person violating the provisions of this section shall, for every such offense, upon conviction before any justice of the peace for the county, forfeit the gun, pistol or other firearm used in such violation, and be fined not less than five dollars, nor more than thirty dollars. . .

MASSACHUSETTS

1717 Mass. Acts 336, An Act For The Better Regulation Of Fowling

...That if any person or persons shall, at any time after two months from the publication of this act, make use of any boat, canoe, float, raft or other vessel, wherewith to approach to, and shoot at any waterfowl, in any part of this province, he or they so offending, shall each of them forfeit and pay, for every such offence, the sum of forty shillings to the informer. And every such offender shall be, and hereby is prohibited and restrained from using a gun to shoot at waterfowl for the space of three years next after his offence, upon the like penalty of forty shillings for each time he shall presume so to offend, to be disposed of in manner as the forfeiture aforementioned.

NEW HAMPSHIRE

1905 N.H. Laws 515, An Act to Prohibit the Use of Swivel and Punt Guns, ch. 98, § 1.

IF any person shall, at any time, within this state, hunt, pursue, shoot at, or kill any game bird, as defined by section 34 of chapter 79 of the laws of 1901, with any punt gun swivel gun, or other gun not fired from the shoulder, or of larger bore than ten gauge, he shall be fined not more than ten dollars for each offense and shall forfeit all guns and implements with which the offense was committed. And all guns and implements so used shall be seized by any detective, constable or police officer and shall be destroyed by the person seizing them.

NEW JERSEY

Charles Nettleton, Laws of the State of New-Jersey Page 26, Image 53 (1821) available at The Making of Modern Law: Primary Sources. 1771

An Act for the Preservation of Deer, and other game, and to prevent trespassing with guns (1771), § 1. Be it Enacted by the Governor, Council and General Assembly of this colony of New Jersey, and it is hereby enacted by the authority of the same, That if any person or persons shall presume, at any time after the publication hereof, to carry any gun on any lands not his own, and for which the owner pays taxes, or is in his lawful possession, unless he hath license or permission in writing from the owner or owners, or legal possessor, every such person so offending, and convicted thereof, either upon the view of any justice of the peace within this colony, or by the oath or affirmation of one or more witnesses, before any justice of the peace of either of the counties, cities, or towns corporate of this colony, in which the offender or offenders may be taken or reside, he or she, or they, shall for every offence, forfeit and pay to the owner of the soil, or his tenant in possession, the sum of forty shillings, with costs of suit; which forfeiture shall and may be sued for and recovered by the owner of the soil, or tenant in possession before any justice of the peace in this colony, for the use of such owner or tenant in possession. . . § 3. And be it further enacted by the authority aforesaid, That if the person or persons offending against this act be non-residents of this colony, he or they shall forfeit and pay for every such offence, five pounds, and shall forfeit his or their gun or guns to any person or persons, who shall inform and prosecute the same to effect, before any justice of the peace in any county of this colony, wherein the offender or offenders may be taken or apprehended.

NORTH CAROLINA

1756-1776 N.C. Sess. Laws 168, An Act To Amend An Act Entitled, “An Additional Act To An Act, Entitled, An Act To Prevent Killing Deer At Unseasonable Times, And For Putting A Stop To Many Abuses Committed By White Persons Under Pretense Of Hunting, ch. 13. 1768

Whereas by the before recited act, persons who have no settled habitation, or not tending five thousand corn hills, are prohibited from hunting, under the penalty of five pounds, and forfeiture of his gun[.]

John. A Haywood, Manual of the Laws of North-Carolina, Arranged under Distinct Heads in Alphabetical Order. With References from One Head to Another, When a Subject is Mentioned in Any Other Part of the Book Than under the Distinct Where It is Placed Page 178, Image 186 (1801) available at The Making of Modern Law: Primary Sources. 1768

Hunting. 1768. § 2. From and after the First day of January next, no person whatever (masters excepted) not having a freehold of one hundred acres of land within this province, or tending ten thousand corn hills, at least five feet distance each, shall hunt or kill deer, under the penalty of ten pounds proclamation money for every offence; and moreover shall forfeit his gun, or have the value thereof; to be recovered by action of debt, bill, plaint or information, by any person who will prosecute for the same, wherein, upon conviction, over and above the said penalty and forfeiture as aforesaid, the defendant shall be committed to jail by order of the court, there to remain, without bail or mainprize for one month. § 5. Nothing herein shall bar or hinder an overseer of a slave or slaves from hunting and killing deer with a gun, on his employer's lands, or the wastelands of the public, within five miles of the residence of such overseer.

VIRGINIA

Virginia State Laws 1839 CHAP. 80. – An ACT to prevent the destruction of wild fowl in the counties of Accomack and Fairfax. (Passed April 9, 1839.)

1. *Be it enacted by the general assembly*, That no person whatsoever shall at any time shoot or kill wild fowl in the waters of, or within the jurisdiction of the counties of Accomack and Fairfax, by or with the aid of skiffs, and any person being convicted of a violation of this act before any justice of the peace of said county of Accomack, shall forthwith surrender his gun and skiff to the said justice, who shall cause the same to be sold; one half of the proceeds thereof shall go to the commonwealth for the use of the literary fund, and the other half to the informer.

1852 Va. Acts 133, An Act Amending The Twentieth Section Of Chapter . . .
Concerning Wild Fowl, § 20

If any person, except from the land, shall shoot at or kill wild fowl during the night within this state, . . . he may be convicted thereof before a justice; and on conviction, shall surrender his gun...

Third Edition of the Code of Virginia: Including Legislation to January 1, 1874
Page 802-803, Image 821-822 (1873) available at The Making of Modern Law:
Primary Sources. 1865

Unlawful Hunting: Hunting on another's land, or in the streets of a city or town, or along a public road, prohibited; penalty; how recoverable, § 5. If any person shall hunt, shoot, fowl or range with or without dogs, on the lands of another, without the consent of the owner or tenant of such lands, or shoot along any public road, or in the streets of any town or village, in any of the counties of this commonwealth, on the lands comprehended in the survey of any proprietor, he shall be deemed

guilty of a trespass, and shall be fined for each offense five dollars – the fine to be double in every instance if the offense be committed in the night or on Sunday – For the use of the owner or tenant of the lands, and for the commonwealth when the offense is committed in the public roads or in the streets of any town or village, to be recovered by warrant before any justice of the peace, together with all costs and charges attending the collection for the same, and shall moreover, forfeit as aforesaid, his gun and shooting apparatus, and his dog or dogs shall be killed if the justice shall, in his discretion, so order; and when any person shall be convicted a third time of said offense, the justice rendering judgment therefor shall require him to enter into a recognizance, with sufficient security, for his good behavior for twelve months; or, if he fail to give such security, to commit to jail for one month, unless it be sooner given, such recognizance to be forfeited if such person offend as aforesaid within the time limited in the recognizance.

1875 Va. Acts 109, An Act To Amend And Re-enact Section Twelve, Chapter Ninety-nine, Code of Eighteen Hundred And Seventy-Three, for the Protection Of Wild Fowl in the Counties Bordering on the Potomac And Rappahannock, ch. 100, § 12

If any person shall, at any time, either in the night or day-time, shoot at wild fowl in any county bordering . . . with any gun which cannot be conveniently discharged from the shoulder at arm's length without a rest, or have such gun in his possession on a boat, a justice of any such county shall require such gun to be surrendered, and shall order it to be destroyed, and shall fine the offender ten dollars. . .

CATHOLICS

MARYLAND

An Act to Prevent Popery within this Province, Votes and Proceedings of the Lower House of Assembly of the Province of Maryland (22 May, 1756).

“And be it further Enacted, That all such Armour, Gunpowder, and Ammunition, of whatsoever Kinds, as any Papist whatever, within this Province, hath or shall have in his House or Houses, or elsewhere, or in the Hands and Possession of any other Person at his or their Disposition, shall be taken from such Papist, or Others, which have or shall have the same to the Use of such Papist, by Warrant of any Four Justices of the Peace of the County where such Papist shall be Resident (other than such necessary Weapons as shall be thought fit by the same Justices to remain and be allowed for the Defence of the Person or Persons of such Papists, or for the

Defence of his, her or their Houses), and that such Armour and Ammunition, so taken, shall be kept and maintained in such Places as the Justices of the Peace, for the said County, shall, at their next County Court, direct and appoint.

And be it further Enacted by the Authority aforesaid, That if any such Papist, having, or which shall have, any such Armour, Gunpowder, and Ammunition, or any of them, or if any other Person or Persons, who shall have any such Armour, Gunpowder, and Ammunition, or any of them, to the Use of any such Papist, shall refuse to declare or manifest to the said Four Justices, or either of them, what Armour, he, she or they have, or shall have, or shall let, hinder, or disturb, the Delivery thereof to the said Justices, or to any other Person or Persons authorized by their Warrant to take and seize the same, then every such Person, so offending, contrary to this Act in this Behalf, shall forfeit and lose, to the Right Honourable the Lord Proprietary, his Heirs and Successors, his and their said Armour, Gunpowder, and Ammunition ; and shall also be imprisoned by Warrant of or from any Four Justices of the Peace of such County, by the Space of Three Months, without Bail or Mainprize.”

1756, MD, An Act to Prevent Popery within this Province

Votes and Proceedings of the Lower House of Assembly of the Province of Maryland, February Session, 1756 (Annapolis, MD: Jonas Green, 1757), 95.

See also: Maryland Historical Society, Proceedings and Acts of the General Assembly of Maryland ; 24, 1755-1756, Ed. William H. Browne, vol. 52 (Baltimore, MD: The Lord Baltimore Press, 1935), 454.

“And be it further Enacted, That all Arms Gunpowder and Ammunition of what kind soever any Papist or reputed Papist within this Province hath or shall have in his House or Houses or elsewhere shall be taken from Such Papist or reputed Papist by Warrant under the hand of one Justice of the Peace for the County wherein such Papist or reputed Papist shall be Resident and that the said Arms and Ammunition so taken Shall be kept in Such Place as the Said Justice shall appoint. And be it further Enacted that if any Such Papist or reputed Papist having or which Shall have any Armes Gunpowder and Ammunition or any of them shall refuse to declare or manifest the Same to the Said Justice of the Peace or to any other Person Authorized by the Warrant of the Said Justice to take and Seize the same then every Such Person so Offending shall forfeit and lose the Said Armour Gunpowder and Ammunition and Shall also be imprisoned by Warrant of or from the Said Justice for the Space of three Months without Bail or Mainprize.”

1756, MD, Proceedings and Acts of the General Assembly of Maryland, Ed. William H. Browne

DUELING

PENNSYLVANIA

Laws of the Commonwealth of Pennsylvania, from the Fourteenth Day of October, One Thousand Seven Hundred, to the Twentieth Day of March, One Thousand Eight Hundred and Ten Page 182, image 226 (Vol. 3, 1810) available at The Making of Modern Law: Primary Sources.

An Act for the prevention of vice and immorality, and of unlawful gaming, and to restrain disorderly sports and dissipation, § 10. And be it further enacted by the authority aforesaid, That if any person within this commonwealth shall challenge, by word or writing, the person of another to fight at sword, rapier, pistol, or other deadly weapon, such person so challenging, shall forfeit and pay for every such offense, being thereof lawfully convicted in any court of record within this commonwealth, by the testimony of one or more witnesses, or by the confession of the party offending, the sum of two hundred and eighty dollars, or shall suffer twelve months imprisonment, without bail or mainprize; and the person who shall accept any such challenge shall, in like manner, upon conviction, forfeit and pay the sum of one hundred and forty dollars, or suffer such imprisonment for and during six months; and if any person shall willingly and knowingly carry and deliver any written challenge, or shall verbally deliver any message, purporting to be a challenge, or shall consent to be a second in any such intended duel, and shall be thereof legally convicted as aforesaid, he or they, so offending shall , for every such offense, forfeit and pay the sum of one hundred and forty dollars, or suffer six months imprisonment as aforesaid; and moreover the person challenging, and the person accepting the challenge, the person delivering the same, and the person accepting the challenge, the person delivering the same, and the person consenting to become a second to either of the parties, shall, for every offence, forfeit and be deprived of all the rights of citizenship within this commonwealth, for the space of seven years after conviction.

Source: <https://firearmslaw.duke.edu/repository/search-the-repository/>

EXHIBIT 11

1 ROB BONTA
 Attorney General of California
 2 R. MATTHEW WISE
 Supervising Deputy Attorney General
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 8 *Attorneys for Defendant Rob Bonta, in his*
official capacity as California Attorney
 9 *General*

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

20 Defendant.

3:18-cv-00802-BEN-JLB

DECLARATION OF MICHAEL VORENBERG

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

1 Tsesis, ed., *The Promises of Liberty: The History and Contemporary Relevance of*
2 *the Thirteenth Amendment* (Columbia University Press, 2010); “Reconstruction as a
3 Constitutional Crisis,” in Thomas J. Brown, ed., *Reconstructions: New Directions*
4 *in the History of Postbellum America* (Oxford University Press, 2006); and
5 “Imagining a Different Reconstruction Constitution,” *Civil War History*, 51 (Dec.
6 2005), 416-26.

7 4. I have provided expert testimony in *Miller v. Bonta*, a lawsuit in the
8 Southern District of California (Case No. 3:19-cv-01537-BEN-JLB) and *Rupp v.*
9 *Bonta*, a lawsuit in the Central District of California (Case No. 8:17-cv-00746-JLS-
10 JDE), both challenging California’s regulations of assault weapons; *Wiese v. Bonta*,
11 a lawsuit in the Eastern District of California (Case No. 2:17-cv-00903-WBS-KJN)
12 and *Duncan v. Bonta*, a lawsuit in the Southern District of California (Case No.
13 3:17-cv-01017-BEN-JLB), both challenging California’s regulations of large-
14 capacity magazines; *Ocean State Tactical LLC v. Rhode Island*, a lawsuit in the
15 District of Rhode Island (Case No. 1:22-cv-246-JJM-PAS) challenging that state’s
16 regulation of large-capacity magazines; *Oregon Firearms Federation, Inc. v.*
17 *Brown*, a lawsuit in the District of Oregon (Case No. 2:22-cv-01815-IM)
18 challenging that state’s regulation of large-capacity magazines; *National*
19 *Association for Gun Rights v. City of Naperville, Ill.*, a lawsuit in the Northern
20 District of Illinois (Case No. 1:22-cv-04775) challenging the state of Illinois’ and
21 the City of Naperville’s regulation of assault weapons; and *National Association of*
22 *Gun Rights v. Campbell*, a lawsuit in the District of Massachusetts (Case No. 1:22-
23 cv-11431) challenging the state of Massachusetts’ regulation of assault weapons
24 and large-capacity magazines.

25 5. My curriculum vitae is attached as Exhibit A.

26 6. I am being compensated at a rate of \$250 per hour.

27
28

1 **II. SUMMARY OF OPINIONS**

2 7. This Declaration provides results of an investigation into qualifications
3 imposed by federal, state, and local governments on the ability of individuals to
4 acquire and possess firearms and ammunition during the Reconstruction period of
5 U.S. History (1863-1877), with special focus on the period during Reconstruction
6 when the Fourteenth Amendment to the U.S. Constitution was created, ratified, and
7 enforced (1866-1876).

8 8. The phrase “background checks,” which commonly appears as shorthand
9 for investigations of those seeking to acquire and possess firearms and ammunition,
10 did not enter American parlance until the twentieth century, but the principle behind
11 background checks—that one’s past record can disqualify a person from the full
12 rights of gun ownership—goes back at least as far as the eighteenth century. U.S.
13 legal authorities have always understood and often enforced the principle that one’s
14 past unlawful actions can be a bar to access to firearms. This Declaration examines
15 one period in particular, the era of the Fourteenth Amendment, when authorities
16 demanded that respect for the law be a requirement for access to firearms.

17 9. During the era of the Fourteenth Amendment, loyalty to the Union and its
18 laws—federal, state, and local—was requisite to one’s being assured the rights and
19 privileges promised by the Amendment. Indeed, loyalty was at the core of the
20 Amendment, and was enshrined in the Amendment’s third clause, which imposed
21 restrictions on office-holding on those who either had “engaged in insurrection or
22 rebellion” against the country or had “given aid or comfort” to the insurrectionists.¹
23 Although the language of the Amendment’s third clause mentioned only restrictions
24 on office-holding, the congressional debates on the clause reveal that rights beyond
25 office-holding were to be restricted. The disloyal were to be denied civil rights
26 (which would necessarily include rights of firearms possession) and the loyal were

27 _____
28 ¹ U.S. Const. amend. XIV, § 3.

1 to be guaranteed those rights.² Loyalty was also at the core of laws passed in
2 conjunction with the Amendment and to enforce the Amendment.³ In all these
3 measures, loyalty was measured by one's *past* actions, not merely by promises to
4 be loyal in the future. During Reconstruction, law enforcers could ask anyone to
5 swear an oath vowing past loyalty, and they investigated oath-takers for past
6 disloyalty. Failure to satisfy the stringent standards of loyalty of the era was
7 regarded by authorities as a sign of possible unlawful, even insurrectionary or
8 treasonous behavior in the future. To preserve the security of the nation, of the
9 states, and of local communities, authorities imposed proscriptions on the once-
10 disloyal, whose past actions were regarded as unlawful. Proscriptions included
11 explicit bans in the law, most commonly the denial of voting rights, but they also
12 included non-statutory restrictions by civilian and military policing forces,
13 including the denial of firearms and ammunition. Indeed, the policing of firearms
14 acquisition and possession by pro-Union authorities during Reconstruction was
15 considered by lawmakers a priority. Lawmakers during Reconstruction were
16 chiefly concerned with the nation falling back into Civil War.⁴ To prevent that
17 from happening, lawmakers took steps to keep firearms from those who had been
18

19
20 _____
21 ² Mark A. Graber, *Punish Treason, Reward Loyalty: The Forgotten Goals of*
22 *Constitutional Reform after the Civil War* (Lawrence: University Press of Kansas,
23 2023), 111-30; Jonathan Truman Dorris, *Pardon and Amnesty under Lincoln and*
24 *Johnson: The Restoration of the Confederates to Their Rights and Privileges, 1861-*
25 *1898* (Chapel Hill: University of North Carolina Press, 1953), 319-25. On firearms
26 possession as a civil right included in the Fourteenth Amendment, see Nicholas J.
27 Johnson, David B. Kopel, George A. Mocsary, E. Gregory Wallace, and Donald
28 Kilmer, *Firearms Law and the Second Amendment: Regulation, Rights, and Policy*
(3rd ed., New York: Wolters Kluwer, 2022), 465-71.

³ Harold M. Hyman, *To Try Men's Souls: Loyalty Tests in American History*
(Berkeley: University of California Press, 1959), 257-66; Dorris, *Pardon and*
Amnesty under Lincoln and Johnson, 325-38.

⁴ Graber, *Punish Treason, Reward Loyalty*, 162 (Republican lawmakers'
"overarching concern with preventing rebel rule").

1 lawbreakers, including and especially past insurrectionaries, on the assumption that
2 these people were most likely to lead the nation back into Civil War.

3 10. A crucial system used by Reconstruction-era authorities to keep firearms
4 out of the hands of potential insurrectionaries was the administration of loyalty
5 oaths that required those who took them to have clean legal records. Law enforcers
6 investigated those who took the oath, looking for past connections to the
7 Confederacy, past legal transgressions, and past declarations of intentions to
8 jeopardize the safety and existence of the Union. Law enforcers made efforts to
9 deny firearms to or seize firearms from those who refused to take the oath along
10 with those who took the oath but were found by investigation to have lied under
11 oath about their past lawfulness and loyalty. In interrogating the loyalty of those
12 who possessed or wished to possess firearms, law enforcers during the era of the
13 Fourteenth Amendment were performing tasks analogous to modern background
14 checks.

15 **III. THE SCOPE OF THIS DECLARATION AND ITS CONNECTION**
16 **TO THE HISTORY AND TRADITION OF FIREARMS**
17 **REGULATION IN THE UNITED STATES**

18 11. This Declaration covers the era of the Fourteenth Amendment. The
19 resolution submitting the Amendment to the states for ratification was passed by
20 Congress in 1866, and ratification was completed in 1868. But the era of the
21 Fourteenth Amendment is here defined as beginning in 1863—the standard starting
22 point of Reconstruction, but also the point at which elements that would make their
23 way into the Fourteenth Amendment began to take shape—and ending in 1872,
24 when national, state, and local authorities had made their last concerted efforts to
25 enforce the Amendment.

26 12. The geographic scope of this Declaration is for the most part limited to
27 the American South, and in particular those regions of the South that rebelled
28 against the U.S. during the Civil War. The Fourteenth Amendment was created

1 with this region in mind, and the ancillary and enforcing legislation accompanying
2 the Amendment were all aimed primarily at the South.

3 13. Why is the period of the Fourteenth Amendment so important to examine
4 if one wants to understand the history and tradition of firearms regulation in general
5 and background checks in particular? As the U.S. Supreme Court declared in
6 *McDonald v. City of Chicago*, 561 U.S. 742 (2010), and reaffirmed in *New York*
7 *State Rifle & Pistol Association v. Bruen*, 142 S. Ct. 2111 (2022), the Second
8 Amendment did not apply to the states (i.e., did not restrict state laws) until and
9 because of the Fourteenth Amendment. The public meaning of the Fourteenth
10 Amendment at the time of its adoption was that it applied the Second Amendment
11 to the states. But it was also the public meaning of the Fourteenth Amendment that
12 enjoyment of Second Amendment rights required proof of past law-abiding
13 behavior, specifically past, unbroken loyalty to the United States. Acts passed by
14 the federal government during the era of the Fourteenth Amendment, including acts
15 specifically to enforce the Amendment, empowered state and federal law
16 enforcement officials to administer oaths that served as proof of past law-abiding
17 behavior. The acts also empowered law enforcement officials to investigate the
18 veracity of the oaths taken by examining the background of the people who took
19 them.

20 **IV. RESEARCH MATERIALS AND METHODOLOGY**

21 14. In preparing this Declaration, I researched standard scholarly works on
22 the era of the Fourteenth Amendment. I also researched original documents from
23 the era. These included newspaper and magazine articles contemporary to the
24 period studied. The articles are accessible in commonly used databases by
25 historians, such as *Chronicling America* and *ProQuest Historical Newspapers*. To
26 research pamphlets and documents from local and state governments during the era,
27 I relied on the *HathiTrust* digital library and *ProQuest Civil War Era*. For U.S.
28 government documents of the era, I used the *Hein Online* database.

1 15. My research sought information on requirements linked to the
2 privileges granted by the Fourteenth Amendment in general and firearms
3 possession and usage in particular. The research covered the entire period of
4 Reconstruction (1863-1877) but focused especially on the era of the Fourteenth
5 Amendment (1863-1872).

6 **V. FINDINGS**

7 16. From the moment that southern states began declaring themselves
8 seceded from the Union, in 1860-61, and then into the actual Civil War and beyond,
9 oaths of allegiance to one's community, state, and station were regular features of
10 political life in the Union.⁵ These oaths were commonly known as "loyalty oaths."
11 In the Union during the Civil War, loyalty oaths were regularly administered to
12 local, state, and national office-holders, as well as to members of certain
13 professions, such as the clergy and lawyers. The form of these oaths was simple—
14 and they will be called "simple oaths" throughout this Declaration. The simple oath
15 was a pledge to be loyal to the Union and to abide by the U.S. Constitution,
16 sometimes to one's state constitution, and to all acts adopted by civil law-making
17 bodies of one's jurisdiction (local, state, and national), as well as to all measures
18 imposed on civilian populations by U.S. military authorities. Simple oaths dealt
19 with one's loyalty at the present and in the future. They did not require that one
20 pledge to have been loyal in the past as well. As we shall see, policies requiring
21 only a simple oath would give way by the time of the era of the Fourteenth
22 Amendment to policies requiring a more soon stringent oath that affirmed one's
23 past loyalty in addition to one's loyalty at present and in the future.⁶

24 _____
25 ⁵ The Confederacy as well as the Union required oaths of allegiance.
26 Because the Confederacy lost the Civil War, the oaths used by Confederate
27 authorities during the Civil War became irrelevant to post-war loyalty policies in
28 the Union, including such policies during the era of the Fourteenth Amendment.
Thus the issue of Confederate loyalty oaths is not covered in this Declaration.

⁶ William A. Blair, *With Malice toward Some: Treason and Loyalty in the*

1 17. Even before the era of the Fourteenth Amendment, local and state
2 authorities during the Civil War might require of the citizenry more stringent
3 standards of loyalty that looked to one’s past behavior and reputation. Such
4 stringent examinations by Union authorities of people’s past records was
5 particularly important in matters of arms-bearing, as communities in the North
6 faced legitimate threats of armed insurrection from Confederate sympathizers in
7 their midst. The danger of such armed conspirators was most severe in the
8 Midwest, where there were populations with significant familial and political ties to
9 the Confederacy. The presence of pro-Confederate sympathizers in the Midwest
10 led to the much-publicized treason trials in Indiana in 1864. (These trials were the
11 background to the 1866 U.S. Supreme Court case *Ex Parte Milligan*; Lambdin
12 Milligan was one of those Indianans convicted of treason.) In this political climate
13 in the Midwest, it was common for legal authorities to surveil and regulate those
14 who sought to acquire firearms. For example, in one Ohio community, authorities
15 declared that “arms and ammunition be disposed of with discretion and only to
16 parties of undoubted Union sentiments.” Officials in this community—known by
17 their detractors as “district spies”—regularly investigated those who sought to
18 obtain arms and ammunition or permits to deal in arms and ammunition.⁷

19 18. Despite their presence in the North during the Civil War, loyalty tests
20 were most common in the South during the war, in the form of pro-Union loyalty
21 oaths imposed on those in U.S. army-occupied areas of the South. The primary
22 function of these oaths was to identify southerners who could be counted on to
23 support the U.S. government as regions in the South underwent a restoration from
24 pro-Confederate to pro-Union affiliation. The form of these oaths was simple—that

25 _____
26 *Civil War Era* (Chapel Hill: University of North Carolina Press, 2019); 140-47,
27 269-71; Harold Melvin Hyman, *Era of the Oath: Northern Loyalty Tests during the
28 Civil War and Reconstruction* (1954; repr., New York: Octagon Books, 1978),
21-47.

⁷ *Urbana [Ohio] Union*, Aug. 28, 1867, p. 2.

1 is, they required a pledge only of present and future loyalty, with no regard to one's
2 past sympathies.

3 19. This simple oath for southerners seeking to renounce their Confederate
4 affiliation and restore their standing as U.S. citizens was part of President Abraham
5 Lincoln's wartime reconstruction policy. In December 1863, Lincoln spelled out a
6 proposal for restoring states in rebellion to the Union and bringing one-time
7 Confederates back under the mantle of U.S. citizenship. The loyalty oath that
8 Lincoln proposed was a simple oath. It read as follows:

9 I, [name of oath-taker], do solemnly swear, in presence of Almighty
10 God, that I will henceforth faithfully support, protect, and defend the
11 Constitution of the United States and the Union of the States
12 thereunder; and that I will, in like manner, abide by and faithfully
13 support all acts of congress passed during the existing rebellion with
14 reference to slaves, so long and so far as not repealed, modified, or
held void by congress, or by decision of the supreme court; and that I
will, in like manner, abide by and faithfully support all proclamations
of the President made during the existing rebellion having reference to
slaves, so long and so far as not modified or declared void by decision
of the supreme court. So help me God.⁸

15 This oath, or variations of it, which covered only a person's present and future
16 loyalties and law-abiding behaviors, became the standard oath used by U.S.
17 officials and their allies during the Civil War at the state and local level.

18 20. However, some of Lincoln's fellow Republican lawmakers believed that
19 a more stringent oath should be applied, one that looked not only to the oath-takers'
20 present and future but also to their past. Specifically, this oath included a statement
21 of one's *past* record of loyalty and lawfulness. This oath was commonly known as
22 "the ironclad oath" or "the test oath." Congress began applying the oath to federal
23 officeholders and jurors in 1862 and expanded the categories of people who had to
24 take it over the course of the Civil War. The standard ironclad oath read as follows:

25 I, [name of oath-taker], do solemnly swear (or affirm) that I have never
26 voluntarily borne arms against the United States since I have been a
citizen thereof; that I have voluntarily given no aid, countenance,

27 ⁸ Roy P. Basler, ed., *Collected Works of Abraham Lincoln* (New Brunswick,
28 N.J.: Rutgers University Press, 1953), 7: 54.

1 counsel, or encouragement to persons engaged in armed hostility
2 thereto; that I have neither sought nor accepted nor attempted to
3 exercise the functions of any office whatever, under any authority or
4 pretended authority in hostility to the United States; that I have not
5 yielded a voluntary support to any pretended government, authority,
6 power or constitution within the United States, hostile or inimical
7 thereto. And I do further swear (or affirm) that, to the best of my
8 knowledge and ability, I will support and defend the Constitution of
9 the United States, against all enemies, foreign and domestic; that I will
10 bear true faith and allegiance to the same; that I take this obligation
11 freely, without any mental reservation or purpose of evasion, and that I
12 will well and faithfully discharge the duties of the office on which I am
13 about to enter, so help me God.⁹

14 The ironclad oath embraced the principle that in the determination of one's
15 qualification for U.S. citizenship, one's past record relating to the law was at least
16 as important as one's pledge to abide by the law in the future.

17 21. The ironclad oath was part of the proposed reconstruction plan offered by
18 Republicans in Congress as an alternative to Lincoln's proposed reconstruction
19 plan. Under Lincoln's proposed reconstruction plan of December 1863, the simple
20 loyalty oath rather than the ironclad oath was to be the oath applied to southerners
21 during the Civil War who sought to establish that they were Unionists, not
22 Confederates. The congressional reconstruction plan offered as an alternative to
23 Lincoln's became known as the Wade-Davis bill, named for its sponsors Senator
24 Benjamin Wade and Representative Henry Winter Davis. The bill called for
25 southern civilians to take an ironclad oath.¹⁰ Congress passed the Wade-Davis bill
26 in June 1864, but President Lincoln pocket-vetoed the measure. In August 1864,
27 Wade and Davis issued a "manifesto" denouncing Lincoln's reconstruction policy
28

⁹ Howard Gillman, Mark A. Graber, and Keith A. Whittington, *American Constitutionalism*, vol. 2, *Rights and Liberties* (New York, Oxford University Press, 2014), reprint at https://global.oup.com/us/companion.websites/fdscontent/uscompanion/us/static/companion.websites/9780199751358/instructor/chapter_6/testoaths.pdf (accessed August 11, 2023).

¹⁰ <https://www.archives.gov/milestone-documents/wade-davis-bill#:~:text=Be%20it%20enacted%20by%20the,governor%2C%20whose%20pay%20and%20emoluments> (accessed August 11, 2023).

1 as too lenient on one-time Confederates and urging authorities to adopt the
2 ironclad-oath policy in place of Lincoln’s simple-oath policy. The position taken
3 by Wade and Davis and their adherents was one of a number of factors that led to
4 them being labeled Radical Republicans by their detractors (whereas Lincoln’s
5 faction of the Republican Party was known as “moderates” or “conservatives”).
6 The so-called Radicals failed to pass a congressional reconstruction policy prior to
7 1865, the year in which the Civil War ended and Lincoln was assassinated. Thus, a
8 universal ironclad-oath policy remained a proposal only, not the law, up to the point
9 that Lincoln was succeeded by President Andrew Johnson. Johnson adopted
10 reconstruction policies similar to those of Lincoln. Like Lincoln, he opposed
11 ironclad oaths in favor of simple oaths. However, within two years of his taking
12 office, Johnson would find himself on the outs of the political party that had
13 installed him in the Executive Office. He and his followers by 1867 were a
14 minority faction of the Republican Party, and those once denounced as “radicals”
15 were now mainstream Republicans. Under this regime, which would orchestrate
16 the adoption of the Fourteenth Amendment, ironclad oaths became the norm across
17 the South.

18 22. Two related factors led ironclad oaths to replace simple oaths as the
19 means by which southern whites were readmitted to national citizenship after the
20 Civil War. First, Andrew Johnson became increasingly unpopular with Republican
21 voters, in large part because of his leniency toward former Confederates. Johnson
22 was liberal in granting pardons and amnesty to one-time Confederates. He also
23 opposed measures popular among congressional Republicans for assuring equal
24 rights to African Americans. Such measures included the Civil Rights Act of 1866,
25 the act renewing the Freedman’s Bureau (also of 1866), and the constitutional
26 amendment that would become the Fourteenth Amendment (passed by Congress in
27 1866, ratified by the states in 1868). As mainstream Republicans turned against
28 Johnson, they likewise tended to reject his preferred oath—the simple oath—in

1 favor of the ironclad oath. The second factor leading mainstream Republicans to
2 embrace an ironclad-oath policy was the clear evidence cropping up across the
3 southern landscape that simple oaths were failing to keep southern whites from
4 remaining steadfast in their insurrectionary, white supremacist leanings. By late
5 1866, former Confederates who had taken the simple oath had regained control of
6 southern state governments and had begun passing measures and taking actions that
7 punished and disfranchised loyal white and Black Unionists. Included among such
8 measures were “Black Codes,” which were designed to keep newly freed African
9 Americans in a state of subservience akin to slavery. Many of the “Black Codes”
10 included clauses that prohibited Blacks from carrying or even possessing firearms.
11 These neo-Confederate regimes ruling southern states through much of 1866 did
12 little or nothing to prevent violence against white and Black Unionists. Indeed, the
13 state laws prohibiting access to firearms to Blacks made violence by disloyal white
14 supremacists against Blacks all the more likely. Thus, the spring and summer of
15 1866 witnessed two of the worst massacres of Blacks during Reconstruction, one in
16 Memphis and one in New Orleans. These massacres, along with the policies of the
17 neo-Confederate regiments generally, helped persuade mainstream Republicans that
18 reconstruction policies based on simple loyalty oaths were insufficient; ironclad
19 oaths must be imposed on any southern white seeking to become re-categorized as a
20 loyal and lawful American.

21 23. Some of the first ironclad oaths in the post-war South appeared at the
22 state level—specifically in Arkansas, Tennessee, and West Virginia, where
23 Republicans rather than neo-Confederates controlled the state governments. In
24 these states, ironclad oaths were required of whites who wanted to vote, to hold
25 office, to serve as government employees, and even to be members of certain
26 professions, including doctors, lawyers, and clergymen.¹¹ The iron-clad oath policy

27 _____
28 ¹¹ Kenneth R. Bailey, “Test Oaths, Belligerent Rights, and Confederate

1 was most strictly and widely imposed in Tennessee, the pro-Union government of
2 which was seen as a model state regime by Republicans and a nightmare-scenario
3 by former Confederates.¹² Not by coincidence, Tennessee became not only the first
4 formerly seceded state to impose ironclad oaths vigorously, but also the first such
5 state to restrict militia service and gun-access generally to those who took the
6 ironclad oath.¹³

7 24. Ironclad-oath policies imposed by southern states were challenged by
8 some former Confederates and ultimately were ruled upon by the U.S. Supreme
9 Court in the “Test Oath Cases” of 1866-67.¹⁴ The Court accepted much of the
10 plaintiffs’ argument that ironclad oaths were potentially tantamount to ex post facto
11 laws and violative of Fifth Amendment rights against self-incrimination. However,
12 the Court’s ruling in the Test Oath Cases had little effect. As historians have
13 shown, in practice, Republicans at both the state and national level continued to
14 impose ironclad oaths, and these oaths became the law of the land, making the
15 Court’s ruling irrelevant.¹⁵

16
17 Money: Civil War Lawsuits Before the West Virginia Supreme Court of Appeals,”
18 *West Virginia History*, 1-22; Randy Finley, “In War’s Wake: Health Care and
19 Arkansas Freedmen, 1863-1868,” *Arkansas Historical Quarterly*, 51 (Summer
20 1992), 148; Hyman, *To Try Men’s Souls*, 163-66. The first post-war state
21 constitution of Virginia also included an ironclad-oath policy, even though that
22 state would briefly end up under the control of former Confederates. See Nicole
23 Myers Turner, *Soul Liberty: The Evolution of Black Religious Politics in
24 Postemancipation Virginia* (University of North Carolina Press, 2020), 55.

25
26 ¹² Ted Tunnell, “Creating ‘The Propaganda of History’: Southern Editors and
27 the Origins of ‘Carpetbagger and Scalawag,’” *Journal of Southern History*, 72
28 (Nov. 2006), 807-08.

¹³ Ben H. Severance, *Tennessee’s Radical Army: The State Guard and Its
Role in Reconstruction, 1867-1869* (Knoxville: University of Tennessee Press,
2005), 35-36.

¹⁴ Hyman, *Era of the Oath*, 107-20.

¹⁵ Philip S. Paludan, “John Norton Pomeroy, State Rights Nationalist,”
American Journal of Legal History, 12 (Oct. 1968), 279-80; Hyman, *To Try Men’s
Souls*, 260-61.

1 25. The struggle over ensuring loyalty and law-abiding behavior among
2 southern whites was the context in which the 39th Congress, dominated by
3 Republicans, created the measure that would become the Fourteenth Amendment.
4 Congressional discussion and debate of the proposals that would cohere into the
5 Amendment began in December 1865 and ended in June 1866. The Amendment is
6 best-known for its first clause, which speaks of “privileges and immunities” and of
7 “due process” and “equal protection.” But, as the scholar Mark Graber has argued,
8 the drafters of the Amendment were as interested in, if not more interested in, the
9 third clause, which contained language excluding certain southern whites from
10 citizenship. In other words, according to Graber, the Amendment was as much
11 about denying citizenship to potentially disloyal southern whites as it was about
12 assuring citizenship to Blacks and unquestionably loyal southern whites. Graber’s
13 study focuses especially on the “exclusion resolution” that eventually appeared in
14 the Amendment’s third clause. As the book’s title indicates, a primary goal of the
15 Amendment was to “punish treason” and “reward loyalty.”¹⁶

16 26. The Fourteenth Amendment would not be ratified until 1868, but even
17 before that date, the same Republican Congressmen who had drafted the measure
18 passed other laws that required ironclad oaths of those known to have been or even
19 suspected to have been Confederates or Confederate sympathizers. One of the most
20 significant of these measures was the Reconstruction Act of 1867, which
21 empowered local, state, and national authorities to administer ironclad loyalty
22 oaths. The ironclad oaths administered typically included a pledge that the person
23 taking the oath had never engaged in “armed hostility” against the United States.
24 This broad language covered activity that went beyond acts of outright treason and
25 insurrection. It covered any activity in which a person had carried out armed
26 aggression against loyal Unionists. Thus, ironclad oaths might proscribe from the

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28 ¹⁶ Graber, *Punish Treason, Reward Loyalty*, 38-40.

1 privileges of citizenship those who had engaged in unauthorized guerrilla activities
2 or those who had simply committed armed robbery or assault against loyal
3 Unionists.

4 27. The oath-taking system established by the 1867 Reconstruction Act
5 replaced the “Provost Marshal system” established during the Civil War. During
6 the war, U.S. Provost Marshals of occupying armies in the South would administer
7 oaths to members of a community wishing to be considered for reinstatement to
8 U.S. citizenship. Names of oath-takers were recorded in a log book, and members
9 of local Provost Marshals’ officers would be cognizant of which members of the
10 community had refused to take the oath. The local roll of oath-takers acted in effect
11 as a database for local law enforcement officers of who could be entrusted with the
12 privileges of citizenship, which included voting, the receipt of food rations from the
13 U.S. army, the admission to professions, and the purchase and sale of firearms and
14 ammunition. With the Reconstruction Act of 1867, the work of registering and
15 monitoring oath-takers—along with the duty of knowing who had refused to take
16 the oath—passed to local and state constabularies and judges. Meanwhile, the U.S.
17 army remained empowered to oversee the oath-taking system administered by
18 civilian officials. If a local U.S. commander deemed that a community lacked loyal
19 civilian law enforcers and judges, he could assume the duties of overseeing the
20 monitoring of oath-taking. By this point—that is, by 1867, the year of the
21 Reconstruction Act—almost all oaths were ironclad oaths. Thus, by statute and by
22 the power vested in civilian law enforcement officials and U.S. army officers, the
23 law regulated who was deemed loyal by requiring an examination of people’s past
24 records.

25 28. The system of tracking community members’ past records via oath-
26 administration was replicated in other facets of the U.S. Reconstruction program.
27 For example, the U.S. Southern Claims Commission, established in 1871 to allow
28 southerners who had always been loyal to file claims for property seized by military

1 personnel during the war, required claimants to take ironclad oaths.
2 Commissioners were empowered to investigate claimants' records in regard to prior
3 illegal and disloyal activity and to disqualify those who were found to have acted in
4 ways that contradicted the ironclad oath that claimants had taken. Similarly, under
5 the congressional acts passed in 1870 and 1871 that enforced the Fourteenth and
6 Fifteenth Amendments—known popularly as “The Enforcement Acts” or “The Ku
7 Klux Klan” acts—civilian and army investigators regularly administered ironclad
8 oaths in their efforts to uncover violations of loyal Unionists' civil and political
9 rights.¹⁷

10 29. It should be noted that not all elements of the oath-taking system
11 established during the era of the Fourteenth Amendment were spelled out in federal
12 and state statutes. Statutes most commonly mentioned the administration of oaths
13 in the context of establishing voter rolls for elections. However, much about the
14 process of administering oaths and investigating the veracity of oath-takers was not
15 spelled out in statutes. Rather, civilian and military law enforcers were understood
16 to have discretion to administer the oath system in whatever way best “kept the
17 peace.” In other words, the day-to-day operation of the oath system at the local
18 level followed the American tradition of police powers, by which law was
19 embodied not only in explicit statutes but also in the discretionary actions of those
20 empowered to “keep the peace.” Included in peace-keeping, of course, was the
21 maintenance of public safety in regard to dangerous weapons. Thus, law enforcers
22 in the era of the Fourteenth Amendment could be expected to consult loyalty-oath
23 records in determining who might be prevented from obtaining or possessing a
24 dangerous weapon.

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26 ¹⁷ See, for example, *U.S. Congressional Serial Set*, vol. 1308, 40th Cong., 1st
27 sess., Sen. Exec. Doc. 14, “Message of President communicating correspondence
28 on reconstruction, and opinions of Attorney General on construction of
reconstruction acts,” pp. 141-42. On the use of ironclad oaths by the Southern
Claims Commission, see Hyman, *To Try Men's Souls*, 265.

1 30. One example from the historical record—many might be given—will
2 help illuminate this point about the oath-taking system being integrated into
3 traditional (though non-statutory) policing to ensure public safety. In Laurens,
4 South Carolina, in October 1870, a man named Joseph Crews was both a leader of
5 the local, pro-Union militia and a member of the board of canvassers. In this latter
6 role, he had a record of all who were registered to vote in the community. This list
7 necessarily represented those adult men in the community who had taken the
8 ironclad oath. Those adult men in the community who were not on the list
9 obviously had not taken the oath or had taken the oath but been disqualified
10 because of past transgressions. The list thus served as a database of sorts for Crews
11 as he determined who could protect the community and who threatened the
12 community. It was crucial for Crews to have this database, as the community had
13 been terrorized by Ku Klux Klansmen during September and early October, and he
14 sought to do what he could to quell the violence. He gathered known loyal men
15 into militia companies (most of these men were Black, some were white) and had
16 them gather all the guns and ammunition that they could find from stores in town
17 and place them under guard in Crews’s house and in one other guarded location.
18 His purpose was to ensure that none of these weapons was purchased or seized by
19 those known to be disloyal—that is, those who had failed to pass the test-oath
20 requiring a record of law-abiding behavior. This sequence of events was analogous
21 to modern-day episodes in which law-enforcers use background checks to keep
22 dangerous weapons out of the hands of those who have committed past unlawful
23 conduct and are most likely to use them for unlawful purposes in the future.¹⁸

24 ¹⁸ Descriptions of Ku Klux Klan activity in and around Laurens, South
25 Carolina prior to this episode, including attacks and killing of Black Americans,
26 may be found here: “The Ku-Klux reign of terror. Synopsis of a portion of the
27 testimony taken by the Congressional investigating committee. No. 5 (1872),
28 <https://www.loc.gov/resource/rbpe.23700800/?st=text> (accessed August 11, 2023).
The episode involving Crews, the voter lists, and the dangerous weapons, is
described here: *U.S. Congressional Serial Set*, vol. 1529 (1871-72), 42nd Cong.,

1 **VI. CONCLUSION**

2 31. During the era of the Fourteenth Amendment, federal, state, and local
3 governments qualified access to the privileges and immunities protected by that
4 Amendment—including the acquisition and possession of firearms—on sworn and
5 evidenced past loyalty to the Union. To ensure that only loyal southerners enjoyed
6 the privileges and rights afforded by the Amendment, all southerners were required
7 to swear oaths of loyalty, and government officials were authorized to, and did,
8 conduct investigations into the past behavior of those who took the oaths. Today,
9 disloyalty to the United States is not an express bar to enjoying Second Amendment
10 rights, but the use of contemporary background checks as an investigative tool to
11 ensure that persons prohibited from acquiring and possessing firearms—due to, for
12 example, a past felony conviction—are analogous to the oath requirements and
13 investigations of the Reconstruction era.

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

15 Executed on August 15, 2023 at Providence, Rhode Island.

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Michael Vorenberg

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28 2nd sess., “Affairs in Insurrectionary States,” pt. 1, “Report and Minority Views,”
pp. 554-56.

EXHIBIT A

CURRICULUM VITAE

Michael Vorenberg
Associate Professor of History
Brown University

Education Ph.D. in History, Harvard University, November 1995 (American History)
A.M. in History, Harvard University, March 1990 (American History)
A.B. in History, Harvard University, June 1986, *summa cum laude* (Ancient History)

Professional Appointments

Associate Professor of History (with tenure), Brown University, 2004-
Vartan Gregorian Assistant Professor, Brown University, 2002-2004
Assistant Professor, History Department, Brown University, 1999-
Assistant Professor, History Department, SUNY at Buffalo, 1996-99
Post-Doctoral Fellow, W.E.B. Du Bois Center, Harvard University, 1995-96
Lecturer, History and Literature Program, Harvard University, 1995-96

Scholarship

Books

Lincoln's Peace: The Elusive End of the American Civil War (forthcoming
with Alfred A. Knopf).
The Emancipation Proclamation: A Brief History with Documents (Bedford/St.
Martin's, 2010).
*Final Freedom: The Civil War, the Abolition of Slavery, and the Thirteenth
Amendment*. Cambridge: Cambridge University Press, 2001.
(Paperback edition, 2004.)

Chapters in Books

"The 1866 Civil Rights Act and the Beginning of Military Reconstruction," in Christian
Samito, ed., *The Greatest and the Grandest Act: The Civil Rights Act of 1866
from Reconstruction to Today* (Carbondale, Ill.: Southern Illinois University
Press, 2018), 60-88.
"The Thirteenth Amendment," in *1865: America Makes War and Peace in Lincoln's
Final Year* (Carbondale, Ill.: Southern Illinois University Press, 2015), 7-21.
"Liberté, Égalité, and Lincoln: French Readings of an American President," in Richard
Carwardine and Jay Sexton, eds., *The Global Lincoln* (New York: Oxford
University Press, 2011), 95-106.
"Citizenship and the Thirteenth Amendment: Understanding the Deafening Silence," in
Alexander Tsesis, ed., *The Promises of Liberty: The History and Contemporary
Relevance of the Thirteenth Amendment* (New York: Columbia University Press,
2010).

- “Did Emancipation Create American Citizens?: Abraham Lincoln’s View” (in Russian), in Victoria Zhuravleva, ed., *Abraham Lincoln: Lessons of History and the Contemporary World* (Moscow: Russian State University for the Humanities Press, 2010).
- “Abraham Lincoln’s ‘Fellow Citizens’—Before and After Emancipation,” in William A. Blair and Karen Fisher Younger, eds., *Lincoln’s Proclamation: Emancipation Reconsidered* (Chapel Hill: University of North Carolina Press, 2009), 151-169.
- “The Thirteenth Amendment Enacted,” in Harold Holzer and Sara Vaughn Gabbard, eds., *Lincoln and Freedom: Slavery, Emancipation, and The Thirteenth Amendment* (Carbondale, Ill.: Southern Illinois University Press, 2007).
- “After Emancipation: Abraham Lincoln’s Black Dream,” in John Y. Simon, Harold Holzer, and Dawn Vogel, eds., *Lincoln Revisited* (New York: Fordham University Press, 2007).
- “Slavery Reparations in Theory and Practice: Lincoln’s Approach,” in Brian Dirck, ed., *Lincoln Emancipated: The President and the Politics of Race* (DeKalb: Northern Illinois Univ. Press, 2007).
- “Reconstruction as a Constitutional Crisis,” in Thomas J. Brown, ed., *Reconstructions: New Directions in the History of Postbellum America* (New York: Oxford University Press, 2006).
- “The World Will Forever Applaud: Emancipation,” in Aaron Sheehan-Dean, ed., *The Struggle for a Vast Future: The American Civil War* (Oxford, UK: Osprey, 2006).
- “Emancipating the Constitution: Francis Lieber and the Theory of Amendment,” in Charles R. Mack and Henry H. Lesesne, eds., *Francis Lieber and the Culture of the Mind* (Columbia: Univ. of South Carolina Press, 2005).
- “The Chase Court (1864-1873): Cautious Reconstruction,” in Christopher Tomlins, ed., *The United States Supreme Court: The Pursuit of Justice* (Boston: Houghton Mifflin, 2005).
- “Bringing the Constitution Back In: Amendment, Innovation, and Popular Democracy during the Civil War Era,” in Meg Jacobs, William Novak, and Julian Zelizer, eds., *The Democratic Experiment: The Promise of American Political History* (Princeton: Princeton University Press, 2003).
- “The King’s Cure: Abraham Lincoln and the End of Slavery,” in Charles Hubbard, ed., *Lincoln Reshapes the Presidency* (Mercer, Penn.: Mercer Univ. Press, 2004).
- “Rutherford B. Hayes,” in Alan Brinkley and Davis Dyer, eds., *The Reader’s Companion to the American Presidency*. Boston: Houghton Mifflin, 2000.
- “Abraham Lincoln and the Politics of Black Colonization,” in Thomas F. Schwartz, ed., *“For a Vast Future Also”: Essays from the Journal of the Abraham Lincoln Association*. New York: Fordham University Press, 1999. (Reprint of article listed below.)

Refereed Journal Articles

- “Spielberg’s *Lincoln*: The Great Emancipator Returns,” *Journal of the Civil War Era*, 3 (December 2013), 549-72.
- “Imagining a Different Reconstruction Constitution,” *Civil War History*, 51 (December 2005), 416-26.
- “‘The Deformed Child’: Slavery and the Election of 1864.” *Civil War History*, 47 (September 2001), 240-257.
- “Abraham Lincoln and the Politics of Black Colonization.” *Journal of the Abraham Lincoln Association*, 14 (Summer 1993): 23-46.

Non-Refereed Journal Articles

- Review of Cynthia Nicoletti, *Secession on Trial: The Treason Prosecution of Jefferson Davis*, in *American Historical Review*, 124 (June 2019), 1075-76.
- “Emancipation—Then What?,” *New York Times*, “Disunion” Blog, January 15, 2013, http://opinionator.blogs.nytimes.com/2013/01/15/emancipation-then-what/?_php=true&_type=blogs&_r=0
- “Hearts of Blackness: Reconsidering the Abolitionists—Again,” *Reviews in American History*, 32 (March 2004), 33-40.
- “The Battle Over Gettysburg: What Lincoln Would Have Said about September 11, 2001.” *Brown Alumni Magazine*, 103 (Jan./Feb. 2003), 27.
- “Recovered Memory of the Civil War,” *Reviews in American History*, 29 (Dec. 2001), 550-58.

Invited Lectures

- “What is an American?: Abraham Lincoln’s Answer,” Langston Lincoln Lecture, March 29, 2022, York University.
- “A Righteous Peace: Abraham Lincoln, the Civil War, and the End of Slavery,” The Humanities Forum, Providence College, Oct. 18, 2019.
- “How Wars End—or Don’t: The Civil War as a Case Study,” Henry E. Huntington Society of Fellows Lecture, May 8, 2019.
- “Lincoln’s Peace: The Struggle to End the American Civil War,” Occidental College (Billington Lecture), Feb. 21, 2019.
- “The Fate of Slavery after Emancipation,” The Great Lectures Series (as OAH Distinguished Lecturer), New York City, October 14, 2017.
- “Abraham Lincoln, the Thirteenth Amendment, and the Struggle for American Peace and Freedom,” University of Saint Mary Annual Lincoln Lecture, Topeka, Kansas, February 20, 2017.
- “The 14th Amendment as an Act of War,” Boston College, Clough Center, Newton, Massachusetts, September 20, 2016.
- “Born in the USA—So What?” Worcester Polytechnic Institute, Constitution Day University Speaker, Worcester, Massachusetts, September 19, 2016.
- “The Slave Power on the Gallows: The Deeper Meaning of the Execution of Henry Wirz, Confederate Commandant,” University of California, Berkeley, Legal History Workshop, March 29, 2016.

- Salmon P. Chase Symposium on the Thirteenth Amendment (participant), Georgetown Law Center, Dec. 4-5, 2015, Washington, DC.
- “The Last Surrender: Looking for the End of the Civil War,” presented at The Lincoln Forum, Gettysburg, Pennsylvania, November 17, 2015.
- “Voting Rights and the Meaning of Freedom: The View from the Civil War Era,” Annual Lincoln Legacy Lecture, University of Illinois at Springfield, October 15, 2015.
- “Final Freedom: The Civil War, the Abolition of Slavery, and the Thirteenth Amendment,” Roger Williams University, October 6, 2015.
- “Lincoln and the Jews, Freedom and Discrimination,” Brown Hillel Alumni Association, New York City, May 17, 2015.
- “When Should History Say That Slavery Ended in the United States?,” Center for Slavery and Justice, Brown University, May 8th, 2015.
- “Lincoln, the Constitution, and the Civil War,” Community College of Rhode Island, April 29, 2015.
- “Judgment at Washington: Henry Wirz, Lew Wallace, and the End of the Civil War,” Annual Symposium of Capitol Historical Society, Washington, DC, May 2, 2014.
- “Emancipation, Lincoln, and the Thirteenth Amendment,” Dole Forum, Dole Institute of Politics, University of Kansas, Lawrence, Kansas, November 21, 2013.
- “Spielberg’s Lincoln and the Relation between Film and History,” Department of History, Loyola University, Chicago, Illinois, November 13, 2013.
- “The Appomattox Effect: Struggling to Find the End of the American Civil War,” Newberry Library Colloquium, Chicago, Illinois, November 6, 2013.
- “Reconstruction and the Origins of Civil Rights,” National Endowment for the Humanities Summer Institute on Civil Rights History, Harvard University, Cambridge, Massachusetts, July 1, 2013.
- “The Origins and Process of Emancipation,” Emancipation at 150 Symposium, Boston College Clough Center, Newton, Massachusetts, April 23, 2013.
- “Emancipation—Then What? Citizenship?” Emancipation Proclamation Symposium, University of Michigan, October 26, 2012.
- “Blood, Allegiance, Belief: The Meanings of Citizenship in the Civil War Era,” University of Michigan Law School, January 31, 2012.
- “American by War: The People and Their Nations during the Civil War,” Phillips Andover Academy, Andover, MA, Nov. 17, 2011.
- “Birthright and the Myth of Liberal Citizenship,” JANUS Forum, Brown University, Nov. 15, 2011.
- “American by War: The People and Their Nations during the Civil War,” Western Kentucky University, Bowling Green, KY, Oct. 12, 2011.
- “The Elections of 1860 and 2010 and the Politics of Citizenship,” Colby College Symposium on the American Civil War Sesquicentennial, Waterville, Maine, November 10, 2010.
- “Americans Debate Citizenship—Then and Now,” Brown Club of England, October 12, 2010, London.
- “War Powers, *Ex Parte Merryman*, and the Relevance of the American Civil War,” American Bar Association Workshop for High School Teachers, Washington, D.C., June 19, 2010

- “Originalism and the Meanings of Freedom,” Georgetown Law School, Washington, D.C., March 30, 2010.
- “Abraham Lincoln, Politician,” Rotary Club of Rhode Island, Warwick, R.I., November 6, 2008.
- “Lincoln the Citizen,” Abraham Lincoln Symposium, National Archives, Washington, D.C., September 20, 2008.
- “Emancipation and its Meaning in Current Scholarship,” National Endowment for the Humanities Summer Institute on “Slavery and Emancipation,” Philadelphia, Pennsylvania, July 28, 2008.
- “Lincoln the Citizen—Or Lincoln the Anti-Citizen?,” Abraham Lincoln Symposium, Springfield, Illinois, February 12, 2008.
- “The Tangled History of Civil Rights and Citizenship in the Civil War Era,” University of Virginia School of Law, November 2007.
- “Civil Liberties and Civil Rights: The Civil War Era,” American Bar Association, Chicago, May 2006.
- “Race, the Supreme Court, and the Retreat from Reconstruction,” Boston College School of Law, April 2007.
- “Forever Free: The Meanings of Emancipation in Lincoln’s Time and Ours,” St. Louis University, December 7, 2006.
- “Slavery Reparations in Historical Context,” Connecticut College, New London, Connecticut, March 2, 2006.
- “Abraham Lincoln, The Civil War and the Conflicting Legacies of Emancipation,” presented as part of the “Forever Free” series, Providence Public Library, Providence, R.I., January 26, 2006.
- “Abraham Lincoln, War Powers, and the Impact of the Civil War on the U.S. Constitution,” presented at symposium on “War Powers and the Constitution,” Dickinson College, Dickinson, Penn., October 3, 2005.
- “Reconsidering Law, the Constitution, and Citizenship,” presented at “New Directions in Reconstruction” symposium, Beaufort, S.C., April 15-18, 2004.
- “Abraham Lincoln, Slavery, and Modern Legacies,” Public History Series, University of Las Vegas, Nevada, February 12, 2004.
- “Oaths, African Americans, and Citizenship,” University of Nevada at Las Vegas Law School, February 12, 2004.
- “Reconsidering the Era of the Oath: African Americans Before Union Military Courts during the American Civil War,” presented to the Law and History symposium, Northwestern University Law School, Chicago, Ill., November 3, 2003.
- “Racial and Written Constitutions in Nineteenth-Century America,” presented to the workshop of the Department of History, Boston College, Newton, Massachusetts, March 2003.
- “Abraham Lincoln, Abolition, and the Impact of the Civil War on the Cult of the Constitution,” presented at the Social Law Library, Suffolk University, Boston, Massachusetts, February 2002.

- “Francis Lieber, Constitutional Amendments, and the Problem of Citizenship,” presented at The Francis Lieber Symposium, University of South Carolina, Columbia, S.C., November 2001.
- “How Black Freedom Changed the Constitution,” presented at the “Writing the Civil War” symposium, Atlanta History Center, Atlanta, Georgia, September 2001.
- “From a Covenant with Death to a Covenant with Life: The Constitution’s Transformation during the American Civil War,” presented as the Annual Constitutional Anniversary Lecture, National Archives, Washington, D.C., September 2001.
- “New Perspectives on Abraham Lincoln, Emancipation, and the Civil War,” presented to the Civil War Round Table of Rhode Island, Cranston, Rhode Island, June 2001.
- “Historical Roots of the Modern Civil Rights Movement: The Constitution,” presented at the Civil Rights Summer Institute, Harvard University, Cambridge, Massachusetts, June 2001.
- “Race, Law, and the Invention of the State Action Doctrine in the Late Nineteenth Century,” presented at the Columbia University Law School, New York City, April 2001.
- “A King’s Cure, a King’s Style: Lincoln, Leadership, and the Thirteenth Amendment,” presented at the “Abraham Lincoln and the Legacy of the Presidency” conference, Lincoln Memorial University, Harrogate, Tennessee, April 2001.
- “The Tangled Tale of Civil War Emancipation,” presented at the University of Richmond, Richmond, Virginia, March 2001.
- “The King’s Cure: Abraham Lincoln, the Thirteenth Amendment, and the Fate of Slavery,” presented at the Abraham Lincoln Institute of the Mid-Atlantic, Washington, D.C., March 2001.
- “Race, the Supreme Court, and the Retreat from Reconstruction,” presented at the Boston College School of Law, Newton, Mass., April 2000.

Papers Read or Discussed

- “Prisoners of Freedom, Prisoners of War: An Untold Story of Black Incarceration--And How it Might be Told,” Brown Legal History Workshop, Oct. 28, 2019.
- “Bearer of a Cup of Mercy: Lew Wallace’s American Empire,” Henry E. Huntington Library, Research Fellows Meeting, Feb. 6, 2019.
- “Anti-Imperialism and the Elusive End of the American Civil War,” presented at the “Remaking North American Sovereignty” Conference, Banff, Alberta, Canada, July 31, 2015.
- “The Election of 1864: Emancipation Promised, Emancipation Deferred,” presented at The Annual Meeting of the Organization of American Historians, Atlanta, Georgia, April 11, 2014.
- “The Appomattox Effect: Struggling to Find the End of the American Civil War,” Department of History, Northwestern University, Evanston, Ill., Nov. 15, 2013.

- “Birth, Blood, and Belief: Allegiance and the American Civil War,” presented at the Elizabeth Clark Legal History Workshop Series, Boston University School of Law, Nov. 16, 2011.
- “French Readings of Lincoln’s Role in the Creation of American Citizenship,” presented at the conference on European Readings of Abraham Lincoln, His Times and Legacy, American University of Paris, Paris, France, October 18, 2009.
- “Was Lincoln’s Constitution Color-Blind?,” presented at the Abraham Lincoln Bicentennial Symposium, Harvard University, Cambridge, Mass., April 24, 2009.
- “Citizenship and the Thirteenth Amendment: Understanding the Deafening Silence,” presented at conference on Slavery, Abolition, and Human Rights: Interdisciplinary Perspectives on the Thirteenth Amendment, April 17, 2009
- “Did Emancipation Create American Citizens?—Abraham Lincoln’s View,” presented at the conference on Abraham Lincoln: Issues of Democracy and Unity, Russian State University, Moscow, Feb. 8, 2009.
- “The Racial and Written Constitutions of Nineteenth-Century America,” Cogut Center for the Humanities, Brown University, Nov. 4, 2008.
- “Civil War Era State-Building: The Human Cost,” Boston University Political History Workshop, March 19, 2008.
- “Citizenship and the Thirteenth Amendment: Understanding the Deafening Silence,” annual meeting of the *Law and Society Association*, Montreal, May 30, 2008.
- “Claiming Citizenship: Black and White Southerners Make Their Cases During the Civil War,” presented at the annual meeting of the *Southern Historical Association*, Memphis, November 2004.
- “Imagining a Different Reconstruction Constitution,” presented at the annual meeting of the Social Science History Association, Baltimore, November 2003.
- “West of Reconstruction: Resolving Mexican-American Property and Citizenship in the Civil War Era,” presented at the annual meeting of the *American Historical Association*, San Francisco, California, January 2002.
- “The Limits of Free Soil: The Resolution of Mexican Land Claims during the American Civil War,” presented at the annual meeting of the *Organization of American Historians*, St. Louis, Missouri, April 2000.
- “Written Constitutions, Racial Constitutions, and Constitutional Permanence in Nineteenth-Century America,” presented at the annual meeting of the *American Society for Legal History*, Toronto, Ontario, October 1999.
- “Law, Politics, and the Making of California Free Soil during the American Civil War,” presented at the annual meeting of the *Western History Association*, Portland, Oregon, October 1999.
- “Land Law in the Era of Free Soil: The Case of New Almaden,” *American Society for Environmental History*, Tucson, Arizona, April 1999.

- “Written Constitutions, Racial Constitutions, and Constitutional Permanence in Antebellum America,” presented at the annual meeting of the *Society for Historians of the Early American Republic*, Harpers Ferry, W.V., July 1998.
- “The Constitution in African-American Culture: Freedom Celebrations and the Thirteenth Amendment,” presented to the *W.E.B. Du Bois Institute*, Harvard University, Cambridge, Massachusetts, April 1996.
- “Civil War Emancipation and the Sources of Constitutional Freedom,” presented at the annual meeting of the *Organization of American Historians*, Washington, D.C., April 1995.
- “The Origins and Original Meanings of the Thirteenth Amendment,” presented at the annual meeting of the *American Society for Legal History*, Washington, D.C., October 1994.
- “Civil War Emancipation in Theory and Practice: Debates on Slavery and Race in the Border States, 1862-1865,” presented at the *Southern Labor Studies Conference*, Birmingham, Alabama, October 1993.

Service

University

- Anna S. K. Brown Library advisory committee, member, 2016-present.
- Co-Organizer (with Faiz Ahmed, Rebecca Nedostup, Emily Owens), Brown Legal History Workshop, 2015-present.
- Political Theory Project, Advisory Board, 2010-2019
- Organizer and Presenter, “Abraham Lincoln for the 21st Century: A Symposium honoring the Abraham Lincoln Bicentennial,” John Hay Library, Brown University, Feb. 27-28, 2009. Plenary lecture by Benjamin Jealous, president of NAACP, and six symposium participants. Funding secured from Rhode Island Foundation, Rhode Island Lincoln Bicentennial Commission, Brown Provost, Brown Dean of Faculty, History Department, Africana Studies Department

Profession

- Board of Editors, *Journal of Constitutional History*, 2022-present.
- Program Committee, Society of Civil War Historians, 2022 annual conference, 2020-present.
- Cromwell Prize Committee, American Society for Legal Historians, 2014-2017.
- Board of Editors, *Law and History Review*, 2004-2013 (reappointed 2009).
- Advisory Committee, United States Abraham Lincoln Bicentennial Commission, 2002-10.
- Board of Advisors, Lincoln Prize, Gettysburg Institute (2000-present).
- Co-Chair, Local Arrangements Committee, Annual Meeting of the Society for Historians of the Early American Republic, Providence, Rhode Island, Summer 2004.
- Referee for the National Endowment for the Humanities. 2001-2003.
- Committee Member, Local Arrangements Committee, Annual Meeting of the American Society for Environmental History, to be held in Providence, Rhode Island, Spring 2003.

Referee for article manuscripts submitted to the *Journal of American History*, *Law and History Review*, *Law and Social Inquiry*, *Journal of the Civil War Era*, and *Civil War History*.

Referee for book manuscripts submitted to Houghton Mifflin, Harvard University Press, Oxford University Press, New York University Press, University of Chicago Press, University of Illinois Press, and University of North Carolina Press.

Advisory Editor for *Proteus* (special issue devoted to the American Civil War, Fall 2000).

Community

Lecture on American Citizenship and Exclusion, Center for Reconciliation, Providence, R.I., July 2018.

Instructor in co-taught course at the Rhode Island Adult Correctional Institute (ACI) through the Brown University BELLS program, 2013.

Lecture on Reconstruction-Era Constitutional Amendments, Barrington, RI, Open Classroom, April 4, 2013.

Lecture on 150th Anniversary of the Emancipation Proclamation, Wheeler School, Providence, Rhode Island, January 17, 2013.

Rhode Island Civil War Sesquicentennial Commission, 2011- .

Rhode Island Abraham Lincoln Bicentennial Commission (appointed by Governor), 2005-2009.

Lecturer on the Brown Steering Committee on Slavery and Justice, The Wheeler School, Providence, Rhode Island, November 2006.

Seminar leader for National Endowment for the Humanities “We the People” initiative at Deerfield Historical Society, Deerfield, Mass., April 2006.

Seminar leader for National Endowment for the Humanities “Teaching American History” initiative at Rhode Island Historical Society, Providence, R.I., September 2005.

Seminar leader for National Endowment for the Humanities “We the People” initiative at Deerfield Historical Society, Deerfield, Mass., March 2005.

Advisor to the Burrillville, Rhode Island, School Department, on securing and administering a “Teaching American History” grant from the United States Department of Education, 2001-2002.

Academic Honors and Fellowships

Ray Allen Billington Professor, Occidental College/Henry E. Huntington Library, 2018-19.

Pembroke Center for the Study of Women and Gender Fellowship, Brown University, 2016-17.

National Endowment for the Humanities Long-Term Fellowship, Massachusetts Historical Society, Boston, Massachusetts, 2014.

National Endowment for the Humanities Long-Term Fellowship, Newberry Library, Chicago, Illinois, 2013.

Finalist, CIES Fulbright Fellowship for University of Rome III (2010-11 competition)

Cogut Center for the Humanities Fellowship, Brown University, Fall 2008.

William McLoughlin Prize for Teaching in the Social Sciences, Brown University, 2007.

Karen Romer Prize for Undergraduate Advising, Brown University, 2007.
History News Network (HNN) "Top Young Historian," 2005 (1 of 12 named in the U.S.).
Vartan Gregorian Assistant Professorship, Brown University, 2002-2004.
Finalist, Lincoln Prize, 2002 (for *Final Freedom*).
American Council of Learned Societies/Andrew W. Mellon Fellowship, 2002-03.
Kate B. and Hall J. Peterson Fellowship, American Antiquarian Society, 2002-03.
Salomon Research Award, Brown University, 2002-2003.
National Endowment for the Humanities Summer Stipend, 2001.
Julian Park Fund Fellowship, SUNY at Buffalo, 1998.
Research Development Fund Fellowship, SUNY at Buffalo, 1997.
Harold K. Gross Prize for Best Dissertation at Harvard in History, 1996.
Delancey Jay Prize for Best Dissertation at Harvard on Human Liberties, 1996.
W.E.B. Du Bois Fellowship, Harvard University, 1995.
Whiting Fellowship in the Humanities, 1994.
Bowdoin Prize for Best Essay at Harvard in the Humanities, 1993.
Indiana Historical Society Graduate Fellowship, 1993.
W. M. Keck Fellowship, Henry E. Huntington Library, 1993.
Everett M. Dirksen Congressional Research Fellowship, 1993.
Mark DeWolfe Howe Fellowship, Harvard Law School, 1993.
Charles Warren Center Research Fellowship, Harvard History Dept., 1991-2.
Derek Bok Award for Distinction in Teaching at Harvard, 1991.
Philip Washburn Prize for Best Senior Thesis at Harvard in History, 1986.

EXHIBIT 12

1 ROB BONTA
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official capacity as California Attorney
 9 *General*

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

14 **KIM RHODE et al.,**
 15
 16 Plaintiffs,
 17
 18 **v.**
 19 **ROB BONTA, in his official capacity**
as Attorney General of the State of
California, et al.,
 20 Defendant.

3:18-cv-00802-BEN-JLB

DECLARATION OF JENNIFER M. MCCUTCHEN

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

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1 **DECLARATION OF JENNIFER M. MCCUTCHEN**

2 I, Jennifer M. McCutchen, declare under penalty of perjury that the following
3 is true and correct:

4 1. I have been asked by the Office of the Attorney General of the California
5 Department of Justice to prepare a declaration on the history of firearm and
6 gunpowder restrictions applicable to certain groups, particularly Native peoples,
7 during the colonial and Early Republic eras. This declaration is based on my own
8 personal knowledge and research, and, if I am called as a witness, I could and
9 would testify competently to the truth of the matters discussed in this declaration.

10 **PROFESSIONAL QUALIFICATIONS**

11 2. I am an Assistant Professor of History at the University of St. Thomas in
12 St. Paul, Minnesota. I assumed this position on September 1, 2022. From
13 September 1, 2019, to August 31, 2022, I was an Assistant Professor of History at
14 the University of Southern Maine. I regularly offer courses in the colonial and
15 Early Republic eras of United States History, the history of the American
16 Revolution, and Native American History.

17 3. I have a Ph.D. in History from Texas Christian University, awarded in
18 2019. My expertise includes the history of trade, exchange, and diplomacy between
19 Native peoples and Europeans in the eighteenth century, with a specific focus on
20 gunpowder and firearms. I have several publications in this field including peer-
21 reviewed articles in the academic journals *Terrae Incognitae* and *Studies in*
22 *Eighteenth-Century Culture*. I also have a peer-reviewed article in *Ethnohistory*
23 published in July 2023 titled “‘They Will Know in the End that We are Men’:
24 Gunpowder and Gendered Discourse in Creek-British Diplomacy, 1763–1776.” I
25 am currently completing an 80,000-word book manuscript, based on my
26 dissertation research, which uses the gunpowder trade as a lens to explore
27 diplomacy between members of the Creek Confederacy and British/American
28

1 officials during the second half of the eighteenth century. The manuscript proposal
2 is currently under review with the University of Oklahoma Press. My current
3 curriculum vitae is attached as **Exhibit A** to this declaration.

4 4. I have provided written expert testimony in *Nguyen v. Bonta*, No. 3:20-
5 cv-02470 (S.D. Cal.).

6 5. I am being compensated at a rate of \$200 per hour.

7 **PROFESSIONAL OPINIONS**

8 6. I have been asked to provide an overview of the history of firearm,
9 gunpowder, and ammunition restrictions applicable to certain demographic groups,
10 particularly Native peoples, during the late colonial and founding/Early Republic
11 eras of the United States. I use the terms “gunpowder” and “ammunition”
12 frequently in this declaration, and sometimes interchangeably. Gunpowder refers to
13 black powder, which during the eighteenth-century consisted of 75% saltpeter, 15%
14 charcoal, and 10% sulfur. Ammunition is defined as “cartridge cases, primers,
15 bullets, or propellant powder designed for use in any firearm.”¹ Below, I make
16 three basic points:

17 7. First, firearms could not (as they cannot today) be used without proper
18 ammunition and because gunpowder (the projectile component of ammunition in
19 the historical period discussed) could not be produced in large quantities in North
20 America, gun owners in the colonial and Early Republic eras were consistently
21 concerned with securing stable access to gunpowder. These gun owners included
22 large numbers of Native peoples, upon whose labor empires depended to support
23 their hunting-based colonial trade economies, as well as enslaved people, free
24 African Americans, and non-Protestant white settlers.

25 _____
26 ¹ ATF.gov, “Firearms Gun Control Act Definitions – Ammunition,” Bureau
27 of Alcohol, Tobacco, Firearms, and Explosives, last modified April 26, 2018,
28 accessed August 7, 2023, [https://www.atf.gov/firearms/firearms-guides-
importation-verification-firearms-gun-control-act-definition-ammunition](https://www.atf.gov/firearms/firearms-guides-importation-verification-firearms-gun-control-act-definition-ammunition).

1 8. Second, in the seventeenth and early eighteenth centuries, individual
2 colonies looked to English legislation to prohibit Native peoples from accessing
3 guns and accompanying ammunition accessories, like gunpowder, gunflints, and
4 bullets. This was largely due to perceived public safety risks associated with
5 trading guns and ammunition with Native peoples, who existed outside of the
6 English colonial polity. Similarly, seventeenth-century firearms and gunpowder
7 restrictions targeted non-Native groups, such as non-Protestant settlers and enslaved
8 African Americans, who colonial governments deemed “dangerous” to the safety
9 and security of white, Anglo-American populations.

10 9. Third, by the second decade of the eighteenth century, colonial
11 governments no longer sought to fully prohibit Native peoples from obtaining arms
12 and ammunition. Rather, they used seventeenth-century English law as precedent
13 to more strictly regulate *how* Native peoples acquired guns, gunpowder, and
14 ammunition. This shift proved crucial for colonies that relied upon both the labor
15 of Native hunters and Native consumers to fuel their economies. It also created a
16 space for Patriots and Loyalists, respectively, to use gunpowder as a bargaining
17 chip to secure alliances during the American Revolution and provided a foundation
18 from which the new United States attempted to use gunpowder and ammunition to
19 secure Native dependence through the early nineteenth-century. During this period,
20 laws restricting access to guns and gunpowder for enslaved African Americans
21 persisted and did not undergo any notable modifications until after the founding of
22 the United States. Access to guns, gunpowder, and ammunition for members of the
23 above groups was not always controlled in the same manner or for the same
24 reasons, but colonial and state governments felt these populations posed enough of
25 a public safety risk to necessitate governmental oversight over their access to
26 firearms and the tools that rendered them operational.

1 **I. BACKGROUND ON GUNPOWDER, AMMUNITION, AND**
2 **NATIVE PEOPLES AND OTHER POPULATIONS IN THE**
3 **COLONIAL ERA**

4 10. Anyone who used firearms during the colonial era (1600–1763),
5 including colonial settlers and Native peoples, relied on the limited resource of
6 gunpowder. Gunpowder was a non-renewable resource that could not be
7 manufactured in large quantities in North America during the colonial era of United
8 States history. It was difficult to produce, heavily subject to the skill of the
9 manufacturer, and susceptible to damage by water, moisture, and other
10 environmental factors. The final product also depended on the quality of its
11 ingredients which consisted of carbon (for combustion), sulfur (for instantaneous
12 ignition), and saltpeter, or potassium nitrate (which provided the oxygen needed to
13 facilitate an explosion). Of the major components, carbon was the easiest to obtain,
14 with sulfur a close second; Charcoal was readily available in English woodlands,
15 and sulfur could be obtained from domestic mineral springs or imported from
16 Southern Italy. Saltpeter, the chief component of gunpowder and the rarest of the
17 three, occurred naturally in crystallized form on the walls of caves and damp cellars
18 or as a side effect of the bacterial break down of animal dung or guano.²

19 11. While the English began producing gunpowder in London as early as the
20 fourteenth century, gunpowder manufacture increased in the sixteenth century
21 under the reigns of Henry VIII and Elizabeth I. The Crown's appetite for saltpeter
22 grew alongside the empire's expanding scale of warfare and increasing weapons

23 _____
24 ² Guano is excrement from bats, sea birds, and seals. Bird guano, which
25 contains the highest nitrogen levels of the three, can be found largely in South
26 America, particularly in coastal Peru. During the colonial period, as well as today,
27 South American guano was used primarily for fertilizer. While bat guano can be
28 found in caves throughout North America, its use in large-scale gunpowder
manufacture did not emerge until the last decade of the eighteenth century. See
David Cressy, *Saltpeter: The Mother of Gunpowder* (New York, NY: Oxford
University Press, 2012), 10.

1 arsenal, and parliament understood the need for a self-sufficient gunpowder
2 economy that did not depend on imported saltpeter supplies. The Renaissance had
3 encouraged alchemists, natural philosophers, and individuals in the military arts to
4 think critically about pyrotechnics, creating a field of scientific and technical
5 literature that brought mining, the extraction and refining of numerous metals and
6 alloys, and knowledge of explosive-producing compounds to a wider audience.³ By
7 the seventeenth century this field of study had encouraged English parliament to
8 introduce “saltpeter ordinances,” which allowed the government to dig for Saltpeter
9 under private “pigeon houses, Stables, Cellars, Vaults, empty Ware-Houses, and
10 other Out-houses.”⁴ The need for saltpeter was a significant motivator of English
11 colonization in the South Pacific and North America from the sixteenth through
12 eighteenth centuries. By the second half of the seventeenth century, imported
13 saltpeter from India replaced the need for home-sourced supplies.⁵ Parliament

14 _____
15 ³ Vannoccio Biringuccio, *The Pirotechnia of Vannoccio Biringuccio: The*
16 *Classic Sixteenth Century Treatise on Metals and Metallurgy*, ed. Cyril Stanley
17 Smith and Martha Teach Gnudi (Mineola, NY: Dover Publications, 1990); Cyprian
18 Lucar, *Three bookes of colloquies concerning the arte of shooting in great and*
19 *small peeces of artillerie* (London: Thomas Dawson, 1588), accessed August 7,
20 2023,
21 <https://quod.lib.umich.edu/e/eebo2/A13381.0001.001/1:6.2.12?rgn=div3;view=fullt>
22 [ext](#); Cressy, *Salt peter*, 13-14. It was Lucar who suggested that saltpeter could be
23 extracted from the earth by digging “out of floors in cellars vaults, stables, ox-stalls,
24 goat or sheep cotes, pigeon houses, or out of the lowermost rooms in other houses.”
25 Lucar, *Three books concerning the arte of shooting*, Appendix 5-11. Also quoted in
26 Cressy, *Salt pter*, 20.

27 ⁴ An Ordinance enabling Saltpeter-men to make Gun-Powder, British History
28 Online, last modified February 7, 1646, accessed August 7, 2023,
29 [https://www.british-history.ac.uk/no-series/acts-ordinances-interregnum/pp828-](https://www.british-history.ac.uk/no-series/acts-ordinances-interregnum/pp828-830)
30 [830](#). At the height of its war with Spain, Elizabethan England consumed close to
31 100 tons of gunpowder per year. By the 1630s, Charles I peacetime forces needed
32 more than 250 tons of gunpowder. This increased to 647 tons per year during the
33 Seven Years’ War and 1,600 tons per year during the American Revolution.

34 ⁵ Between 1601 and 1801, each British East India company ship devoted an

1 employed these weapons to challenge English colonial expansion as demonstrated
2 in two violent conflicts: the Pequot War (1636–1637) and King Philip’s War
3 (1675–1676). These patterns of gun-induced Native violence transformed the
4 Indian world and deeply influenced cross-cultural interactions between Native
5 peoples and European colonizers. The Carolina colony’s first English settlers, for
6 example, recounted meeting large groups of Natives who had traveled to Charles
7 Town from the interior seeking any means of defense against the neighboring
8 Westos, who “having guns and powder and shot . . . come upon these Indians here
9 in the time of their crop and destroy all by killing, carrying away their corn and
10 children.”¹⁰

11 13. By the late seventeenth and early eighteenth centuries, Native men had
12 become critical consumers of British guns, ammunition, and gunpowder, proving
13 both a boon and bane for colonial officials. Arms manufacturers in Birmingham
14 and London, England, began manufacturing lightweight, flintlock muskets known
15 as “trade guns” specifically for Native customers. In addition, many colonies relied
16 upon Native hunters to sustain their eighteenth-century economies in lieu of stable
17 cash crops, and the demands of the pelt, deerskin, and slave trades necessitated
18 Native access to guns and ammunition.¹¹ Colonial officials understood the public

19 ¹⁰ Stephen Bull, “Stephen Bull to Lord Ashley, September 12, 1670,” in *The*
20 *Shaftesbury Papers: South Carolina Historical Society*, ed. Langdon Cheves,
21 192–96 (Charleston, SC: Home House Press, 2010), 194; Matthew Jennings,
22 “‘Cutting One Another’s Throats’: British, Native, and African Violence in Early
23 Carolina,” in *Creating and Contesting Carolina: Proprietary Era Histories*, ed.
Michelle LeMaster and Bradford J. Wood (Columbia, SC: The University of South
Carolina Press, 2013), 114.

24 ¹¹ European colonization of North America can be defined as trade
25 colonialism, a relationship in which the colonial periphery feeds the metropole with
26 raw materials, and the metropole manufactures finished goods to sell in its colonies.
27 Government-imposed tariffs regulate trade to ensure that capital accumulates in the
28 mother country. In colonial North America, Native peoples served as primary
producers of raw goods and consumers of finished goods, often acquired through

1 safety risks associated with arming large, potentially hostile, Native groups, and
2 over the course of the eighteenth century put considerable effort into determining
3 how many of their Native neighbors owned guns. For example, estimates of Creek
4 gun ownership ranged from 2,000 in the early 1700s, to 6,000 at the turn of the
5 nineteenth century.¹² Each Native gunman needed approximately two pounds of
6 gunpowder per year to sustain their hunting yields. Thus, during their peak era of
7 firearms ownership, members of the Creek Confederacy needed 12,000 pounds of
8 gunpowder annually to meet the demands of the Euro-American deerskin trade.¹³

9 14. Gunpowder in this historical period is commonly referred to as black
10 powder and is not to be confused with modern smokeless powder. The quantity of
11 gunpowder needed to fire a “trade gun”—the lightweight, .60 caliber flintlock
12 muskets created for Native consumers in the eighteenth century—depended on

13 _____
14 diplomatic mediation. Colonizers understood that to achieve their goals, they would
15 have to provide Native peoples with tools that could expedite their labor—guns and
16 gunpowder. The danger, however, was that Native peoples could also use these
17 tools to wage war on their enemies, both Indigenous and non-Indigenous. For an
18 overview of colonial theory, see Nancy Shoemaker, “A Typology of Colonialism,”
19 Perspectives on History, last modified October 1, 2015, accessed August 7, 2023,
20 [https://www.historians.org/research-and-publications/perspectives-on-](https://www.historians.org/research-and-publications/perspectives-on-history/october-2015/a-typology-of-colonialism)
21 [history/october-2015/a-typology-of-colonialism](https://www.historians.org/research-and-publications/perspectives-on-history/october-2015/a-typology-of-colonialism).

22 ¹² South Carolina enumerated 2,619 Creek gunmen in 1715. A French report
23 of a few years later put the number of gunmen at 2,500. In 1764, John Stuart, who
24 served as British Superintendent of Indian Affairs from 1762 until 1779, reported
25 the number of Creek gunmen at 3,600. In 1773, Governor Wright of Georgia
26 reported that there were 4,000 Creek gunmen. By the end of the eighteenth century,
27 American estimates placed Creek military strength between 5,000 and 6,000
28 warriors. Kathryn Holland Braund, *Deerskins and Duffels: The Creek Indian Trade with Anglo America, 1685–1815* (Lincoln, NE: University of Nebraska Press, 1993), 9; Kenneth Coleman and Milton Ready, eds., *Colonial Records of the State of Georgia: Volume 28, Part 2: Original Papers of Governor Wright, President Habersham, and Others, 1764–1782* (Athens, GA: University of Georgia Press, 1979), 189.

¹³ Braund, *Deerskins and Duffels*, 71–72.

1 several factors, namely the quality of the powder and its granularity. Native
2 gunowners usually received coarser and less desirable black powder than their
3 Euro-American counterparts, which required them to use slightly more gunpowder
4 on each shot. A general rule of thumb for determining gunpowder use, however, is
5 one grain of powder for each numerical degree of caliber.¹⁴ Consequently, Native
6 trade gun owners would need 60 grains of powder for each shot if using a .60
7 caliber flintlock musket, allowing a Native gun owner to fire approximately 116
8 bullets per pound of gunpowder. Historian Kathryn E. Holland Braund
9 conservatively estimates that the average Creek hunter killed about one hundred
10 deer per year—fifty for the European trade and fifty for home consumption.
11 Because flintlock muskets were less accurate than rifles, however, it usually took
12 more than one shot for even the most experienced Native hunter to achieve a kill.¹⁵
13 Thus, a Creek gunman in the late colonial and founding eras would need a
14 minimum of two pounds of gunpowder annually to simply sustain their hunting
15 yields. This amount increases when accounting for priming, spillage, and other
16 forms of loss, as well as additional gunpowder for warfare, protection, and
17 tattooing. Thus, gunpowder was a limited commodity in high demand by all people
18 who used firearms in the colonies, including Native peoples.

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22 ¹⁴ The grain is an English unit of weight equating to 1/7000 of a pound.

23 ¹⁵ While Native men preferred rifles for their long-range accuracy, these
24 firearms produced larger holes in deerskins, potentially devaluing them. Rifles
25 were also more dangerous to Indigenous enemies, posing a greater threat to colonial
26 populations. Thus, colonists enacted laws and regulations to ensure that all
27 weapons traded to Native Americans were inferior to those owned by whites, with
28 late colonial-era trade restrictions coming to specify that rifles could not be traded
to Native peoples. Angela R. Riley, “Indians and Guns,” *The Georgetown Law
Journal* 100 (2012): 1690.

1 **II. LAWS REGARDING THE TRADE OF GUNPOWDER,**
2 **AMMUNITION, AND FIREARMS TO NATIVE AMERICANS**
3 **AND OTHER POPULATIONS IN THE EARLY COLONIAL ERA**

4 15. During the early colonial era (1600-1720), laws were enacted and
5 enforced that restricted the trade of gunpowder, ammunition, and firearms to Native
6 Americans, enslaved peoples, and non-Protestant settlers. Early North American
7 gun legislation focused predominantly on Native Americans, though these laws
8 were complicated by the financially lucrative nature of the eighteenth-century
9 Native American firearms trade. Figures of firearm and gunpowder use in the
10 eighteenth-century Creek Confederacy reflect usage patterns of other North
11 American Native groups during the period.¹⁶ These figures provide insight as to
12 why colonies implemented strict laws regarding the trade of firearms and
13 gunpowder to Native peoples in the seventeenth century, and why these laws
14 shifted to allow limited Native access to gunpowder through government-controlled
15 channels during the eighteenth and early nineteenth centuries.

16 16. Because firearms were expensive and existing guns were reusable and
17 repairable, North American gun owners came to prefer constant and reliable access
18 to gunsmiths, as well as the tools that rendered firearms operational: gunpowder,
19 ammunition, and gunflints. Demand for gunpowder and ammunition came to shape
20 cross-cultural diplomacy between Native peoples and European officials over the
21 course of the eighteenth century. The centrality of these goods to Native life, along
22 with the Native peoples' inability to produce them, led colonial—and later,
23 American—officials to view these commodities as tools through which they could
24 attempt to control Native populations, force them to adhere to imperial interests,
25 and secure Native American dependence. But while colonial trade relationships
26 rendered Native people dependent upon guns and gunpowder, they never became

27 ¹⁶ This is particularly true of Southeastern deer hunting groups, but also of
28 confederacies in the Great Lakes region (like the Haudenosaunee/Iroquois), and in
New England (like the Algonquian and Wabanaki peoples).

1 politically or economically dependent on colonial or imperial states. In addition,
2 most Native peoples remained well armed though the American Revolution and
3 founding eras, sometimes owning better guns, and firing better shots, than their
4 Euro-American enemies.¹⁷ This prompted widespread fear among settler
5 populations and stimulated the creation of numerous laws aimed at limiting and
6 controlling Native access to gunpowder and ammunition to protect public safety.

7 17. Laws restricting the sale or trade of gunpowder and ammunition to
8 Native Americans, and other “undesirable” populations, began to appear largely in
9 the seventeenth century but were preceded by English laws that prohibited the
10 possession and use of weapons by certain populations. One of the earliest examples
11 is the 1181 Assize of Arms in which King Henry II of England outlined “the
12 obligation of all freemen of England to possess and bear arms in the service of the
13 King and realm and to swear allegiance to the king.” Essentially restoring the
14 ancient Anglo-Saxon militia system, the Assize “stipulated precisely the military
15 equipment that each man should have according to his rank and wealth” to defend
16 the crown. Every knight, for example, “was to arm himself with a coat of mail, and
17 shield and lance; every freeholder with lance and hauberk; every burgess and
18 poorer freeman with lance and iron helmet.”¹⁸ The Assize also established religious
19 restrictions on weapons possession, stipulating that “Jews may not take up arms or
20 armor in pledge.”¹⁹ A later law, passed in 1403, prohibited the use of armor or
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22 ¹⁷ Vanessa Holden, “Firearms and the Violent Transformation of Native
23 America,” SHEAR: Society for Historians of the Early American Republic,
24 <https://www.shear.org/2016/12/27/firearms-and-the-violent-transformation-of-native-america/>.

25 ¹⁸ Thomas Haughton, *The Student’s Summary of the Principal Events in*
26 *English History with Notes* (London: George Philip and Son, 1887), 78.

27 ¹⁹ Joseph Jacobs, “Notes on the Jews of England under the Angevin
28 Kings,” *The Jewish Quarterly Review* 4, no. 4 (July 1892): 639.

1 arms in sensitive places by people not allowed by the king.²⁰ By the sixteenth
2 century, English authorities saw a need for legislation to control the ownership and
3 use of firearms and other weapons. This included a piece of legislation that limited
4 the use of guns or crossbows to people who either possessed Royal permission or
5 “[held] property to the value of 300 Marks.”²¹ In 1541, Parliament’s passage of
6 “An Act Concerning Crossbows and Handguns” ordered that “no person or persons,
7 other than such as have land, tenement, fees, annuities or office, to the yearly value
8 of one hundred pounds aforesaid . . . shall carry or have . . . any crossbow bent or
9 gun charged or furnished with powder, fire, or touche for the same, except it be in
10 time and service of war.”²² A 1662 English law allowed Crown officials to seize all
11 guns from any person “judge[d] dangerous to the peace of the Kingdom.” Even
12 after the English Bill of Rights established a right of the people to arm themselves,
13 “the right was given only to Protestants, based on a continued belief that Catholics
14 were likely to engage in conduct that would harm themselves or others and upset
15 the peace.”²³

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18 ²⁰ 4 Hen. 4 c. 29, Duke Center for Firearms Law,
<https://firearmslaw.duke.edu/laws/4-hen-4-c-29/>.

19 ²¹ “An Acte Avoidyng Shooting in Crossebowes and Gonnes,” in Tom
20 Warlow, *Firearms, the Law, and Forensic Ballistics*. (New York: CRC Press,
21 2005), 17.

22 ²² 33 Hen. 8, c. 6, § 1, Duke Center for Firearms Law,
23 <https://firearmslaw.duke.edu/laws/33-hen-8-c-6-§-1-an-act-concernin-crossbows-and-handguns-1541/>.

24 ²³ 1689, 1 W. & M. st. 2, c. 2, Duke Center for Firearms Law,
25 <https://firearmslaw.duke.edu/laws/1689-1-w-m-st-2-c-2/>; An Act for the better
26 secureing the Government by disarming Papists and reputed Papists, 1 W. & M. ch.
27 15, Duke Center for Firearms Law, <https://firearmslaw.duke.edu/laws/an-act-for-the-better-secureing-the-government-by-disarming-papists-and-reputed-papists-1-w-m-ch-15-1689/>.

1 18. By the end of the seventeenth century, a significant number of
2 Englishmen, at least on paper, were prohibited from owning guns or accessing
3 gunpowder. These laws served as precedent for those in colonial North America
4 that sought to restrict access to guns and firearms on the grounds of religion or race.
5 Early legislation included a Massachusetts law from 1637 aimed at disarming the
6 followers of an extremist Puritan preacher named John Wheelwright. The law
7 required any individual who expressed “opinions & revelations” that “seduced &
8 led [others] into dangerous errors” to turn in all “guns, pistols, swords, powder,
9 shot, & match.”²⁴ A 1756 Maryland law allowed the Justice of the Peace to disarm
10 any Catholic, and a Virginia law from the same year permitted the disarmament of
11 any Catholic or Papist who refused to take an oath of loyalty to the colonial
12 government.²⁵

13 19. Seventeenth-century restrictions on firearms ownership were also racially
14 motivated, with the exception of a 1665 Connecticut law that prohibited the sale of
15 guns, gunpowder and ammunition to Dutch and French men.²⁶ A 1639 Virginia
16

17 ²⁴ Nathaniel B. Shurtleff, *Records of the Governor and Company of the*
18 *Massachusetts Bay in New England* (Boston: William White, 1853), 211–12.
19 Accessed August 12, 2023, <https://archives.lib.state.ma.us/handle/2452/802285>.

20 ²⁵ An Act to Prevent Popery within this Province, Votes and Proceedings of
21 the Lower House of Assembly of the Province of Maryland, Duke Center For
22 Firearms Law, [https://firearmslaw.duke.edu/laws/an-act-to-prevent-popery-within-](https://firearmslaw.duke.edu/laws/an-act-to-prevent-popery-within-this-province-votes-and-proceedings-of-the-lower-house-of-assembly-of-the-province-of-maryland-22-may-1756/)
23 [this-province-votes-and-proceedings-of-the-lower-house-of-assembly-of-the-](https://firearmslaw.duke.edu/laws/an-act-to-prevent-popery-within-this-province-votes-and-proceedings-of-the-lower-house-of-assembly-of-the-province-of-maryland-22-may-1756/)
24 [province-of-maryland-22-may-1756/](https://firearmslaw.duke.edu/laws/an-act-to-prevent-popery-within-this-province-votes-and-proceedings-of-the-lower-house-of-assembly-of-the-province-of-maryland-22-may-1756/); An Act for Disarming Papists, and Reputed
25 Papists, Refusing to Take the Oaths to the Government (1756), in 7 William W.
26 Hening, *The Statutes at Large, Being a Collection of all the Laws of Virginia* 35–36
27 (Richmond: Franklin Press, 1809).

28 ²⁶ The Public Records of the Colony of Connecticut, Duke Center For
Firearms Law, [https://firearmslaw.duke.edu/laws/the-public-records-of-the-colony-](https://firearmslaw.duke.edu/laws/the-public-records-of-the-colony-of-connecticut-prior-to-the-union-with-new-haven-colony-may-1665-page-113-114-image-125-126-1850-available-at-the-making-of-modern-law-primary-sources/)
[of-connecticut-prior-to-the-union-with-new-haven-colony-may-1665-page-113-](https://firearmslaw.duke.edu/laws/the-public-records-of-the-colony-of-connecticut-prior-to-the-union-with-new-haven-colony-may-1665-page-113-114-image-125-126-1850-available-at-the-making-of-modern-law-primary-sources/)
[114-image-125-126-1850-available-at-the-making-of-modern-law-primary-](https://firearmslaw.duke.edu/laws/the-public-records-of-the-colony-of-connecticut-prior-to-the-union-with-new-haven-colony-may-1665-page-113-114-image-125-126-1850-available-at-the-making-of-modern-law-primary-sources/)
[sources/](https://firearmslaw.duke.edu/laws/the-public-records-of-the-colony-of-connecticut-prior-to-the-union-with-new-haven-colony-may-1665-page-113-114-image-125-126-1850-available-at-the-making-of-modern-law-primary-sources/). This was based on the grounds that “the Dutch and French do sell and

1 law mandated that all persons, “except Negroes,” were to be “provided with arms
2 and ammunitions.”²⁷ A New York Law from 1664 deemed it illegal “for any slave
3 to have or use any gun, pistol, sword, club, or any other kind of weapon
4 whatsoever, but in the presence of his her or their Master or Mistress, and in their
5 own ground” with a penalty of twenty lashes.²⁸ A 1694 New Jersey law prohibited
6 enslaved people from carrying “any gun or pistol . . . into the woods,” without their
7 slaveholder’s consent.²⁹ A violent rebellion of enslaved peoples in New York City
8 in April of 1712 resulted in the enactment of harsher slave codes, including a
9 prohibition on “any Negro, Indian, [or] Mulatto Slave from having or using any gun
10 or pistol outside of their master’s presence.³⁰ This set a precedent for other
11 colonies, with Maryland enacting a law in 1715 that banned “negro[es] or other
12 slaves . . . [from] carry[ing] any gun or any other offensive weapon, from off their
13 master’s land, without license from their said master.”³¹ Laws disarming enslaved
14 trade to the Indians guns, pistols, and warlike instruments.”

15 ²⁷ PBS.org, Africans in America Part 1 – Colonial Laws,
16 <https://www.pbs.org/wgbh/aia/part1/1h315t.html>.

17 ²⁸ The Colonial Laws of New York From the Year 1664 To The Revolution,
18 Duke Center for Firearms Law, <https://firearmslaw.duke.edu/laws/the-colonial-laws-of-new-york-from-the-year-1664-to-the-revolution-including-the-charters-to-the-duke-of-york-the-commissions-and-instructions-to-colonial-governors-the-dukes-laws-the-laws-of-the/>.

19 ²⁹ The Grants, Concessions, And Original Constitutions of the Province of
20 New Jersey, Duke Center for Firearms Law. <https://firearmslaw.duke.edu/laws/the-grants-concessions-and-original-constitutions-of-the-province-of-new-jersey-page-341-image-345-1881-available-at-the-making-of-modern-law-primary-sources/>.

21 ³⁰ An Act for the suppressing and punishing the conspiracy and insurrection
22 of Negroes and other Slaves (1712), New York Slave Laws: Colonial Period,
23 <https://www.famous-trials.com/newyorkplot/367-slavelaws>.

24 ³¹ An Act For The Speedy Trial of Criminals, and Ascertaining Their
25 Punishment in the County Courts, Duke Center for Firearms Law,
26 <https://firearmslaw.duke.edu/laws/1715-md-laws-117-an-act-for-the-speedy-trial-of-criminals-and-ascertaining-their-punishment-in-the-county-courts-when->
27
28

1 African Americans were part of a larger effort to disarm individuals of diverse
2 religious, racial, and socioeconomic backgrounds based on judgment of character,
3 morality, and perceived threats to public safety.

4 20. Laws banning the trade and sale of gunpowder to Native peoples make
5 up most legislation in this area. They appear as early as 1619, when Virginia
6 passed legislation prohibiting individual settlers from selling or gifting arms and
7 ammunition to Indians.³² During the colonial period, individual colonies
8 formulated their own laws and policies regarding trade between settlers and Native
9 peoples based on local-level needs. Through the seventeenth century, laws
10 prohibiting the trade of guns, gunpowder, and ammunition to Native Americans
11 emerged in the New England colonies, which saw the rapid immigration of
12 English-Protestant families after 1620. Their settlement on Native lands produced
13 violent cross-cultural conflicts like the Pequot War (1636) and King Philip’s War
14 (1675), producing legislation like a 1633 act from the Massachusetts Bay Colony
15 which mandated “no person . . . shall . . . sell, give or barter, directly or indirectly,
16 any gun or guns, powder, bullets, shot, lead, to any Indian whatsoever, or to any
17 person inhabiting out of this jurisdiction.”³³

18 21. The Mid-Atlantic colonies also passed numerous laws barring the sale of
19 guns or gunpowder to Native peoples, with many of Virginia’s laws emerging

20 _____
21 [prosecuted-there-and-for-payment-of-fees-due-from-criminal-persons-chap-26/](#).

22 ³² H.R. McIlwaine and John P. Kennedy, eds., “1619: Laws Enacted by the
23 First General Assembly of Virginia,” Online Library of Liberty, last modified
24 August 1619, accessed August 8, 2023, [https://oll.libertyfund.org/page/1619-laws-
enacted-by-the-first-general-assembly-of-virginia](https://oll.libertyfund.org/page/1619-laws-enacted-by-the-first-general-assembly-of-virginia).

25 ³³ The Charters And General Laws Of The Colony And Province Of
26 Massachusetts Bay, Duke Center for Firearms Law,
27 [https://firearmslaw.duke.edu/laws/the-charters-and-general-laws-of-the-colony-and-
province-of-massachusetts-bay-page-133-image-140-1814-available-at-the-making-
of-modern-law-primary-sources/](https://firearmslaw.duke.edu/laws/the-charters-and-general-laws-of-the-colony-and-province-of-massachusetts-bay-page-133-image-140-1814-available-at-the-making-of-modern-law-primary-sources/).

1 during a twenty-year period of warfare between English settlers and members of the
2 Powhatan confederacy.³⁴ A 1633 Virginia law stated that any individual person
3 selling “guns, powder, shot, or any arms or ammunition unto any Indian or Indians
4 within this territory” would face imprisonment.³⁵ A January 1639 Virginia act
5 reduced the punishment for general trading with the Indians, but stipulated that the
6 trade of arms and ammunition would remain a felony.³⁶ Punishment for trading
7 guns to the Natives expanded in 1642 to include the forfeiture of one’s estate.³⁷ A
8 1649 Maryland law banned its inhabitants from selling or exchanging guns,
9 ammunition, or “any other kind of martiall Armes” to Native peoples.³⁸ New
10 Netherland passed a law in 1645 prohibiting all persons from trading “any
11 munitions of war with the Indians,” and forbade their importation to the colony
12 without explicit permission. Punishment, the act stipulated, could include death.³⁹

13
14 ³⁴ These conflicts are called the Anglo Powhatan Wars and took place
15 between approximately 1622 and 1644.

16 ³⁵ 1633 Va. Acts 219, Duke Center for Firearms Law,
17 <https://firearmslaw.duke.edu/laws/1633-va-acts-219/>.

18 ³⁶ *Statutes at Large: Collection of Virginia Laws from 1619*, archive.org,
19 226; <https://archive.org/details/statutesatlarge01virg/page/226/mode/2up>; 1639
20 Va. Acts 224, Duke Center for Firearms Law, [https://firearmslaw.duke.edu/
21 laws/1639-va-acts-224-acts-of-january-6th-1639-act-xvii/](https://firearmslaw.duke.edu/laws/1639-va-acts-224-acts-of-january-6th-1639-act-xvii/).

22 ³⁷ 1642 Va. Acts 255, Duke Center for Firearms Law,
23 [https://firearmslaw.duke.edu/laws/1642-va-acts-255-acts-of-march-2nd-1642-act-
24 xxiii/](https://firearmslaw.duke.edu/laws/1642-va-acts-255-acts-of-march-2nd-1642-act-xxiii/).

25 ³⁸ William Hand Browne, ed., *Archives of Maryland* (Baltimore: Maryland
26 Historical Society, 1885), vol. 1: 250.

27 ³⁹ A 1656 New Netherland law also prohibited the admission of armed
28 Indians into cities, villages, and houses. 1656 N.Y. Laws 235, Duke Center for
Firearms Law, <https://firearmslaw.duke.edu/laws/1656-ny-laws-235/>; 1645 N.Y.
Laws 47, Duke Center for Firearms Law, [https://firearmslaw.duke.edu/laws/1645-
n-y-laws-47-by-the-director-and-council-of-new-netherland-further-prohibiting-the-
sale-of-firearms-etc-to-indians/](https://firearmslaw.duke.edu/laws/1645-n-y-laws-47-by-the-director-and-council-of-new-netherland-further-prohibiting-the-sale-of-firearms-etc-to-indians/).

1 In 1676, the Plymouth colony also enacted a law against individual trading or
2 selling arms and ammunition to Indians, a practice deemed to be “very poisonous
3 and destructive to the English.”⁴⁰ Like New Netherland’s law, anyone convicted of
4 selling, bartering, or trading guns and ammunition to Native Americans could be
5 put to death.⁴¹ A Virginia law, also enacted in 1676, made it a capital offense to
6 sell guns or ammunition to the Indians, and declared that any colonist found within
7 any Indian town or three miles without the English plantations with more than one
8 gun and ten charges of powder and shot for his necessary use would be considered
9 guilty of selling to the Indians, and punished accordingly.⁴²

10 **III. LAWS REGARDING THE TRADE OF GUNPOWDER, 11 AMMUNITION, AND FIREARMS TO NATIVE AMERICANS 12 AND OTHER POPULATIONS IN THE LATE COLONIAL AND FOUNDING ERAS**

13 22. While eighteenth-century laws continued to prohibit the private trade of
14 guns and gunpowder with Native Americans, legislation did not seek to completely
15 ban Native peoples from obtaining arms and ammunition. Rather, colonies used
16 existing English law as precedent for regulating the ability of Native peoples to
17 acquire firearms and gunpowder because of their roles as hunters within colonial
18 economies. During this time, however, colonial governments continued to heavily
19 restrict the ability of other groups, including enslaved peoples, from acquiring and

20 ⁴⁰ 1675 Records of the Colony of New Plymouth, Duke Center for Firearms
21 Law, [https://firearmslaw.duke.edu/laws/records-of-the-colony-of-new-plymouth-in-
22 new-england-page-173-image-179-1856-available-at-the-making-of-modern-law-
primary-sources/](https://firearmslaw.duke.edu/laws/records-of-the-colony-of-new-plymouth-in-new-england-page-173-image-179-1856-available-at-the-making-of-modern-law-primary-sources/).

23 ⁴¹ 1675 Records of the Colony of New Plymouth, Duke Center for Firearms
24 Law, [https://firearmslaw.duke.edu/laws/records-of-the-colony-of-new-plymouth-in-
25 new-england-page-173-image-179-1856-available-at-the-making-of-modern-law-
primary-sources/](https://firearmslaw.duke.edu/laws/records-of-the-colony-of-new-plymouth-in-new-england-page-173-image-179-1856-available-at-the-making-of-modern-law-primary-sources/).

26 ⁴² William Waller Hening, *The Statutes at Large; Being a Collection of All*
27 *the Laws of Virginia, from the First Session of the Legislature, in the Year 1619*
28 (New York: R. & W. & G. Bartow, 1823), vol. 1: 441.

1 possessing firearms and gunpowder. This shows that colonial and state
2 governments believed these populations posed enough of a public safety risk to
3 necessitate governmental regulation over their access to firearms and gunpowder,
4 though they implemented control in different ways.

5 23. A series of late seventeenth-century English legislative measures
6 prohibited the importation of foreign weapons and associated goods with the goal
7 of preventing “any design of Traitorous and factious persons who may by this
8 [method] furnish themselves with . . . arms from beyond the state.”⁴³ These laws,
9 put forth under the guise of public safety, “kept all malcontents, fanatics, and
10 sectaries disarmed and under constant surveillance.”⁴⁴ The Game Act of 1671
11 further limited individual access to firearms and ammunition by raising property
12 and wealth requirements to own guns to fifty times the level required to vote.⁴⁵
13 While it primarily sought to reserve hunting as a sport for the nobility and gentry,
14 the Game Act of 1671 also was the first piece of hunting-related legislation to

15 ⁴³ National Archives, London, “Proclamation Prohibiting the Importation of
16 Firearms,” Anglo American Legal Tradition, last modified September 4, 1661,
17 accessed August 8, 2023,
18 http://aalt.law.uh.edu/AALT7/C2/PC2no55/IMG_0190.htm; Joyce Lee Malcom, *To*
19 *Keep and Bear Arms: The Origins of an Anglo-American Right* (Cambridge, MA:
20 Harvard University Press, 1996), 48.

21 ⁴⁴ Malcom, *To Keep and Bear Arms*, 49. This included a series of concurrent
22 Crown proclamations which declared that all who had fought for Parliament in the
23 English Civil War were prohibited from carrying firearms.

24 ⁴⁵ Diarmuid F. O’Scannlain, “Glorious Revolution to American Revolution:
25 The English origin of the Right to Keep and Bear Arms,” *Notre Dame Law*
26 *Review* 95, no. 1 (December 2019): 402. After 1430, English men were franchised
27 to vote by virtue of possessing property of an annual rent of at least forty shillings,
28 or two pounds. These men were called “forty-shilling freeholders.” This standard
remained unaltered in the seventeenth century. The basic requirement to hunt with
firearms after 1671 was income of at least 100 pounds per year on “freehold
estates” or 150 pounds per year on “leaseholds.” Malcom, *To Keep and Bear Arms*,
71; William Blackstone, *Commentaries on the Laws of England: In Four Books*
(*Book 4*) 175 (Oxford: Clarendon Press, 1770): 175.

1 include guns on the list of prohibited devices, drawing a connection between
2 wealth, status, and access to firearms and ammunition. Together, these laws
3 allowed the Crown to selectively disarm English subjects who they deemed a public
4 safety risk, while effectively granting the government complete control over the
5 production and distribution of firearms in the empire.

6 24. Consequently, eighteenth-century colonial legislation began to explicitly
7 state that only private trade was punishable by law; government-sponsored trade of
8 arms and ammunition, regulated through a license from a specific colony, was
9 acceptable. This allowed colonies to design, implement, and manage their own
10 trade to ensure that Native hunters had access to the goods they needed while
11 restricting the actions of oft-unscrupulous private citizens. Such a shift proved
12 crucial for colonies that relied upon both the labor of Native hunters and the larger
13 consumer patterns of Native communities to fuel their economies. A 1723
14 Connecticut law, for example, prohibited all unlicensed persons within the colony
15 from lending guns, ammunition, or associated goods to Native Americans.⁴⁶ A
16 1763 Pennsylvania law explicitly banned unlicensed private citizens from
17 exchanging guns, gunpowder, shot, bullets, lead, or other warlike stores to Native
18 peoples. Offenders were subject to “pay the sum of five hundred pounds . . . and
19 shall be whipped with thirty-nine lashes on his bare back, well laid on, and be
20 committed to the common goal [jail] of the county, there to remain twelve months
21 without bail or mainprise.”⁴⁷ A Maryland law from 1763 prohibited “any Person or
22 Persons within this Province to Sell or give any Indian Woman or Child any Gun

23
24 ⁴⁶ 1723 Connecticut Acts 292, Duke Center for Firearms Law,
25 <https://firearmslaw.duke.edu/laws/1723-conn-acts-292-an-act-for-preventing-lending-guns-ammunition-etc-to-the-indians/>.

26 ⁴⁷ 1763 Pa. Laws 319, Duke Center for Firearms Law,
27 <https://firearmslaw.duke.edu/laws/1763-pa-laws-319-an-act-to-prohibit-the-selling-of-guns-gunpowder-or-other-warlike-stores-to-the-indians/>.

1 Powder Shot or lead Whatsoever[.]” but allowed individuals to trade ammunition to
2 Native men as long as the quantity did not exceed one pound of gunpowder or six
3 pounds of shot or lead at any one time.⁴⁸ Laws restricting free and enslaved
4 African Americans from accessing guns and ammunition did not change much from
5 the seventeenth to eighteenth centuries. Legislation generally continued to require
6 that enslaved people have a ticket or license from their master. It was not until the
7 founding that state legislatures began enacting laws completely banning enslaved
8 people from accessing guns and ammunition.

9 25. As part of their efforts to control Native access to gunpowder and
10 firearms, colonies also sought to ensure that weapons and accompanying goods
11 traded to Native Americans were inferior to those owned by whites. A 1756 report
12 from Indian agent Daniel Pepper illuminates British colonial concerns regarding
13 Native access to rifles. Pepper reported that the Cherokee and Upper Creeks were
14 “getting into the Method of using Riffle Guns instead of Traders [trade guns] . . . as
15 they can kill point blank at 200 yards distance. This, in my humble opinion, puts
16 them too much upon an equality with us in case of a breach.” As for legal
17 ramifications, Pepper noted “the People who sell them to the Indians are generally
18 poor, their Gun being the greatest part of their estate, a fine would be of little or no
19 effect. Imprisonment or something of corporal punishment would creat[e] a greater
20 Dread.”⁴⁹ A 1764 draft trade regulation corroborates Pepper’s concerns:

21 Rifled Barreled Guns should certainly be prohibited; the Shawanese and
22 Delawares, with many of their neighbours are become very fond of them
23 [rifles], and use them with such dexterity, that they are capable of doing
24 infinite damage, and as they are made in some of the frontier Towns, where
25 the Indians will procure them at any Price . . . all white persons should be

25 ⁴⁸ *Archives of Maryland*, vol. 58, 420.

26 ⁴⁹ William L. McDowell, Jr., ed., *Documents Relating to Indian Affairs,*
27 *1754–1765 (South Carolina)* (Columbia, SC: South Carolina Department of
28 Archives and History, 1970), 256.

1 restricted on a very severe penalty from selling them to any Indians.⁵⁰

2 26. The examples above indicate that laws prohibiting the sale of firearms
3 and gunpowder to Native peoples took on many forms in the late colonial period,
4 depending largely upon local political and/or economic needs. Allowing each
5 colony to establish its own trade laws supported local-level authority and broad
6 government control, but a lack of unified Indian trade legislation led to limited
7 imperial oversight in an empire whose identity was deeply intertwined with
8 commerce. This became a major concern for the Crown after the French and Indian
9 War when the British increasingly sought to control the actions of both colonial and
10 Native populations. The Plan of 1764 imposed new, universal trade regulations
11 aimed at demonstrating the empire's socio-economic and political dominance over
12 North America's colonial and Native populations. New policies provided the
13 British Board of Trade executive authority to establish universal protocols for
14 commerce with the Natives. Individual colonies, who for most of the century had
15 determined trade laws with nearby Native peoples, were now expected to follow
16 imperial laws and regulations.

17 27. Colonial officials quickly realized that a lack of local-level autonomy
18 over Native trade laws created space for large numbers of corrupt, illegal traders to
19 cross into Indian territory to conduct unauthorized exchange; something that
20 motivated previous colonial policies aimed at government regulation. A 1766 letter
21 from Georgia's governor James Wright detailed how the Creeks and other
22 Southeastern Native peoples, were "over Stock'd with goods by the great number of
23 traders that go amongst them," and who were also "generally the very worst kind of
24
25

26 _____
27 ⁵⁰ Angela R. Riley, "Indians and Guns," *The Georgetown Law*
28 *Journal* (2012), 100: 1690.

1 people.”⁵¹ In February 1768, Indian Commissary Roderick McIntosh complained
2 that the Upper Creek towns were swarmed with traders, whom he regarded as
3 “notorious villains” for trading guns and gunpowder to Native men at prices below
4 the established exchange rate.⁵² Thus, despite Britain’s efforts to standardize Indian
5 trade policies, the colonies’ inability to make and enforce trade laws led to a
6 significant uptick in illegal arms trading and, subsequently, Native violence. The
7 British Board of Trade’s decision to return the management of the Indian trade to
8 the colonial governments in late 1768 marked a return to policies that embraced
9 local-level lawmaking to better control the actions of both traders and Native
10 peoples.⁵³ This elucidates that colonial officials felt Native access to gunpowder,
11 guns, and ammunition posed a public safety threat significant enough to warrant
12 legal action, but that laws needed to be created and enforced on the colonial level to
13 control the actions of private citizens and traders whose attempts to trade with
14 Native Americans outside of governmental oversight proved an equally significant
15 threat.

16 28. War also impacted trade customs and laws. Before the American
17 Revolution, Euro-American officials occasionally threatened to cut off the trade of
18 gunpowder and firearms to Native peoples. During the French and Indian War, for
19 example, British General Jeffrey Amherst set forth a decree prohibiting
20 representatives authorized to interact with Indian tribes on behalf of the colonies

21 _____
22 ⁵¹ Coleman and Ready, *Colonial Records of Georgia v 28*, 157.

23 ⁵² Roderick McIntosh, “McIntosh to Stuart,” February 8, 1768, Document
24 104, Thomas Gage Papers, William L. Clements Library, The University of
25 Michigan, Ann Arbor, MI.

26 ⁵³ Richard White, *The Roots of Dependency: Subsistence, Environment, and*
27 *Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln, NE:
28 University of Nebraska Press, 1988), 72.

1 (Indian agents) from trading or gifting gunpowder and firearms to Native men,
2 declaring both the dangers of this practice and the high financial cost to the British
3 government.⁵⁴ His proposal never came to fruition, however, as the complete
4 stoppage of the trade would have signaled a declaration of war to Native peoples.

5 29. During the American Revolution, Patriots and Loyalists attempted to use
6 gunpowder and ammunition as a bargaining chip to secure Native support. To be
7 successful, officials from both sides needed to continue enforcing existing trade
8 laws to ensure that access to guns, gunpowder, and ammunition reached Native
9 Americans through government-regulated channels, and not through uncooperative
10 or self-minded traders. Though only limited records survive, a quantitative analysis
11 of gunpowder imports reveal that the American colonies received an enormous
12 amount of gunpowder—1,030,694 pounds total—during the three-year period of
13 1769 to 1771. Later sources indicate that a significant portion of this gunpowder
14 was earmarked for the Indian trade; in 1775 a group of South Carolina Patriots
15 confiscated 13,000 pounds of gunpowder from the Loyalist cargo ship *Philippa*.
16 They gave 8,000 pounds to the Georgia Provincial Congress, who promptly sent
17 2,000 pounds—or 25% of their haul—to neighboring Creeks and Cherokees. The
18 Provincial Congress stated directly that this gunpowder was a gift “not from the
19 *King* or from the [royal] *Government* or from the *Traders*, but from the *People of*
20 *the Province* [the rebels].”⁵⁵

21 30. The above example highlights how Patriots, Loyalists, and Native
22 Americans used gunpowder as a tool of diplomatic negotiation during the
23 Revolutionary period, a strategy that is reflected in several laws from the era. At
24 the same time, local jurisdictions enacted laws that sought to regulate access to

25 _____
26 ⁵⁴ Colin Calloway, *Pen, Ink, and Witchcraft: Treaties and Treaty Making in*
American Indian History (New York, NY: Oxford University Press, 2013), 22.

27 ⁵⁵ Sheldon S. Cohen, “The *Philippa* Affair,” *The Georgia Historical*
28 *Quarterly* 69, no. 3 (Fall 1985): 350–51.

1 guns and gunpowder for “high risk” individuals, often noted in the documentary
2 record as white men who were deemed to be insufficiently loyal to the civil
3 government. A 1776 Pennsylvania law required all white males to take an oath of
4 allegiance “before some one of the justices of the peace of the city or county where
5 they shall respectively inhabit.” Failure to do so would result in their disarmament
6 “by the lieutenant or sublieutenants of the city or counties respectively.”⁵⁶ A 1776
7 Massachusetts law similarly resolved to disarm “such persons as are notoriously
8 disaffected to the cause of America, or who refuse to associate to defend by arms
9 the United American Colonies.”⁵⁷ Three acts from Pennsylvania (1777, 1778, and
10 1779) and another from Virginia (1777) required white male gun owners to swear
11 an oath of allegiance if they wished to retain their guns, with disarmament serving
12 as punishment.⁵⁸ Loyalty oaths allowed Patriots to regulate access to guns and

13 ⁵⁶ *Military Obligation: The American Tradition* (1947), 23.

14 <https://firearmslaw.duke.edu/wp-content/uploads/2023/04/1777-PA-An-Act-to-regulate-the-Militia-of-the-Common-Wealth-of-Pennsylvania-§-9-10.pdf>.

16 ⁵⁷ Robert J. Spitzer, “Gun Law History in the United States and Second
17 Amendment Rights,” *Law and Contemporary Problems* 80, no. 2 (2017): 72,
18 accessed August 8, 2023,

19 <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4825&context=lcp> 72;
20 1776 Pa. Laws 11, Duke Center for Firearms Law, <https://firearmslaw.duke.edu/laws/1776-pa-laws-11-an-ordinance-respecting-the-arms-of-non-associators-§-1/>;
21 Statutes at Large of Pennsylvania from 1682 to 1801 vol. 9, 11,
22 <https://babel.hathitrust.org/cgi/pt?id=mdp.39015051124082&seq=17>; Act of Mar.
14, 1776, Duke Center for Firearms Law, <https://firearmslaw.duke.edu/laws/act-of-mar-14-1776-ch-vii-1775-1776-mass-act-at-31-32-35/#>.

23 ⁵⁸ 1777 Pa. Laws 61, Duke Center for Firearms Law,
24 <https://firearmslaw.duke.edu/laws/1777-pa-laws-61-an-act-obliging-the-male-white-inhabitants-of-this-state-to-give-assurances-of-allegiance-to-the-same-and-for-other-purposes-therein-mentioned-ch-xxi-§§-2-4/>;
25 1778 Pa. Laws 123, Duke Center for Firearms Law, <https://firearmslaw.duke.edu/laws/1778-pa-laws-123/>;
26 1779 Pa. Laws 193, Duke Center for Firearms Law,
27 <https://firearmslaw.duke.edu/laws/1779-pa-laws-193/>; Act of May 5, 1777, Duke
28 Center for Firearms Law, <https://firearmslaw.duke.edu/laws/act-of-may-5-1777-ch->

1 gunpowder for settler populations and gave rebel governments the authority to
2 disarm “high risk” peoples, revealing that Patriots used access to gunpowder and
3 firearms as tools of coercion and control in their attempts to secure support for the
4 Revolutionary cause.

5 31. While the end of the American Revolution brought independence to
6 Britain’s former North American colonies, the new United States inherited the
7 Crown’s unresolved questions about relationships with Native nations. To answer
8 these questions, United States policymakers looked to colonial-era laws regulating
9 the trade of gunpowder and firearms to Indians. With Native diplomacy now under
10 the jurisdiction of the federal government, Congress reworked existing local-level
11 laws for national use. The resulting Indian Trade and Intercourse Act (1790)
12 established that private individuals needed a license to conduct trade with Native
13 peoples and were required to renew their license every two years. Sections of the
14 Indian Trade and Intercourse Act heavily emulated earlier, colonial-level firearms
15 regulations. The 1796 “Act for Establishing Trading Houses with the Indian
16 Tribes,” however, authorized the president to establish designated facilities—
17 known as “factories”—for the “purpose of carrying on a liberal trade with the
18 several Indian nations,” and appoint agents to run them. By providing goods to
19 Native peoples at-cost, these trading houses aimed to push out any illegal or foreign
20 competition while asserting control over the quality and quantity of goods Native
21 peoples acquired. But Indian factories were not intended to be profit-seeking
22 ventures; they existed to impose federal authority over the 150,000 Native peoples
23 living between the Appalachian Mountains and the Mississippi River. More
24 affordable than warfare against Native peoples, historian David Nichols describes

25
26
27 [3-in-9-henings-statutes-at-large-281-281-82-1821/](#)
28

1 the Indian factory system as “conquest on the cheap,” riddled with abuse and
2 misconduct on the part of factory agents.⁵⁹

3 32. Notably, section seven of the 1796 “Act for Establishing Trading
4 Houses” addresses firearms and associated goods. Instead of placing a restriction
5 upon private traders, it specifically prohibits agents from “purchas[ing], or
6 receiv[ing] of any Indian, in the way of trade or barter, a gun or other article
7 commonly used in hunting,” imposing a one-hundred-dollar penalty for each
8 offense. This indicates that the success of factory system depended upon the sale of
9 cheaply made goods to Native peoples, inferior to those made for white American
10 populations. By prohibiting factory agents from purchasing firearms, gunpowder,
11 or ammunition from Native people, U.S. officials sought to curb the sale of arms
12 outside the purview of the federal government. Because it was not uncommon for
13 Native peoples to access better-quality firearms from Spanish Florida or British
14 Canada, factory agents could acquire these weapons and re-sell them to bolster their
15 income. Later laws included restrictions upon the sale of guns and gunpowder by
16 private citizens, as evidenced by an 1807 Mississippi Territory law that prohibited
17 white settlers from purchasing or trading guns or any tool used in hunting “with any
18 Indian.”⁶⁰ Such actions would challenge U.S. efforts to control Native peoples

19 _____
20 ⁵⁹ David Andrew Nichols, *Engines of Diplomacy: Indian Trading Factories*
21 *and the Negotiation of Empire* (Chapel Hill: University of North Carolina Press,
22 2016), 1. Nichols writes that in 1821, Senator Thomas Hart Benton of Missouri
23 accused the factors of “abuse and misconduct” characterizing the merchandise from
24 Indian factories as “the rubbish of Georgetown retail stores.” Benton argued the
25 system had achieved none of its goals and branded it “worse than useless.” The
26 federal government disbanded the Factory system in the same year.

27 ⁶⁰ Harry Toulmin, *The Statutes of the Mississippi Territory, Revised and*
28 *Digested by the Authority of the General Assembly*, Duke Center for Firearms
29 Law. <https://firearmslaw.duke.edu/laws/harry-toulmin-the-statutes-of-the-mississippi-territory-revised-and-digested-by-the-authority-of-the-general-assembly-page-593-image-612-natchez-1807-available-at-the-making-of-modern-law-prima/>.

1 through access to guns and gunpowder, and undermine their efforts to navigate the
2 long-standing contradiction of providing firearms and ammunition to potentially
3 dangerous outsiders.

4 33. Federal regulation of the Indian trade occurred in conjunction with a
5 rapidly expanding “cotton kingdom” in the American South. With increasing
6 numbers of enslaved people, early nineteenth century laws regarding gun use and
7 ownership reflect a tightening of restrictions over both free and enslaved African
8 Americans. Unlike earlier laws which generally permitted limited gun use among
9 enslaved individuals, legislation passed after the founding, particularly in Southern
10 states and territories, frequently prohibited all enslaved African Americans from
11 possessing guns, ammunition, or gunpowder.⁶¹ Subsequent legislation from
12 Southern states and territories followed suit, severely restricting the abilities of

13 _____
14 ⁶¹ Some northern states retained exceptions for enslaved peoples with their
15 masters’ permission. One example is seen in a 1797 Delaware law which
16 prohibited “any Negro or Mulatto slave” from possessing any gun, ammunition, or
17 weapon without their master’s license. 1797 Del. Laws 104, An Act for the Trial of
18 Negroes Ch. 43, §6, Duke Center for Firearms Law,
19 [https://firearmslaw.duke.edu/laws/1797-del-laws-104-an-act-for-the-trial-of-](https://firearmslaw.duke.edu/laws/1797-del-laws-104-an-act-for-the-trial-of-negroes-ch-43-§6/)
20 [negroes-ch-43-§6/](https://firearmslaw.duke.edu/laws/1797-del-laws-104-an-act-for-the-trial-of-negroes-ch-43-§6/); Charles Nettleton, Laws of the State of New Jersey Page
21 370–71, Duke Center for Firearms Law, [https://firearmslaw.duke.edu/laws/charles-](https://firearmslaw.duke.edu/laws/charles-nettleton-laws-of-the-state-of-new-jersey-page-370-371-image-397-398-1821-available-at-the-making-of-modern-law-primary-sources/)
22 [nettleton-laws-of-the-state-of-new-jersey-page-370-371-image-397-398-1821-](https://firearmslaw.duke.edu/laws/charles-nettleton-laws-of-the-state-of-new-jersey-page-370-371-image-397-398-1821-available-at-the-making-of-modern-law-primary-sources/)
23 [available-at-the-making-of-modern-law-primary-sources/](https://firearmslaw.duke.edu/laws/charles-nettleton-laws-of-the-state-of-new-jersey-page-370-371-image-397-398-1821-available-at-the-making-of-modern-law-primary-sources/). This law prohibited
24 “any negro or other slave” from hunting or carrying a gun on the first day of the
25 week, or Sunday subject to imprisonment. Other states enacted harsher restrictions
26 upon free African Americans, generally prohibiting them from carrying firearms or
27 other weapons without a license or special permission. See 1806 Md. Laws 44, An
28 Act To Restrain The Evil Practices Arising From Negroes Keeping Dogs, And To
Prohibit Them From Carrying Guns Or Offensive Weapons, ch. 81, Duke Center
for Firearms Law, [https://firearmslaw.duke.edu/laws/1806-md-laws-44-an-act-to-](https://firearmslaw.duke.edu/laws/1806-md-laws-44-an-act-to-restrain-the-evil-practices-arising-from-negroes-keeping-dogs-and-to-prohibit-them-from-carrying-guns-or-offensive-weapons-ch-81/)
[restrain-the-evil-practices-arising-from-negroes-keeping-dogs-and-to-prohibit-](https://firearmslaw.duke.edu/laws/1806-md-laws-44-an-act-to-restrain-the-evil-practices-arising-from-negroes-keeping-dogs-and-to-prohibit-them-from-carrying-guns-or-offensive-weapons-ch-81/)
[them-from-carrying-guns-or-offensive-weapons-ch-81/](https://firearmslaw.duke.edu/laws/1806-md-laws-44-an-act-to-restrain-the-evil-practices-arising-from-negroes-keeping-dogs-and-to-prohibit-them-from-carrying-guns-or-offensive-weapons-ch-81/); 1806 Va. Acts 51, ch. 94,
Duke Center for Firearms Law, [https://firearmslaw.duke.edu/laws/1806-va-acts-51-](https://firearmslaw.duke.edu/laws/1806-va-acts-51-ch-94/)
[ch-94/](https://firearmslaw.duke.edu/laws/1806-va-acts-51-ch-94/).

1 African Americans, both free and unfree, from carrying or possessing firearms and
2 ammunition.⁶² Thus, during the founding era, firearms restrictions applicable to
3 Native peoples exhibited greater nuance than the strict prohibitions applicable to
4 free African Americans and enslaved populations.

5 CONCLUSIONS

6 34. During the late colonial and founding eras, gun owners were consistently
7 concerned with securing stable access the tools that rendered their firearms
8 operational: gunpowder and ammunition. Securing gunpowder was a challenge, as
9 a lack of saltpeter in Eastern North America ensured that it could not be produced
10 in large quantities in the colonies. Gun owners in colonial America who sought
11 stable access to gunpowder were diverse and included enslaved people, non-
12 Protestant white settlers and large numbers of Native Americans, whose labor
13 empires depended on to support their hunting-based colonial trade economies. In
14 the seventeenth and early eighteenth centuries, individual colonies looked to
15 English legislation to enact numerous restrictions on Native peoples from accessing
16 guns, and accompanying ammunition accessories, like gunpowder, gunflints, and
17 bullets. This was largely due to perceived public safety risks associated with
18 trading guns and ammunition to Native Americans, who existed outside of the
19 English colonial polity.

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21 _____
22 ⁶² These laws include: 1804 Miss. Laws 90-91, An Act Respecting Slaves,
23 § 4, Duke Center for Firearms Law, [https://firearmslaw.duke.edu/laws/1804-miss-](https://firearmslaw.duke.edu/laws/1804-miss-laws-90-91-an-act-respecting-slaves-§-4/)
24 [laws-90-91-an-act-respecting-slaves-§-4/](https://firearmslaw.duke.edu/laws/1804-miss-laws-90-91-an-act-respecting-slaves-§-4/); Harry Toulmin, A Digest of the Laws of
25 the State of Alabama, Duke Center for Firearms Law,
26 [https://firearmslaw.duke.edu/laws/harry-toulmin-a-digest-of-the-laws-of-the-state-](https://firearmslaw.duke.edu/laws/harry-toulmin-a-digest-of-the-laws-of-the-state-of-alabama-containing-the-statutes-and-resolutions-in-force-at-the-end-of-the-general-assembly-in-january-1823-to-which-is-added-an-appendix-conta/)
27 [of-alabama-containing-the-statutes-and-resolutions-in-force-at-the-end-of-the-](https://firearmslaw.duke.edu/laws/harry-toulmin-a-digest-of-the-laws-of-the-state-of-alabama-containing-the-statutes-and-resolutions-in-force-at-the-end-of-the-general-assembly-in-january-1823-to-which-is-added-an-appendix-conta/)
28 [general-assembly-in-january-1823-to-which-is-added-an-appendix-conta/](https://firearmslaw.duke.edu/laws/harry-toulmin-a-digest-of-the-laws-of-the-state-of-alabama-containing-the-statutes-and-resolutions-in-force-at-the-end-of-the-general-assembly-in-january-1823-to-which-is-added-an-appendix-conta/); Henry S.
Geyer, A Digest of the Laws of Missouri Territory, Duke Center for Firearms Law,
[https://firearmslaw.duke.edu/laws/henry-s-geyer-a-digest-of-the-laws-of-missouri-](https://firearmslaw.duke.edu/laws/henry-s-geyer-a-digest-of-the-laws-of-missouri-territory-comprising-an-elucidation-of-the-title-of-the-united-states-to-louisiana-constitution-of-the-united-states-treaty-of-session-organic-law/)
[territory-comprising-an-elucidation-of-the-title-of-the-united-states-to-louisiana-](https://firearmslaw.duke.edu/laws/henry-s-geyer-a-digest-of-the-laws-of-missouri-territory-comprising-an-elucidation-of-the-title-of-the-united-states-to-louisiana-constitution-of-the-united-states-treaty-of-session-organic-law/)
[constitution-of-the-united-states-treaty-of-session-organic-law/](https://firearmslaw.duke.edu/laws/henry-s-geyer-a-digest-of-the-laws-of-missouri-territory-comprising-an-elucidation-of-the-title-of-the-united-states-to-louisiana-constitution-of-the-united-states-treaty-of-session-organic-law/).

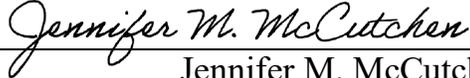
1 35. By the second decade of the eighteenth century, however, colonial
2 governments no longer sought to fully prohibit Native peoples from obtaining arms
3 and ammunition. This was because most North American colonies, and the larger
4 English empire, depended upon Native laborers to support their hunting-based trade
5 economies. Consequently, colonial governments began to use seventeenth-century
6 English law as precedent to more strictly regulate *how* Native Americans acquired
7 guns, gunpowder, and ammunition. This legislative shift, which was not mirrored
8 with respect to enslaved populations, proved crucial for Patriots and Loyalists, who
9 used gunpowder as a tool of negotiation to secure alliances during the American
10 Revolution. It also provided a foundation from which the new United States
11 attempted to use the sale of guns, gunpowder, and ammunition in conjunction with
12 their Indian Factory System to secure Native dependence through the early
13 nineteenth-century.

14 36. This brief account of laws regarding the sale, trade, and exchange of
15 gunpowder and ammunition demonstrates that colonial governments, state
16 governments, and the federal government viewed the trade and sale of gunpowder
17 and firearms to certain racial, religious, or socioeconomic populations as a threat to
18 public safety and the social moral character of their colonies. Yet when it came to
19 Native Americans, they did not seek to fully prohibit them from accessing these
20 goods. Rather, they understood the public safety risks associated with the
21 unregulated trade of gunpowder and firearms to Native Americans, and created
22 laws that restricted the ability of private citizens to trade these goods to Native
23 peoples and other potentially dangerous individuals. This allowed eighteenth and
24 early nineteenth lawmakers to control not only how Native Americans gained
25 access to gunpowder and other associated goods, repressing public safety concerns,
26 but also exercise authority over diplomatic negotiations and alliance formation in
27 ways that could possibly result in Native subordination and dependence. While
28 access to guns, gunpowder, and ammunition for members of the above groups was

1 not always controlled in the same manner, colonial and state governments felt these
2 populations posed enough of a public safety risk to necessitate governmental
3 regulation over their access to firearms and gunpowder.

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

5 Executed on August 16, 2023 at St. Paul, MN.

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8 Jennifer M. McCutchen

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EXHIBIT 13

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

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

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

2 I, MAYRA G. MORALES, declare:

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

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

- 9 • The August 5, 2019 Declaration of Mayra G. Morales in Support of
10 Defendant Xavier Becerra’s Opposition to Plaintiffs’ Motion for
11 Preliminary Injunction, ECF No. 34-1;
12 • The September 27, 2019 Supplemental Declaration of Mayra G. Morales
13 in Support of Defendant Xavier Becerra’s Opposition to Plaintiffs’
14 Motion for Preliminary Injunction, ECF No. 42;
15 • The November 18, 2019 Second Supplemental Declaration of Mayra G.
16 Morales in Support of Defendant Xavier Becerra’s Opposition to
17 Plaintiffs’ Motion for Preliminary Injunction, ECF No. 48;
18 • The February 28, 2020 Third Supplemental Declaration of Mayra G.
19 Morales in Support of Defendant Xavier Becerra’s Opposition to
20 Plaintiffs’ Motion for Preliminary Injunction, ECF No. 53; and
21 • The April 10, 2020 Fourth Supplemental Declaration of Mayra G.
22 Morales in Support of Defendant Xavier Becerra’s Opposition to
23 Plaintiffs’ Motion for Preliminary Injunction, ECF No. 59.

24 3. In accordance with this Court’s order, entered on July 18, 2023, *see* ECF
25 No. 90, this fifth supplemental declaration provides additional data for the tables in
26 my February 28, 2020 Third Supplemental Declaration for the past six months–
27
28

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.¹ 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 ¹ 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.

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

6 14. The monthly rate of AFS Check rejections is set forth in the following
7 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%

17
18 15. Table 1.4 charts the weekly rejection rate from January 1, 2023 through
19 the week ending June 30, 2023. As the table in the previous paragraph and
20 Table 1.4 show, the rejection rate has remained steady at approximately 10.8% over
21 the past six months.

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

24 16. To recap from my September 27, 2019 Supplemental Declaration and
25 November 18, 2019 Second Supplemental Declaration, AFS Checks are
26 streamlined eligibility checks that rely on the purchaser already having undergone a
27 firearms background check and being subject to inclusion in APPS, in the event
28

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.

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

Executed on: August 16, 2023


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

Table 1.1: AFS Checks — Approvals, Denials, & Rejections							
	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023	Total
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 ²	1.0 sec	10.6 sec	9.4 sec	170.7 sec (overall average)

² 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

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

TABLE 1 – AFS Eligibility Checks

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

TABLE 1 – AFS Eligibility Checks

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

TABLE 1 – AFS Eligibility Checks

Table 1.3: Purchasers Who were Rejected on an AFS Check and Subsequently Purchased Ammunition on or before June 30, 2023						
	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023
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

Table 1.4: AFS Check Rejection Rate by Week – January 2, 2023, through July 2, 2023			
Week	Total AFS Checks Submitted	AFS Check Rejections	Percent
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

Table 1.4: AFS Check Rejection Rate by Week – January 2, 2023, through July 2, 2023			
Week	Total AFS Checks Submitted	AFS Check Rejections	Percent
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%
Total	543,834	58,660	10.79%

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TABLE 2 – Basic Eligibility Checks

TABLE 2 – BASIC AMMUNITION ELIGIBILITY CHECKS

TABLE 2 – Basic Eligibility Checks

Table 2.1: Basic Checks — Approvals, Denials, & Rejections as of June 30, 2023³							
	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023	Total
Basic Checks ⁴ Received	486	452	544	513	505	533	3,033
Basic Checks Processed	478	452	541	507	493	357	2,828
Approved ⁵	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

³ 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.

⁴ 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.

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

TABLE 2 – Basic Eligibility Checks

Table 2.2: Basic Checks — Processing Times as of June 30, 2023						
	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023
Average Time ⁶	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.

⁶ 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

Table 2.3: Approved Basic Checks — Processing Times						
	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023
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.

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TABLE 3 –Certificate of Eligibility Ammunition Verification Checks

TABLE 3 – CERTIFICATE OF ELIGIBILITY AMMUNITION VERIFICATION CHECKS

TABLE 3 –Certificate of Eligibility Ammunition Verification Checks

Table 3: Certificate of Eligibility Verifications							
	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023	Total
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)

EXHIBIT 14

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 9 *General*

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

20 Defendant.

3:18-cv-00802-BEN-JLB

DECLARATION OF SIDNEY JONES

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

1 primary purpose of requiring ammunition background checks at the point of sale,
2 and it has successfully denied prohibited persons from making such ammunition
3 purchases.

4 5. I also understand that the Court has requested information about an
5 ancillary benefit of ammunition purchase denials, apart from this primary purpose,
6 relating to investigations into prohibited persons, gun seizures, and prosecutions. In
7 accordance with that request, this section of my declaration provides information as
8 to how denied ammunition purchases can provide investigative leads to locate and
9 prioritize specific armed and prohibited individuals, which are the primary focus of
10 the Department's enforcement efforts.

11 6. In 2006, California became the first state in the nation to monitor
12 individuals who legally purchased or acquired firearms and later became prohibited
13 from owning or possessing them. The Armed and Prohibited Persons System
14 (APPS) database cross-references firearms purchasers against other records for
15 individuals who are prohibited from owning or possessing firearms. The
16 Department utilizes Crime Analysts, Special Agents, and Special Agent
17 Supervisors to locate and seize firearms from prohibited persons identified through
18 the APPS database, thereby preventing and reducing incidents of violent crime.

19 7. Individuals are entered into the APPS database when they legally
20 purchase or acquire a firearm. They are moved to the Armed and Prohibited
21 Persons System within the database if they become prohibited. Prohibited persons
22 are identified by running daily manual queries of the databases that cross-reference
23 the population of known firearm owners against individuals who may have had a
24 prohibiting triggering event (PTE) within the past 24 hours. New individuals are
25 added daily, creating a constantly changing and growing dataset.

26 8. Each of the Department's Bureau of Firearms offices has its own team of
27 Crime Analysts and Special Agents for enforcement efforts. The Crime Analysts
28 access the APPS database daily and develop investigative packages of armed and

1 prohibited people for each team of Special Agents to contact. The Crime Analysts
2 are required to crosscheck several databases to confirm addresses, photos, arrest
3 records, and the status of armed and prohibited individuals, among other relevant
4 information. Using these investigative packages, Special Agents attempt to locate
5 the firearm(s) associated with each armed and prohibited individual via a consent
6 search, probation or parole search, or a search warrant. Often, the armed and
7 prohibited individual will be in possession of numerous firearms, many of which
8 were not associated with that individual in the APPS database.

9 9. Special Agents and Crime Analysts are continuously working to research
10 and develop viable APPS investigations to determine which leads will potentially
11 provide the greatest possible number of positive results. But one way that an
12 investigation can hit a dead end is if the armed and prohibited individual cannot be
13 located because the individual no longer resides at the address that is in the APPS
14 database.

15 10. Monitoring denied ammunition purchases helps to address this problem
16 because the denied purchases often provide more current addresses than those
17 previously available in the APPS database. A more current address can help
18 Special Agents locate an armed and prohibited individual, when they could not do
19 so before, so that they can attempt to locate the firearm(s) associated with that
20 individual via a consent search, probation or parole search, or a search warrant.

21 11. Another reason that monitoring denied ammunition purchases is an
22 effective strategy is that attempted ammunition purchases signal to Special Agents
23 that a prohibited person still possesses and may be actively using a firearm. While
24 the use of ammunition denial data is ancillary to regular APPS investigations,
25 nearly every investigation based on an ammunition denial results in a seizure of
26 firearms and/or ammunition from a prohibited person.

27 12. In July 2020, Special Agents served a search warrant on an individual
28 who had tried to purchase ammunition while having a mental health prohibition.

1 During the search, Special Agents located three handguns, two shotguns, five rifles
2 (three of which were assault weapons), twelve standard capacity magazines, ten
3 large capacity magazines, and approximately 7,655 ammunition rounds.

4 13. In July 2020, Special Agents served a search warrant on an individual
5 who had tried to purchase ammunition while being prohibited by a probation
6 condition. During the search, Special Agents located five handguns (three of which
7 were unserialized ghost guns), one rifle, one shotgun, one assault weapon, eight
8 standard capacity magazines, three large capacity magazines, and about 218
9 ammunition rounds.

10 14. An additional example is from February 2021, during which Special
11 Agents served a search warrant on an individual who had tried to purchase
12 ammunition while being prohibited by a felony conviction. Special Agents located
13 in the individual's residence two unserialized ghost guns (one semiautomatic
14 handgun and one assault weapon), ten magazines, and about 500 ammunition
15 rounds. The individual was arrested.

16 15. In May 2021, Special Agents served a search warrant on an individual
17 who had tried to purchase ammunition even while prohibited by a felony
18 conviction. Special Agents located in the individual's residence 24 rifles, 15
19 handguns, 11 shotguns, 28 large capacity magazines, and about 16,000 ammunition
20 rounds. The individual was arrested.

21 16. A final example is from November 2022, when an individual with a
22 prohibiting misdemeanor conviction tried to purchase ammunition. Special Agents
23 served a search warrant on the individual, and during the search located seven rifles
24 (including an unregistered assault weapon and a short barrel rifle), two shotguns,
25 two handguns, eleven magazines, and approximately 1,200 ammunition rounds.
26 The individual was arrested, with criminal cases pending in court.

27 17. As noted above, stopping prohibited persons from purchasing
28 ammunition was the primary purpose of the point-of-sale background checks.

1 However, these are some of the more recent examples and representative outcomes
2 of denied ammunition purchases that help Special Agents to identify and locate
3 armed and prohibited individuals.

4 18. The Department also releases annual APPS reports to the California
5 legislature that contain additional data and information regarding the use of the
6 APPS database, including denied ammunition purchases. As detailed below, the
7 three most recent reports are attached to this declaration as exhibits.

8 19. A true and correct copy of Cal. Dep't of Justice, Armed and Prohibited
9 Persons System (APPS) 2020 (available at
10 <https://oag.ca.gov/system/files/attachments/press-docs/2020-apps-report.pdf>) is
11 attached to this declaration as **Exhibit 1**.

12 20. A true and correct copy of Cal. Dep't of Justice, Armed and Prohibited
13 Persons System 2021 (available at [https://oag.ca.gov/system/files/media/2021-apps-](https://oag.ca.gov/system/files/media/2021-apps-report.pdf)
14 [report.pdf](https://oag.ca.gov/system/files/media/2021-apps-report.pdf)) is attached to this declaration as **Exhibit 2**.

15 21. A true and correct copy of Cal. Dep't of Justice, Armed and Prohibited
16 Persons System Report 2022 (available at
17 <https://oag.ca.gov/system/files/media/2022-apps-report.pdf>) is attached to this
18 declaration as **Exhibit 3**.

19 **II. SEIZURE FROM, ARREST OF, AND CASE DISPOSITION FOR PROHIBITED**
20 **PERSONS IDENTIFIED THROUGH DENIED AMMUNITION PURCHASES**

21 22. I understand that Mayra Morales, Assistant Director of the Bureau of
22 Firearms of the California Department of Justice, has presented data regarding
23 prohibited persons who were denied ammunition when they attempted to purchase
24 it—the overarching purpose of the ammunition background checks. In addition to
25 that data, and in accordance with the Court's request, this section of my declaration
26 seeks to provide reasonably-ascertainable information regarding the seizure of
27 firearms and ammunition from, arrests of, and case dispositions for prohibited
28

1 persons denied the purchase of ammunition between July 1, 2019, and January 31,
2 2020.

3 23. As described in the previous section, Special Agents and Crime Analysts
4 are continuously working to research and develop viable APPS investigations,
5 including by using ammunition purchase denials as leads that could potentially
6 provide positive results. Developing those investigative packages, and then
7 conducting a search (whether via consent, probation or parole search, or a search
8 warrant), takes time and differs by investigation.

9 24. Based on my experience, I believe that data for seizures that occurred
10 through the end of the year 2020, though imperfect, should encompass the specified
11 data (to the extent known) for the majority of the prohibited persons who were
12 denied ammunition purchases between July 1, 2019, and January 31, 2020, as
13 requested by the Court.

14 25. To that end, the Department has collected data for APPS cases in which
15 seizures from individuals who were denied ammunition purchases occurred
16 between July 1, 2019, and December 31, 2020. I have reviewed that data and
17 describe it below.

18 26. Seizures occurred in approximately 51 investigations between July 1,
19 2019, and January 31, 2020, that were the result of ammunition purchase denial
20 investigative leads.

21 27. In those 51 seizures, the Department seized approximately:

- 22 • 152 firearms, including assault weapons and ghost guns;
- 23 • 12 firearm receivers/frames, including for ghost guns;
- 24 • 237 magazines, including large capacity magazines; and
- 25 • 78,742 rounds of ammunition.

26 28. From the 51 investigations that resulted in seizures, approximately 15
27 individuals were arrested. Although the disposition of the majority of charges is
28 currently unknown, and some cases may well be ongoing, these 51 investigations

1 have resulted in four known felony convictions and two known misdemeanor
2 convictions, to-date.

3 29. As described earlier in this declaration, investigative leads generated by
4 ammunition purchase denials are an ancillary benefit of ammunition background
5 checks. The seizures, arrests, and convictions outlined above demonstrate how
6 ammunition purchase background checks can lead to additional positive APPS
7 investigation outcomes. Of course, the prohibited persons identified by the
8 ammunition background checks and subject to the 51 seizures noted above were
9 also prevented from purchasing additional ammunition, as were the remaining
10 prohibited persons denied purchases at the point of sale.

11
12 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
13 is true and correct.

14 Executed on August 15, 2023.

15
16 
17 _____
18 SIDNEY JONES
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EXHIBIT 15



CALIFORNIA

Eastside Wilmas armed gang members with ghost guns in L.A. Harbor area, authorities say



Officials speak in Wilmington on Monday about how Los Angeles police detectives and federal agents recovered ghost guns and other firearms used by the Eastside Wilmas gang. (Wally Skalij / Los Angeles Times)

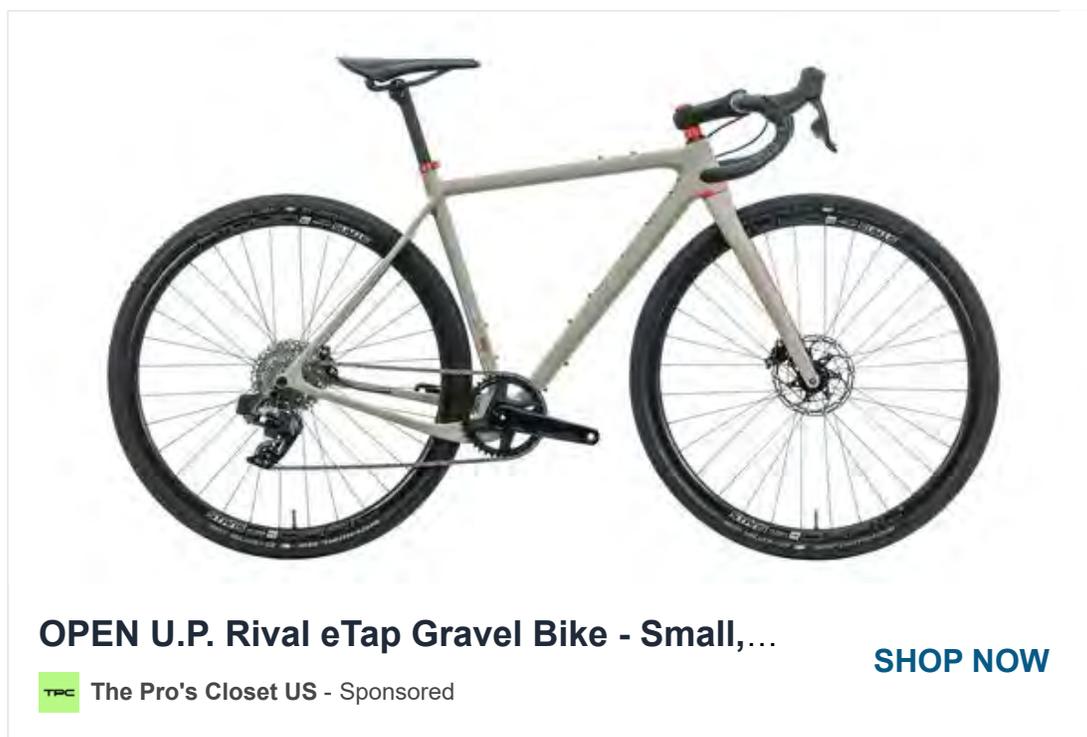
BY RICHARD WINTON | STAFF WRITER

FEB. 27, 2023 5:27 PM PT

Federal agents and Los Angeles police detectives uncovered a supply line of custom-made, untraceable ghost guns being built to arm gang members on the streets of Wilmington, authorities said Monday.

LAPD Deputy Chief Gerald Woodyard said LAPD narcotics detectives working with the Long Beach-based Bureau of Alcohol, Tobacco, Firearms and Explosives agents recovered 82 firearms, including 42 ghost guns used by the Eastside Wilmas gang, along with 19 pounds of methamphetamine, 5½ pounds of cocaine and 3 kilograms of fentanyl. The task force made 18 arrests including seven last week connected to various assault, gun and narcotics charges.

“We all want the community to be safer,” said Woodyard, noting that 41 search warrants were executed over a three-year period of the operation dubbed Operation Ghost Chasers.



Jennifer Cicolani, acting special agent in charge of the ATF in Los Angeles, said the operation targeted the shot callers of the Eastside Wilmas and their chain of weapon manufacturing in Long Beach, Wilmington, San Pedro and Arizona.

“As the investigation grew, the spiderweb grew, reaching into other violent gangs in the area, connecting Eastside Wilmas to other Harbor area gangs,” Cicolani said.



CALIFORNIA

26 arrested in gang takedown following Goshen massacre

Feb. 27, 2023

She warned that the privately made firearms — better known as ghost guns, without serial numbers — are increasingly being recovered at crime scenes. Gangs are now getting guns made instead purchasing them through straw buyers or stealing them, Cicolani said.

The ATF said it has recovered 45,240 such ghost guns during the last five years from crime scenes, including 629 homicides.

Councilman Tim McOsker, who represents District 15, said there was a shooting in Wilmington, just outside of Wilmington Park Elementary School, [that left a 12-year-old boy dead](#) and injured a 9-year-old girl and a mother in December 2021.

“They were all in the place they should be, but they were caught in the crossfire of gang warfare,” McOsker said. “So this is not just an academic exercise of taking guns off the street, this is real impact.”



CALIFORNIA

Crips gang member sentenced to 60 years in prison in murder of Nipsey Hussle

Feb. 22, 2023

LAPD Harbor Division Capt. Brent McGuyre said many of the weapons recovered had modifications including silencers.

“One of the Glock handguns has a modification to make it a fully automatic handgun,” he said.

The weapons, some of which were fully automatic, ended up in the hands of the Eastside Wilmas gang, which for two generations has laid claim to the eastern part of the harbor town and surrounding neighborhoods, authorities said.



Richard Winton

Richard Winton is an investigative crime writer for the Los Angeles Times and part of the team that won the Pulitzer Prize for public service in 2011. Known as [@lacrim](#) on Twitter, during almost 30 years at The Times he also has been part of the breaking news staff that won Pulitzers in 1998, 2004 and 2016.

EXHIBIT 16



C A L I F O R N I A

DEPARTMENT OF JUSTICE

ARMED AND PROHIBITED PERSONS SYSTEM (APPS) 2020

ANNUAL REPORT TO THE LEGISLATURE

SB 94 LEGISLATIVE REPORT

CALENDAR YEAR 2020



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EXECUTIVE SUMMARY

The Armed and Prohibited Persons System and Legislative Reporting Requirements

In 2006, the State of California became the first and only state in the nation with a system for monitoring known firearm owners who might fall into a prohibited status. The Armed and Prohibited Persons Systems (APPS) database cross-references firearms purchasers against other records for individuals who are prohibited from possessing firearms. The Department of Justice Bureau of Firearms (Bureau) utilizes Crime Analysts, Special Agents and Special Agent Supervisors to locate and disarm prohibited persons identified through the APPS database, thereby preventing and reducing incidents of violent crime.

The authority and specifications for this public reporting initiative were established in Senate Bill (SB) 140 (Stats. 2013, ch. 2), which sunset in 2019, and were reestablished with further specifications under SB 94 in 2019. SB 94 (Stats. 2019, ch. 25) requires the Department of Justice (Department) to report specified information related to the APPS database, including the number of individuals in the APPS database and the degree to which the backlog in the APPS has been reduced or eliminated. In this report, the term backlog is used in accordance with the SB 94 definition: the number of cases for which the Department did not initiate an investigation within six months of the case¹ being added to the APPS or a case for which the Department has not completed investigatory work within six months of initiating an investigation.

Prior to SB 94 going into effect, the Department communicated to the Department of Finance (DOF) and to the legislature that the current firearms database systems did not have the capability required to collect and report on the backlog as it has now been defined in statute and certain of the other metrics newly required by SB 94. In response, the DOF worked with the Department to submit a Budget Change Proposal (BCP) requesting funding to support the upfront planning and analysis costs to determine how to create an updated database system that would be able to yield the requested data and have the improved capability of working with the APPS program. The Department has received the resources for the analysis phase of the modernization project. Once the analysis is complete, and additional funding secured, the Department will be able to begin the upgrade process for the APPS and other systems.

COVID-19 Impact on APPS Enforcement

As the COVID-19 pandemic began to unfold, states and local governments across the country began to declare a State of Emergency and issued shelter-in-place orders, and firearm and ammunition sales began to surge. Ammunition sales across the State were monitored by the Bureau through the accompanying ammunition eligibility check requirements. These ammunition eligibility checks revealed numerous attempted purchases by APPS individuals who are prohibited from owning and/or possessing firearms and/or ammunition.

Conversely, COVID-19 put the Bureau in a precarious position where it had to be cognizant of the risk of exposure for the safety of its own staff and the public. The significant public interaction inherent in APPS operations meant that sustaining prior levels of investigations posed unacceptable infection risks to Bureau personnel and the broader public. Nevertheless, APPS enforcement efforts continued amidst the COVID-19 pandemic, albeit on a reduced level. Because APPS work requires extensive interaction with the public, the Bureau was forced to scale back its efforts. However, the Bureau needed to find a way to continue to protect the public and focused its efforts on those APPS individuals

¹ Within the APPS database a case refers to one individual; therefore, the terms ‘case’ and ‘individual’ will be used interchangeably in this report.

that demonstrated their active possession of firearms through the attempted purchase of ammunition. While the Bureau's overall statistics are lower for 2020, this new process allowed for the Bureau to use information from recently rejected ammunition eligibility checks of APPS individuals to maximize its investigative efficiencies and continue disarming prohibited individuals — all while also minimizing public contact. This reduction of the Bureau/public interaction footprint further minimized the potential for enforcement related spread of the COVID-19.

In addition to the COVID-19 pandemic, 2020 was a year filled with other challenges including large wildfires that spread across the state, nationwide civil unrest and the aforementioned surges in firearm and ammunition sales. Each of these posed direct challenges to the Bureau, as APPS enforcement staff were required to assume responsibility for emergencies that were not part of their regular work profile.

During the pandemic, law enforcement staff have felt significant negative effects to mental health due to the additional stressors and uncertainty². Despite extraordinarily demanding working conditions, the Bureau continued to work diligently to serve and protect the people of California.

APPS Database Analysis

A comprehensive review of the APPS database reveals the following:

- In 2020, the Department removed 8,370 prohibited persons from the APPS database. At the same time, 10,762 prohibited persons were added to the APPS database. As of January 1, 2021, the APPS database had 23,598 armed and prohibited persons.
- The Bureau had between 32-35 Special Agents and between 13-14 Special Agent Supervisors working to address the ever-changing number of armed and prohibited individuals in 2020. Efforts to hire new sworn personnel continue to be thwarted by the difficult working conditions and lack of competitive compensation for Agents as compared to other state and local law enforcement agencies.
- As of January 1, 2020, 52 percent of prohibited individuals in the APPS database were prohibited due to a felony conviction, 22 percent were prohibited due to the Federal Brady Act, 20 percent were prohibited due to a restraining order, 19 percent were prohibited due to mental health triggering events, 10 percent were prohibited due to a misdemeanor conviction, and 6 percent were prohibited per the conditions of their probation. Persons can be prohibited under more than one category, which is why the total number exceeds 100 percent.
- In 2020, the Bureau recovered 1,243 firearms. Of these, 778 were firearms identified in the APPS database and 465 were non-APPS firearms³.
- In 2020, the Bureau investigated approximately 5,322 individuals who were identified as armed and prohibited persons in the APPS database.
- The global COVID-19 pandemic impacted communities across the globe and directly affected APPS operations. The Bureau worked hard to adapt to daily changes and restrictions. APPS personnel disassociated approximately 79 fewer individuals every month COVID risk levels reached a “moderate risk” level or higher⁴.

² Police Stress, Mental Health, and Resiliency during the COVID-19 Pandemic. *Available at:* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7319488/>

³ Firearms that were not known to be associated with but were in the possession of a prohibited individual.

⁴ Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe. *Available at:* <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19CountyMonitoringOverview.aspx>

- Due to limitations on traditional APPS enforcement, the Bureau explored using ammunition eligibility check denials as leads for enforcement and to assess the effectiveness of this approach. In 2020, there were 298 armed and prohibited individuals who attempted to purchase ammunition and were denied. Agents and Crime Analysts investigated and closed 73 of these denials. The remainder of the denials remain under investigation.

Recommendations

After conducting an examination of the APPS program, the Department recommends the following steps to improve the removal of firearms from prohibited persons:

1. Fund the currently unfunded mandate that all California county courts confiscate or enforce the transfer or legal storage of known firearms from individuals at the time of conviction when an individual is prohibited due to a felony or qualifying misdemeanor.
2. Develop and fund a similar statewide county-level firearm confiscation system where firearms are confiscated from an individual at the time they are served with any type of restraining order. These firearms seizures must be documented in the Automated Firearms System (AFS) as required by existing law. These entries into AFS will prevent wasted and duplicative effort by DOJ and potentially other agencies.
3. Improve the recruitment and retention of Department sworn personnel by offering compensation that is competitive with other law enforcement agencies.
4. Improve existing coordination and cooperation with local law enforcement agencies through joint Task Forces with and under the direction of the Department. With additional funding, the Department could create new joint Task Forces with local law enforcement agencies. Improve local law enforcement reporting of firearms in their custody into AFS.
5. Continue with the modernization process of the existing firearms databases. Funding for Phase 1 of the modernization process has been secured. Phase 1 involves beginning the analysis of what will be required to create a comprehensive database that will automate many of the manual processes to improve overall efficiency, minimize risk, and stabilize employee resources. Once this initial analysis phase is complete, the Department will request additional resources to fund Phase 2, which will involve the implementation of the modernization project, through a BCP. The Department looks forward to continuing to work with the Governor and Legislature to fund the implementation of the modernization project.
6. Continue to partner with federal law enforcement agencies and engage with local law enforcement agencies to disarm individuals prohibited only due to Federal Brady Act.

The Department has been proactive and made efforts to implement four of the six recommendations outlined above. The Bureau has 1) expanded its recruitment efforts and begun hiring Special Agent Trainees, 2) worked diligently to create partnerships with local agencies, 3) worked to create partnerships with federal law enforcement agencies, and 4) secured the funding to begin the analysis phase of the firearms database modernization project. However, fully implementing the remaining recommendations will require legislative support and additional resources. Further explanation of these recommendations can be found on page 26.



ANNUAL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE

The APPS and Legislative Reporting Requirements

This report presents a statistical summary of the APPS as mandated by SB 94 for the period of January – December 2020, as well as additional in-depth analysis of data through the history of the APPS. It also contains additional statistics to help provide context to the APPS — particularly in light of the unprecedented COVID-19 pandemic — and the workload that flows in and out of that system.⁵

California Penal Code section 30000 subdivision (a) requires the Department to maintain a “Prohibited Armed Persons File.” This file is generated from a larger database known as the Armed and Prohibited Persons System that records all known firearms owners in the State of California and monitors various other data systems for prohibiting triggering events (PTE), such as a felony conviction or an active restraining order, to identify those persons within the system who are both armed and prohibited. The APPS program was mandated in 2001 (SB 950, Stat. 2001, ch. 944), then implemented in December 2006.

In 2013, the California Legislature passed SB 140, which appropriated \$24 million dollars over a three-year period to the Department to address the growing number of records in the Armed and Prohibited Persons System. Additionally, SB 140 required the Department to submit annual reports detailing the progress made in reducing the backlog.

The APPS reporting provisions as outlined in SB 140 expired on March 1, 2019. In 2019, SB 94 was passed providing updated requirements regarding the mandated reporting of the APPS database statistics. Prior to the passing of SB 94, the Department communicated to the Department of Finance that it did not have the technological capability to report on the newly requested metrics and would need a BCP to begin the planning analysis necessary to develop a system that could. Regardless, the new provisions went into effect on June 27, 2019.

See Appendix B for additional legislative history relative to the APPS.

Overview of the Mandated Categories for Statistical Reporting

Pursuant to Penal Code section 30012, no later than April 1, 2020, and no later than April 1 of each year thereafter, the California Legislature requires the Department to report annually to the Joint Legislative Budget Committee the following information for the immediately preceding calendar year:

(1) The total number of individuals in the Armed Prohibited Persons System (APPS) and the number of cases which are active and pending, as follows:

(A) (i) For active cases, the Department shall report the status of each case for which the department has initiated an investigation. This information shall include, at a minimum, the number of cases that have not been actively investigated for 12 months or longer, along with a breakdown of the time period that has elapsed since a case was added to the system.

(ii) For purposes of this paragraph, “investigation” means any work conducted by sworn or

⁵ This report will use terms specific to the subject matter at hand. See Appendix A for the Relevant Key Terms and Definitions.

nonsworn staff to determine whether a prohibited person possesses one or more firearms, whether to remove the person from the database, or whether to shift the person to the pending caseload.

(B) For pending cases, the Department shall separately report the number of cases that are unable to be cleared, unable to be located, related to out-of-state individuals, related to only federal firearms prohibitions, and related to incarcerated individuals.

(2) The number of individuals added to the APPS database.

(3) The number of individuals removed from the APPS database, including a breakdown of the basis on which they were removed. At a minimum, this information shall separately report those cases that were removed because the individual is deceased, had prohibitions expire or removed, or had their cases resolved as a result of department firearm seizure activities.

(4) The degree to which the backlog in the APPS has been reduced or eliminated. For purposes of this section, “backlog” means the number of cases for which the department did not initiate an investigation within six months of the case being added to the APPS or has not completed investigatory work within six months of initiating an investigation on the case.

(5) The number of individuals in the APPS before and after the relevant reporting period, including a breakdown of why each individual in the APPS is prohibited from possessing a firearm.

(6) The number of agents and other staff hired for enforcement of the APPS.

(7) The number of firearms recovered due to enforcement of the APPS.

(8) The number of contacts made during the APPS enforcement efforts.

(9) Information regarding task forces or collaboration with local law enforcement on reducing the APPS file or backlog.

This report serves two functions: (1) it addresses the required reporting SB 94 mandate; and (2) it provides a comprehensive assessment of the APPS system, data, and Bureau enforcement activities.⁶ The Department undertook this comprehensive assessment by: (1) analyzing historical information such as audit files of APPS data; (2) examining the APPS caseloads and workflow for the last calendar year; and (3) reviewing other administrative information.

Overview of the APPS

The APPS database contains information on firearms either purchased or registered in California and the owners of those firearms. Consistent with legislative mandates, the database is the result of records and information originating in the Dealer Record of Sale (DROS) database and the AFS database. Combined, those records represent all individuals who purchased or transferred firearms legally and all known firearms associated with each individual.

Individuals are entered into APPS as soon as they legally purchase or acquire firearms. They are moved to the Armed and Prohibited File within the system if they become prohibited. Prohibited individuals are identified by daily manual queries of the databases that cross-reference the population of known firearms owners against individuals who may have had a PTE within the past 24 hours. New individuals

⁶ See Appendix C for a brief overview of the mandated statistical requirements.

are added daily, creating a constantly changing and growing dataset.

Armed and prohibited individuals, while the primary focus of the Department's enforcement efforts, are a subset representing less than one percent of the APPS database. As of January 1, 2021, there were 2,999,872 known firearm owners in APPS, of which 23,598 are prohibited from owning firearms in the Armed and Prohibited File. In order for the Department to identify those armed and prohibited individuals, the Department must first identify the armed population and then identify individuals who are also prohibited due to a triggering event.

From 2013 to 2020,⁷ changing laws and regulations have introduced new offenses that prohibit firearm ownership, placing a growing number of individuals into APPS. Other factors such as ammunition eligibility checks, mandatory assault weapon registration and increased firearm sales have also contributed to the surge of identified prohibited individuals. Prohibitions may be due to a felony conviction, domestic violence conviction, one of forty-four other misdemeanor convictions, mental health-based prohibitions, various types of civil or criminal restraining orders, as well as other prohibitory categories. See Appendix D for firearm prohibiting categories.

Within the Armed and Prohibited Persons File, cases are separated into two broad categories of Active and Pending. Active cases are cases that have not yet been investigated or are in the process of being investigated but all investigative leads have not yet been exhausted. Pending investigations are investigations that have been thoroughly analyzed and all investigative leads have been exhausted; they are organized into the following sub-categories:

1. Unable to clear: Cases that have been investigated by the Department's agents who have exhausted all investigative leads and remain unable to recover all firearms associated with the prohibited individual. If new information is identified, the case will be moved to active status.
2. Unable to locate: Cases where the Department's agents have made at least three attempts to contact the individual but have not been able to locate them, even after exhausting all leads.
3. Out-of-state: Cases where the Department's agents have determined that the prohibited person is no longer living in California.
4. Federal Gun Control Act (Federal Brady Prohibition Only): Cases where a person is prohibited only under federal law; state, county and municipal law enforcement have no authority to enforce the federal only prohibition. Persons who have both a statewide and federal prohibition are not listed in this group.
5. Incarcerated: Cases involving incarcerated individuals remain on the pending list, but the Department still tracks and monitors them. Once released, they are moved to active status.

The Department verifies new or updated information on all pending cases regularly. If any additional information becomes available on an APPS case in pending status (e.g., the firearm(s) associated with the APPS individual are located, records indicate a new address for the individual, or the individual is released from incarceration), the case is evaluated and transitioned back into the active status.

The current system includes 11 databases that do not communicate with one another or may only have one-way communication with another firearms database.⁸ This requires a Crime Analyst to manually cross-reference records from one database to another while working to compile an individual package for investigation.

⁷ See Appendix B for a legislative history as related to APPS.

⁸ See Appendix D for a relational diagram of the Bureau's firearms databases.

Of the 11 databases, only five databases feed into the APPS for firearm association and prohibition determinations, these are:

1. The Automated Criminal History System (ACHS) established in 1971, the repository for state summary Criminal Offender Record Information (CORI).
2. The Wanted Persons System (WPS) established in 1971 as the first online system for the Department. It is a statewide computerized file of fugitives for whom arrest warrants have been issued.
3. The Automated Firearms System (AFS) created in 1980 to identify lost or stolen firearms and to associate firearms with individuals. It does that by tracking the serial number of every firearm owned by government agencies, handled by law enforcement (seized, destroyed, held in evidence, reported stolen, recovered), voluntarily recorded, or handled by a firearms dealer through transactions. Prior to 2014, most entries in AFS were handguns. Now, all newly acquired firearms, both handguns and long guns, are entered into AFS.
4. The California Restraining and Protective Order System (CARPOS), created in 1991, a statewide database of individuals subject to a restraining order. This system includes Domestic Violence Restraining Orders (DVRO), Gun Violence Restraining Orders (GVRO) as well as other types of restraining orders.
5. The Mental Health Reporting System (MHRS) established in 2012, a web-based application used by Mental Health Facilities, Superior Courts, Juvenile Courts, and Law Enforcement Agencies to report firearm prohibiting events (related to mental health) to the Department.

The APPS database is not an automated system that cross-references across all firearms databases; therefore, prior to creating a complete case package for investigation Crime Analysts must manually cross check multiple additional databases. As it stands, the system is extremely cumbersome to operate. When a user retrieves a single case, all information must be verified prior to action being taken by enforcement; that starts with confirming the individual's name, birthdate and driver's license number match across all systems. Then, using the Law Enforcement Agency Web (LEAWEB), the Crime Analyst will run a multiple query using the individual's driver's license number. LEAWEB is a California-unique database that queries some of California's databases like CARPOS, AFS, ACHS, MHRS, WPS and the Supervised Release Files, as well as the databases of the California Department of Motor Vehicles (DMV). Each case is highly variable, and the circumstances and information pertinent to each case will determine how a Crime Analyst conducts their research. For example, an individual can be prohibited under multiple categories; the prohibiting category determines which databases a Crime Analyst must use to verify the prohibition is still current and that the case is workable.

The complexity of the system can be seen even in the most straightforward of circumstances. In the case of an individual who has only one firearm and is only prohibited by one restraining order, the process would be as follows.

1. The analyst must confirm the restraining order is effective and that the individual was in fact served by either being present in court or was served by a processor.
2. Once this is verified, the analyst will try to pull the actual restraining order from an external database, the California Courts Protective Order Registry (CCPOR).
3. CCPOR is meant to be a centralized registry for restraining orders in California; unfortunately,

it has not been implemented across all county courts in the state. For these courts, the analyst must contact the court directly to attempt to obtain a copy of the restraining order. Having an original copy can provide valuable additional information like confirming when, where and how the restraining order was served, the individual's last known address, and whether the individual has already surrendered their firearms.

4. Assuming the individual is still in possession of their firearm, the analyst must then pull descriptive information for all the firearms associated with the individual and run each individual serial number in AFS to confirm the individual is still associated with that firearm. The analyst may also have to establish there are no extenuating circumstances, such as the situation where the individual is not in possession with the firearm, but the databases do not reflect the change. This is sometimes caused by a keying error where the serial numbers are off by one, but all other information coincides. A keying error traditionally happens from data entry made by a firearms dealer, from the public via online reporting or law enforcement agencies that seize firearms.
5. In such circumstances, additional administrative work must be done by the Department to remove the association to that firearm from that individual.
6. Although LEAWEB does query the DMV, the query does not automatically pull an individual's ID photo or associated vehicles. To get that information, the Crime Analyst must perform additional, separate steps to pull relevant information, such as the most recently reported place of residence, from DMV registries.
7. Once all information is confirmed, and assuming the information supports investigative efforts, the package is then ready for agents to conduct enforcement actions.

As noted, this outlined process is for the simplest case possible with one prohibition and one firearm. Most cases involve additional factors such as additional firearms, prohibitions, combined federal and state prohibitions and/or criminal history, which make a case package much more difficult to compile.

The Department is supporting planning efforts for the Information Technology Firearms Modernization project that will replace and modernize the existing legacy infrastructure. While funding has been secured to begin Phase 1, which involves an analysis of the required work to complete the effort, future additional funding will be required to begin Phase 2, which will bring this project to fruition.

Enforcement Teams

Each Bureau office has its own team of Special Agents for field operations. The Bureau also employs Crime Analysts in each of their six offices throughout the State.⁹ The Crime Analysts access the APPS database daily and develop investigative packages of armed prohibited people for each team of agents to contact. Their jobs require crosschecking several databases to confirm addresses, photos, arrest records and status of APPS individuals, among other relevant information. Using their knowledge and expertise, they translate vast amounts of data into actionable information that allows the agents to do their investigations efficiently and effectively. The work is time intensive and requires great attention to detail as any error (typos, accidental variations, incorrect information, etc.) can lead to incorrect decisions or unnecessary investigative contacts. Modernizing the database system would allow for more accurate information in all reports and bolster success of operations by ensuring agents and other law enforcement partners are provided the most current information and not placed at unnecessary risk.

⁹ See Appendix E for a map of the various Bureau regional office jurisdictions

Using these investigative packages, Special Agents attempt to locate the firearm(s) associated with each APPS individual via consent search, probation or parole search, or a search warrant. Often, the APPS individual will be in possession of numerous firearms, many of which were not associated with that individual in the APPS database. This could be due to the APPS individual having long guns purchased by that individual prior to long gun requirements in 2014, firearms loaned to them by another person, firearms imported into California from another state, antique firearms, illegally purchased firearms, ghost guns¹⁰ or stolen firearms.

Improving partnerships with local law enforcement agencies will help improve operation efficiency. Often agents contact an APPS individual only to find that local law enforcement has already seized the firearm(s) associated with that individual but failed to enter the seized firearm into AFS as required by law.¹¹ Entering that information would have removed the individual from the APPS database, allowing the Bureau's agents to focus on another case. Currently, the Bureau must reach out to the law enforcement agency to request they update AFS or ask for the police report in order to cross check the firearms seized and match the associated firearms in APPS. Unless that information matches and is verified, the individual cannot be removed from APPS. In 2020, 182 APPS investigations conducted by the Bureau involved firearms that were already in local law enforcement custody. The cost of such oversight cannot be recovered, resulting in duplicative efforts by the Bureau that reduce efficiency and waste resources. The Department's proposed plan to increase collaboration would help ensure the timely and accurate input of data by local law enforcement in statewide data systems.

Successful models of operations with local law enforcement have been a force multiplier for this program. For instance, the Contra Costa County Anti-Violence Support Effort Task Force (CASE) model, a collaboration between various state, local, and federal agencies conducted 52 firearms related cases and confiscated 97 firearms, 32 of which were APPS firearms.¹² As outlined in the recommendations, the Department wants to encourage these types of collaborative partnership operations and relationships with local agencies. Additional funding would allow the Department to expand on this work. The Department has seen how working with local law enforcement officers allows the Bureau's agents to conduct more operations and remove additional firearms from prohibited persons more efficiently. The Department is willing and ready to work with the legislature and our partners in local law enforcement to replicate that success across the state.

In an effort to increase these types of successful collaborative efforts, in December 2020, the Bureau established management and supervision of the Tulare County Agencies Regional Gun Violence Enforcement Team also known as the TARGET Task Force. This is a recent addition to the Bureau task force model and supports the value established through previous task force efforts, including the aforementioned CASE Task Force. Due to its recent launch, the 2020 APPS program numbers do not reflect the benefits of the TARGET taskforce, however the Bureau expects to report on the task force's APPS related statistics in future reports.

¹⁰ Ghost guns are firearms made by an individual, without serial numbers or other identifying markings. **Without a serial number, law enforcement cannot run a trace search on the firearm and the firearm does not have the legal requirements.**

¹¹ Penal Code Section 11108.2 and 11108.3

¹² For more on the CASE task force, refer to page 22

Mandated Statistics and Analysis

Senate Bill 94 mandates the reporting of specific statistics for each calendar year. With 2020 being an unusual year due to the COVID-19 pandemic, any inferences compared to previous years should be made with caution. The mandated statistics for the current report are the following:

The total number of individuals in the APPS

As of January 1, 2021, the APPS has 2,999,872 individuals of which 23,598 are armed and prohibited from possessing firearms.

Breakdown on the status of active APPS cases

Active cases are individuals who are believed to reside in the state of California and are prohibited from owning a firearm in the state for one or more reasons. As outlined above, the statutory mandate described in Penal Code section 30012(a)(1)(A)(i) requires the Department to report on the number of cases that have not been actively investigated for 12 months or longer, along with a breakdown of the time period that has elapsed since a case was added to the system. As stated previously, the Department alerted the Department of Finance it would be unable to provide these metrics without the necessary funding to update the current firearms databases.

Status of the backlog

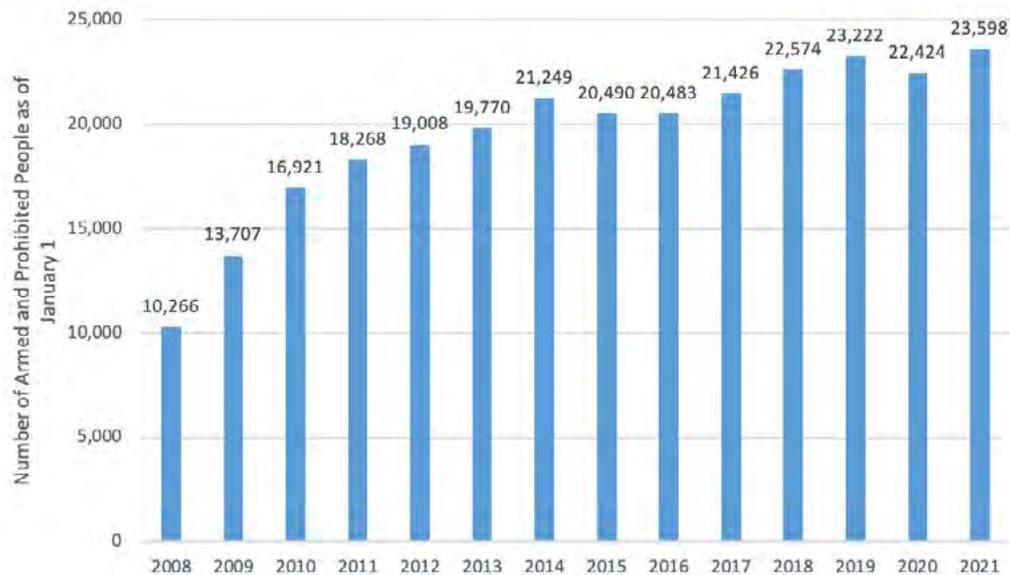
As discussed above, SB 94 defined the backlog as being cases for which the Department did not initiate an investigation within six months of the case being added to the APPS or for which it has not completed investigatory work within six months of initiating an investigation on the case. Once the Department receives full funding to complete the firearms modernization project, the new system will be better able to accommodate reporting on the status of the backlog.

Breakdown of cases in the APPS database

As of January 1, 2021, the APPS has 2,999,872 individuals of which 23,598 are armed and prohibited from possessing firearms. This latter figure is further subcategorized into active and pending cases. Active cases are those for which the Department has not yet begun investigations or is in the process of investigating but has not yet exhausted all investigative leads. Pending investigations are those investigations that the Department has thoroughly analyzed and exhausted all investigative leads or determined that the person is not within the Department's jurisdiction. As of January 1, 2021, the system has 9,083 active cases and 14,515 pending cases. In addition to the pending category, there are 1,218 incarcerated people in APPS, who while technically pending represent a unique population and are thus counted separately.

Figure 1 shows the number of prohibited people in APPS each year. The number of prohibited people has generally increased since 2015 despite a small decrease during 2019. The reason for this increase is possibly due to the constant addition of new prohibited people despite efforts by APPS Agents to clear cases and the impact of the COVID-19 pandemic that hindered Bureau of Firearms Agents' enforcement efforts.

Figure 1. The number of prohibited people in APPS as of January 1 each year¹³

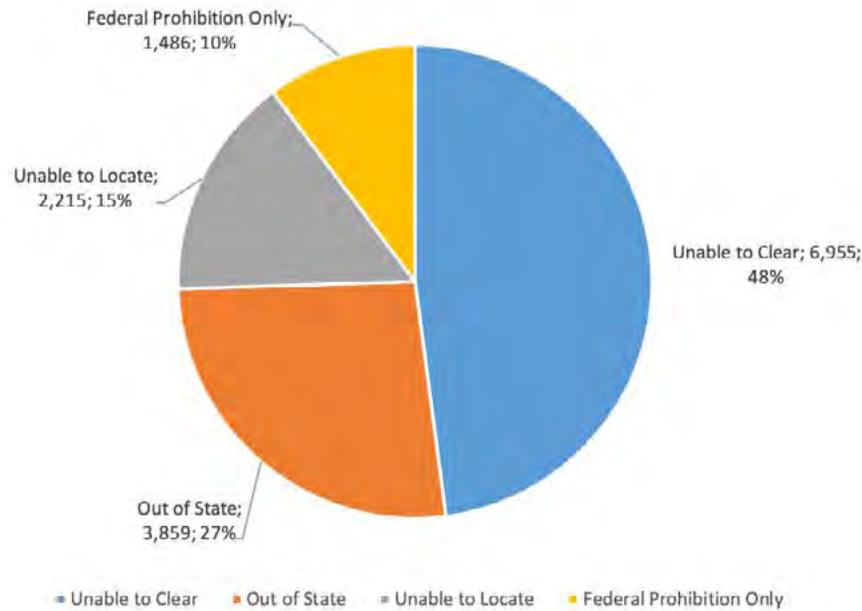


Breakdown of pending APPS cases

Prohibited individuals in APPS may be assigned a “pending” status for one of four reasons: (1) the prohibited person has been investigated and all leads exhausted but agents have been unable to disassociate the individual from all known firearms (Unable to Clear); (2) the prohibited individual has moved and did not notify the Department of Motor Vehicles (Unable to Locate); (3) the prohibited individual has moved out of California (Out of State); or (4) the prohibited individual is prohibited due to federal prohibitions alone and the Bureau does not have the jurisdiction to investigate them (Federal Prohibition Only). Of the 14,515 pending cases, 6,955 (48%) were unable to be cleared, 2,215 (15%) were unable to be located, 3,859 (27%) moved out of state, and 1,486 (10%) were prohibited under federal prohibitions only (Figure 2).

¹³ This number excludes the individuals who are known to own firearms and are prohibited but are also known to be incarcerated for six months or more. While incarcerated individuals are technically in the pending category, it is assumed that they are not in possession of firearms while in custody and are therefore treated as a separate population. The Bureau receives state prison incarceration statuses nightly and individuals released from state custody are moved into the active caseload for the APPS enforcement team.

Figure 2. Pending APPS cases separated by category as of January 1, 2021



In 2020, 8,370 armed and prohibited people were removed from the APPS database. Removals from the armed and prohibited persons list occur for three reasons:

- 1. Prohibition expires:** The prohibited person has their prohibition expire including the expiration of restraining orders, certain misdemeanor convictions, and mental health prohibitions after 5 years, after which time the individual is no longer prohibited.
- 2. Disassociation from all known firearms:** The prohibited person has all of their known firearms disassociated from them, meaning that each firearm attributed to them within the APPS system has been accounted for by the Bureau and disassociated from the prohibited person.
- 3. Deceased:** The prohibited person is deceased.

Table 1 reports the number of individuals removed from the APPS, separated by category.

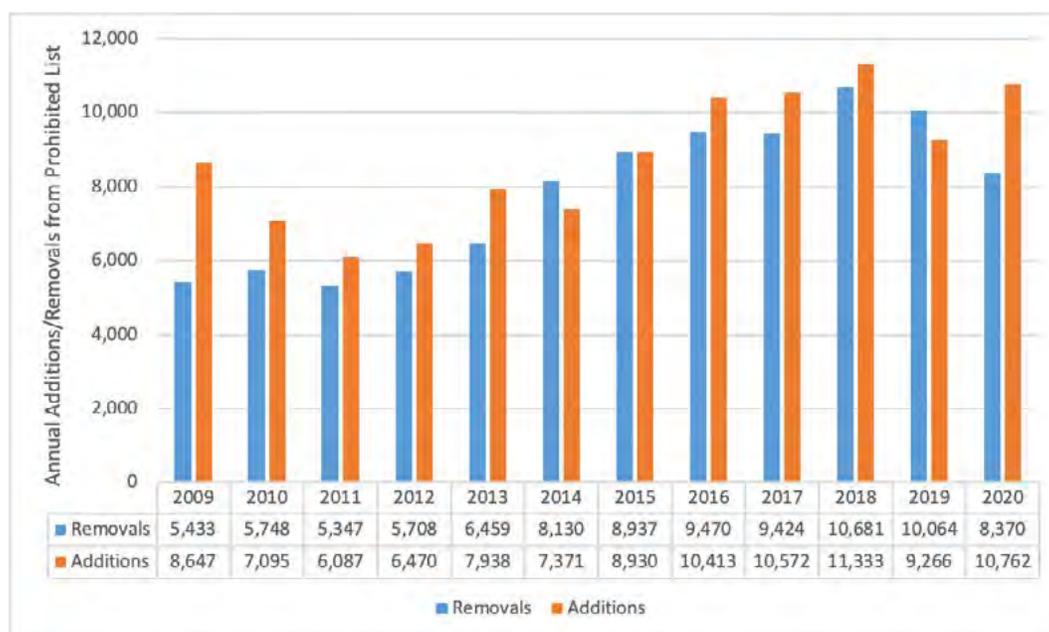
Table 1. Individual removed from APPS in 2020 separated by reasons for removal

Reason for Removal	Number of Individuals Removed
Prohibition expired/no longer prohibited	5,291
Disassociated from all known firearms	2,822
Deceased	257

In instances where the Bureau is unable to locate the prohibited person or disassociate all known firearms, despite having exhausted all leads, the Bureau cannot remove the individual from APPS and must instead assign them to the pending category. Despite Bureau efforts, this often results from the inherent difficulty of confiscating firearms from individuals who are unwilling to surrender their firearms regardless of their prohibited status.

Of the 8,370 prohibited people removed from APPS this year, 2,822 removals were the result of enforcement efforts¹⁴ – 1,393 fewer removals compared to 2019. The 2019 APPS report stated that 1,927 removals occurred in 2019. Yet, in reviewing the analyses from the 2019 report, the reports used to calculate the number of removals routinely undercounted the actual number of removals. The Department re-examined the analyses and found that the error was restricted to 2019 and developed a new, more accurate, method of determining the number of removals from APPS¹⁵. Using this new method of analysis 4,215 prohibited people were removed from the APPS list due to enforcement efforts in 2019. The reduction in removals from 2019 to 2020 can largely be attributed to the COVID-19 pandemic that impacted APPS Agents' enforcement efforts for most of the year. This is evident as January through March had the most removals in 2020, this was just prior to realizing the pandemic. This pattern of removals contrasts with 2019 and 2018 in which the most removals occurred in August to October.

Figure 3. The yearly additions and removals from the APPS list as of January 1, 2021



Fewer removals were reported in 2020 compared to 2019 partially due to the Bureau's improved method for tracking and counting prohibited individuals and also due to limitation driven by COVID-19. In prior reports, the Bureau included every time a person's prohibition expired in the "no longer prohibited" count of individuals removed from APPS. However, counting each expiration inflated the reported number of "no longer prohibited" individuals because a person may become non-prohibited multiple times in a single year¹⁶. The Bureau refined their method of calculating "no longer prohibited"

14 Note that not all 2,822 individuals who were disassociated from their firearms resulted in firearm seizures by the Bureau. In some cases, Bureau investigations determined that local law enforcement agencies already seized the firearms but failed to record the recovery, the individual attempted to report the firearm lost/stolen, or the individual is in the process of lawfully selling or gifting the firearm to a friend or relative. For a breakdown of prohibition categories as a percentage of prohibited people see Figure 5 below.

15 People who become deceased or disassociated from all firearms are removed from the APPS database after 15 days. After that time, records of these individual can only be found in the audit files that catalogue all changes to the database. The prior method calculated the number of deceased people or people with no weapons every month using the APPS database, which did not account for people who had already been removed. The new method uses the audit files for a complete and accurate count of people.

16 There are various situations that may cause an individual to fall in and out of the APPS prohibited status. Examples include individuals that may become prohibited due to a warrant and then non-prohibited once they are arrested for

people in 2020 to only include a prohibited person whose prohibition expired in 2020 and who was non-prohibited on January 1, 2021.

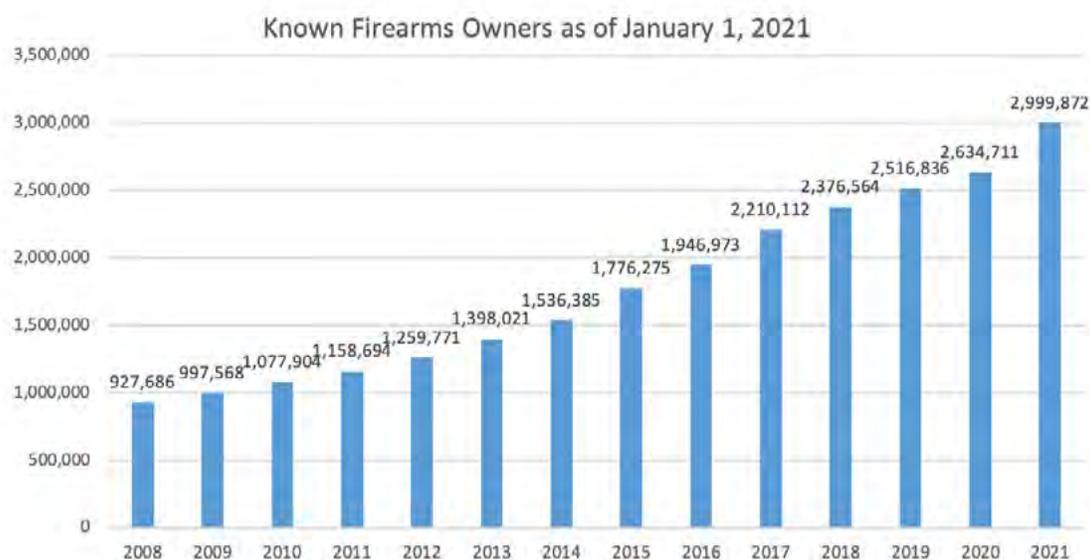
The Armed and Prohibited Persons System is a highly dynamic database and newly armed and prohibited people continue to be added as many others are removed.

The number of people in the APPS before and after the relevant reporting period

The relevant reporting period runs from January 1, 2020 through December 31, 2020. The Armed and Prohibited Persons System is a compiled list of all individuals who legally purchased or were transferred a firearm in California. It further categorizes individuals as either persons armed but not prohibited, armed and prohibited, and incarcerated and known to have possessed a firearm prior to incarceration. To account for late additions or removals from the system, the state of the APPS database is analyzed as of 1:00 AM January 1, 2021. At that time, the APPS database system contained 2,999,872 individuals, including 2,975,056 armed and not prohibited individuals, 1,218 incarcerated individuals, and 23,598 armed and prohibited individuals.

The number of people in the APPS database has increased 388,973 from the 2,610,899 people in the APPS as of January 1, 2020. While in line with the consistent growth in the APPS database since 2008, 2020 had roughly twice the yearly average increase since 2016. Despite the state having some of the nation's toughest firearm laws, the number of firearms owners has continuously increased in last ten years (Figure 4).

Figure 4. The total number of people in APPS per year



the warrant. In other cases, an individual may become prohibited due to an Emergency Protective Order, then a Temporary Restraining Order, and then a normal DVRO. Each of the three orders would cause a PTE. As these orders expire or the judge in the case approves the next order in the series, it may result with three PTEs on one individual. Depending on the length of the prohibition, an individual may begin the month with three PTEs and end the month with only one PTE under their name. Similar variables can result from temporary GVRs, which last a few weeks, and "permanent" GVRs, which can last between one to five years.

Number of Agents and other staff hired for enforcement of the APPS

As of January 2020, the Bureau had 71 authorized permanent Special Agent Trainee, Special Agent, and Special Agent Supervisor positions with 45 filled and 26 vacant. By December 2020, the number of authorized positions was 75 with 50 filled and 25 vacant. As Table 2 shows, the number of filled and vacant positions fluctuates throughout the year reflecting the quick turnover rate of these positions. This reflects the Department's challenges in hiring and retaining agents despite having the authorized positions to fill. The Bureau has begun actively recruiting Special Agent Trainees due to challenges in recruitment for Special Agent and Special Agent Supervisor positions. And while this approach may ultimately benefit the Bureau by increasing the total number of Special Agents, it is disadvantageous in the short term due to the time and resources it takes to educate and train a Special Agent Trainee to perform at the level of a Special Agent.

In December 2020, the Bureau had 32 filled Special Agent positions (not including Special Agent trainees). In 2020, the Bureau hired 10 Special Agents and two Special Agent Trainees. Nine sworn personnel left the Bureau due to inter-departmental transfers and/or retirement, and three Special Agents promoted from within to Special Agent Supervisor positions. The fluctuation in Special Agent staffing levels due to transfer, promotion, and retirement affected the quantity of agents that were able to complete 2020 APPS enforcement investigations, continuing a trend of shifting levels of staffing with a greater workload that continues to accumulate.

Table 2: Bureau of Firearms authorized positions for the relevant reporting period¹⁷

Bureau Positions	1/1/2020			7/1/2020			1/1/2021		
	Filled	Vacant	Total authorized	Filled	Vacant	Total Authorized	Filled	Vacant	Total authorized
Special Agent	32	25	57	35	22	57	33	22	55
Special Agent Supervisor	13	1	14	14	0	14	13	2	15
Special Agent-in-Charge	3	0	3	3	0	3	2	1	3
Special Agent Trainee	0	1	2	0	0	0	2	0	2
Total	45	26	71	52	22	74	50	25	75

The Bureau will continue to face challenges in recruiting Special Agents as long as its compensation is not competitive with compensation packages offered by other law enforcement agencies. Until additional funding is provided to increase salaries to competitive levels as illustrated in recommendation three, the Bureau can expect to continue to face challenges in recruitment and retention of agents for the Department's currently authorized positions.

¹⁷ From July 1, 2020 to January 1, 2021, there was a decrease of two authorized Special Agent positions because these were reclassified as Special Agent Supervisor and Special Agent Trainee positions. There was an increase of one in the authorized Special Agent Supervisor positions because of a position transfer from the Bureau of Investigations to the Bureau of Firearms.

A number of enforcement support staff assist Special Agents; these individuals are a significant asset to the Bureau. In 2020, the Bureau hired three enforcement support staff and saw two enforcement support staff separate from the Bureau for a net change of one.

Number of contacts made during APPS enforcement efforts

The Bureau's agents and Crime Analyst are continuously working to research and develop viable APPS investigations to determine which leads will potentially provide the greatest possible number of positive results. Cases are pursued until all investigative leads are exhausted. Individuals are then either (1) disassociated from all of their firearms and removed from the APPS database or (2) moved to the pending category due to the existence of no further leads and are labeled "unable to clear".

During the course of an investigation, APPS agents may need to make repeated contacts with a prohibited individual in order to close a case. These repeated contacts occur because the APPS individual may (1) not be home at the time of the initial contact; (2) have moved and failed to update their address with the Department of Motor Vehicles; (3) have moved out of state; (4) claim the firearm(s) was already seized by local law enforcement or has been reported as lost or stolen; (5) be uncooperative and not forthcoming with information about the firearm(s), requiring further interviews and contacts; (6) claim to have given their firearm(s) to another person outside of the legal firearms transfer process, requiring agents to track down the firearm(s) and/or verify the provided information. However, due to extenuating circumstances brought on by the COVID-19 pandemic, the normal door-to-door protocol was shifted to minimize the potential risk of exposure by reducing points of contact.

In total, agents made nearly 16,000 contacts in 2020. With 33 APPS agents (not including supervisors), that represents an average of 40 contacts per month per agent. Overall, the monthly average number of contacts in 2020 is consistent with the number of contacts per month as in 2019. The consistent number of contacts is encouraging considering that COVID-19 greatly impacted enforcement efforts throughout the year. As in previous years, agents required an average of three separate contacts consisting of in-person interviews in order to close one APPS case.

Special Agent Supervisors are not included in these calculations because, although supervisors are involved in all field operations, their work focuses on being vigilant and available to make quick decisions for the safety of the team. In the course of an investigation, Special Agents take the lead on investigations and contacts to the APPS individual. Supervisors ensure the team adheres to Department policy, follows officer safety protocols, and uses proper investigative methods, so no violations of constitutional rights occur in the course of the investigation.

Breakdown of why each person in the APPS is prohibited from possession of a firearm

Persons become prohibited in the APPS for several reasons. The following categories cover the types of events that can trigger a firearm prohibition.

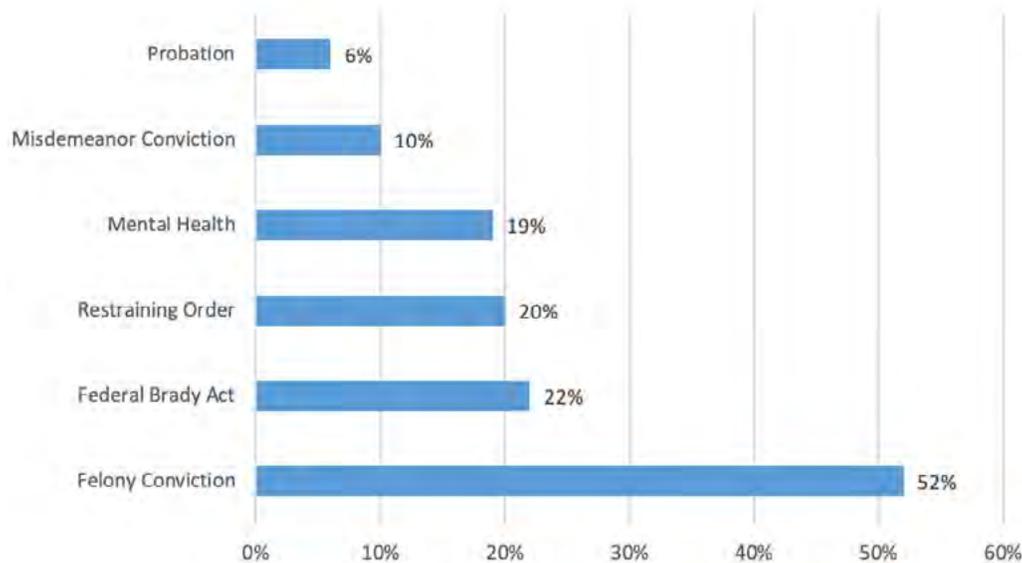
- An individual may become prohibited under the Federal Brady Handgun Violence Prevention Act. Note, some individuals prohibited because of the Brady Act may not be prohibited under California State law (e.g., a dishonorable discharge in the military).
- An individual may be prohibited from owning a firearm as a condition of their probation.
- Individuals with felony convictions are prohibited from owning firearms.
- A juvenile who becomes a ward of the court may be prohibited.

- Mental health crises involving involuntary commitment may trigger a temporary prohibition.
- Some misdemeanor convictions may prohibit owning a firearm.
- Individuals may be temporarily prohibited due to restraining orders.
- Individuals may be temporarily prohibited due to a felony warrant.
- Individuals may be temporarily prohibited due to a misdemeanor warrant.
- Individuals may be prohibited due to offenses or triggering events occurring in other states.

Reasons for new entry into APPS

Many individuals are prohibited under several categories (Figure 5). As of January 1, 2021; there were 12,931 (52%) people prohibited due to a felony conviction, 5,126 (22%) prohibited due to the Federal Brady Act¹⁸, 4,590 (20%) were prohibited due to restraining orders, 4,412 (19%) due to mental health prohibitions, 2,395 (10%) due to a misdemeanor conviction, 1,469 (6%) due to terms of their probation, 668 (3%) due to a felony warrant, 223 (3%) due to misdemeanor warrants, 16 (<1%) due to juvenile prohibitions, and 60 (<1%) due to other reasons¹⁹.

Figure 5. Prohibition categories as a percentage of prohibited people²⁰



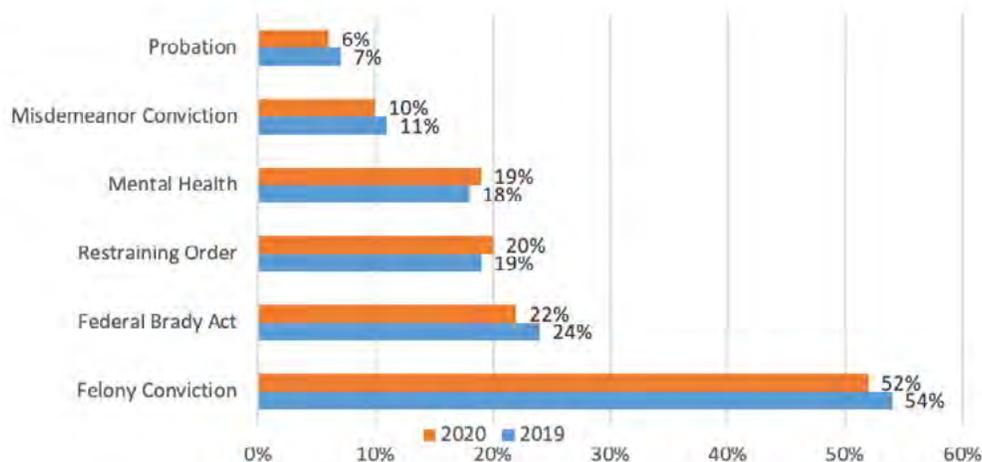
These categories are largely consistent with 2019. Overall, federal and felony prohibitions saw the greatest change, both accounting for 2% fewer prohibition reasons in 2020 than in 2019. Probation and Misdemeanor Convictions fell 1% compared to 2019. Mental Health, and DVROs accounted for 1% more reasons than 2019. See Figure 6 for a complete comparison.

18 This figure includes individuals who may be prohibited under more than one category, including a Federal Brady prohibition. These are not solely Federal Brady only cases.

19 See Appendix E for a list of Prohibiting Triggering Events causing firearms prohibitions.

20 Many cases have more than one prohibition, so the numbers do not equal 100 percent.

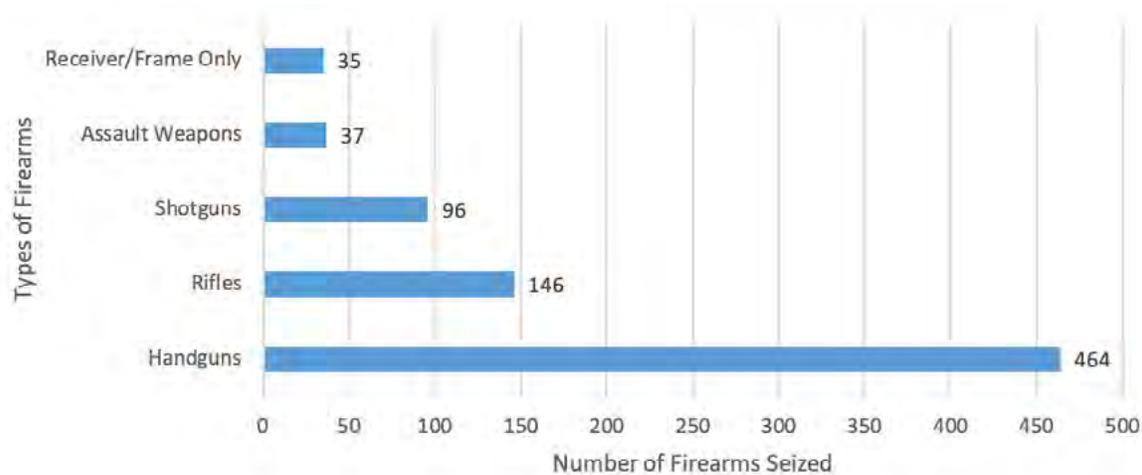
Figure 6. Prohibition categories as a percentage of prohibited people in 2020 and 2019



Number of firearms recovered

In 2020, the Bureau's Special Agents seized 778 APPS firearms, and 465 non-APPS firearms. See Figures 7 and 8 for a breakdown on the type of APPS and non-APPS firearms recovered. Non-APPS firearms refers to firearms that were not listed as being possessed by an APPS individual but are confiscated from APPS individuals by the Bureau's agents during investigations. Together, APPS and non-APPS firearms resulted in 1,243 total firearm seizures (Figure 9). Special Agents closed 5,322 APPS investigations due to enforcement efforts in 2020²¹. This number does not reflect the number of times Agents attempted to locate an APPS individual or had to visit third-party residences; it only captures the total number of closed cases²². The following graphs detail the number of firearms seized due to APPS enforcement in 2020, categorized by the type of firearms seized.

Figure 7. APPS firearms seized in 2020



21 Cases closed are not removed from the APPS. They remain in APPS in the "Pending" category.

22 Cases can also be closed when 1) agents or criminal analysts find the individual is deceased, 2) the individual has moved out of state and out of the Department's jurisdiction, 3) a criminal analyst corrects a data discrepancy, and the individual is cleared.

Figure 8. Non-APPS firearms seized in 2020

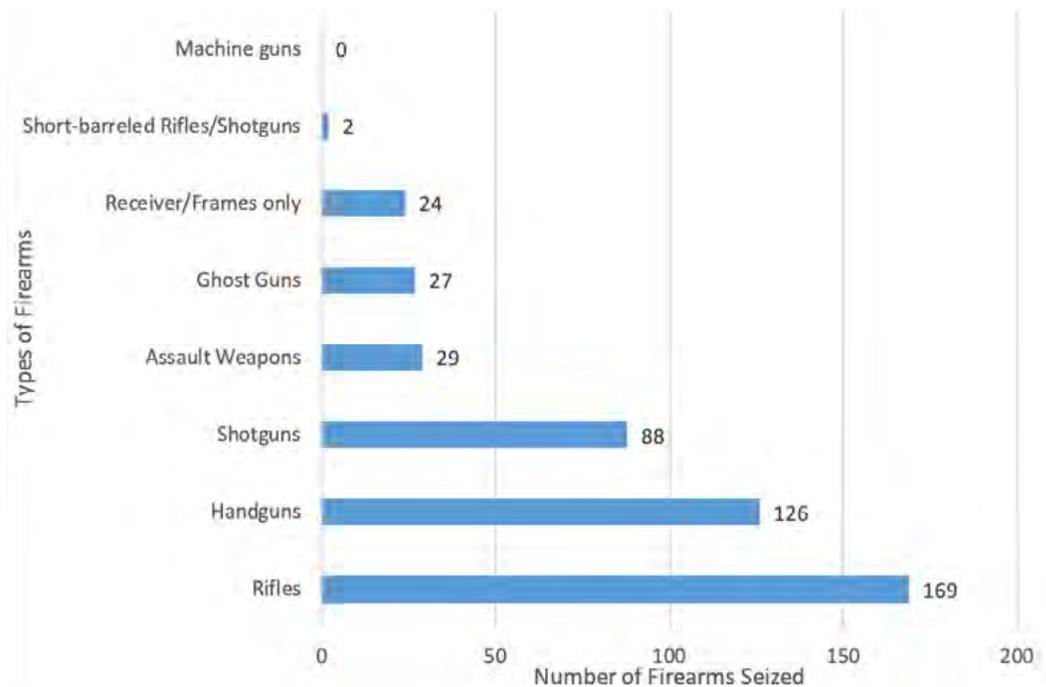
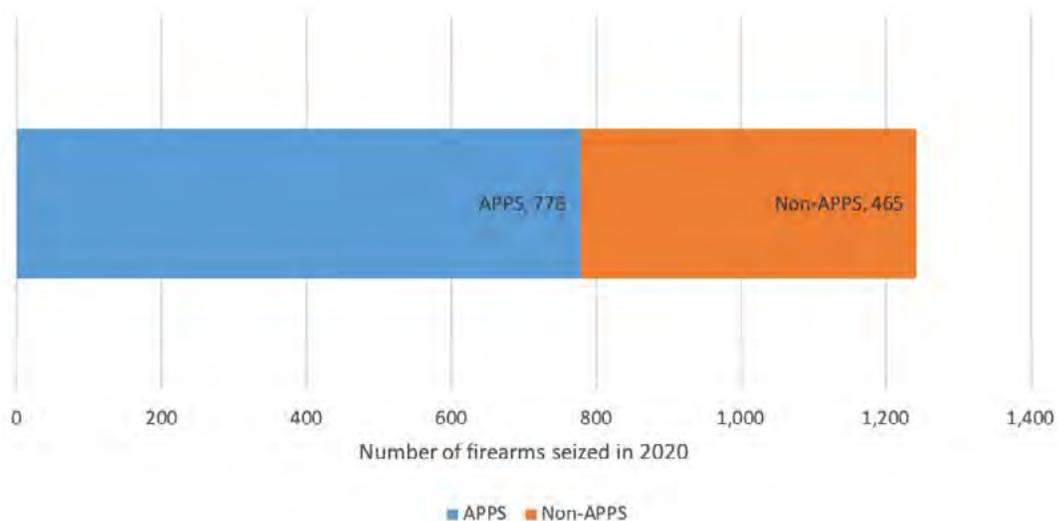


Figure 9. The 1,243 firearms seized in 2020 separated by APPS type



Number of ghost guns recovered

Ghost guns, firearms constructed by private citizens, do not have a serial number, which means they are not registered and cannot be tracked by APPS or law enforcement. The Bureau's agents seized a total of 27 ghost guns in 2020, a 33 percent decrease in ghost gun seizures compared to the 41 ghost guns seized during 2019 APPS investigations. The reduced number of seized ghost guns compared to 2019 is to be expected considering the overall reduction in cases closed and firearms seized in 2020 as a result of the COVID-19 pandemic.

Ammunition recovered

In 2020, Bureau Agents recovered 340 large capacity magazines, 1,403 standard capacity magazines and 283,562 rounds of ammunition.

Ammunition purchase eligibility check program

Proposition 63 (The Safety for All Act), as amended by Senate Bill (SB) 1235 (stats. 2016, ch. 55), was approved by voters in 2016. The intent of Prop 63 and SB 1235 was primarily to keep prohibited persons from acquiring ammunition in an effort to prevent gun violence. Under the new laws, ammunition must be purchased from or transferred by a California Ammunition Vendor in a face-to-face transaction. Effective July 1, 2019, the law required California Ammunition Vendors to submit eligibility checks for prospective purchasers to the BOF and obtain approval prior to selling or transferring ammunition. Thereafter, ammunition vendors are required to submit ammunition purchase details to the BOF. The eligibility checks ensure purchasers are not prohibited from owning or possessing ammunition due to a felony and/or violent misdemeanor conviction/warrant, domestic violence restraining order, or mental health issue.

On July 1, 2019, the BOF successfully deployed enhancements to the Dealer Record of Sale (DROS) Entry System, which allowed ammunition vendors to submit eligibility checks, and subsequently report ammunition purchases in compliance with Proposition 63.

In 2020, there were 298 armed and prohibited individuals who attempted to purchase ammunition and were denied through the ammunition eligibility check process. Bureau Agents used the intelligence garnered through the ammunition purchase denials to investigate and close 73 of these cases. These investigations resulted in the seizure of 65 APPS firearms (five assault weapons, 33 handguns, one receiver/frame only, 12 rifles, and 14 shotguns), 31 non-APPS firearms (one assault weapon, six ghost guns, eight handguns, four receivers/frames only, five rifles, and seven shotguns), 47 large capacity magazines, 114 standard magazines, and 41,325 rounds of ammunition. The remainder of the denial cases remain under investigation. All seizures resulting from these ammunition purchase eligibility check denials are included in the overall APPS statistics provided in *Number of firearms recovered* section of this report.

Task Forces and collaboration with local law enforcement

As discussed in recommendation four, these are the types of programs the Bureau would like to expand. Receiving additional funding to reimburse local law enforcement agencies working with the Bureau in coordinated APPS enforcement activities would make this work possible.

Contra Costa County Anti-Violence Support Effort Task Force

The Bureau currently manages the Contra Costa County Anti-Violence Support Effort (CASE) Task Force, whose primary mission is conducting complex firearms investigations and disarming prohibited, violent individuals in Contra Costa County. This Task Force consists of representatives from the following agencies:

- California Department of Justice, Bureau of Firearms
- Contra Costa County Sheriff's Department
- Contra Costa County Probation Department
- Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives
- Pittsburg Police Department
- California Highway Patrol

The CASE Task Force is a stand-alone task force with a broader overall mission. In 2020, it conducted 52 firearms related cases, including 24 probation/parole searches, eight search warrants, seven search warrant assists to local agencies and six APPS investigations. As a result of these investigations, the CASE Task Force arrested three armed and prohibited individuals for firearms-related offenses and seized 97 firearms, 32 of which were APPS firearms (four assault weapons, 11 handguns, and 17 rifle/shotguns). The seizure of these 32 APPS firearms is reported with the overall APPS statistics. The 65 firearms seized during non-APPS investigations are not included in seizure totals for this report. Because not all gun crime in any county is committed by people in APPS, this task force focuses on investigating a broad range of subjects involved in firearms related crimes — including those in APPS. This is an excellent model for collaboration with local law enforcement agencies on both APPS and non-APPS related firearms investigations and affords a proactive approach to combating firearm violence. With additional funding, the Bureau would be able to replicate this model in strategic areas of the state.

Tulare County Agencies Regional Gun Violence Enforcement Team

In December 2020, the Bureau assumed management of the Tulare County Agencies Regional Gun Violence Enforcement Team also known as the TARGET Taskforce. Due to funding issues, management of this Task Force was taken over from the Department’s Bureau of Investigation. The primary mission mirrors that of the CASE Task Force as the team is designed to investigate crimes involving gun violence and weapons violations and disarming prohibited, violent individuals in the Tulare County region. Through this task force, the Bureau has increased collaborative efforts and support of local law enforcement in the region. This Task Force consists of representative from the following agencies:

- California Department of Corrections and Rehabilitation
- California Department of Justice, Bureau of Firearms
- California Highway Patrol
- Tulare County Sheriff’s Department
- Visalia Police Department

Joint sweep investigations

In addition to participating in the CASE Task Force and TARGET Task Force, the Bureau also conducts APPS sweeps on a regular basis throughout the state. These sweeps consist of Bureau personnel working together with allied law enforcement agencies in a certain region of the state for a period of several days or weeks conducting APPS investigations. However, because of the pandemic, these efforts were stymied as law enforcement across the state were forced to re-focus efforts accordingly.

The Bureau worked jointly with the following agencies on 2020 APPS investigations:

- Amador County Sheriff’s Department
- California Highway Patrol
- California Department of Corrections

- Citrus Heights Police Department
- Clearlake Police Department
- Contra Costa County Probation Department
- Contra Costa Sheriff's Department
- Crescent City Police Department
- Fairfield Police Department
- Federal Bureau of Alcohol, Tobacco, Firearms and Explosives
- Lake County Sheriff's Department
- Long Beach Police Department
- Los Angeles County Sheriff's Department
- Nevada County Probation Department
- Nevada County Sheriff's Department
- Ontario Police Department
- Pasadena Police Department
- Pittsburg Police Department
- Placer County Probation Department
- Placer County Sheriff's Department
- Rialto Police Department
- Redlands Police Department
- Riverside Police Department
- Riverside County Sheriff's Department
- Roseville Police Department
- Sacramento County Sheriff's Department
- Sacramento Police Department
- San Bernardino County Sheriff's Department
- San Diego County Sheriff's Department

- San Joaquin County Sheriff's Department
- Shasta County Sheriff's Department
- Stockton Police Department
- Trinity County Sheriff's Department
- Yolo County Probation Department

This option of working collaboratively with local enforcement agencies could be enhanced and expanded with an appropriation of local assistance funding to reimburse participating agencies as outlined in recommendation four.

Gun Violence Prevention Programs

This program has been the most challenging to implement due to the complex nature of APPS data and investigations. Assembly Bill (AB) 74 provided grant funding to the Board of State and Community Corrections (BSCC) for Gun Violence Prevention Programs. In 2019, funds were disbursed by the BSCC to four counties; Alameda, San Diego, Santa Cruz and Ventura, to be allotted and spent over several fiscal years. San Diego and Alameda County each received \$1 million and Ventura and Santa Cruz County received \$750,000 and \$250,000, respectively. Each county was also provided with the APPS list of armed and prohibited individuals and was assisted by the Bureau upon request. As of the publication of this report, San Diego County Sheriff's Office was the only agency that requested Bureau assistance for APPS investigations.

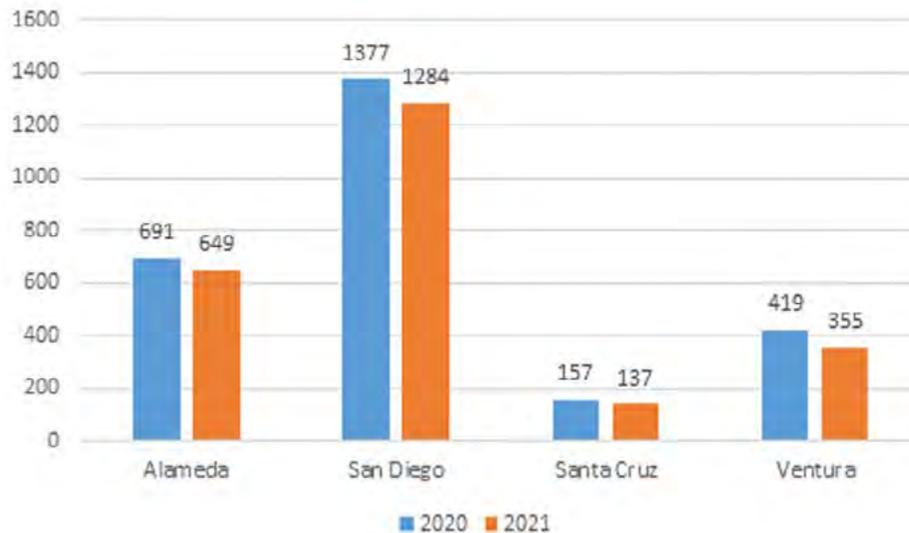
Pursuant to the statute, each of the participating agencies is required to provide data to the Department regarding APPS enforcement efforts. The Bureau has collected data from these four counties regarding the APPS related investigations they have completed in 2020 with the funding provided. The Bureau submitted a written request outlining the specific data required to ensure validation. As of the publication of this report, the Bureau received the following:

- San Diego County reported it conducted 79 independent APPS investigations resulting in the seizure of 28 firearms.
- Alameda County reported it conducted 89 independent APPS investigations resulting in the seizure of 23 firearms.
- Ventura County reported it made contact with 84 APPS individuals resulting in 43 firearms seized.
- Santa Cruz County reported 108 prohibited individuals resided in Santa Cruz County as of 1/1/20 and 151 as of 1/1/21. It further reported that 50 individuals were removed from APPS, with 49 being disassociated from all known firearms and one removed due to being deceased. Additionally, 17 prohibited individuals moved within Santa Cruz County, and 36 prohibited individuals who are "pending" in APPS reside in the county. The method in which Santa Cruz submitted this information did not allow for the Bureau to fully interpret or validate the data.

Additionally, the Department ran its own analysis on the APPS figures for these four counties.

The analysis found that there was an overall reduction of prohibited individuals in the four counties between 1/1/2020 and 1/1/2021 as illustrated in Figure 10. However these numbers do not discern whether the individual was no longer armed, no longer prohibited, deceased, or had moved out of the county.

Figure 10. Prohibited individuals as of 1/1/2020 and 1/1/2021 by county



Along with this analysis, the Bureau found discrepancies in the data submitted by all counties during validation and identified a need to implement a standardized process for reporting APPS data to the Department. This is particularly important when participating agencies find an individual has moved out of their county/jurisdiction, because participating counties have jurisdictional limitations whereas Department agents do not. In order for the Bureau to be able to cross reference the data, it must receive complete and accurate information in the manner that it was requested. Accurate tracking of prohibited individuals is the foundation of the APPS enforcement process.

In an effort to codify and ensure collaboration between the Bureau and the participating counties in investigating and apprehending APPS subjects, the Bureau attempted to establish a memorandum of understanding (MOU) with each of the participating county Sheriff's Departments. Based on this process the only participating agency that has agreed to the MOU is the San Diego County Sheriff's Department.

Supplemental analysis: Impact of COVID-19 on APPS cases

To investigate the potential impacts of the COVID-19 pandemic, the Bureau examined the number of prohibited people who were disassociated from all known firearms in 2020 compared to the four previous years while accounting for new COVID-19 cases and changing risk levels each month. The COVID-19 cases were defined as new cases per 100,000 people, and risk levels were defined by the California Department of Public Health as the average risk level (e.g., orange, red, purple) for the month²³.

The results of the analysis showed that APPS firearm removals were hindered by increasing COVID-19 risk levels. Every month the COVID-19 risk level was moderate or higher, APPS personnel were able to disassociate an estimated average of 79 fewer people per month from all their known firearms as

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compared to months in which the COVID-19 risk level was low or non-existent. Estimates varied from month to month, with as many as 128 fewer people or as few as 30 fewer people disassociated from their firearms due to APPS efforts per month. The per capita number of new COVID-19 cases did not appear to influence the number of prohibited people APPS Agents were able to disassociate from their firearms.

This analysis does not differentiate between cases closed by Crime Analysts, who review APPS records and find people who have been disassociated from firearms or can be designated as a pending cases, and those closed by field Agents. As field Agents are required to contact multiple people in-person and be exposed to COVID-19 with much greater regularity, it is reasonable to anticipate that Agent closures were more impacted than analyst closures, and accounting for that difference would show even greater effects due to COVID-19. Additionally, this analysis only examined prohibited individuals disassociated from all known firearms by APPS Agents and does not include cases that were moved to a pending status.

The continued effects of the COVID-19 pandemic remain to be seen; this analysis is only intended to provide a metric by which to gauge the effect of COVID-19 on workload metrics throughout 2020.

Recommendations

The Department greatly appreciates Governor Gavin Newsom's and the Legislature's interest in sensible firearms regulation and enforcement, and additional financial support toward this effort. As noted throughout this report, the recommendations the Department proposes would help to not only report the mandated information, but also improve the efficiency and efficacy of the APPS program. To that end, the Department recommends the following:

1. Fund all California county courts to confiscate or enforce the transfer or legal storage of known firearms at the time of conviction when an individual is prohibited due to a felony or qualifying misdemeanor. Pursuant to Proposition 63 (2016), focus on obtaining firearms from armed and prohibited persons on the front-end of the process rather than at the end of the process. When an individual's conviction for a crime renders them prohibited, they are supposed to be notified at the time of conviction that they are prohibited from owning and possessing any firearms as well as how to turn over any firearms they have in their possession. This is the best opportunity to ensure prohibited persons are being disarmed. Felons and persons prohibited from possessing firearms by Penal Code section 29805 listed misdemeanors account for 59 percent of the APPS database, or 14,196 individuals. Given that the number of individuals prohibited due to a felony conviction has increased by 2,150 from last year suggests that relinquishment regulations are not being effectively implemented. A thorough court-based relinquishment program at the County level would aid in drastically reducing future APPS numbers.
2. Develop and fund a similar county-level firearm confiscation system where firearms are confiscated from the individual at the time they are served with the restraining order(s).
3. Currently, all individuals who are served restraining orders and are in possession of a firearm at the time they are served, end up in the APPS unless they are pursued and disarmed by local law enforcement agencies. If local law enforcement could disarm these individuals upon service of the various types of restraining orders, it could limit new additions to the armed and prohibited population in the APPS by up to 19 percent.
4. Improve the recruitment and retention of Special Agents by making their compensation competitive with other law enforcement agencies. Unlike many other law enforcement agencies, the Department's Special Agents are required to have a college education. However, entry-level

Agents are paid less than those in law enforcement agencies that do not have this same requirement. Seizing firearms from prohibited persons is dangerous and difficult work that requires quick decisions and analytical thinking. The agents who do this work should be competitively compensated for their efforts. The Department has moved to a more aggressive hiring model in an attempt at filling Special Agent and Special Agent Supervisor positions at a quicker rate to fill vacancies and keep pace with agent attrition. However, receiving additional funding and contracting for salary increases would greatly improve recruitment and retention of agents for the Department's currently authorized positions.

5. Continue to improve coordination and cooperation with local law enforcement agencies by establishing joint Task Forces with and under the direction of the Bureau. To expand and improve the existing programs requires additional funding, which the Department would manage. Funds would be managed and disbursed for the purpose of reimbursing local agency overtime for working with the Bureau on the APPS workload. Reimbursement would go toward personnel time and other applicable expenses incurred as a direct result of the involved agency's participation in the joint operations through the execution of an MOU with the Bureau. Additionally, the participating agencies would be required to report all data in a manner prescribed by the Department related to the seizure of firearms, ammunition, arrests, and all other information relevant to maintain adequate accountability of the APPS database. The agreement would also include administrative assistance efforts to help identify and reduce APPS firearms in locally managed evidence systems. All participating agencies would be required to assess firearms in their possession and develop a plan approved by the Bureau to ensure all the required entries into the Automated Firearms System are made in accordance with current state law. This would be a force multiplier for the Bureau that would ensure a statewide coordinated effort and maintain recordkeeping standards to ensure that the data in APPS is as current as possible.
6. Modernize the existing firearms databases and automate many of the manual processes to improve overall efficiency, risk mitigation, and stabilization of employee resources. As communicated to the Department of Finance when the Legislature implemented the current reporting requirements, the Department cannot fulfill this obligation until it modernizes the firearms databases. Such an undertaking requires substantial additional funding.

The following systems support the regulation, and enforcement actions relating to the manufacture, sale, ownership, safety training and transfer of firearms.

- Armed Prohibited Persons System (APPS)
- Automated Firearms System (AFS)
- California Firearms Information Gateway (CFIG)
- California Firearms Licensee Check (CFLC)
- Carry Concealed Weapons (CCW)
- Centralized List (CL)
- Certificate of Eligibility (COE)
- Consolidated Firearms Information System (CFIS)
- Dealer Record of Sale (DROS)

- DROS Entry System (DES)
- California Firearms Application Reporting System (CFARS)
- Firearms Certificate System (FCS)
- Assault Weapons Registration (AWR)
- Firearms Employment Application File (FEAF)
- Mental Health Reporting System (MHRS)
- Mental Health Firearms Prohibition System (MHFPS)
- Prohibited Applicant (PA)

This network of systems is incredibly complex and cumbersome to operate and navigate. Despite this monumental challenge, the Department has until recently, been able to meet legislative reporting mandates using these outdated databases. These databases are not flexible and were not created to be adaptable to meet additional demands. The Department has been able to partially adapt and circumvent issues despite using technology that is not equipped with automated processes to meet the specified conditions. Consequently, most, if not all queries must be pulled and cross-checked manually from database to database, hindering efficiency and introducing increased opportunities for error. Working to modify or maintain these legacy systems is no longer cost effective or a technologically viable option as the databases have become outdated technology that no longer meets the demands of the Legislature and the Department.

The Department received partial funding to pursue Phase 1 of this effort and is exploring modernization options to find a dynamic solution that would meet existing needs and be adaptable to evolving statutory mandates. However, additional funding will be required to begin Phase 2 and fully implement this project.

7. Continue working with Federal Law Enforcement partners and engage with local law enforcement agencies to disarm Federal Brady Act prohibition cases, the portion of the APPS database the Department is tasked with tracking but over which it has no jurisdiction. The Department has partnered with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in an attempt to reduce this section of the database. As part of its commitment to this effort, the Bureau has been actively participating in executive level meetings with the United States Attorney's Office (USAO) and the ATF regarding the USAO's gun violence reduction initiative, Project Guardian. In 2019, the Bureau began the preliminary work toward enforcement operations and provided several potential APPS targets which the ATF is currently reviewing. This pilot effort was set to begin in Sacramento County in the spring of 2020. Due to the COVID-19 pandemic, Bureau Special Agents did not work any joint APPS investigations with ATF in 2020. As of the publication of this report, the Bureau has three staff cross designated to enforce federal firearms laws. Additional staff statewide are undergoing the process to become cross designated with ATF. The Bureau anticipates rejoining ATF investigations once the COVID-19 situation improves.



APPENDICES

APPENDIX A: Relevant Key Terms and Definitions

This section provides definitions to key terms used throughout this report.

Armed Prohibited Persons System (APPS). The Armed Prohibited Persons System is a database housed at the Department of Justice which contains a list of all individuals who are both armed (the department is aware of their ownership of one or more firearms) and prohibited (for one or more reasons they have been designated as not being permitted to possess firearms).

Automated Criminal History System (ACHS). The repository for the state summary Criminal Offender Record Information (CORI). In addition, the Department transmits CORI to the Federal Bureau of Investigation (FBI).

Automated Firearms System (AFS). This system was created in 1980 to identify lost or stolen firearms and connect firearms with persons. The system tracks serial numbers of every firearm owned by government agencies, handled by law enforcement (seized, destroyed, held in evidence, reported stolen, recovered), voluntarily recorded in AFS, or handled by a firearms dealer through transactions. Prior to 2014, most entries in AFS were handguns. Now, all newly acquired firearms, both handguns and long guns, are entered into AFS.

Backlog. The number of cases for which the Department did not initiate an investigation within six months of the case being added to the APPS or has not completed investigatory work within six months of initiating an investigation on the case.

Bullet Button. A product requiring a tool to remove an ammunition feeding device or magazine by depressing a recessed button or lever shielded by a magazine lock.

Bullet Button Weapon. A semiautomatic, centerfire or rimfire pistol with an ammunition feeding device that can be readily removed from the firearm with the use of a tool that has one or more specified features identified in Penal Code section 30515 and is included in the category of firearms that must be registered.

California Restraining and Protective Order System (CARPOS). A statewide database of individuals subject to a restraining order.

Cleared. All cases in which the individual has died, the prohibition has expired or been reduced (e.g., the expiration of a temporary restraining order), or the individual has been disassociated from the firearm(s) such as selling, transferring, or turning over their firearm(s).

Closed. An investigation that has been fully investigated but the individual remains in APPS with a pending status (see definition of pending and sub-statuses definitions).

Consolidated Firearms Information System (CFIS). This system consolidates numerous internal firearm applications within the California Justice Information Services Division (CJIS), the technology division within the Department. These applications include the Armed Prohibited Persons System (APPS), Assault Weapon Registration (AWR), Centralized List (CL), Carry Concealed Weapon (CCW), Dealers' Record of Sale (DROS), and Prohibited Applicant (PA).

Contacts. An attempt to locate an APPS individual at a potential current address. During face-to-face contact, agents will attempt a consent search if there are no search conditions due to parole or probation status. Sometimes consent is denied, and agents will leave the premises. If probable cause is developed at the scene, a search warrant will be requested and served that day.

Dealers' Record of Sale (DROS). This application is completed by firearms purchasers in California and is sent to the Department by licensed firearms dealers, which initiates the 10-day waiting period. The Department uses this information for a background check and the documentation of firearms ownership.

Ghost Gun. Ghost guns are firearms made by an individual, without serial numbers or other identifying markings.

Gun Control Act (GCA). The Gun Control Act (GCA), codified at 18 U.S.C. § 922(g), makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms or ammunition, to include any person:

- convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- who is a fugitive from justice;
- who is an unlawful user of or addicted to any controlled substance (as defined in Section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802);
- who has been adjudicated as a mental defective or has been committed to any mental institution;
- who is an illegal alien;
- who has been discharged from the Armed Forces under dishonorable conditions;
- who has renounced his or her United States citizenship;
- who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or
- who has been convicted of a misdemeanor crime of domestic violence.

The GCA at 18 U.S.C. § 992(n) also makes it unlawful for any person under indictment for a crime punishable by imprisonment for a term exceeding one year to ship, transport, or receive firearms or ammunition. Further, the GCA at 18 U.S.C. § 922(d) makes it unlawful to sell or otherwise dispose of firearms or ammunition to any person who is prohibited from shipping, transporting, receiving, or possessing firearms or ammunition. The Department refers to these prohibitions as Federal Brady prohibitions. Since these individuals are only prohibited due to federal law, the Department lacks jurisdictional authority to investigate these individuals, unless they also have a California prohibition. On January 1, 2019, there were 23,222 armed and prohibited persons in APPS (9,404 active and 13,818 pending). Of the 9,404 active cases, 1,595 are Federal Brady only cases.

Mental Health Reporting System (MHRS). This is a web-based application used by Mental Health Facilities, Superior Courts, Juvenile Courts, and Law Enforcement Agencies to report firearm-prohibiting events related to mental health to the Department.

Receiver. The basic unit of a firearm which houses the firing and breech mechanisms and to which the barrel and stock are assembled.

Statuses:

Active. Individuals believed to reside in California who are prohibited (state, federally, or combination of state and federally prohibited) from possessing firearms. If the individual has a federal only prohibition from possessing firearms, the Department lacks the authority to investigate these federal prohibitions. This is also referred to as the APPS caseload.

Pending. Also referred to as dormant. Individuals previously investigated, but that cannot be currently investigated for one or more reasons. The Department works to reevaluate the statuses of these cases multiple times a year. These individuals fall into one of the following categories:

Incarcerated. These individuals are in state or federal prison. While they are incarcerated, these individuals are not included in the active records. Although technically under the pending category, incarcerated individuals are treated as a separate population because it is assumed that they are not in possession of firearms while in custody. Once the Department has received notification that they have been released, the individual is moved to the active status.

No Longer Residing in California (Out-of-State). Individuals who were a resident of California, but now no longer live in this state. For example, when someone moves to another state and surrenders their California Driver License (CDL) before being issued a new license in their new state of residence.

Unable to Clear (UTC). These cases have previously been investigated by DOJ Special Agents and all investigative leads have been exhausted. The individual still has one or more firearms associated with them. If new information is identified, the case will be moved to active status.

Unable to Locate (UTL). These cases have previously been investigated by a DOJ Special Agent, but the agent is unable to locate the individual. It could be that the individual no longer lives at the address on file, family and friends are not able to provide useful location information, etc. If new location information is identified, the case will be moved to active status.

Individuals having both state and federal prohibitions. If APPS individuals have a combination of state and federal firearm prohibitions, then the Department has jurisdictional authority to investigate the matter related to the state prohibitions (e.g., felons, individuals with California restraining orders, misdemeanor conviction of domestic violence in California, and California mental health prohibitions).

Wanted Persons System (WPS). This system was established in 1971 as the first online system for the Department. It is a statewide computerized file of fugitives for whom arrest warrants have been issued.

APPENDIX B: Legislative History Relative to APPS

The following provides a brief overview of the legislative history affecting the Department's Armed and Prohibited Person program from 1999 to present. These legislative changes have exponentially increased the volume of prohibited individuals as the Legislature continues to increase the type and length of prohibitions. Other legislative changes with a substantial impact include evolving statutory and legal definitions as well as increases in the overall regulation of the various types of firearms, ammunition, and parts.

1999: APPS was conceptualized by the Legislature as a result of the proliferation of gun violence across the state and the nation.

2001: APPS was created in 2001 by Senate Bill (SB) 950 in response to high-profile murder cases involving people prohibited from owning firearms.

2006: APPS went into effect

2013: SB 140 passed the Senate and appropriated \$24,000,000 from the Dealer Record of Sale Special Fund to the Department for three years to reduce the volume of pending APPS investigations.

2014: Effective January 1, 2014, a new California law (Assembly Bill 809, Stats. 2011, ch. 745) mandated the Department collect and retain firearm transaction information for all types of firearms, including long guns.

2015: After a 2013 audit by the Bureau of State Audits, the Bureau of Firearms finished manually inputting all of the cases into the APPS system.

2016: SB 140 funding expired.

Effective January 1, 2016, AB 1014 created the new prohibitory category of the Gun Violence Restraining Order.

2017: Effective January 1, SB 880 revised the definition of an "assault weapon", defined a "fixed magazine", and required those individuals lawfully in possession of an assault weapon without a fixed magazine to register the firearm.

As of August 2017, the Department also began processing "Bullet Button" Assault Weapon registrations pursuant to SB 880 and AB 1135. The Department was required by statute to accept applications for registration of these firearms until June 30, 2018. The background checks associated with these registrations identified additionally prohibited persons.

2018: Effective January 1, 2018, AB 785 added Penal Code section 422.6 (Criminal Threats) to the list of prohibiting misdemeanors. Effective July 1, 2018, AB 857 required the Department to begin issuing serial numbers for firearms manufactured by unlicensed individuals after a successful background check of the owner. The background checks associated with this process identified additional prohibited persons.

2019: Effective July 1, 2019, SB 1235 and Proposition 63 required ammunition to be sold only to an individual whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, with some exceptions. It also required ammunition vendors to electronically submit to a database known as the Ammunition Purchase Records File, and thus to the Department, information regarding all ammunition sales and transfers.

Additionally, AB 3129 prohibited a person from ever possessing a firearm if that person is convicted of a misdemeanor violation of Penal Code Section 273.5 regarding the willful infliction of corporal injury resulting in a traumatic condition upon a spouse, cohabitant or other specified person. SB 746 required new residents to the State of California, within 60 days, to apply for a unique serial number or other identifying mark for any un-serialized firearm the resident manufactured or otherwise owns and intends to possess. SB 1100 prohibited the sale, supplying, delivery or giving possession or control of any firearm by a licensed dealer with some exceptions to any person under 21 years of age. SB 1200 expanded the definition of ammunition for the purposes of the Gun Violence Restraining Order law. SB 1346 clarified the definition of “multi-burst trigger activator” includes a bump stock, bump fire stock, or other similar device attached to, built into, or used in combination with a semiautomatic firearm to increase the rate of fire of that firearm.

AB 94 provided updated requirements regarding the mandated reporting of the APPS database statistics. It required the Attorney General to establish and maintain the Armed Prohibited Persons System (APPS) database. It also requires the Department to report no later than April 1, 2020, and no later than April 1 of each year thereafter, to the Joint Legislative Budget Committee and the fiscal committees of each house of the Legislature on specified information related to the APPS, including the number of individuals in the APPS and the degree to which the backlog in the APPS has been reduced or eliminated.

2020: Effective January 1, 2020, AB 1968 subjected individuals who have been taken into custody, assessed and admitted to a designated mental health facility twice within a one-year period, because they are a danger to self or others as a result of a mental health disorder, to a lifetime firearms prohibition subject to a petition for, and hearing on, a reinstatement of firearm ownership rights.

Additionally, AB 164 prohibited a person from possessing a firearm if that person is prohibited in another state and allows the Department and state and local law enforcement agencies to investigate and pursue these cases. AB 339 requires each specified law enforcement agency to develop and adopt written policies and standards relating to gun violence restraining orders. AB 12 increased the maximum duration of a gun violence restraining order from one year to between one and five years. It also allows for law enforcement officers to file a petition for a gun violence restraining order in the name of the law enforcement agency in which they are employed. AB 61 expanded the list of individuals who may request a gun violence restraining order. AB 1493 required that an individual subject to a gun violence restraining order can relinquish their own firearm rights through the courts.

APPENDIX C: Mandated Statistics – At a Glance

[1] The total number of individuals in the APPS and the number of cases which are active and pending. The Armed and Prohibited Persons System has 2,999,872 individuals as of January 1, 2021. Of those individuals, 23,598 are prohibited from possessing firearms, with 9,083 of those cases being active and 14,515 of them being pending.

[A][i] For active cases, the number of cases that have not been actively investigated for 12 months or longer, along with a breakdown of the time period that has elapsed since a case was added to the system. The APPS database is an outdated system that does not have the capability to track the time elapsed between a case entering the APPS to when a case was last worked. As a result, the Department does not have the ability to gather and report the requested information.

[B] For pending cases, the department shall separately report the number of cases that are unable to be cleared, unable to be located, related to out-of-state individuals, related to only federal firearms prohibitions, and related to incarcerated individuals. Of the 14,515 prohibited persons designated as pending cases, 6,955 (48%) were unable to be cleared, 2,215 (15%) were unable to be located, 3,859 (27%) moved out of state, and 1,486 (10%) were prohibited under federal prohibitions only. Additionally, there are 1,218 incarcerated individuals.

[2] The number of individuals added to the APPS database. Between January 1, 2020 and January 1, 2021, there were 10,762 additional known firearm owners who became prohibited. In the same time period, there were 8,370 individuals removed from the prohibited category. This resulted in the total number of armed and prohibited individuals increasing by 2,392.

[3] The number of individuals removed from the APPS database, including a breakdown of the basis on which they were removed.

Table 1: Removals of Prohibited Persons in 2020 Separated by Reason for Removal

Reason for Removal	Number of Individuals Removed
Prohibition expired/no longer prohibited	5,291
Disassociated from all known firearms	2,822
Deceased	257

[4] The degree to which the backlog in the APPS has been reduced or eliminated.

The updated definition defines the backlog as being cases for which the department did not initiate an investigation within six months of the case being added to the APPS or has not completed investigatory work within six months of initiating an investigation on the case. The APPS database does not have the technological capability of tracking the amount of time a case has been in the system. Gathering this information would require Crime Analyst review of each individual APPS entry, one-by-one and review the notes in each file. Lacking a more efficient way of gathering this information, the Department will be unable to provide these statistics until upgrades are made to the APPS database.

[5] The number of individuals in the APPS before and after the relevant reporting period.*Table 3: The Total number of Individuals in APPS Before and After the Reporting Period Separated by Status*

Status	Before Reporting Period	After Reporting Period
Armed and Not Prohibited	2,610,899	2,999,872
Armed and Prohibited	22,424	23,598
Incarcerated	1,388	1,218

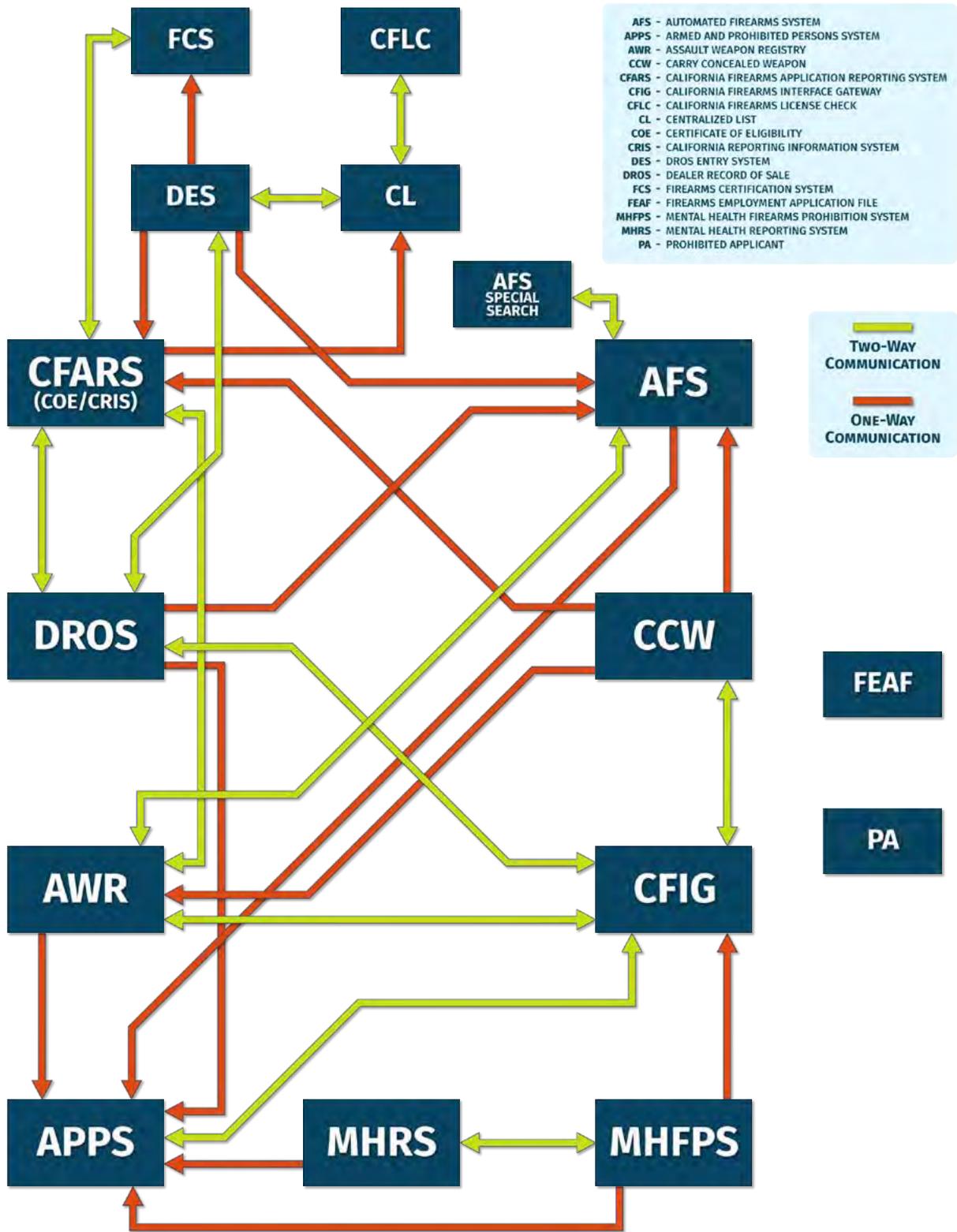
[6] The number of Agents and other staff hired for enforcement of the APPS. In 2020, the Department hired 10 Special Agents, two Special Agent Trainees and three support staff for APPS enforcement. The Department also saw the separation of nine Special Agents during 2020 due to inter-departmental transfer and/or promotion and had two Special Agents promote from within to Special Agent Supervisor positions, leaving the Department with a net increase of one Special Agent. The Department also saw the separation of two support staff for APPS enforcement resulting in a net change of one in support staff.

[7] The number of firearms recovered due to enforcement of the APPS. In 2020, Bureau Agents recovered 778 APPS firearms (i.e., firearms known in the APPS database), and 465 non-APPS firearms not associated with APPS individuals, for 1,243 total firearms recovered.

[8] The number of contacts made during the APPS enforcement efforts. In 2020, agents made nearly 16,000 contacts based on an average of three contacts per individual per case while working APPS investigations.

[9] Information regarding task forces or collaboration with local law enforcement on reducing the APPS file or backlog. The Department takes pride in its collaborative efforts with law enforcement partners. These efforts include leading the Contra Costa County Anti-Violence Support Effort (CASE) Task Force along with the recent addition of the TARGET Task Force, its partnership with the Los Angeles County Sheriff's Department on Dual Force operations, joint APPS sweeps with specific jurisdictions based on workload, regular communications for case de-conflictions, occasional patrol assistance for prisoner transport, booking, and search warrant assistance, and prosecutions by local district attorney offices.

APPENDIX D: Relational Diagram of the Bureau of Firearms Databases



APPENDIX E: Firearms Prohibiting Categories

STATE OF CALIFORNIA
PROHIBITING CATEGORIES (Rev. 03/2020)

DEPARTMENT OF JUSTICE
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CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS FIREARMS PROHIBITING CATEGORIES



State and federal law make it unlawful for certain persons to own and/or possess firearms, including:

- Any person who has been convicted of, or has an outstanding warrant for, a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 23515, or who is addicted to the use of any narcotic drug
- Any person who has been convicted of an offense enumerated in Penal Code sections 29900 or 29905
- Any person who is ordered to not possess firearms as a condition of probation or other court order listed in Penal Code section 29815, subdivisions (a) and (b)
- Any person who has been convicted of, or has an outstanding warrant for, a misdemeanor listed in Penal Code section 29805 (refer to List of Prohibiting Misdemeanors)
- Any person who is adjudged a ward of the juvenile court because he or she committed an offense listed in Welfare and Institutions Code section 707(b), an offense described in Penal Code section 1203.073(b), or any offense enumerated in Penal Code section 29805
- Any person who is subject to a temporary restraining order or an injunction issued pursuant to Code of Civil Procedure sections 527.6 or 527.8, a protective order as defined in Family Code section 6218, a protective order issued pursuant to Penal Code sections 136.2 or 646.91, a protective order issued pursuant to Welfare and Institutions Code section 15657.03, or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order, as specified above, that includes a prohibition from owning or possessing a firearm
- Any person who is subject to a Gun Violence Restraining Order (GVRO)
- Any person who is found by a court to be a danger to himself, herself, or others because of a mental illness
- Any person who is found by a court to be mentally incompetent to stand trial
- Any person who is found by a court to be not guilty by reason of insanity
- Any person who is adjudicated to be a mentally disordered sex offender
- Any person who is placed on a conservatorship because he or she is gravely disabled as a result of a mental disorder, or an impairment by chronic alcoholism
- Any person who communicates a threat to a licensed psychotherapist against a reasonably identifiable victim that has been reported by the psychotherapist to law enforcement
- Any person who is taken into custody as a danger to self or others under Welfare and Institutions Code section 5150, assessed under Welfare and Institutions Code section 5151, and admitted to a mental health facility under Welfare and Institutions Code sections 5151, 5152, or certified under Welfare and Institutions Code sections 5250, 5260, and 5270.15
- Any person who is addicted to the use of narcotics (state and federal)
- Any person who has been convicted of, or is under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year (federal)
- Any person who has been discharged from the military under dishonorable conditions (federal)
- Any person who is an illegal alien (federal)
- Any person who has renounced his or her US Citizenship (federal)
- Any person who is a fugitive from justice (federal)



**CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
FIREARMS PROHIBITING CATEGORIES**



MISDEMEANORS

Firearm prohibitions for misdemeanor violations of the offenses listed below are generally prohibiting for ten years from the date of conviction, but the duration of each prohibition may vary. All statutory references are to the California Penal Code, unless otherwise indicated.

- Threatening public officers, employees, and school officials (Pen. Code, § 71.)
- Threatening certain public officers, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat (Pen. Code, § 76.)
- Intimidating witnesses or victims (Pen. Code, § 136.1.)
- Possessing a deadly weapon with the intent to intimidate a witness (Pen. Code, § 136.5.)
- Threatening witnesses, victims, or informants (Pen. Code, § 140.)
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (Pen. Code, § 148(d).)
- A person who reports to a person that a firearm has been lost or stolen, knowing the report to be false (Pen. Code, § 148.5(f).)
- Unauthorized possession of a weapon in a courtroom, courthouse, or court building, or at a public meeting (Pen. Code, § 171b.)
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (Pen. Code, § 171c.)
- Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers (Pen. Code, 171d.)
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (Pen. Code, § 186.28.)
- Assault (Pen. Code, §§ 240, 241.)
- Battery (Pen. Code, §§ 242, 243.)
- Sexual Battery (Pen. Code, § 243.4.)
- Assault with a stun gun or taser weapon (Pen. Code, § 244.5.)
- Assault with a deadly weapon other than a firearm, or with force likely to produce great bodily injury (Pen. Code, § 245.)
- Assault with a deadly weapon or instrument, by any means likely to produce great bodily injury or with a stun gun or taser on a school employee engaged in performance of duties (Pen. Code, § 245.5.)
- Discharging a firearm in a grossly negligent manner (Pen. Code, § 246.3.)
- Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house (Pen. Code, § 247.)
- Inflicting corporal injury on a spouse or significant other (Pen. Code, § 273.5.) (Convictions on or before 12/31/2018.)
- Willfully violating a domestic protective order (Pen. Code, § 273.6.)
- Drawing, exhibiting, or using a deadly weapon other than a firearm (Pen. Code, § 417.)
- Inflicting serious bodily injury as a result of brandishing (Pen. Code, § 417.6.)
- Making threats to commit a crime which will result in death or great bodily injury to another person (Pen. Code, § 422.)
- Interference with the exercise of civil rights because of actual or perceived characteristics of the victim (Pen. Code, § 422.6.)
- Bringing into or possessing firearms upon or within public schools and grounds (Pen. Code, § 626.9.)
- Stalking (Pen. Code, § 646.9.)



**CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
FIREARMS PROHIBITING CATEGORIES**



- Carrying a concealed or loaded firearm or other deadly weapon or wearing a peace officer uniform while picketing (Pen. Code, §§ 830.95, 17510).
- Possessing a deadly weapon with intent to commit an assault (Pen. Code, § 17500.)
- Criminal possession of a firearm (Pen. Code, § 25300.)
- Armed criminal action (Pen. Code, § 25800.)
- Possession of ammunition designed to penetrate metal or armor (Pen. Code, § 30315.)
- Unauthorized possession/transportation of a machine gun (Pen. Code, § 32625.)
- Driver of any vehicle who knowingly permits another person to discharge a firearm from the vehicle or any person who willfully and maliciously discharges a firearm from a motor vehicle (Pen. Code, § 26100, subd. (b) or (d).)
- Firearms dealer who sells, transfers, or gives possession of any firearm to a minor or a handgun to a person under 21 (Pen. Code, § 27510.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving in-patient treatment for a mental disorder, or by a person who has communicated to a licensed psychotherapist a serious threat of physical violence against an identifiable victim (Welf. & Inst. Code, § 8100.)
- Providing a firearm or deadly weapon to a person described in Welfare and Institutions Code sections 8100 or 8103 (Welf. & Inst. Code, § 8101.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been adjudicated to be a mentally disordered sex offender or found to be mentally incompetent to stand trial, or not guilty by reason of insanity, and individuals placed under conservatorship (Welf. & Inst. Code, § 8103.)
- Bringing firearm related contraband into juvenile hall (Welf. & Inst. Code, § 871.5.)
- Bringing firearm related contraband into a youth authority institution (Welf. & Inst. Code, § 1001.5.)
- Theft of property less than \$950.00, if property taken was a firearm (Pen. Code, § 490.2)
- Criminal storage of a firearm (Pen. Code, §§ 25100, 25135 or 25200)
- Various violations involving sales and transfers of firearms (Pen. Code, § 27590, subd. (c).)

The following misdemeanor conviction results in a five year prohibition:

- Every person who owns or possesses a firearm or ammunition with knowledge that he or she is prohibited from doing so as a result of a gun violence restraining order (Pen. Code, § 18205).

The following misdemeanor convictions result in a lifetime prohibition:

- Inflicting corporal injury on a spouse or significant other (Pen. Code, § 273.5 for convictions on or after 1/1/2019, per Pen. Code, § 29805(b), and a "misdemeanor crime of domestic violence" (18 U.S.C., § 921(a)(33)(A), 922(g)(9).)
- Assault with a firearm (Pen. Code, §§ 29800, subd. (a)(1), 23515, subd. (a).)
- Shooting at an inhabited or occupied dwelling house, building, vehicle, aircraft, housecar, or camper (Pen. Code, §§ 246, 29800, subd. (a)(1), 17510, 23515, subd. (b).)
- Brandishing a firearm in presence of a peace officer (Pen. Code §§ 417, subd. (c), 23515, subd. (d), 29800, subd. (a)(1).)
- Two or more convictions of Penal Code section 417, subdivision (a)(2) (Pen. Code § 29800, subd. (a)(2).)

Note: The Department of Justice provides this document for informational purposes only. This list may not be inclusive of all firearms prohibitions. For specific legal advice, please consult with an attorney licensed to practice law in California.

APPENDIX F: Bureau of Firearms Regional and Field Offices



APPENDIX G: Case Studies

To better explain how APPS investigations are developed and to showcase some significant seizures, the Bureau identified five specific examples. The following examples are summary conclusions of actual investigations conducted throughout the state.

Ammunition eligibility check identifies prohibited individual in Lancaster

In January 2020, an individual attempted to purchase ammunition and was flagged as prohibited through the ammunition eligibility check process. This information was forwarded to the Bureau's Los Angeles Field Office for investigation. Special Agents reviewed the case and found the individual was prohibited from owning/possessing firearms due to a 5150 Welfare and Institutions Code (WIC) - Mental Health Prohibition. They were listed in the APPS database as illegally being in possession of 10 firearms.

Based on the individual's attempt to purchase ammunition and identification in the APPS, coupled with the investigative follow up and surveillance, a search warrant was obtained for the individual's residence in the City of Lancaster.

On July 22, 2020, Special Agents, along with Los Angeles Sheriff's Department (LASD) personnel, executed the search warrant at the individual's residence without incident. A search of the residence resulted in the seizure of three handguns, two shotguns, five rifles (three of which were assault weapons), 22-ammunition magazines (12 Standard/10 Large) and approximately 7,655 rounds of ammunition. All APPS firearms were located unsecured in the residence.



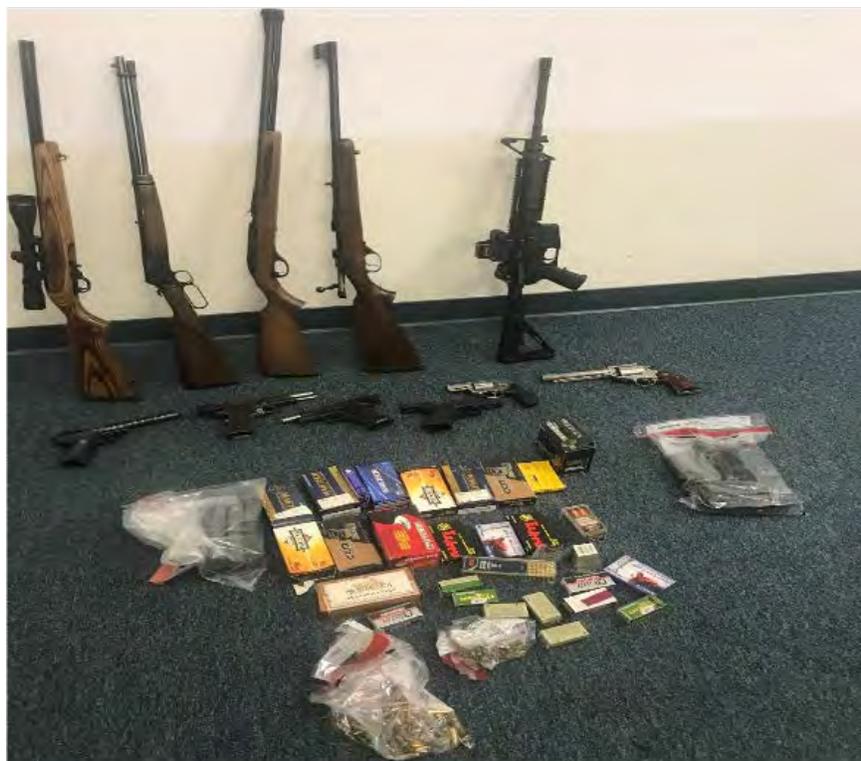
Ammunition eligibility check identifies prohibited individual in Grass Valley

On January 25, 2020, an individual attempted to purchase ammunition and was flagged as prohibited through the ammunition eligibility check process. This information was forwarded to the Bureau's Sacramento Regional Office for investigation. On April 2, 2020, Special Agents reviewed the case and found the individual was prohibited from owning/possessing due to a Civil Harassment Restraining Order filed against him in Nevada County Superior Court effective August 20, 2018, expiring on August 20, 2021. A review of the APPS database revealed that the individual had 15 firearms listed in their name.

Based on the recent attempt to purchase ammunition, coupled with investigative follow up and surveillance, a search warrant was obtained for the individual's residence.

On April 17, 2020, Special Agents with the assistance of the Nevada County Sheriff's Department, served the search warrant on the individual's residence in Grass Valley, CA. Special Agents made contact with the individual at the front door and informed them of the search warrant. The individual was compliant, and the Special Agents entered the residence without incident. A search of the residence resulted in the seizure of 1-APPS handgun, 2000 rounds of ammunition and 17 ammunition magazines.

During the interview, the individual stated they had given most of their firearms to a friend for safekeeping. The person was identified as residing in Newcastle, CA. Agents subsequently contacted the friend at the Newcastle residence. Based on a consent search, agents seized additional firearms belonging to the APPS individual, including one assault rifle, five standard rifles and five handguns.



Probation search leads to multiple firearms seizures in Norwalk

Through APPS, the Bureau identified an individual prohibited from owning and/or possessing firearms or ammunition due to a condition of their probation out of Los Angeles Superior Court on October 7, 2019, expiring on October 7, 2022. The individual was listed in APPS as being in possession of 24 firearms.

On June 15, 2020, Special Agents along with Los Angeles Sheriff's Department Detectives conducted a probation compliance search at the individual's residence in Norwalk, CA.

During the search of the residence, agents recovered 12 handguns, four rifles, two shotguns, one assault weapon, three large capacity magazines, 15 standard capacity magazines, and approximately 3,420 rounds of ammunition. One of the handguns was found to be loaded and unsecured in a bedroom closet. There were two children, one 16-year-old and one two-year-old, living with the individual at the residence. Through the investigation it was determined the children both had access to the bedroom closet and firearm.



Alameda County APPS subject arrested for importing silencers from China

In September 2020, agents from the Contra Costa Anti-Violence Support Effort (CASE) Task Force obtained information from the Department of Homeland Security (HSI) regarding an individual importing silencers into the United States from China. The subject of this investigation was believed to have obtained six silencers from China after two silencers were intercepted by HSI prior to arrival.

CASE agents conducted surveillance and located the individual's residence in Oakland, CA. A search warrant was later obtained for the individual and their residence

On September 23, 2020, CASE agents, along with Bureau of Firearms, Richmond Field Office Special Agents and HSI Agents executed a search warrant at the individual's residence. The individual was detained without incident and a search was conducted. The search of the residence resulted in the seizure of four 5.56 caliber assault rifles and 12 silencers. CASE agents also found evidence that the individual was manufacturing silencers inside a workshop in their basement. The individual was arrested, transported and booked into the Alameda County Jail.



Ammunition eligibility check identifies prohibited subject in Lancaster

On May 18, 2020, an individual attempted to purchase ammunition and was flagged as prohibited through the ammunition eligibility check process. This information was forwarded to the Bureau's Los Angeles Field Office for investigation. Special Agents reviewed the case and found the individual prohibited from owning/possessing firearms, due to a Condition of Probation - Firearm Restriction, and was listed in APPS as being in possession of one firearm.

Based on the individual's attempt to purchase ammunition, coupled with investigative follow up and surveillance, a search warrant was obtained for the individual's residence in the City of Lancaster.

On July 22, 2020, Special Agents, along with Los Angeles Sheriff's Department personnel, executed a search warrant at the individual's residence without incident. The search of the residence resulted in the seizure of five handguns (3 of which were ghost guns), one assault weapon, one rifle, one shotgun, 11 ammunition magazines (8 Standard and 3 Large), 218 rounds of ammunition, and one 80 percent Glock lower jig assembly.

During the investigation, the individual admitted to the attempted ammunition purchase and acknowledged their firearms prohibition. Furthermore, the individual's father also admitted to the possession of several of the firearms, including the manufacture and possession of two of the assault weapons.



Ammunition eligibility check identifies prohibited individual in Moreno Valley

In April of 2020, a prohibited individual attempted to purchase ammunition twice and was flagged through the ammunition eligibility check process. This information was forwarded to the Bureau's Riverside Regional Office for investigation.

Agents discovered the individual was prohibited due to a January 2020 misdemeanor conviction for Penal Code section 246.3 - negligent discharge of a firearm. The individual was sentenced to informal probation and advised to relinquish their remaining firearms. The court noted that the individual did not comply with the relinquishment requirement. The individual was in APPS with 8 firearms recorded in their name.

Due to the recent attempts to purchase ammunition, coupled with investigative follow-up and surveillance, a search warrant was obtained for the individual's residence in Moreno Valley.

On May 7, 2020, Special Agents served the search warrant at the individual's residence. They were not home, but others were at the residence. When reached via telephone, the individual told agents that they had sold the outstanding APPS firearms on the street and were uncooperative as to their whereabouts. When asked about the gun safe in the bedroom closet, they said that they did not have the combination and it had not been opened in more than five years.

Agents gained entry into the individual's safe and discovered an unregistered assault weapon, two high-capacity magazines, and one standard-capacity magazine. Also found in the safe was the court-provided firearms relinquishment paperwork given to the individual in January 2020. Approximately 200 rounds of ammunition were also found throughout the residence.



EXHIBIT 17



C A L I F O R N I A

DEPARTMENT OF JUSTICE

ARMED AND PROHIBITED PERSONS SYSTEM REPORT 2021

**ANNUAL REPORT TO THE LEGISLATURE
SB 94 LEGISLATIVE REPORT
CALENDAR YEAR 2021**



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EXECUTIVE SUMMARY

The Armed and Prohibited Persons System and Legislative Reporting Requirements

In 2006, the State of California became the first and only state in the nation to monitor individuals who legally purchased or acquired firearms and later became prohibited from owning or possessing them. The Armed and Prohibited Persons Systems (APPS) database cross-references firearms purchasers against other records for individuals who are prohibited from owning or possessing firearms. The Department of Justice Bureau of Firearms (Bureau) utilizes Crime Analysts, Special Agents, and Special Agent Supervisors to locate and seize firearms from prohibited persons identified through the APPS database, thereby preventing and reducing incidents of violent crime.

The authority and specifications for this public reporting initiative were established in Senate Bill (SB) 140 (Stats. 2013, ch. 2), which sunset in 2019, and were reestablished with further specifications under SB 94 (Stats. 2019, ch. 25) in 2019. SB 94, which added section 30012 to the Penal Code, requires the Department of Justice (Department) to report specified information related to the APPS database, including the number of individuals in the APPS database and the degree to which the backlog in the APPS database has been reduced or eliminated. In this report, the term “backlog” is used in accordance with the definition created by SB 94 and codified in Penal Code section 30012, subdivision (a)(4): the number of cases for which the Department did not initiate an investigation within six months of the case¹ being added to the APPS database or a case for which the Department has not completed investigatory work within six months of initiating an investigation.

Prior to SB 94 going into effect, the Department communicated to the Department of Finance (DOF) and to the Legislature that the current firearms database systems did not have the capability required to collect and report on the backlog as it has now been defined in statute and certain other metrics newly required by SB 94. In response, the Department worked with DOF to submit a Budget Change Proposal (BCP) requesting funding to support the upfront planning and analysis costs to determine how to create an updated database system that would be able to yield the requested data and have the improved capability of working with the APPS database. The Department has received the resources for the analysis phase of the modernization project. Once the analysis is complete, and additional funding secured, the Department will be able to begin the upgrade process for the APPS database and other firearms IT systems.

COVID-19 Impact on APPS Enforcement

For the first six months of 2021, California remained under the constraints of the Governor’s [Stay Home Order](#) that was implemented early in the COVID-19 pandemic. During that time, APPS enforcement efforts continued at the same reduced level that they had in 2020. Because APPS work requires extensive face-to-face interaction with the public, the Bureau was forced to scale back APPS efforts in order to protect both Bureau personnel as well as the public. Nonetheless, agents still faced exposure to COVID-19 in the course of duty and in some instances were required to quarantine, further impacting APPS enforcement.

Firearm and ammunition sales began to surge at the beginning of the pandemic in 2020 and continued through 2021. To reduce face-to-face interactions during the Governor’s Stay Home order, agents focused on identifying prohibited persons who were denied ammunition purchases because the

¹ Within the APPS database a case refers to one individual; therefore, the terms ‘case’ and ‘individual’ will be used interchangeably in this report.

attempt to purchase ammunition strongly suggests the possession of a firearm. These types of investigations are generally labor-intensive and may take longer than typical APPS investigations because closing a case requires numerous hours of surveillance followed by enforcement actions. However, they maximize investigative efficiencies in other ways, by providing up-to-date intelligence which facilitates locating prohibited persons and search warrants, where necessary. Ammunition denial investigations often lead to a higher seizure rate but a lower case closure rate because such investigations tend to require more time for surveillance and enforcement following an initial contact as compared to a non-ammunition denial investigation. For example, agents may initiate 10 regular APPS investigations in one shift, whereas ammunition denial investigations may require the team to devote an entire shift or more to one such investigation. Nevertheless, these cases were an efficient way for the Bureau to continue to protect the public by disarming prohibited individuals while also minimizing public contact in light of COVID-19. In 2021, there were 195 APPS investigations involving denied ammunition eligibility checks, of which the Bureau investigated and closed 123, resulting in 110 firearms seized.² The remaining cases are still under investigation.

As pandemic restrictions were lifted and businesses began to reopen, the Bureau progressively increased APPS enforcement efforts to pre-pandemic levels. By the end of 2021, monthly productivity had returned to pre-pandemic levels.

To make up for the decline in productivity resulting from COVID-19 restrictions and safety measures, agents conducted four large-scale regional sweeps in the latter half of 2021. During these APPS sweeps, agents from around the state concentrated their enforcement efforts within an entire region in an effort to increase APPS case closures. These four sweeps covered large areas of California and were instrumental in reinvigorating enforcement efforts, while significantly contributing to the overall closure of cases in the second half of 2021 alone. The sweeps were successful not only due to the quantity of cases agents worked, but also due to continued collaboration with local law enforcement partners. Despite reduced APPS enforcement in the first six months of 2021, the regional sweeps conducted in the second half of the year helped boost case closures so that APPS productivity for the 2021 calendar year increased compared to that in 2020.

While these large-scale regional sweeps were an effective tool to boost enforcement efforts following the easing of pandemic-related restrictions, they involve inordinate travel and overtime, placing pressure on agents and their families. As such, while the APPS team is committed to public safety and proud of this accomplishment, continuously maintaining this level of enforcement activity in subsequent years is not sustainable long term. However, these regional sweeps helped the Bureau strengthen and establish relationships with local law enforcement partners that in the future will also support APPS enforcement efforts. As discussed later in this report, the Department's awarding of \$4.9 million to 10 county sheriff's departments in December 2021—through the Department's Gun Violence Reduction Program—was intended to increase local law enforcement's resources and capacity to help the Department close APPS cases.

In addition to the COVID-19 pandemic, 2021 was a year filled with other challenges. Large wildfires that spread across the state limited agents' ability to work cases in certain regions during wildfire months. Furthermore, continued surges in firearm and ammunition sales strained Bureau resources due to the legislative mandate to complete background checks within a 10-day timeframe. Despite extraordinarily demanding working conditions, the Bureau continued to work diligently to serve and protect the people of California.

² These figures are included within the total number of APPS cases in 2021.

APPS Database Analysis

A comprehensive review of the APPS database reveals the following:

- In 2021, the Department removed 8,937 prohibited persons from the APPS database. At the same time, 9,848 prohibited persons were added to the APPS database. As of January 1, 2022, the APPS database had 24,509 armed and prohibited persons and 1,130 additional armed and prohibited individuals who were incarcerated.
- The Bureau had between 21-36 Special Agents and between 13-14 Special Agent Supervisors working to address the ever-changing number of armed and prohibited individuals in 2021.
- As of January 1, 2022, 54% of prohibited individuals in the APPS database were prohibited due to a felony conviction, 22% were prohibited due to the federal Brady Handgun Violence Prevention Act (18 U.S.C. §§ 921, 922), 21% were prohibited due to a restraining order, 20% were prohibited due to mental health triggering events, 10% were prohibited due to a qualifying misdemeanor conviction, and 5% were prohibited per the conditions of their probation. Persons can be prohibited under more than one category, which is why the total number exceeds 100%.
- In 2021, the Bureau recovered 1,428 firearms. Of these, 826 were firearms identified in the APPS database and 602 were non-APPS firearms, meaning firearms that were not known to be associated with the prohibited person but were in that person's possession.
- In 2021, the Bureau investigated approximately 6,663 individuals who were identified as armed and prohibited persons in the APPS database.
- In 2021, there were 195 armed and prohibited individuals who attempted to purchase ammunition and were denied. Agents and Crime Analysts investigated and closed 123 of these denial cases. The remainder of the denials remain under investigation.

Recommendations

After conducting an examination of the APPS program, the Department recommends the following steps to improve the removal of firearms from prohibited persons:

1. Fund the currently unfunded mandate that all California county courts confiscate or enforce the transfer or legal storage of known firearms from individuals at the time of conviction when an individual becomes prohibited due to a felony or qualifying misdemeanor.
2. Develop and fund a similar statewide county-level firearm confiscation system where firearms are confiscated from an individual at the time they are served with any type of restraining order. These firearms seizures must be documented in the Automated Firearms System (AFS) as required by existing law. These entries into AFS will prevent unnecessary, duplicative efforts by the Department and potentially other agencies.
3. Improve the recruitment and retention of Department sworn personnel by offering compensation that is competitive with other law enforcement agencies. Despite a 12% pay increase that took effect in September 2021, Special Agent pay at the Department has not reached parity with comparable positions statewide.

4. Improve existing coordination and cooperation with local law enforcement agencies through Joint Task Forces with and under the direction of the Department. With additional funding, the Department could create new Joint Task Forces with local law enforcement agencies and improve local law enforcement reporting of firearms in their custody into AFS.
5. Continue with the modernization process of the existing firearms databases. Funding for Phase 1 of the modernization process has been secured. Funding for Stage 2 of the modernization process has been secured. Stage 2 involves the analysis and planning of what will be required to replace the existing systems and implement the recommended technical solution and approach, that will improve overall efficiency, minimize risk, and stabilize employee resources. Additional resources will be required to fund Stages 3 and 4, and the Project Execution Phase which will involve the implementation of the modernization project. The Department looks forward to continuing to work with the Governor and Legislature to fund the implementation of the modernization project.
6. Continue to partner with federal law enforcement agencies and engage with local law enforcement agencies to seize firearms from individuals prohibited only due to the federal Brady Handgun Violence Prevention Act (Federal Brady Act).

The Department has been proactive and made efforts to implement four of the six recommendations outlined above. The Bureau has (1) expanded its recruitment efforts and lowered vacancy rates by hiring Special Agent Trainees and recruiting new Special Agents who have law enforcement experience from state and local law enforcement agencies; (2) worked diligently to create partnerships with local agencies, (3) worked to create partnerships with federal law enforcement agencies; and (4) continued to provide data to information technology professionals in order to make progress in the multi-year firearms database modernization project. However, fully implementing the remaining recommendations will require legislative support and additional resources. Further explanation of these recommendations can be found on page 33.



ANNUAL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE

The APPS and Legislative Reporting Requirements

This report presents a statistical summary of the APPS database, as mandated by SB 94, for the period of January to December 2021, as well as additional in-depth analyses of data through the history of the APPS database. It also contains additional statistics to help provide context to the APPS database — particularly in light of the unprecedented COVID-19 pandemic — and the workload that flows in and out of that system.³

Penal Code section 30000, subdivision (a) requires the Department to maintain a “Prohibited Armed Persons File.” This file is generated from a larger database known as the Armed and Prohibited Persons System that records all known firearms owners in the State of California and monitors various other databases for prohibiting triggering events (PTE), such as a felony conviction or an active restraining order, to identify those persons within the system who are both armed and prohibited. The APPS program was mandated in 2001 (SB 950, Stat. 2001, ch. 944), then implemented in December 2006.

In 2013, the California Legislature passed SB 140, which appropriated \$24 million dollars over a three-year period to the Department to address the growing number of records in the Armed and Prohibited Persons System. Additionally, SB 140 required the Department to submit annual reports detailing the progress made in reducing the backlog.

The APPS reporting provisions as outlined in SB 140 expired on March 1, 2019. In 2019, SB 94 was passed, which provided updated requirements regarding the mandated reporting of the APPS database statistics. Prior to the passing of SB 94, the Department communicated to the DOF that it did not have the technological capability to report on the new metrics requested in SB 94 and would need a BCP to begin the planning analysis necessary to develop a system that could report on such metrics. Regardless, the new provisions went into effect on June 27, 2019, and are codified at Penal Code section 30012.

See Appendix B for additional legislative history relative to the APPS database.

Overview of the Mandated Categories for Statistical Reporting

Pursuant to Penal Code section 30012, no later than April 1, 2020, and no later than April 1 of each year thereafter, the Department must report annually to the Joint Legislative Budget Committee the following information for the immediately preceding calendar year:

(1) The total number of individuals in the Armed Prohibited Persons System (APPS) and the number of cases which are active and pending, as follows:

(A) (i) For active cases, the Department shall report the status of each case for which the department has initiated an investigation. This information shall include, at a minimum, the number of cases that have not been actively investigated for 12 months or longer, along with a breakdown of the time period that has elapsed since a case was added to the system.

(ii) For purposes of this paragraph, “investigation” means any work conducted by sworn or nonsworn staff to determine whether a prohibited person possesses one or more firearms, whether to remove the person from the database, or whether to shift the person to the pending

³ This report will use terms specific to the subject matter at hand. See Appendix A for the Relevant Key Terms and Definitions.

caseload.

(B) For pending cases, the Department shall separately report the number of cases that are unable to be cleared, unable to be located, related to out-of-state individuals, related to only federal firearms prohibitions, and related to incarcerated individuals.

(2) The number of individuals added to the APPS database.

(3) The number of individuals removed from the APPS database, including a breakdown of the basis on which they were removed. At a minimum, this information shall separately report those cases that were removed because the individual is deceased, had prohibitions expire or removed, or had their cases resolved as a result of department firearm seizure activities.

(4) The degree to which the backlog in the APPS has been reduced or eliminated. For purposes of this section, “backlog” means the number of cases for which the department did not initiate an investigation within six months of the case being added to the APPS or has not completed investigatory work within six months of initiating an investigation on the case.

(5) The number of individuals in the APPS before and after the relevant reporting period, including a breakdown of why each individual in the APPS is prohibited from possessing a firearm.

(6) The number of agents and other staff hired for enforcement of the APPS.

(7) The number of firearms recovered due to enforcement of the APPS.

(8) The number of contacts made during the APPS enforcement efforts.

(9) Information regarding task forces or collaboration with local law enforcement on reducing the APPS file or backlog.

This report serves two functions: (1) it addresses the SB 94 mandated reporting; and (2) it provides a comprehensive assessment of the APPS database and the Bureau’s related enforcement activities.⁴ The Department undertook this comprehensive assessment by: (1) analyzing historical information such as audit files of APPS data; (2) examining the APPS caseloads and workflow for the immediately preceding calendar year; and (3) reviewing other administrative information.

Overview of the APPS Database

The APPS database contains information on firearms either legally acquired or registered in California and the owners of those firearms. Consistent with legislative mandates, the database is the result of records and information originating in the Dealer Record of Sale (DROS) database and the AFS database. Combined, those records represent all individuals who purchased or transferred firearms legally and all known firearms associated with each individual.

Individuals are entered into the APPS database as soon as they legally purchase or acquire a firearm. They are moved to the Prohibited Armed Persons File within the database if they become prohibited. Prohibited individuals are identified by daily manual queries of the databases that cross-reference the population of known firearm owners against individuals who may have had a PTE within the past 24 hours. New individuals are added daily, creating a constantly changing and growing dataset.

⁴ See Appendix C for a brief overview of the mandated statistical requirements.

Armed and prohibited individuals, while the primary focus of the Department's enforcement efforts, are a subset representing less than one percent of the APPS database. As of January 1, 2022, there were 3,199,394 known firearm owners in the APPS database, of which 24,509 are prohibited from owning or possessing firearms in the Prohibited Armed Persons File. In order for the Department to identify those armed and prohibited individuals, the Department must first identify individuals who have legally acquired a firearm(s) and then identify which of those individuals are also prohibited due to a triggering event.

Between 2013 to 2021,⁵ changing laws have introduced new offenses that prohibit firearm ownership and/or possession, placing a growing number of individuals into the Prohibited Armed Persons File. Other factors such as ammunition eligibility checks, mandatory assault weapon registration, and increased firearm sales have also contributed to the surge of identified prohibited individuals. Prohibitions may be due to a felony conviction, domestic violence conviction, a qualifying misdemeanor conviction, mental health-based event, various types of civil or criminal restraining orders, as well as other prohibitory categories. See Appendix E for firearm prohibiting categories.

Within the Prohibited Armed Persons File, cases are separated into two broad categories of "Active" and "Pending."

"Active" cases are those that have not yet been investigated or are in the process of being investigated, but all investigative leads have not yet been exhausted.

"Pending" cases are those that have been thoroughly analyzed and all investigative leads have been exhausted. They are organized into the following sub-categories:

1. Unable to clear: Cases that have been investigated by the Department's agents who have exhausted all investigative leads and remain unable to recover all firearms associated with the prohibited individual. If new information is identified, the case will be moved to Active status.
2. Unable to locate: Cases where the Department's agents have made at least three attempts to contact the individual but have not been able to locate them, even after exhausting all leads.
3. Out-of-state: Cases where the Department's agents have determined that the prohibited person is no longer living in California.
4. Federal Gun Control Act (Federal Brady Act Prohibition Only): Cases where a person is prohibited only under federal law. State, county, and municipal law enforcement have no authority to enforce a prohibition based only on the Federal Brady Act. Persons who have both a statewide and federal prohibition are not listed in this group.
5. Incarcerated: Cases involving incarcerated individuals remain on the Pending list, but the Department still tracks and monitors them. Once released, they are moved to Active status.⁶

The Department verifies new or updated information on all Pending cases regularly. If any additional information becomes available on an APPS case in Pending status (e.g., the firearm(s) associated with the APPS individual are located, records indicate a new address for the individual, or the individual is released from incarceration), the case is evaluated and transitioned back into the Active status.

⁵ See Appendix B for a legislative history as related to APPS

⁶ While technically pending, for the purposes of this report, incarcerated individuals are counted separately and are not included in pending statistics.

The current system includes 11 databases that do not communicate with one another or may only have one-way communication with another firearms database.⁷ This requires a Crime Analyst to manually cross-reference records from one database to another while working to compile an individual package for investigation.

Of the 11 databases, only five databases feed into the APPS database for firearm association and prohibition determinations, which include the:

1. Automated Criminal History System (ACHS); established in 1971, it is the repository for state summary Criminal Offender Record Information (CORI).
2. Wanted Persons System (WPS); established in 1971 as the first online system for the Department, it is a statewide computerized file of fugitives for whom arrest warrants have been issued.
3. Automated Firearms System (AFS); created in 1980 to identify lost or stolen firearms and to associate firearms with individuals. It does so by tracking the serial number of every firearm owned by government agencies, handled by law enforcement (seized, destroyed, held in evidence, reported stolen, recovered), voluntarily recorded, or handled by a firearms dealer through transactions. Prior to 2014, most entries in AFS were handguns. Since January 1, 2014, all new legally acquired firearms, both handguns and long guns, are entered into AFS.
4. California Restraining and Protective Order System (CARPOS); created in 1991, it is a statewide database of individuals subject to a restraining order. This system includes Domestic Violence Restraining Orders (DVRO), Gun Violence Restraining Orders (GVRO), and other types of restraining orders.
5. Mental Health Reporting System (MHRS); established in 2012, it is a web-based application used by Mental Health Facilities, Superior Courts, Juvenile Courts, and Law Enforcement Agencies to report firearm prohibiting events related to mental health to the Department.

The APPS database is not an automated system that cross-references across all firearms databases; therefore, prior to creating a complete case package for investigation, Crime Analysts must manually cross-check multiple additional databases. As it stands, the system is extremely cumbersome to operate. When a user retrieves a single case, all information must be verified prior to action being taken by agents. Such verification starts with confirming that the individual's name, birth date, and driver's license number match across all systems. Then, using the Law Enforcement Agency Web (LEAWEB), the Crime Analyst will run a multiple query using the individual's driver's license number. LEAWEB is a California unique database that queries some of California's databases like CARPOS, AFS, ACHS, MHRS, WPS, and the Supervised Release Files, as well as the databases of the California Department of Motor Vehicles (DMV). Each case is highly variable, and the circumstances and information pertinent to each case will determine how a Crime Analyst conducts their research. For example, an individual can be prohibited under multiple categories; the prohibiting category determines which databases a Crime Analyst must use to verify the prohibition is still current and that the case is workable by agents.

Firearms Information Technology Systems Modernization (FITSM)

The Department initiated the Firearms Information Technology Systems Modernization Project in June 2020 and is currently in the Stage 2 Alternative Analysis Planning stage. The project is currently conducting an analysis of all firearm business processes and supporting systems, which includes market research to ultimately determine a modern solution and the timeline for the implementation of the new firearms systems. The Department hopes to complete the Stage 2 Alternatives Analysis

⁷ See Appendix D for a relational diagram of the Bureau's firearms databases.

by December 2022, and to select vendors to begin implementation by January 2024. The project is expected to identify many positive solutions to various firearms systems, including the APPS database.

The existing firearms systems utilized by the Department, law enforcement agencies, and other firearm stakeholders lack the modern network capabilities the Department needs to comply with legislative mandates and fulfill its commitment to public safety. The systems currently in use were built many years ago — dating as far back as 1980 — and have been modified piecemeal over the years in response to various legislative mandates. Each system uses different logic, meaning inputs cannot be easily transferred from one database to another, and modifications cannot be applied across multiple systems. These problems will persist and prevent the kind of automation that can enhance efficiency, thus causing increased workloads and missed operational opportunities until the Department can develop and implement the FITSM solution.

The complexity of the existing firearms systems can be seen even in the most straightforward of circumstances. In the case of an individual who has only one firearm and is prohibited only by one restraining order, the process would be as follows:

1. The Crime Analyst must confirm the restraining order is effective and that the individual was in fact served by either being present in court or was served by a processor.
2. Once this is verified, the Crime Analyst will try to pull the actual restraining order from an external database, the California Courts Protective Order Registry (CCPOR).
3. CCPOR is meant to be a centralized registry for restraining orders in California; unfortunately, it has not been implemented across all county courts in the state. For courts that do not use CCPOR, the Crime Analyst must contact the court directly to attempt to obtain a copy of the restraining order. Having an original copy can provide valuable additional information like confirming when, where, and how the restraining order was served; the individual's last known address; and whether the individual has already surrendered their firearm.
4. Assuming the individual is still in possession of their firearm, the Crime Analyst must then pull descriptive information for the firearm associated with the individual and run the serial number of the firearm in AFS to confirm the individual is still associated with that firearm. The Crime Analyst may also have to establish there are no extenuating circumstances, such as a situation where the individual is no longer in possession of the firearm, but the databases do not reflect the change. This is sometimes caused by a keying error where a serial number is off by one digit, but all other information coincides. A keying error traditionally happens from data entry made by a firearms dealer, by the public via online reporting, or by law enforcement agencies that seize firearms. In such circumstances, additional administrative work must be done by the Department to remove the association to that firearm from that individual.
5. Although LEAWEB queries the DMV, the query does not automatically pull an individual's identification photo or associated vehicles. To get such information, the Crime Analyst must perform additional, separate steps to pull relevant information, such as the most recently reported place of residence, from DMV registries.
6. Once all information is confirmed, and assuming the information supports investigative efforts, the package is then ready for agents to conduct enforcement actions.

As noted, this outlined process is for the simplest case possible with one prohibition and one firearm. Most cases involve additional factors such as additional firearms, prohibitions, combined federal and state prohibitions and/or criminal history, which make a case package much more difficult to compile.

The Department is supporting planning efforts for the FITSM project that will replace and modernize the existing legacy infrastructure. While funding has been secured to begin Stage 2, which involves an analysis and planning of the required work to complete the effort, future additional funding will be required to begin Stages 3 and 4, to select a vendor and initiate the implementation activities which will bring this project to fruition.

Enforcement Teams

Each Bureau office has its own team of Special Agents for field operations. The Bureau also employs Crime Analysts in each of their six offices throughout the State.⁸ The Crime Analysts access the APPS database daily and develop investigative packages of armed prohibited people for each team of agents to contact. Their jobs require crosschecking several databases to confirm addresses, photos, arrest records, and status of armed and prohibited individuals, among other relevant information. Using their knowledge and expertise, they translate vast amounts of data into actionable information that allows the agents to do their investigations efficiently and effectively. The work is time-intensive and requires great attention to detail as any error (typos, accidental variations, incorrect information, etc.) can lead to incorrect decisions or unnecessary investigative contacts. Modernizing the firearms IT systems would allow for more accurate information and bolster the success of operations by ensuring agents and other law enforcement partners are provided the most current information and not placed at unnecessary risk.

Using these investigative packages, Special Agents attempt to locate the firearm(s) associated with each armed and prohibited individual via a consent search, probation or parole search, or a search warrant. Often, the armed and prohibited individual will be in possession of numerous firearms, many of which were not associated with that individual in the APPS database. This could be due to the individual having: long guns purchased before long gun reporting requirements in 2014, firearms loaned to them by another person, firearms imported into California from another state, antique firearms, illegally purchased firearms, ghost guns,⁹ or stolen firearms.

Improving partnerships with local law enforcement agencies will help to improve operation efficiency. Often, agents contact an armed and prohibited individual only to find that local law enforcement has already seized the firearm(s) associated with that individual but failed to enter the seized firearm into AFS as required by Penal Code sections 11108.2 and 11108.3. Entering that information would have removed the individual from the APPS database, allowing the Bureau's agents to focus on another case. Currently, the Bureau must reach out to the law enforcement agency to request they update AFS or ask for the police report in order to cross-check the firearms seized and match the associated firearms in the APPS database. Unless that information matches and is verified, the individual cannot be removed from the APPS database. In 2021, 150 APPS investigations conducted by the Bureau involved firearms that were already in local law enforcement custody. The cost of such oversight cannot be recovered, resulting in duplicative efforts by the Bureau that reduce efficiency and waste resources. The Department's proposed plan to increase collaboration would help ensure the timely and accurate input of data by local law enforcement agencies in statewide data systems.

Successful models of operations with local law enforcement have been a force multiplier for the APPS program. For instance, the Contra Costa County Anti-Violence Support Effort Task Force (CASE) is a collaboration between various state, local, and federal agencies. CASE conducted 93 firearms-related investigations and confiscated 62 firearms, 19 of which were APPS firearms.¹⁰ As outlined in

⁸ See Appendix F for a map of the various Bureau regional office jurisdictions

⁹ Ghost guns are firearms made by an individual or group, without serial numbers or other identifying markings. Without a serial number, law enforcement cannot run a trace search on the firearm and the firearm does not have the legal requirements.

¹⁰ For more on the CASE task force, refer to page 28

the recommendations, the Department wants to encourage these types of collaborative partnership operations and relationships with local law enforcement agencies.

In an effort to increase these types of successful collaborative efforts, in December 2020, the Bureau established management and supervision of the Tulare County Agencies Regional Gun Violence Enforcement Team, also known as the TARGET Task Force. This is a recent addition to the Bureau task force model and supports the value established through previous task force efforts, including the aforementioned CASE Task Force. In 2021, state and local agencies working with TARGET conducted 169 firearms-related investigations and confiscated 90 firearms, 46 of which were APPS firearms. Like CASE, TARGET is collaboratively working with local, state, and federal partners to conduct APPS investigations as well as other investigations to reduce gun violence.

Additional funding to expand this task force model would allow the Department to expand on this collaborative work. The Department has seen how working with local law enforcement agencies allows the Bureau's agents to conduct more operations and remove additional firearms from prohibited armed persons more efficiently. The Department stands ready to work with the Legislature as well as local, state, and federal law enforcement partners to replicate that success across the state.

Mandated Statistics and Analysis

Senate Bill 94 mandates the reporting of specific statistics for each calendar year. With 2020 and 2021 being unusual years due to the COVID-19 pandemic, any inferences drawn from comparisons to previous years should be made with caution. The mandated statistics for the current report are the following:

The total number of individuals in the APPS Database

As of January 1, 2022, the APPS database contained 3,199,394 individuals, of which 24,509 were prohibited from owning or possessing firearms.

Breakdown of the status of Active APPS cases

Active cases are those involving individuals who are believed to reside in the state of California, are prohibited from owning or possessing a firearm in the state for one or more reasons, and not yet been investigated or are in the process of being investigated, but all investigative leads have not yet been exhausted. As outlined above, the statutory mandate described in Penal Code section 30012, subdivision (a)(1)(A)(i) requires the Department to report on "the number of cases that have not been actively investigated for 12 months or longer, along with a breakdown of the time period that has elapsed since a case was added to the system." As stated previously, the Department alerted the DOF that it would be unable to provide these metrics without the necessary funding to update the current firearms databases.

Status of the APPS database backlog

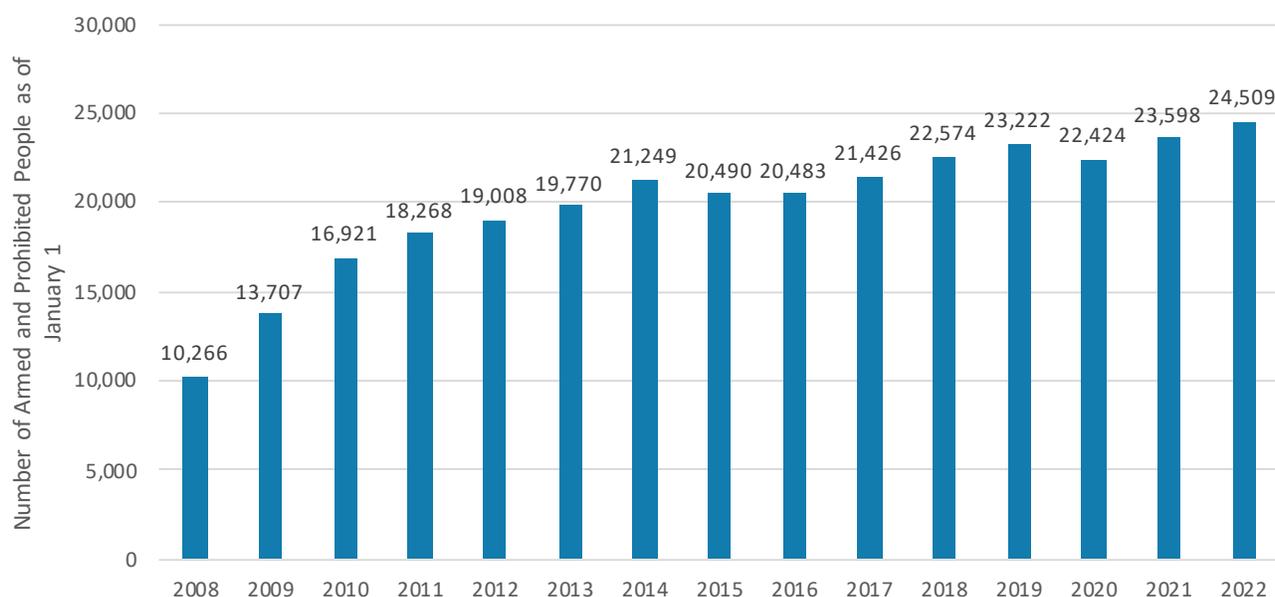
As discussed above, SB 94 defined backlog as the number of cases for which the Department did not initiate an investigation within six months of the case being added to the APPS database or for which it has not completed investigatory work within six months of initiating an investigation on the case. Once the Department receives full funding to complete the firearms modernization project, the new system will be better able to accommodate reporting on the status of the backlog.

Breakdown of cases in the APPS database

As of January 1, 2022, the APPS database contained 3,199,394 individuals, of which 24,509 were prohibited from owning or possessing firearms. This latter figure is further subcategorized into Active and Pending cases. Active cases are those for which the Department has not yet begun investigations or is in the process of investigating but has not yet exhausted all investigative leads. Pending cases are those investigations that the Department has thoroughly analyzed and exhausted all investigative leads or determined that the person is not within the Department's jurisdiction. As of January 1, 2022, there were 10,033 Active cases and 14,476 Pending cases. In addition to the Pending category, there are 1,130 incarcerated individuals, who while technically pending, represent a unique population that cannot be investigated until released from incarceration and moved to Active status. Therefore, they are counted separately for the purposes of this report, and are not figured in the Pending case statistics that follow.

Figure 1 shows the number of people in the Prohibited Armed Persons File within the APPS database each year. The number of prohibited people has generally increased since 2008, with only two substantial decreases in 2015 and 2020. The reason for the overall increase is potentially due to the consistent addition of new prohibited people despite efforts by Bureau agents to clear cases, as well as the recent impact of the COVID-19 pandemic that hindered the Bureau's enforcement efforts.

Figure 1. The number of prohibited people in the APPS database as of January 1 each year¹¹



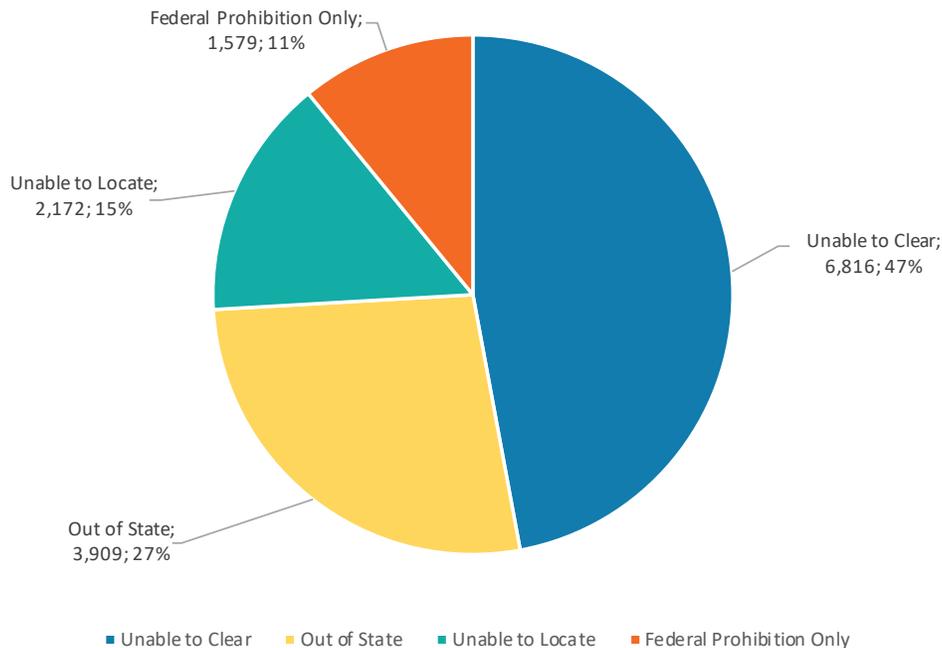
Breakdown of the status of Pending APPS cases

Prohibited individuals in the APPS database may be assigned a Pending status for one of four reasons: (1) the prohibited person has been investigated and all leads have been exhausted, but agents have been unable to disassociate the individual from all known firearms (Unable to Clear); (2) agents have made at least three attempts to contact the prohibited individual but have not been able to locate

¹¹ This number excludes individuals who are known to own firearms and are prohibited but are also known to be incarcerated for six months or more. While incarcerated individuals are technically in the Pending status, it is assumed that they are not in possession of firearms while in custody and are therefore treated as a separate population. The Bureau receives state prison incarceration statuses nightly and individuals released from state custody are moved into the Active status.

them, even after exhausting all leads (Unable to Locate); (3) the prohibited individual has moved out of California (Out of State); or (4) the prohibited individual is prohibited due to a Federal Brady Act prohibition (18 U.S.C. §§ 921, 922) alone and the Bureau does not have the jurisdiction to investigate them (Federal Brady Act Prohibition Only). Of the 14,476 Pending cases, 6,816 (47%) were unable to be cleared, 2,172 (15%) were unable to be located, 3,909 (27%) moved out of state, and 1,579 (11%) were prohibited under Federal Brady Act prohibitions only (Figure 2).

Figure 2. Pending APPS cases separated by category as of January 1, 2022



Breakdown of the number of individuals removed from the APPS Database

In 2021, 8,937 armed and prohibited people were removed from the APPS database. Removals from the Prohibited Armed Persons File occur for three reasons:

1. **Prohibition expired:** An individual's prohibition expired, which could result from the expiration of restraining orders, the end of a 10-year prohibition that resulted from a qualifying misdemeanor conviction, or the end of a 5-year prohibition that resulted from a mental health event.
2. **Disassociated from all known firearms:** The prohibited person has all of their known firearms disassociated from them, meaning that each firearm attributed to them within the APPS database has been accounted for by the Bureau and disassociated from the prohibited person.
3. **Deceased:** The prohibited person is deceased.

Table 1 reports the number of individuals removed from the APPS database, separated by category.

Table 1. Individuals removed from the APPS database in 2021 separated by reasons for removal

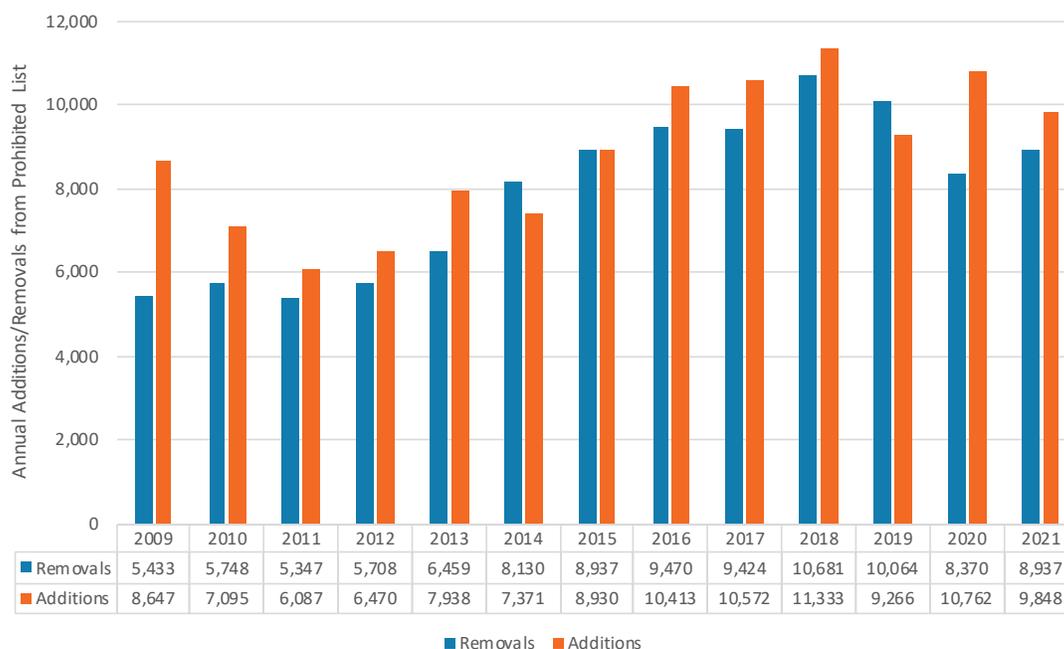
Reason for Removal	Number of Individuals Removed
Prohibition expired/no longer prohibited	5,365
Disassociated from all known firearms	3,221
Deceased	351

In instances where the Bureau is unable to locate the prohibited person or disassociate all known firearms from the prohibited person, despite having exhausted all leads, the Bureau cannot remove the individual from the APPS database and must instead assign them to the Pending category. Despite Bureau efforts, this often results from the inherent difficulty of confiscating firearms from individuals who are unwilling to surrender their firearms regardless of their prohibited status.

Of the 8,937 prohibited people removed from the APPS database this year, 3,221 removals were the result of enforcement efforts¹² – 397 more removals compared to 2020. Agents removed a higher number of prohibited individuals in the latter half of the year, with an average of 290 removals per month from July through December compared to an average 247 removals per month from January through June.

This pattern of removals more closely resembles the pattern from 2018 and 2019 in which a higher percentage of removals occurred in August through October. The greatest number of monthly removals in 2021 occurred in June and November, each exceeding 300 prohibited individuals disassociated from all firearms in those months.

Figure 3. The yearly removals and additions from the APPS list as of January 1, 2022



¹² Note that not all 3,221 individuals who were disassociated from their firearms resulted in firearm seizures by the Bureau. In some cases, Bureau investigations determined that local law enforcement agencies already seized the firearms but failed to record the recovery, the individual attempted to report the firearm lost/stolen, or the individual is in the process of lawfully selling or gifting the firearm to a friend or relative. For a breakdown of prohibition categories as a percentage of prohibited people see Figure 5 below.

The past few years have seen an increase in prohibited individuals with Gun Violence Restraining Orders (GVROs) being entered into the APPS database (Figure 4). In 2016, with implementation of Assembly Bill 1014, California became one of the first states to enact a red flag law. The law initially allowed law enforcement officers and family members of a person they believed was a danger to themselves or others to petition the court to prohibit that person from possessing firearms under a GVRO. In 2020, Assembly Bill 61 expanded authorization to petition the court for a GVRO to employers, coworkers, and school employees. GVROs assist law enforcement in recovering firearms from individuals who have shown a probability to commit violence with a firearm or preventing those individuals from obtaining firearms in the first place. The Department views GVROs as a critical tool that saves lives, and the Bureau prioritizes GVRO-related APPS subjects for investigation. Law enforcement agencies are increasingly implementing GVROs as they recognize the positive impact on public safety. As such, the Department applauds these efforts to enhance public safety through the GVRO process.

Figure 4. Number of GVROs Issued by Year¹³



Restraining orders were a potentially effective means of removing people from the APPS database in 2021. Of the 3,221 individuals who were disassociated from all known firearms, 1,527 (47%) were prohibited, at least in part, because of restraining orders. Of the 5,365 people who had their prohibitions expire in 2021, 23 (<1%) individuals were prohibited, in part, due to restraining orders. Of the 351 people who became deceased in 2021, 49 (14%) were prohibited, in part, due to restraining orders. Restraining orders also seem to be highly effective at disassociating all firearms from prohibited people. As of January 1, 2022, three people who were prohibited due to restraining orders were designated Pending in comparison to the 1,527 people prohibited due to restraining orders who were disassociated with all known firearms. As such, restraining orders provide a potentially efficient way of seizing all of a prohibited person's known firearms before their prohibitions expire.

In 2021, the months before California reopened from various COVID-19 restrictions showed fewer case closures than in the months after California's reopening. Bureau agents closed fewer cases on average in the first half of 2021, with 230 individuals disassociated from all known firearms per month between January and May. Meanwhile, Bureau agents increased the number of closures to an average of 290

¹³ This figure was created using CARPOS data, representing the GVROs currently in the database at a point in time. The counts for GVROS in 2016 and 2017 were extracted on 2/9/2018, on 1/19/2019 for the 2018 GVROs, on 1/29/2020 for the 2019 GVROs, on 1/20/2021 for the 2020 GVROs, and on 2/03/2022 for the 2021 GVROs.

individuals disassociated from all known firearms per month, an increase of 60 individuals per month, from July through December. June was separated because the Governor’s emergency order was lifted halfway through the month, however, it was one of the most efficient months with 336 individuals disassociated from all known firearms. Results suggest that Bureau agents experienced difficulties closing cases due to the COVID-19 pandemic again in 2021 as in 2020.

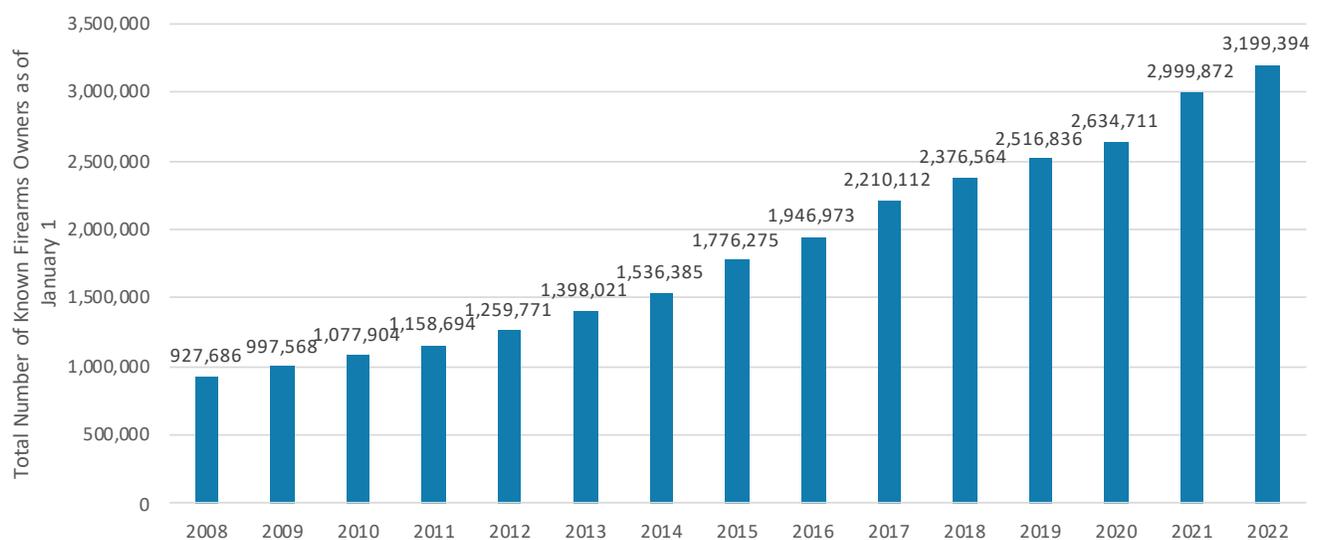
The second half of 2021 saw substantially more case closures also in part because of the four large-scale regional sweeps that were performed in collaboration with local law enforcement agencies in the second half of the year. These sweeps were effective but increased the number of case closures above typical monthly numbers. It is important to note that the sweeps were possible, in part, because California lifted pandemic-related restrictions.

The number of people in the APPS database before and after the relevant reporting period

The relevant reporting period runs from January 1, 2021, through December 31, 2021. The APPS database is a compiled list of all individuals who legally purchased or were transferred a firearm in California. It further categorizes individuals as either persons armed but not prohibited, armed and prohibited, and incarcerated and known to have possessed a firearm prior to incarceration. To account for late additions or removals from the system, the state of the APPS database was analyzed as of 1:30 AM on January 1, 2022. At that time, the APPS database system contained 3,199,394 individuals, including 3,173,755 armed and not prohibited individuals, 1,130 incarcerated individuals, and 24,509 armed and prohibited individuals.

The number of people in the APPS database has increased by 199,522 from the 2,999,872 people in the database as of January 1, 2021. The growth over 2021 was consistent with the 5-year average annual increase of 197,856 individuals and consistent with the pattern of yearly growth of armed individuals in the APPS database since 2008 (Figure 4). The APPS database is highly dynamic, and newly armed and prohibited people continue to be added as many others are removed.

Figure 5. The total number of people in the APPS database per year



Breakdown of why each person in the APPS database is prohibited from possession of a firearm

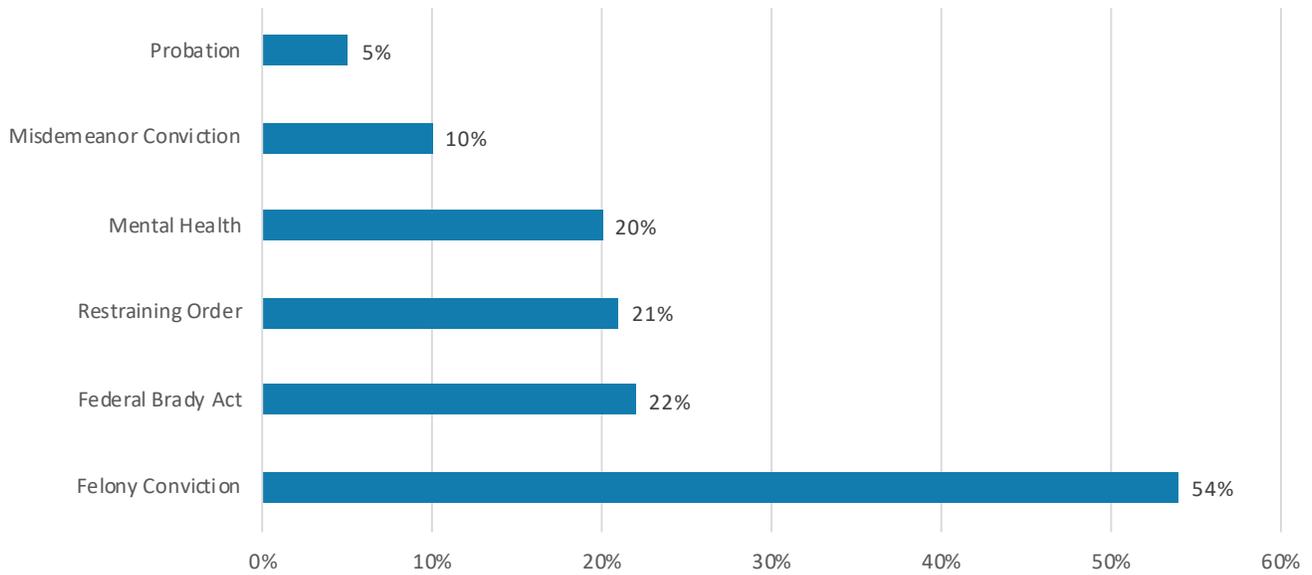
Persons become prohibited in the APPS database for several reasons. The following categories cover the typical types of events that can trigger a firearm prohibition.

- An individual may become prohibited under the Federal Brady Act. Note, some individuals prohibited because of the Federal Brady Act may not be prohibited under California state law (e.g., a dishonorable discharge in the military).
- An individual may be prohibited from owning or possessing a firearm as a condition of their probation.
- Individuals with felony convictions are prohibited from owning firearms.
- A juvenile who becomes a ward of the court may be prohibited.
- Mental health crises involving involuntary commitment may trigger a temporary prohibition.
- Some misdemeanor convictions may prohibit owning a firearm.
- Individuals may be temporarily prohibited due to restraining orders.
- Individuals may be temporarily prohibited due to a felony warrant.
- Individuals may be temporarily prohibited due to a misdemeanor warrant.
- Individuals may be prohibited due to offenses or triggering events occurring in other states.

Many individuals are prohibited under several categories (Figure 5). As of January 1, 2022, there were 12,696 (54%) people prohibited due to a felony conviction, 5,130 (22%) prohibited due to the Federal Brady Act,¹⁴ 4,912 (21%) were prohibited due to restraining orders, 4,754 (20%) due to mental health prohibitions, 2,469 (10%) due to a qualifying misdemeanor conviction, 1,219 (5%) due to terms of their probation, 411 (2%) due to a felony warrant, 137 (1%) due to misdemeanor warrants, 20 (<1%) due to juvenile prohibitions, and 54 (<1%) due to other reasons.¹⁵

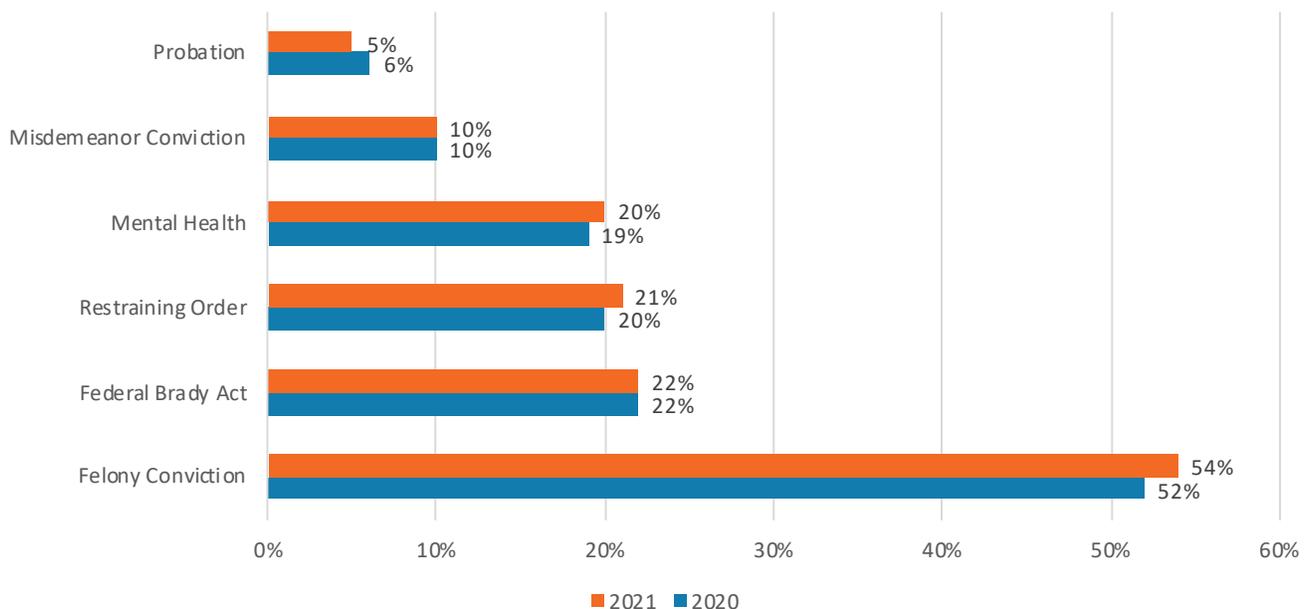
¹⁴ This figure includes individuals who may be prohibited under more than one category, including a Federal Brady Act prohibition. These are not solely Federal Brady Act cases.

¹⁵ See Appendix E for a list of Firearm Prohibiting Categories.

Figure 6. Prohibition categories as a percentage of prohibited people¹⁶

The distribution among these categories is largely consistent with that in 2020. Overall, felony convictions were the only prohibition that saw greater than a 1% change, accounting for 2% greater prohibition reasons in 2021 than in 2020. Probation prohibitions fell 1% compared to 2020. Mental health and restraining orders accounted for 1% more compared to that in 2020. See Figure 6 for a complete comparison.

Figure 7. Prohibition categories as a percentage of prohibited people in 2021 and 2020



¹⁶ Many cases have more than one prohibition, so the numbers do not equal 100%.

Number of Agents and other staff hired for enforcement of the APPS

As of January 2021, the Bureau had 75 authorized permanent Special Agent Trainee, Special Agent, Special Agent Supervisor and Special Agent in Charge positions, with 50 filled and 25 vacant. By December 2021, there were 76 authorized positions, of which 53 were filled and 23 were vacant. As Table 2 shows, the number of filled and vacant positions fluctuates throughout the year reflecting the quick turnover rate of these positions. This illustrates the Department's challenges in hiring and retaining agents despite having the authorized positions to fill. In an effort to address the ongoing challenges with staffing, specifically recruitment at the Special Agent and Special Agent Supervisor classifications, the Bureau has continued recruiting Special Agent Trainees. While this approach may ultimately benefit the Bureau by increasing the total number of Special Agents, it can be challenging in the short term due to the time and resources it takes to educate and train a Special Agent Trainee to perform at the level of a Special Agent.

In December 2021, the Bureau had 36 filled Special Agent positions (not including Special Agent Trainees). In 2021, the Bureau hired 17 Special Agents and one Special Agent Trainee. Twenty sworn personnel left the Bureau due to inter-departmental transfers, and/or promotions, and one Special Agent promoted from within the Bureau to a Special Agent Supervisor position.¹⁷ From July 1, 2021, to January 1, 2022, there was a decrease of three authorized Special Agent positions as they were reclassified to Special Agent Trainee positions, which was offset by an increase of two authorized Special Agent positions due to Special Agent Trainees promoting in place to Special Agents, for a total decrease of one authorized Special Agent position.¹⁸

A number of enforcement support staff assist Special Agents; these individuals are a significant asset to the Bureau. In 2021, one support staff separated from the enforcement teams. The Bureau is actively recruiting to fill this position.

The fluctuation in Special Agent staffing levels due to transfers and promotions affected the quantity of agents that were able to initiate and complete enforcement work in 2021.

¹⁷ Agent staffing temporarily fell in July 2021, as the Department's Division of Law Enforcement took on significant, additional statutorily-mandated workload.

¹⁸ Due to AB 2699, the Department was given one additional Special Agent position to investigate illegal firearms transactions.

Table 2: Bureau of Firearms authorized positions for the relevant reporting period

Bureau Positions	1/1/2021			7/1/2021			1/1/2022		
	Filled	Vacant	Total Authorized	Filled	Vacant	Total Authorized	Filled	Vacant	Total Authorized
Special Agent	33	22	55	21	25	56	36	19	55
Special Agent Supervisor	13	2	14	13	2	15	14	1	15
Special Agent in-Charge	2	1	3	2	1	3	2	1	3
Special Agent Trainee	2	0	2	2	0	2	1	2	3
Total	50	25	75	38	38	76	53	23	76

The Bureau will continue to face challenges in recruiting Special Agents as long as its compensation is not competitive with compensation packages offered by other law enforcement agencies.

While the 12% pay increase for Special Agents that went into effect on September 1, 2021, was a step in the right direction, Special Agent monthly base salary at the Department continues to lag behind comparable positions at other law enforcement agencies.

While the Bureau had no retirements of sworn personnel in 2021, in forthcoming years the Division of Law Enforcement (which includes the Bureau), faces a substantial staffing shortfall as a result of projected retirements.

Table 3: Projection of Retirement Eligibility within the Division of Law Enforcement¹⁹

Division of Law Enforcement - SA/SAS/SAC Retirement Eligible Counts			
Fiscal Year	Classification	Employees Eligible to Retire	Cumulative Fiscal Year Total
21-22	Special Agent	21	48
	Special Agent Supervisor	19	
	Special Agent in Charge	8	
22-23	Special Agent	27	57
	Special Agent Supervisor	21	
	Special Agent in Charge	9	
23-24	Special Agent	30	65
	Special Agent Supervisor	26	
	Special Agent in Charge	9	
24-25	Special Agent	37	76
	Special Agent Supervisor	28	
	Special Agent in Charge	11	
25-26	Special Agent	42	85
	Special Agent Supervisor	31	
	Special Agent in Charge	12	
26-27	Special Agent	51	99
	Special Agent Supervisor	36	
	Special Agent in Charge	12	

Until additional bargaining unit contracts are amended to increase agent salaries to competitive levels, as requested in the Recommendations section, the Bureau can expect to continue to face challenges in the recruitment of agents for the Bureau's currently authorized positions.

Number of contacts made during APPS enforcement efforts

The Bureau's agents and Crime Analysts are continuously working to research and develop viable APPS investigations to determine which leads will potentially provide the greatest possible number of positive results. Cases are pursued until all investigative leads are exhausted. Individuals are then either: (1) disassociated from all of their firearms and removed from the APPS database; or (2) moved to the Pending category due to the existence of no further leads and are labeled "unable to clear."

During the course of an investigation, Bureau agents may need to make repeated contacts with a prohibited individual in order to close a case. These repeated contacts occur because the APPS individual may (1) not be home at the time of the initial contact; (2) have moved and failed to update their address with the Department of Motor Vehicles; (3) have moved out of state; (4) claim the firearm(s) was already seized by local law enforcement or has been reported as lost or stolen; (5) be

¹⁹ The data in Table 3 was provided on February 17, 2022 by the Department's Office of Human Resources Data Analytics Unit and is based on vacancies and headcounts as of January 2021. The projected cumulative fiscal year totals increase each year as additional employees become retirement eligible, and the projection assumes the prior years' employees have not yet retired.

uncooperative and not forthcoming with information about the firearm(s), requiring further interviews and contacts; (6) claim to have given their firearm(s) to another person outside of the legal firearms transfer process, requiring agents to track down the firearm(s) and/or verify the provided information. However, due to extenuating circumstances brought on by the COVID-19 pandemic, the normal door-to-door protocol was shifted to minimize the potential risk of exposure by reducing points of contact.

In total, agents made nearly 21,000 contacts in 2021. With an average of 30 Bureau agents (not including supervisors) employed during 2021, that represents an average of 58 contacts per month per agent. Overall, the monthly average number of contacts in 2021 increased compared to 2020. The increased number of contacts is encouraging considering that COVID-19 remained a significant impact on enforcement efforts throughout the year. As in previous years, agents required an average of three separate contacts, which consisted of in-person interviews, in order to close one APPS case.

Special Agent Supervisors are not included in these calculations because, although supervisors are involved in all field operations, their work focuses on being vigilant and available to make quick decisions for the safety of the team. In the course of an investigation, Special Agents take the lead on investigations and contacts with the APPS individual. Supervisors ensure the team adheres to Department policy, follows officer safety protocols, and uses proper investigative methods so that no violations of constitutional rights occur in the course of the investigation.

Number of firearms recovered

In 2021, the Bureau's Special Agents seized 826 APPS firearms, and 602 non-APPS firearms. See Figures 7 and 8 for a breakdown of the type of APPS and non-APPS firearms recovered. Non-APPS firearms refers to firearms that were not listed as being possessed by an APPS individual, but are confiscated from APPS individuals by the Bureau's agents during investigations. Together, APPS and non-APPS firearms resulted in 1,428 total firearm seizures (Figure 9). Bureau agents closed 6,663 APPS investigations due to enforcement efforts in 2021.²⁰ This number does not reflect the number of times Bureau agents attempted to locate an APPS individual or had to visit third-party residences; it only captures the total number of closed cases.²¹ The following graphs detail the number of firearms seized due to APPS enforcement in 2021, categorized by the type of firearms seized.

²⁰ Not all cases closed are removed from the APPS. They may remain in the Pending category.

²¹ Cases can also be closed when 1) agents or criminal analysts find the individual is deceased, 2) the individual has moved out of state and out of the Department's jurisdiction, 3) a criminal analyst corrects a data discrepancy, and the individual is cleared.

Figure 8. APPS firearms seized in 2021

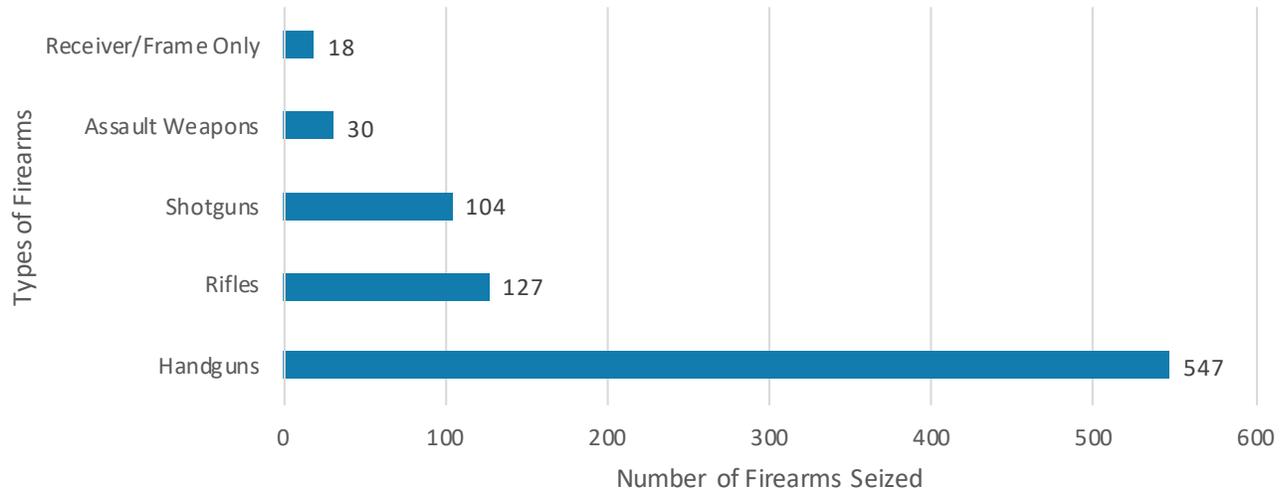


Figure 9. Non-APPS firearms seized in 2021

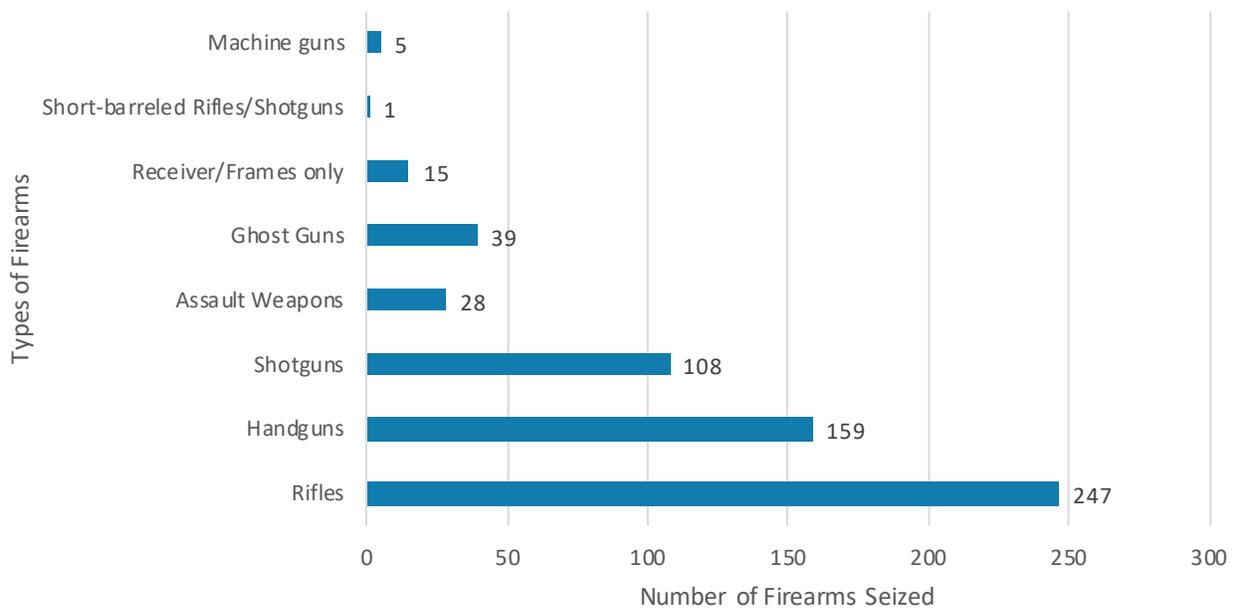
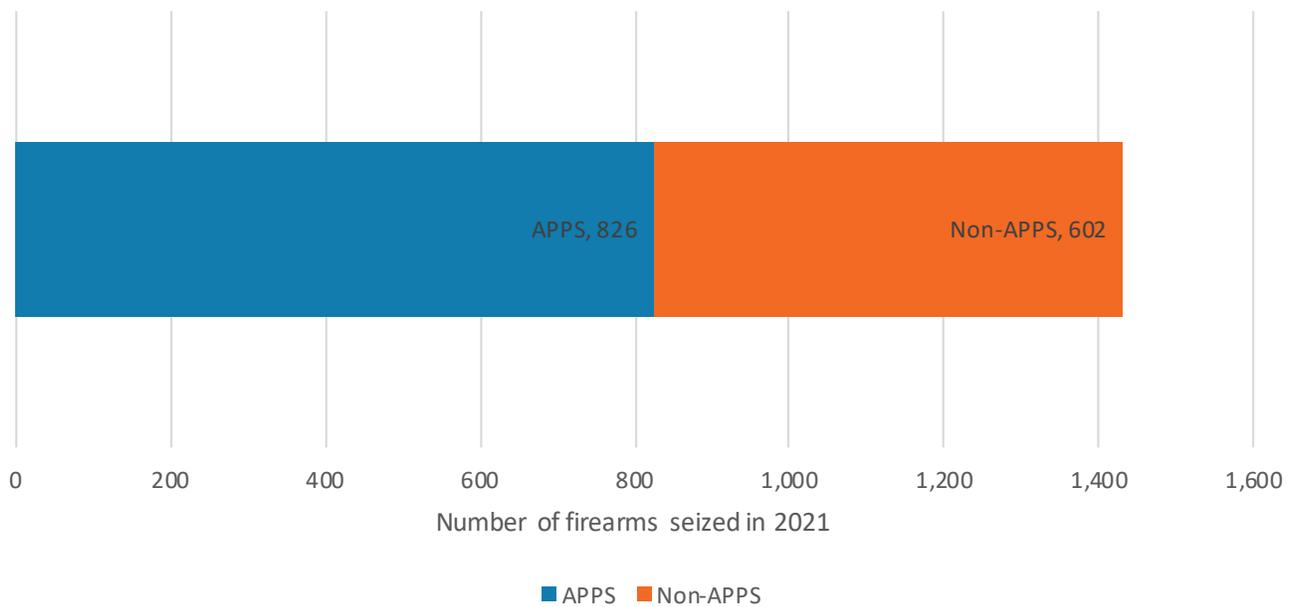


Figure 10. The 1,428 firearms seized in 2021 separated by APPS type



Number of ghost guns recovered

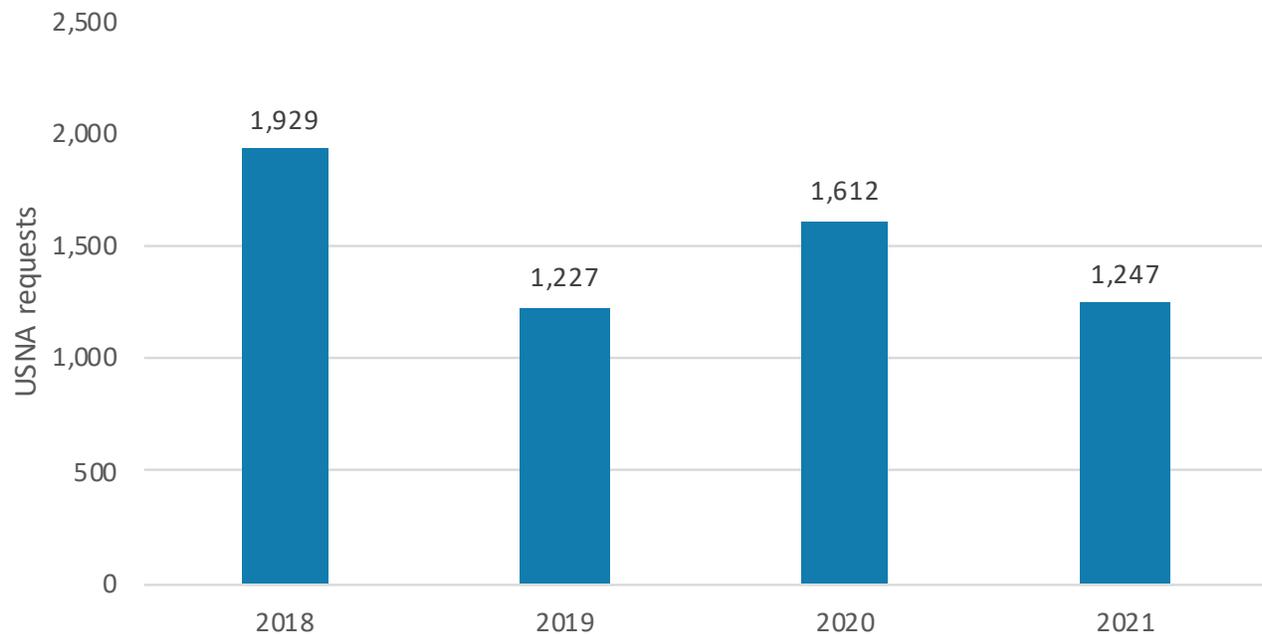
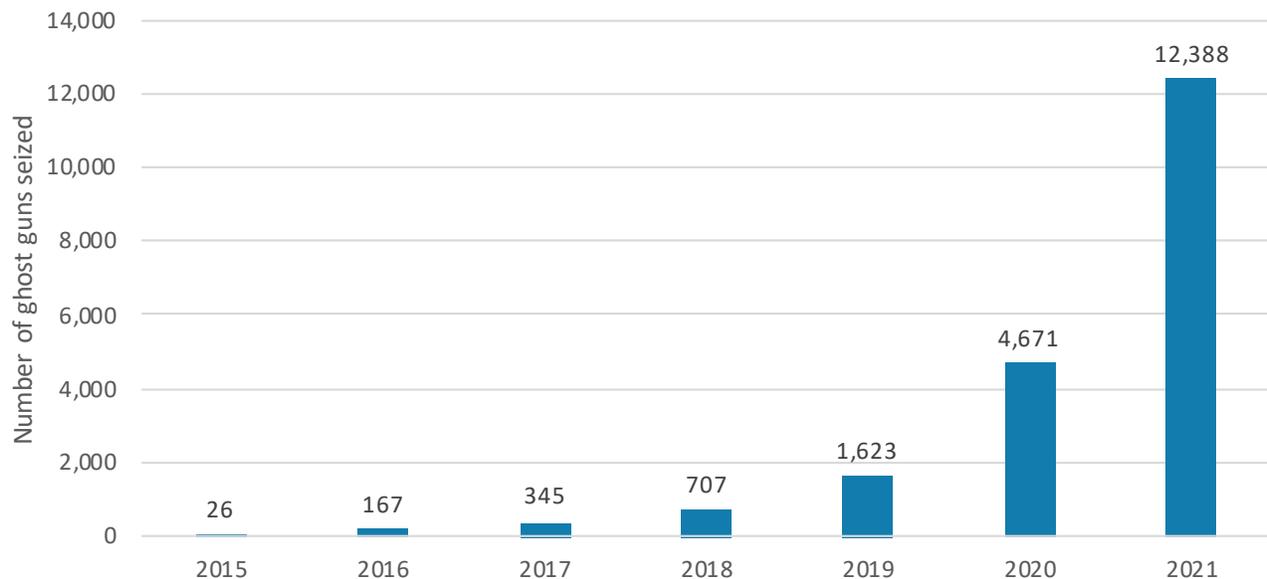
Ghost guns are firearms constructed by private citizens that do not have a serial number, which means they are not registered and cannot be tracked by APPS or law enforcement. The Bureau's agents seized a total of 39 ghost guns in 2021, a 44% increase compared to the 27 ghost guns seized during 2020 APPS investigations, and comparable to the 41 ghost guns seized during 2019 APPS investigations. The return to a pre-pandemic number of seized ghost guns supports the argument that the 2020 reduction was, in part, due to reduced enforcement as a result of the rise of the COVID-19 pandemic.

The increase in the number of seized ghost guns indicated the effectiveness of the four sweeps conducted during 2021. Of the 39 ghost guns seized in 2021, nine were seized during the Bureau's four sweeps. These nine ghost guns account for 23% of all ghost guns seized overall and 75% of the 12 more ghost guns seized in 2021 compared to 2020.

When looking at data from the Unique Serial Number Application process, which shows how many California residents have applied to legally make personally manufactured firearms, there has been a slight decline in applications since 2018 (see Figure 10). However, the number of illegal ghost guns seized by law enforcement agencies in California has continued to rise drastically year after year, as evidenced by Figure 11. This contrast demonstrates that illegal ghost guns represent a growing threat to public safety (see Figure 12), and the Department continues to actively investigate illegal manufacturing and possession of them.

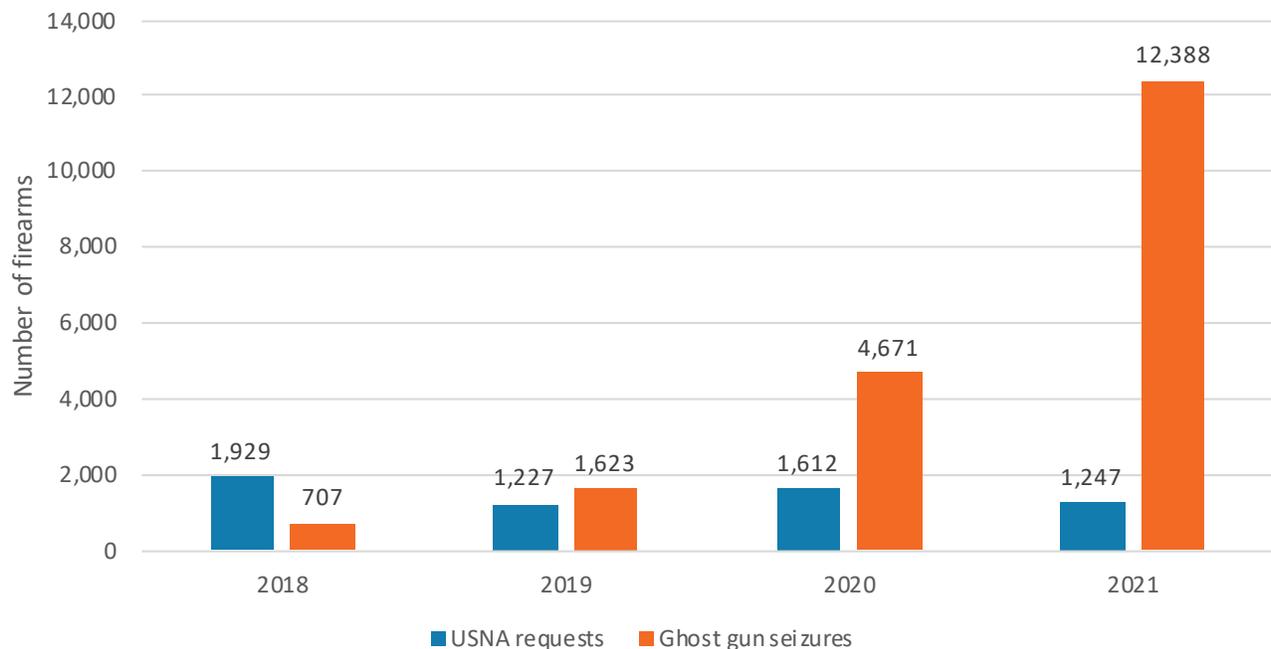
In response to the proliferation of crime and violence involving the use of ghost guns, and the overall increase in ghost gun seizures across the state, the Bureau will be expanding investigative efforts focused on ghost guns. The Department is actively working with law enforcement partners to establish collaborative investigative efforts aimed at addressing ghost gun activity.

Figure 11. Unique Serial Number Applications (USNAs) from 2018-2021

Figure 12. Number of ghost guns seized by law enforcement 2015 – 2021²²

²² This data comes from reports to the Department of ghost guns seized in California by law enforcement seeking to comply with mandated reporting requirements outlined in Penal Code sections 11108.2 and 11108.3 and includes ghost guns seized by the Department.

Figure 13. The number of unique serial number applications and ghost guns seized 2018-2021



Additionally, effective July 1, 2022, California will become the first state to require a background check for the purchase of a firearm precursor part, which includes unfinished receivers and unfinished handgun frames. Senate Bill 118 (Stats. 2020, ch. 29) and Assembly Bill 879 (Stats. 2019, ch. 730) also created a new licensing structure for vendors to sell firearm precursor parts. In concurrence with the Legislature and Governor, the Department anticipates this law will further help keep firearms out of the hands of people prohibited from owning or possessing them.

Ammunition recovered

In 2021, Bureau agents recovered 360 large-capacity magazines, 1,321 standard capacity magazines, and 329,826 rounds of ammunition.

Ammunition purchase eligibility check program

Proposition 63 (The Safety for All Act), as amended by Senate Bill (SB) 1235 (Stats. 2016, ch. 55), was approved by voters in 2016. The intent of Proposition 63 and SB 1235 was primarily to keep prohibited persons from acquiring ammunition in an effort to prevent gun violence. Under the new laws, ammunition must be purchased from or transferred by a licensed California Ammunition Vendor in a face-to-face transaction. Effective July 1, 2019, the law required California Ammunition Vendors to submit eligibility checks for prospective purchasers to the Bureau and obtain approval prior to selling or transferring ammunition. Thereafter, California Ammunition Vendors are required to submit ammunition purchase details to the Bureau. The eligibility checks ensure purchasers are not prohibited from owning or possessing ammunition due to a felony and/or violent misdemeanor conviction/warrant, domestic violence restraining order, or mental health issue.

On July 1, 2019, the Bureau successfully deployed enhancements to the Dealer Record of Sale (DROS) Entry System, which allowed California Ammunition Vendors to submit eligibility checks, and subsequently report ammunition purchases in compliance with Proposition 63.

Monitoring denied ammunition purchases is a smart intelligence gathering policy because it signals to Bureau agents when a person wishes to use firearms they are prohibited from owning, and it often provides more current addresses than those previously available in the APPS database. While the use of ammunition denial data is ancillary to regular APPS investigations, nearly every investigation results in a seizure of firearms and/or ammunition from a prohibited person, and sometimes ghost guns.

In 2021, there were 195 armed and prohibited individuals who attempted to purchase ammunition and were denied through the ammunition eligibility check process. Bureau agents used the intelligence garnered through the ammunition purchase denials to investigate and close 123 of these cases. These investigations resulted in the seizure of 43 APPS firearms (21 handguns, one receiver/frame only, 11 rifles, and 10 shotguns), 67 non-APPS firearms (one assault weapon, three ghost guns, 20 handguns, one receiver/frames only, 27 rifles, and 14 shotguns), 73 large-capacity magazines, 108 standard magazines, and 75,626 rounds of ammunition. The remainder of the denial cases remain under investigation. All seizures resulting from these ammunition purchase eligibility check denials are included in the overall APPS statistics provided in the “number of firearms recovered” section of this report.

Task Forces and collaboration with local law enforcement

As discussed in the Recommendations section, these are the types of programs the Bureau would like to expand. Receiving additional funding to reimburse local law enforcement agencies working with the Bureau in coordinated APPS enforcement activities would make this work possible.

Contra Costa County Anti-Violence Support Effort Task Force

The Bureau currently manages the Contra Costa County Anti-Violence Support Effort (CASE) Task Force, whose primary mission is conducting complex firearms investigations and seizing firearms from prohibited and violent individuals in Contra Costa County. This Task Force consists of representatives from the following agencies:

- California Department of Justice, Bureau of Firearms
- Contra Costa County Probation Department
- Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives
- San Francisco District Attorney’s Office
- California Department of Corrections and Rehabilitation
- California Highway Patrol

The CASE Task Force is a stand-alone task force with a broader overall mission. In 2021, it conducted 93 firearms-related investigations, of which 25 were APPS-related. During these investigations, they conducted 47 probation or parole searches and executed 21 search warrants. As a result of these investigations, the CASE Task Force arrested 40 armed individuals for firearms-related offenses and seized 62 firearms, of which 19 were APPS firearms (eight assault weapons, 11 handguns). The seizure of these 19 APPS firearms is reported with the overall APPS statistics. The 43 firearms seized during non-APPS investigations are not included in seizure totals for this report. Because not all firearms crimes in any county are committed by people in the APPS database, this task force focuses on investigating a broad range of subjects involved in firearms-related crimes — including those

in the APPS database. This is an excellent model for collaboration with local, state, and federal law enforcement agencies on both APPS and non-APPS-related firearms investigations and affords a proactive approach to combating firearm violence.

Tulare County Agencies Regional Gun Violence Enforcement Team

In December 2020, the Bureau assumed management of the Tulare County Agencies Regional Gun Violence Enforcement Team, which is also known as the TARGET Task Force. Due to funding issues, management of this task force was redirected from the Department's Bureau of Investigation. The primary mission mirrors that of the CASE Task Force as the team is designed to investigate crimes involving gun violence and to seize firearms from prohibited individuals in the Tulare County region. Through this task force, the Bureau has increased collaborative efforts and support of local and state law enforcement in the region. This task force consists of representatives from the following agencies:

- California Department of Corrections and Rehabilitation
- California Department of Justice, Bureau of Firearms
- Porterville Police Department
- Tulare County Sheriff's Department
- Visalia Police Department

In 2021, the TARGET Task Force conducted 169 firearms-related investigations, of which 126 were APPS investigations. During these investigations, they conducted 14 probation/parole searches and executed 11 search warrants. As a result of these investigations, the TARGET Task Force arrested 21 armed individuals for firearms-related offenses and seized 90 firearms, of which 46 were APPS firearms (one assault weapon, 36 handguns, 9 rifles/shotguns). The seizure of these 46 APPS firearms is reported with the overall APPS statistics. The 44 firearms seized during non-APPS investigations are not included in seizure totals for this report. Because not all firearms crimes in any county are committed by people in the APPS database, this task force focuses on investigating a broad range of subjects involved in firearms-related crimes — including those in the APPS database. This is an excellent model for collaboration with local, state, and federal law enforcement agencies on both APPS and non-APPS-related firearms investigations and affords a proactive approach to combating firearm violence.

With additional funding, the Bureau would be able to replicate these task force models in strategic areas of the state.

Joint sweep investigations

In addition to participating in the CASE Task Force and TARGET Task Force, the Bureau also conducts collaborative APPS sweeps throughout the state upon request of a local or county law enforcement agency. These sweeps consist of Bureau personnel working together with allied law enforcement agencies in a certain jurisdiction of the state for a period of multiple days conducting APPS investigations. These sweeps became more essential in 2021 as the pandemic stymied investigations involving face-to-face public interactions. As previously mentioned, the Bureau conducted four regional sweeps in the latter half of 2021.

During these regional sweeps, Special Agents collaborated with local law enforcement agencies in a partnership to safely conduct APPS investigations. Although many law enforcement agencies

were unable to participate in the sweeps due to staffing issues, the Bureau still received assistance from multiple agencies throughout the state. Local patrol officers can act as a force multiplier to benefit APPS enforcement by providing additional information regarding the location of APPS subjects, and can assist with marked patrol vehicles. Local officers can also help expedite the transport and booking process of arrested subjects due to their familiarity with individual county processes. If the subject reports a missing or stolen firearm, the local law enforcement agency can work with the subject to promptly report that information into AFS, which may result in the removal of the subject from the APPS database.

The sweeps throughout the state increased APPS investigations while strengthening partnerships with local law enforcement agencies.

In 2021, four regional sweeps cumulatively investigated 1,263 cases, resulting in 55 arrests, and producing 297 firearm seizures, including 214 APPS firearms, 63 non-APPS firearms, 12 ghost guns, and 8 assault weapons.²³

The Bureau worked jointly with the following agencies on 2021 APPS investigations:

- Alturas Police Department
- California Highway Patrol
- California Department of Corrections and Rehabilitation
- Contra Costa County Probation Department
- Contra Costa Sheriff's Department
- Gardena Police Department
- Federal Bureau of Alcohol, Tobacco, Firearms and Explosives
- Long Beach Police Department
- Los Angeles County Sheriff's Department
- Ontario Police Department
- Orange County Sheriff's Department
- Pasadena Police Department
- Porterville Police Department
- Rialto Police Department
- Redlands Police Department
- Riverside County Sherriff's Department
- Sacramento County Probation Department

²³ These statistics are included in the total 2021 statewide seizure numbers.

- San Bernardino County Sheriff's Department
- San Diego County Sherriff's Department
- San Joaquin County Sheriff's Department
- San Francisco County District Attorney's Office
- Siskiyou County Sheriff's Department
- Tulare County Sheriff's Department
- Visalia Police Department

Looking forward, the Department expects to foster more partnerships for collaborative sweeps in 2022, particularly as the Gun Violence Reduction Program grant mentioned below allows more local agencies to fund positions that can assist the Department in APPS enforcement.

Gun Violence Reduction Pilot Program

Assembly Bill (AB) 74 provides grant funding to the Board of State and Community Corrections (BSCC) for Gun Violence Prevention Programs. In 2019, funds were disbursed by the BSCC to four counties; Alameda, San Diego, Santa Cruz and Ventura, to be allotted and spent over several fiscal years. San Diego and Alameda Counties each received \$1 million and Ventura and Santa Cruz Counties received \$750,000 and \$250,000, respectively. In 2021, as in previous years, four county Sheriff's departments (Alameda, San Diego, Santa Cruz, and Ventura counties) participated in the Gun Violence Reduction Pilot Program (GVRPP) to investigate and close APPS cases.

In 2020, the Bureau identified a need to implement a standardized process for counties reporting APPS data to the Department and provided the counties with a template to report APPS cases worked by the counties to the Bureau. This year, three of the four counties utilized the template, and one provided information in a similar format. As a result, the Department was able to review these reports much more efficiently and accurately than in the previous year. While the Department identified small errors in their reporting, the Department was able to accurately report on the large majority of cases provided by each sheriff's department.

The Alameda County Sheriff's Office (ACSO) reported working 300 APPS cases in 2021, of which the Department found 242 individuals in the current APPS database. The Department's verified files included 100 (41%) Active cases, 11 (5%) Pending cases, and 131 (54%) cases removed from the APPS database. The Pending cases included one individual with only federal prohibitions, one individual who no longer lives in California, five individuals who could not be located after exhausting all leads, and four individuals whose cases could not be closed due to unaccounted firearms. The removals included 94 individuals whose prohibitions expired in 2021, 11 deceased individuals, and 26 individuals disassociated from all known firearms.

The San Diego County Sheriff's Office (SDSO) reported working 153 APPS cases in 2021, of which the Department found 150 individuals in the current APPS database. The Department's verified files included 85 (56%) Active cases, 45 (30%) Pending cases, and 20 (13%) cases removed from the APPS database. Of the removals, eight (5%) had their prohibitions expire during 2021, 11 (7%) of the individuals were disassociated from all their known firearms, and one person became deceased in 2021. Of the pending cases, 10 (6%) individuals had only federal prohibitions, one individual moved out of California, 29 (19%) were unable to be closed due to unaccounted firearms, and five (3%) of the

individuals were unable to be located.

The Santa Cruz County Sheriff's Office (SCSO) reported investigating 61 cases, of which the Department found 57 individuals in the current APPS database. The Department's verified records included 26 (46%) Active cases, 13 (23%) Pending cases, and 18 cases removed from the APPS database. The 18 (32%) individuals removed from the APPS database were comprised of one deceased individual, eight individuals who were disassociated from all known firearms, and nine individuals who had their prohibitions expire during 2021. The 13 (23%) Pending cases comprised five individuals who were prohibited due to federal prohibitions only, five individuals who had firearms that were unaccounted for and were unable to be closed, and three individuals who were unable to be located.

The Ventura County Sheriff's Office (VCSO) reported investigating 207 cases during 2021, of which the Department found 164 individuals in the current APPS database. The Department's verified records included 28 (17%) Active cases, 70 (43%) Pending cases, and 65 (40%) cases removed from the APPS database. The 65 (40%) individuals removed from the APPS database were comprised of 10 deceased people, 15 individuals who had their prohibitions expire, and 40 individuals who were disassociated from all known firearms. The 70 (43%) pending cases were comprised of eight individuals who were federally prohibited only, five who were incarcerated, 15 who moved out of California, 35 whose cases could not be closed because of unaccounted firearms, and seven who could not be located after exhausting all leads.

Gun Violence Reduction Program

The Legislature expanded the scope of the Gun Violence Reduction Pilot Program by creating the Gun Violence Reduction Program (GVRP). Senate Bill 129 (SB 129), the California Budget Act of 2021, allocated \$10.3 million for the GVRP. Unlike the GVRPP, which is operated by BSCC, GVRP is operated by the Department. Under the program, the Department awards grants to county sheriff's departments to support seizures of firearms and ammunition from prohibited individuals. This is a new and important program for the Department that increases collaboration with local law enforcement partners across the state toward the common goal of enhancing public safety and removing firearms and ammunition from prohibited persons. Collaboration between the Department and local law enforcement agencies has proven a successful model which streamlines APPS enforcement efficiencies.

Sheriff's departments that received GVRP funds were required to submit completed grant proposals to the Department by November 12, 2021. Pursuant to SB 129, the Department will make \$10 million available over two grant cycles. Approximately five million dollars were awarded by January 1, 2022, and another \$5 million will be awarded by January 1, 2023. In following the grant criteria outlined in SB 129, grant applicants were asked to provide clearly defined and measurable objectives for closing APPS cases and reducing the number of prohibited persons in possession of firearms. The sheriff's departments were also required to explain how the grants would enhance existing law enforcement activities and also how the funds would be used for new activities, including innovative techniques and approaches toward APPS enforcement.

In selecting grantees, pursuant to the parameters outlined in SB 129, counties with the highest per capita population of armed prohibited persons that also lacked a Bureau field office were prioritized. Priority was also given to departments that proposed innovative techniques and approaches to APPS enforcement, integrated APPS enforcement into existing operations, and presented a plan with the greatest likelihood of success.

In the first grant cycle, 10 county sheriff's departments were awarded grants to support activities related to seizing firearms and ammunition from individuals prohibited from owning or possessing them. The sheriff's departments of Contra Costa, Lake, Los Angeles, Orange, Sacramento, San Francisco,

Santa Barbara, Santa Clara, Santa Cruz, and Ventura counties received grant funding through the first cycle of the Department's Gun Violence Reduction Program. For more information on awards see Appendix H.

These grantees will report certain statistical information regarding this grant funding to the Department by February 1, 2023. With the vast reach of the areas of responsibility of the grant awardees, the Department anticipates a positive impact on APPS enforcement.

Recommendations

The Department greatly appreciates Governor Gavin Newsom's and the Legislature's interest in sensible firearms regulation and enforcement, and additional financial support toward this effort. As noted throughout this report, the recommendations the Department proposes would help to not only report the information mandated under Penal Code section 30012, but would also improve the efficiency and efficacy of the APPS program. To that end, the Department recommends the following:

1. Fund all California county courts so that they can confiscate or enforce the transfer or legal storage of known firearms at the time of conviction, when an individual is prohibited due to a felony or qualifying misdemeanor. Pursuant to Proposition 63 (2016), the courts and probation departments should focus on obtaining firearms from armed and prohibited persons on the front-end of the process. When an individual's conviction for a crime renders them prohibited, they are supposed to be notified at the time of conviction that they are prohibited from owning and possessing any firearms as well as how to turn over any firearms they have in their possession. This is the best opportunity to ensure prohibited persons are being disarmed. Felons and persons prohibited from possessing firearms by qualifying misdemeanors account for 57% of the Prohibited Armed Persons File in the APPS database, or 14,561 individuals. Given that the number of individuals prohibited due to a felony conviction has increased by 392 from last year suggests that relinquishment regulations are not being effectively implemented. A thorough court-based relinquishment program at the county level would aid in drastically reducing future APPS numbers.
2. Develop and fund a similar county-level firearm confiscation system where firearms are confiscated from the individual at the time they are served with a restraining order(s). Currently, all individuals who are served restraining orders and are in possession of a firearm at the time they are served end up in the APPS database unless local law enforcement agencies seize the firearms from them. If local law enforcement agencies could seize the firearms from these individuals upon service of the various types of restraining orders, it could limit new additions to the Prohibited Armed Persons File in the APPS database by up to 19 percent.
3. Improve the recruitment of Special Agents by making their compensation competitive with other law enforcement agencies. Unlike many other law enforcement agencies, the Department's Special Agents are required to have a college education. However, entry-level Special Agents are paid less than those in law enforcement agencies that do not have this same requirement. While the 12% pay increase for Special Agents that went into effect on September 1, 2021, was a step in the right direction, Special Agent monthly base pay at the Department continues to lag behind comparable positions at other law enforcement agencies. Seizing firearms from prohibited persons is dangerous and difficult work that requires quick decisions and analytical thinking. The agents who do this work should be competitively compensated for their efforts. The Department has moved to a more aggressive hiring model in an attempt at filling Special Agent and Special Agent Supervisor positions at a quicker rate to fill vacancies and keep pace with agent attrition. However, receiving additional funding and contracting for salary increases would greatly improve recruitment of agents for the Department's currently authorized positions.

4. Continue to improve coordination and cooperation with local law enforcement agencies by establishing joint task forces with and under the direction of the Bureau. To expand and improve the existing programs requires additional funding, which the Department would manage. Funds would be managed and disbursed for the purpose of reimbursing local agency overtime for working with the Bureau on the APPS workload. Reimbursement would go toward personnel time and other applicable expenses incurred as a direct result of the involved agency's participation in the joint operations through the execution of a memorandum of understanding with the Bureau. A memorandum of understanding would also include administrative assistance efforts to help identify and reduce APPS firearms in locally managed evidence systems. All participating agencies would be required to assess firearms in their possession and develop a plan approved by the Bureau to ensure all the required entries into the AFS are made in accordance with current state law. This would be a force multiplier for the Bureau that would ensure a statewide coordinated effort and maintain recordkeeping standards to ensure that the data in the APPS database is as current as possible. Expansion of the GVRP grant program, which is expected to bolster existing APPS enforcement by sheriff's departments. Additionally, the participating sheriff's departments would be required to report all data in a manner prescribed by the Department or as required by law as it relates to the seizure of firearms, ammunition, arrests, and all other information relevant to maintain adequate accountability for the APPS database.

5. Modernize the existing firearms databases and automate many of the manual processes to improve overall efficiency, risk mitigation, and stabilization of employee resources. As communicated to the DOF when the Legislature implemented SB 94's current reporting requirements under Penal Code section 30012, the Department cannot fulfill this obligation until it modernizes the firearms databases.

The following systems support the regulation, and enforcement actions relating to the manufacture, sale, ownership, safety training, and transfer of firearms.

- Ammo Processor
- Armed Prohibited Persons System (APPS)
- Automated Firearms System (AFS)
- California Firearms Information Gateway (CFIG)
- California Firearms Licensee Check (CFLC)
- Carry Concealed Weapons (CCW)
- Centralized List (CL)
- Consolidated Firearms Information System (CFIS)
- Dealer Record of Sale (DROS)
- DROS Entry System (DES)
- California Firearms Application Reporting System (CFARS)
- Firearms Certificate System (FCS)

- Assault Weapons Registration (AWR)
- Firearms Employment Application File (FEAF)
- Mental Health Reporting System (MHRS)
- Mental Health Firearms Prohibition System (MHFPS)
- Prohibited Applicant (PA)

This network of systems is incredibly complex and cumbersome to operate and navigate. Despite this monumental challenge, the Department has until recently been able to meet legislative reporting mandates using these outdated databases. These databases are not flexible and were not designed to be adaptable to meet additional demands. The Department has been able to partially adapt and circumvent issues despite using technology that is not equipped with automated processes to meet the specified conditions. Consequently, most, if not all queries must be pulled and cross-checked manually from database to database, hindering efficiency and introducing increased opportunities for error. Working to modify or maintain these legacy systems is no longer cost-effective or a technologically viable option as the databases have become outdated and no longer meet the demands of the Legislature and the Department.

The Department received initial funding to pursue Stage 2 of this effort and is exploring modernization options to find a dynamic solution that would meet existing needs and be adaptable to evolving statutory mandates. However, additional funding will be required to begin Stages 3 and 4 and fully implement this project.

6. Continue working with federal law enforcement partners and engage with local law enforcement agencies to disarm individuals prohibited only under the Federal Brady Act, the portion of the Prohibited Armed Persons File in the APPS database that the Department is tasked with tracking but over which it has no jurisdiction. The Department has partnered with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in an attempt to reduce this section of the database. The Bureau is pursuing collaborative investigative efforts with the ATF and local law enforcement agencies focused on ghost gun and firearms violence-related criminal activity. The Bureau collaboratively worked several joint firearms investigations with the ATF in 2021, and anticipates scaling those efforts across California with the ATF. As of the publication of this report, the Bureau has three staff cross-designated to enforce federal firearms laws. Additional staff statewide are undergoing the process to become cross-designated with ATF.



APPENDICES

APPENDIX A: Relevant Key Terms and Definitions

This section provides definitions to key terms used throughout this report.

Armed Prohibited Persons System (APPS). The Armed Prohibited Persons System is a database housed at the Department of Justice which contains a list of all individuals who are both armed (the Department is aware of their ownership of one or more firearms) and prohibited (for one or more reasons they have been designated as not being permitted to own or possess firearms).

Automated Criminal History System (ACHS). The repository for the state summary Criminal Offender Record Information (CORI). In addition, the Department transmits CORI to the Federal Bureau of Investigation (FBI).

Automated Firearms System (AFS). This system was created in 1980 to identify lost or stolen firearms and connect firearms with persons. The system tracks serial numbers of every firearm owned by government agencies, handled by law enforcement (seized, destroyed, held in evidence, reported stolen, recovered), voluntarily recorded in AFS, or handled by a firearms dealer through transactions. Prior to 2014, most entries in AFS were handguns. Now, all newly acquired firearms, both handguns and long guns, are entered into AFS.

Backlog. The number of cases for which the Department did not initiate an investigation within six months of the case being added to the APPS database or has not completed investigatory work within six months of initiating an investigation on the case.

Brady Handgun Violence Prevention Act. The Federal Brady Act, codified at 18 U.S.C. § 922(g), makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms or ammunition, to include any person:

- convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- who is a fugitive from justice;
- who is an unlawful user of or addicted to any controlled substance (as defined in Section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802);
- who has been adjudicated as a mental defective or has been committed to any mental institution;
- who is an illegal alien;
- who has been discharged from the Armed Forces under dishonorable conditions;
- who has renounced his or her United States citizenship;
- who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or
- who has been convicted of a misdemeanor crime of domestic violence.

Under 18 U.S.C. § 992(n), it is also unlawful for any person under indictment for a crime punishable by imprisonment for a term exceeding one year to ship, transport, or receive firearms or ammunition. Further, 18 U.S.C. § 922(d) makes it unlawful to sell or otherwise dispose of firearms or ammunition to any person who is prohibited from shipping, transporting, receiving, or possessing firearms or ammunition. The Department refers to these prohibitions as Federal Brady Act prohibitions. Since these individuals are only prohibited due to federal law, the Department lacks jurisdictional authority to investigate these individuals, unless they also have a California prohibition. On January 1, 2022, there were 24,509 armed and prohibited persons in the APPS database (10,033 active and 14,467 pending). Of the 14,467 pending cases, 1,579 are Federal Brady only cases.

Bullet Button. A product requiring a tool to remove an ammunition feeding device or magazine by depressing a recessed button or lever shielded by a magazine lock.

Bullet Button Weapon. A semiautomatic, centerfire or rimfire pistol with an ammunition feeding device that can be readily removed from the firearm with the use of a tool that has one or more specified features identified in Penal Code section 30515 and is included in the category of firearms that must be registered.

California Restraining and Protective Order System (CARPOS). A statewide database of individuals subject to a restraining order.

Cleared. All cases in which the individual has died, the prohibition has expired or been reduced (e.g., the expiration of a temporary restraining order), or the individual has been disassociated from the firearm(s) such as selling, transferring, or turning over their firearm(s).

Closed. Any investigation that has been fully investigated and the individual has been cleared from APPS, or all investigative leads are exhausted and the individual remains in APPS with a pending status (see definition of pending and sub-statuses definitions).

Consolidated Firearms Information System (CFIS). This system consolidates numerous internal firearm applications within the California Justice Information Services Division (CJIS), the technology division within the Department. These applications include the Armed Prohibited Persons System (APPS), Assault Weapon Registration (AWR), Centralized List (CL), Carry Concealed Weapon (CCW), Dealers' Record of Sale (DROS), and Prohibited Applicant (PA).

Contacts. An attempt to locate an APPS individual at a potential current address. During face-to-face contact, agents will attempt a consent search if there are no search conditions due to parole or probation status. Sometimes consent is denied, and agents will leave the premises. If probable cause is developed at the scene, a search warrant will be requested and served that day.

Dealers' Record of Sale (DROS). This application is completed by firearms purchasers in California and is sent to the Department by licensed firearms dealers, which initiates the 10-day waiting period. The Department uses this information for a background check and the documentation of firearms ownership.

Ghost Gun. Ghost guns are firearms made by an individual, without serial numbers or other identifying markings.

Mental Health Reporting System (MHRS). This is a web-based application used by Mental Health Facilities, Superior Courts, Juvenile Courts, and Law Enforcement Agencies to report firearm-prohibiting events related to mental health to the Department.

Statuses:

Active. Individuals believed to reside in California who are prohibited (state, federally, or a combination of state and federally prohibited) from owning or possessing firearms, and have not yet been investigated or are in the process of being investigated, but all investigative leads have not yet been exhausted.

Pending. Individuals previously investigated, but that cannot be currently investigated for one or more reasons. The cases are those that have been thoroughly analyzed and all investigative leads have been exhausted. These individuals fall into one of the following sub-categories:

Incarcerated. These individuals are in state or federal prison. While they are incarcerated, these individuals are not in Active status. Although technically under Pending status, incarcerated individuals are treated as a separate population for the purposes of this report because it is assumed that they are not in possession of firearms while in custody and cannot be investigated until they are released. Once the Department has received notification that they have been released, the individual is moved to the Active status.

No Longer Residing in California (Out-of-State). Individuals who were a resident of California, but now no longer live in this state.

Unable to Clear (UTC). These cases have previously been investigated by Bureau Special Agents and all investigative leads have been exhausted. The individual still has one or more firearms associated with them. If new information is identified, the case will be moved to Active status.

Unable to Locate (UTL). These cases have previously been investigated by a Bureau Special Agent, but the agent is unable to locate the individual. It could be that the individual no longer lives at the address on file, family and friends are not able to provide useful location information, etc. If new location information is identified, the case will be moved to active status.

Federal Brady Act Prohibition Only. Cases where a person is prohibited only under federal law. State, county, and municipal law enforcement have no authority to enforce a prohibition based only on the Federal Brady Act (see definition for Brady Handgun Violence Prevention Act for a list of federal prohibitions). Persons who have both a statewide and federal prohibition are not listed in this group.

Individuals having both state and federal prohibitions. If APPS database individuals have a combination of state and federal firearm prohibitions, then the Department has jurisdictional authority to investigate the matter related to the state prohibitions (e.g., felons, individuals with California restraining orders, qualifying misdemeanor convictions, and California mental health prohibitions).

Wanted Persons System (WPS). This system was established in 1971 as the first online system for the Department. It is a statewide computerized file of fugitives for whom arrest warrants have been issued.



APPENDIX B: Legislative History Relative to APPS

The following provides a brief overview of the legislative history affecting the Department's Armed and Prohibited Person program from 1999 to present. These legislative changes have exponentially increased the volume of prohibited individuals as the Legislature continues to increase the type and length of prohibitions. Other legislative changes with a substantial impact include evolving statutory and legal definitions as well as increases in the overall regulation of the various types of firearms, ammunition, and parts.

1999: APPS was conceptualized by the Legislature as a result of the proliferation of gun violence across the state and the nation.

2001: APPS was created in 2001 by Senate Bill (SB) 950 in response to high-profile murder cases involving people prohibited from owning firearms.

2006: The APPS database went into effect.

2013: SB 140 passed the Legislature and appropriated \$24,000,000 from the Dealer Record of Sale Special Fund to the Department for three years to reduce the volume of pending APPS investigations.

2014: Effective January 1, 2014, a new California law (Assembly Bill 809, Stats. 2011, ch. 745) mandated the Department collect and retain firearm transaction information for all types of firearms, including long guns.

2015: After a 2013 audit by the Bureau of State Audits, the Bureau of Firearms finished manually inputting all of the cases into the APPS database.

2016: SB 140 funding expired. Effective January 1, 2016, AB 1014 created the new prohibitory category of the Gun Violence Restraining Order.

2018: Effective January 1, 2018, AB 785 added Penal Code section 422.6 (Criminal Threats) to the list of prohibiting misdemeanors. Effective July 1, 2018, AB 857 required the Department to begin issuing serial numbers for firearms manufactured by unlicensed individuals after a successful background check of the owner. The background checks associated with this process identified additional prohibited persons.

2019: Effective July 1, 2019, SB 1235 and Proposition 63 required ammunition to be sold only to an individual whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, with some exceptions. It also required ammunition vendors to electronically submit to a database known as the Ammunition Purchase Records File, and thus to the Department, information regarding all ammunition sales and transfers.

Additionally, AB 3129 prohibited a person from ever possessing a firearm if that person is convicted of a misdemeanor violation of Penal Code Section 273.5 regarding the willful infliction of corporal injury resulting in a traumatic condition upon a spouse, cohabitant or other specified person. SB 746 required new California residents to, within 60 days of becoming a resident, apply for a unique serial number or other identifying mark for any un-serialized firearm the resident manufactured or otherwise owns and intends to possess in California. SB 1100 prohibited the sale, supplying, delivery or giving possession or control of any firearm by a licensed dealer, with some exceptions, to any person under 21 years of age. SB 1200 expanded the definition of ammunition for the purposes of the Gun Violence Restraining Order law.

SB 94 provided updated requirements regarding the mandated reporting of the APPS database statistics. It required the Department to report no later than April 1, 2020, and no later than April 1 of each year thereafter, to the Joint Legislative Budget Committee and the fiscal committees of each house of the Legislature on information related to the APPS database, as listed in Penal Code section 30012.

2020: Effective January 1, 2020, AB 1968 subjected individuals who have been taken into custody, assessed and admitted to a designated mental health facility twice within a one-year period, because they are a danger to self or others as a result of a mental health disorder, to a lifetime firearms prohibition subject to a petition for, and hearing on, a reinstatement of firearm ownership rights.

Additionally, AB 164 prohibited a person from possessing a firearm if that person is prohibited in another state and allows the Department and state and local law enforcement agencies to investigate and pursue these cases. AB 12 increased the maximum duration of a gun violence restraining order from one year to between one and five years. It also allows for law enforcement officers to file a petition for gun violence restraining orders in the name of the law enforcement agency in which they are employed. AB 61 expanded the list of individuals who may request a gun violence restraining order.

APPENDIX C: Mandated Statistics – At a Glance²⁴

[1] The total number of individuals in the APPS database and the number of cases which are active and pending. The Armed and Prohibited Persons System has 3,199,394 individuals as of January 1, 2022. Of those individuals, 24,509 are prohibited from owning or possessing firearms, with 10,033 of those cases being Active and 14,467 of them being Pending.

[A][i] For Active cases, the number of cases that have not been actively investigated for 12 months or longer, along with a breakdown of the time period that has elapsed since a case was added to the system. The APPS database is an outdated system that does not have the capability to track the time elapsed between a case entering the APPS database to when a case was last worked. As a result, the Department does not have the ability to gather and report the requested information.

[B] For Pending cases, the Department shall separately report the number of cases that are unable to be cleared, unable to be located, related to out-of-state individuals, related to only federal firearms prohibitions, and related to incarcerated individuals. Of the 14,467 prohibited persons designated as Pending cases, 6,816 (47%) were unable to be cleared, 2,172 (15%) were unable to be located, 3,909 (27%) moved out of state, and 1,579 (11%) were prohibited under federal prohibitions only. Additionally, there are 1,130 incarcerated individuals.

[2] The number of individuals added to the APPS database. Between January 1, 2021 and January 1, 2022, there were 9,848 additional known firearm owners who became prohibited. In the same time period, there were 8,937 individuals removed from the prohibited category. This resulted in the total number of armed and prohibited individuals increasing by 911.

[3] The number of individuals removed from the APPS database, including a breakdown of the basis on which they were removed.

Table 1: Removals of Prohibited Persons in 2021 Separated by Reason for Removal

Reason for Removal	Number of Individuals Removed
Prohibition expired/no longer prohibited	5,365
Disassociated from all known firearms	3,221
Deceased	351

[4] The degree to which the backlog in the APPS has been reduced or eliminated.

Penal Code section 30012, subdivision(a)(4) defines “backlog” as being cases for which the Department did not initiate an investigation within six months of the case being added to the APPS database or has not completed investigatory work within six months of initiating an investigation on the case. The APPS database does not have the technological capability of tracking the amount of time a case has been in the system. Gathering this information would require that a Crime Analyst review each individual APPS entry, one-by-one and review the notes in each file. Lacking a more efficient way of gathering this information, the Department will be unable to provide these statistics until upgrades are made to the APPS database.

²⁴ The numbers and letters below correspond to the subdivision number in Penal Code section 30012.

[5] The number of individuals in the APPS before and after the relevant reporting period.*Table 3: The Total number of Individuals in APPS Before and After the Reporting Period Separated by Status*

Status	Before Reporting Period	After Reporting Period
Armed and Not Prohibited	2,999,872	3,173,755
Armed and Prohibited	23,598	24,509
Incarcerated	1,218	1,130

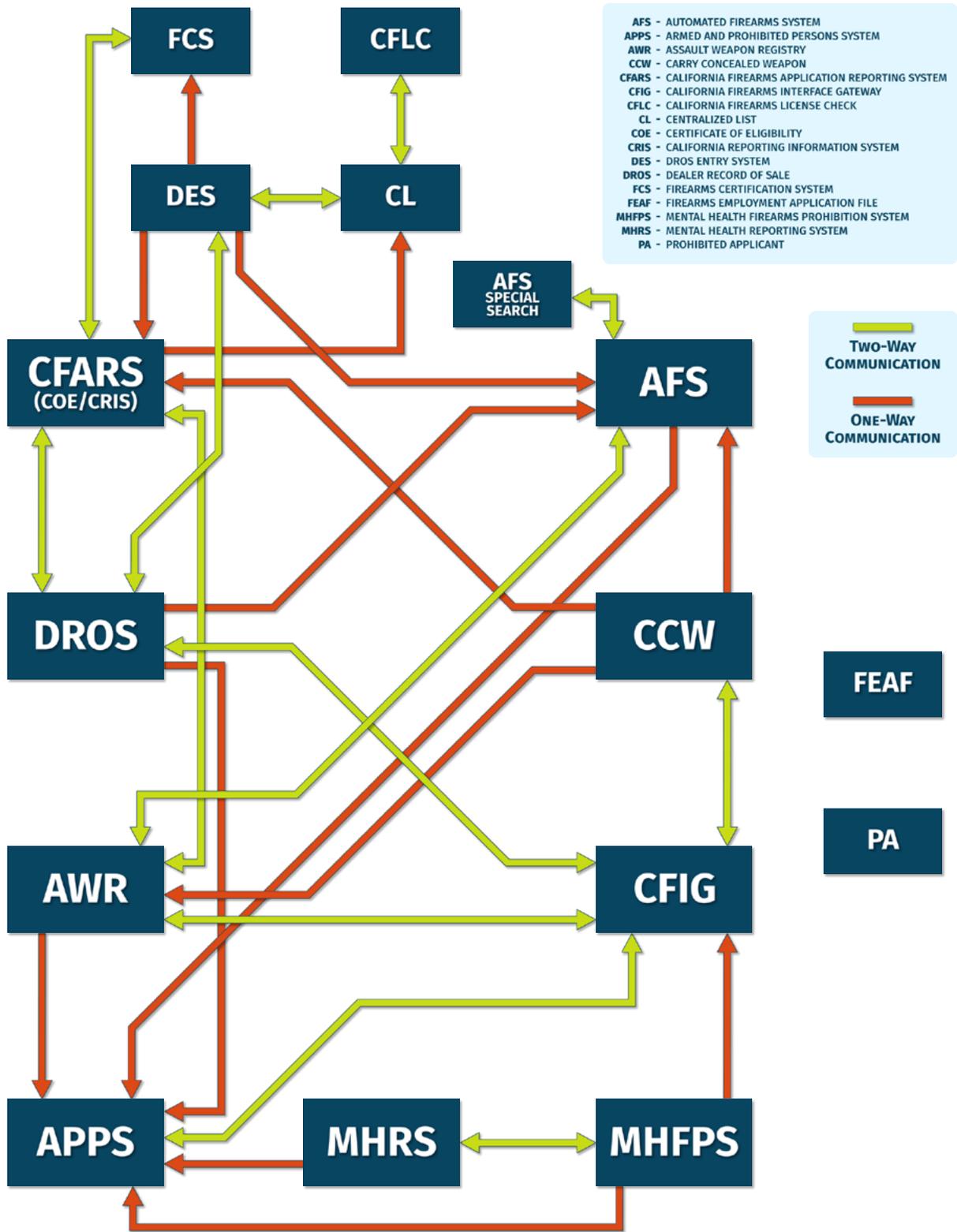
[6] The number of Agents and other staff hired for enforcement of the APPS. In 2021, the Bureau hired 17 Special Agents, one Special Agent Trainee and one support staff for APPS enforcement. Additionally, two existing Special Agent Trainees promoted into the Special Agent ranks. The Department also saw the separation of 20 Special Agents during 2021 due to inter-departmental transfer and/or promotion and had one Special Agent promote from within to Special Agent Supervisor position, leaving the Department with a net increase of three filled Special Agent positions. The Department also saw the separation of one support staff for APPS enforcement resulting in a net change of zero in support staff.

[7] The number of firearms recovered due to enforcement of the APPS. In 2021, Bureau Agents recovered 826 APPS firearms (i.e., firearms known in the APPS database), and 602 non-APPS firearms not associated with APPS individuals, for a total of 1,428 firearms recovered.

[8] The number of contacts made during the APPS enforcement efforts. In 2021, agents made nearly 21,000 contacts based on an average of three contacts per individual per case while working APPS investigations.

[9] Information regarding task forces or collaboration with local law enforcement on reducing the APPS file or backlog. The Department takes pride in its collaborative efforts with law enforcement partners. These efforts include leading the Contra Costa County Anti-Violence Support Effort (CASE) Task Force along with the recent addition of the TARGET Task Force, its partnership with the Los Angeles County Sheriff's Department on Dual Force operations, joint APPS sweeps with specific jurisdictions based on workload, and most recently the Gun Violence Reduction Program in which the Department has awarded grant funding to county sheriff's departments to support activities related to conducting APPS investigations.

APPENDIX D: Relational Diagram of the Bureau of Firearms Databases



APPENDIX E: Firearms Prohibiting Categories

STATE OF CALIFORNIA
PROHIBITING CATEGORIES (Rev. 03/2020)

DEPARTMENT OF JUSTICE
PAGE 1 of 3



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS FIREARMS PROHIBITING CATEGORIES



State and federal law make it unlawful for certain persons to own and/or possess firearms, including:

- Any person who has been convicted of, or has an outstanding warrant for, a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 23515, or who is addicted to the use of any narcotic drug
- Any person who has been convicted of an offense enumerated in Penal Code sections 29900 or 29905
- Any person who is ordered to not possess firearms as a condition of probation or other court order listed in Penal Code section 29815, subdivisions (a) and (b)
- Any person who has been convicted of, or has an outstanding warrant for, a misdemeanor listed in Penal Code section 29805 (refer to List of Prohibiting Misdemeanors)
- Any person who is adjudged a ward of the juvenile court because he or she committed an offense listed in Welfare and Institutions Code section 707(b), an offense described in Penal Code section 1203.073(b), or any offense enumerated in Penal Code section 29805
- Any person who is subject to a temporary restraining order or an injunction issued pursuant to Code of Civil Procedure sections 527.6 or 527.8, a protective order as defined in Family Code section 6218, a protective order issued pursuant to Penal Code sections 136.2 or 646.91, a protective order issued pursuant to Welfare and Institutions Code section 15657.03, or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order, as specified above, that includes a prohibition from owning or possessing a firearm
- Any person who is subject to a Gun Violence Restraining Order (GVRO)
- Any person who is found by a court to be a danger to himself, herself, or others because of a mental illness
- Any person who is found by a court to be mentally incompetent to stand trial
- Any person who is found by a court to be not guilty by reason of insanity
- Any person who is adjudicated to be a mentally disordered sex offender
- Any person who is placed on a conservatorship because he or she is gravely disabled as a result of a mental disorder, or an impairment by chronic alcoholism
- Any person who communicates a threat to a licensed psychotherapist against a reasonably identifiable victim that has been reported by the psychotherapist to law enforcement
- Any person who is taken into custody as a danger to self or others under Welfare and Institutions Code section 5150, assessed under Welfare and Institutions Code section 5151, and admitted to a mental health facility under Welfare and Institutions Code sections 5151, 5152, or certified under Welfare and Institutions Code sections 5250, 5260, and 5270.15
- Any person who is addicted to the use of narcotics (state and federal)
- Any person who has been convicted of, or is under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year (federal)
- Any person who has been discharged from the military under dishonorable conditions (federal)
- Any person who is an illegal alien (federal)
- Any person who has renounced his or her US Citizenship (federal)
- Any person who is a fugitive from justice (federal)



CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
FIREARMS PROHIBITING CATEGORIES



MISDEMEANORS

Firearm prohibitions for misdemeanor violations of the offenses listed below are generally prohibiting for ten years from the date of conviction, but the duration of each prohibition may vary. All statutory references are to the California Penal Code, unless otherwise indicated.

- Threatening public officers, employees, and school officials (Pen. Code, § 71.)
- Threatening certain public officers, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat (Pen. Code, § 76.)
- Intimidating witnesses or victims (Pen. Code, § 136.1.)
- Possessing a deadly weapon with the intent to intimidate a witness (Pen. Code, § 136.5.)
- Threatening witnesses, victims, or informants (Pen. Code, § 140.)
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (Pen. Code, § 148(d).)
- A person who reports to a person that a firearm has been lost or stolen, knowing the report to be false (Pen. Code, § 148.5(f).)
- Unauthorized possession of a weapon in a courtroom, courthouse, or court building, or at a public meeting (Pen. Code, § 171b.)
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (Pen. Code, § 171c.)
- Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers (Pen. Code, 171d.)
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (Pen. Code, § 186.28.)
- Assault (Pen. Code, §§ 240, 241.)
- Battery (Pen. Code, §§ 242, 243.)
- Sexual Battery (Pen. Code, § 243.4.)
- Assault with a stun gun or taser weapon (Pen. Code, § 244.5.)
- Assault with a deadly weapon other than a firearm, or with force likely to produce great bodily injury (Pen. Code, § 245.)
- Assault with a deadly weapon or instrument, by any means likely to produce great bodily injury or with a stun gun or taser on a school employee engaged in performance of duties (Pen. Code, § 245.5.)
- Discharging a firearm in a grossly negligent manner (Pen. Code, § 246.3.)
- Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house (Pen. Code, § 247.)
- Inflicting corporal injury on a spouse or significant other (Pen. Code, § 273.5.) (Convictions on or before 12/31/2018.)
- Willfully violating a domestic protective order (Pen. Code, § 273.6.)
- Drawing, exhibiting, or using a deadly weapon other than a firearm (Pen. Code, § 417.)
- Inflicting serious bodily injury as a result of brandishing (Pen. Code, § 417.6.)
- Making threats to commit a crime which will result in death or great bodily injury to another person (Pen. Code, § 422.)
- Interference with the exercise of civil rights because of actual or perceived characteristics of the victim (Pen. Code, § 422.6.)
- Bringing into or possessing firearms upon or within public schools and grounds (Pen. Code, § 626.9.)
- Stalking (Pen. Code, § 646.9.)



**CALIFORNIA DEPARTMENT OF JUSTICE
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FIREARMS PROHIBITING CATEGORIES**



- Carrying a concealed or loaded firearm or other deadly weapon or wearing a peace officer uniform while picketing (Pen. Code, §§ 830.95, 17510).
- Possessing a deadly weapon with intent to commit an assault (Pen. Code, § 17500.)
- Criminal possession of a firearm (Pen. Code, § 25300.)
- Armed criminal action (Pen. Code, § 25800.)
- Possession of ammunition designed to penetrate metal or armor (Pen. Code, § 30315.)
- Unauthorized possession/transportation of a machine gun (Pen. Code, § 32625.)
- Driver of any vehicle who knowingly permits another person to discharge a firearm from the vehicle or any person who willfully and maliciously discharges a firearm from a motor vehicle (Pen. Code, § 26100, subd. (b) or (d).)
- Firearms dealer who sells, transfers, or gives possession of any firearm to a minor or a handgun to a person under 21 (Pen. Code, § 27510.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving in-patient treatment for a mental disorder, or by a person who has communicated to a licensed psychotherapist a serious threat of physical violence against an identifiable victim (Welf. & Inst. Code, § 8100.)
- Providing a firearm or deadly weapon to a person described in Welfare and Institutions Code sections 8100 or 8103 (Welf. & Inst. Code, § 8101.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been adjudicated to be a mentally disordered sex offender or found to be mentally incompetent to stand trial, or not guilty by reason of insanity, and individuals placed under conservatorship (Welf. & Inst. Code, § 8103.)
- Bringing firearm related contraband into juvenile hall (Welf. & Inst. Code, § 871.5.)
- Bringing firearm related contraband into a youth authority institution (Welf. & Inst. Code, § 1001.5.)
- Theft of property less than \$950.00, if property taken was a firearm (Pen. Code, § 490.2)
- Criminal storage of a firearm (Pen. Code, §§ 25100, 25135 or 25200)
- Various violations involving sales and transfers of firearms (Pen. Code, § 27590, subd. (c).)

The following misdemeanor conviction results in a five year prohibition:

- Every person who owns or possesses a firearm or ammunition with knowledge that he or she is prohibited from doing so as a result of a gun violence restraining order (Pen. Code, § 18205).

The following misdemeanor convictions result in a lifetime prohibition:

- Inflicting corporal injury on a spouse or significant other (Pen. Code, § 273.5 for convictions on or after 1/1/2019, per Pen. Code, § 29805(b), and a "misdemeanor crime of domestic violence" (18 U.S.C., § 921(a)(33)(A), 922(g)(9).)
- Assault with a firearm (Pen. Code, §§ 29800, subd. (a)(1), 23515, subd. (a).)
- Shooting at an inhabited or occupied dwelling house, building, vehicle, aircraft, housecar, or camper (Pen. Code, §§ 246, 29800, subd. (a)(1), 17510, 23515, subd. (b).)
- Brandishing a firearm in presence of a peace officer (Pen. Code §§ 417, subd. (c), 23515, subd. (d), 29800, subd. (a)(1).)
- Two or more convictions of Penal Code section 417, subdivision (a)(2) (Pen. Code § 29800, subd. (a)(2).)

Note: The Department of Justice provides this document for informational purposes only. This list may not be inclusive of all firearms prohibitions. For specific legal advice, please consult with an attorney licensed to practice law in California.

APPENDIX G: Case Studies

To better explain how APPS investigations are developed and to showcase some significant seizures, the Bureau identified eight specific examples. The following examples are summary conclusions of actual investigations conducted throughout the state.

Ammunition eligibility check identifies prohibited individual in Woodland Hills

In December 2020, an individual attempted to purchase ammunition and was flagged as prohibited through the ammunition eligibility check process. This information was forwarded to the Bureau's Los Angeles Field Office for investigation. Special Agents reviewed the case and found the individual was prohibited from owning and possessing firearms due to a felony conviction.

As a result of the attempted purchase of ammunition, coupled with investigative follow-up and surveillance, a search warrant was obtained for the subject's residence in Woodland Hills.

In February 2021, Special Agents, with the assistance of Los Angeles County Sheriff's Department personnel, executed the search warrant at the individual's residence without incident. The search of the residence resulted in the seizure of a non-serialized 9 mm caliber semiautomatic handgun (ghost gun), a non-serialized .223 caliber assault weapon (ghost gun), along with ten ammunition magazines, and 500 rounds of ammunition. The individual was arrested and booked into Los Angeles County Jail on firearms related charges.



Ammunition eligibility check identifies prohibited individual in Simi Valley

In January 2021, an individual attempted to purchase ammunition and was flagged as prohibited through the ammunition eligibility check process. This information was forwarded to the Bureau's Los Angeles Field Office for investigation. Special Agents reviewed the case and found the individual was prohibited from owning and possessing firearms due to a prohibition pursuant to Welfare and Institutions Code section 5150. Additionally, the individual was listed in the APPS database as illegally being in possession of two firearms.

Based on the individual's attempt purchase ammunition and identification in the APPS database, coupled with investigative follow-up and surveillance, a search warrant was obtained for the subject's residence in Simi Valley.

In February 2021, Special Agents, with the assistance of Los Angeles County Sheriff's Department personnel, executed the search warrant at the individual's residence without incident. The search of the residence resulted in the seizure of a short-barreled rifle, two additional rifles, one shotgun, seven ammunition magazines, approximately 2,000 rounds of ammunition, and metal knuckles.



APPS investigation leads to the seizure of multiple firearms in Lincoln

Through the APPS database, the Bureau identified an individual prohibited from owning and/or possessing firearms or ammunition due to a prohibition pursuant to Welfare and Institutions Code section 5150. Additionally, the individual was listed in the APPS database as illegally being in possession of seven firearms.

In February 2021, Special Agents conducted a consent search at the individual's residence in Lincoln. The search of the residence resulted in the seizure of an un-serialized AR-15 fully automatic machine gun (ghost gun) with an attached suppressor, one un-serialized AR style short barreled fully automatic machine gun (ghost gun), two shotguns, three handguns, one large capacity drum magazine (60 round), one large capacity rifle magazine, 11 handgun magazines, and approximately 7,000 rounds of ammunition.



Ammunition eligibility check identifies prohibited individual in Hollister

In March 2021, an individual attempted to purchase ammunition and was flagged as prohibited through the ammunition eligibility check process. This information was forwarded to the Bureau's Fresno Regional Office for investigation. Special Agents reviewed the case and found the individual was prohibited from owning and possessing firearms and ammunition due to a felony conviction. Additionally, the individual was listed in the APPS database as illegally being in possession of a firearm.

Based on the individual's attempt to purchase ammunition and identification in the APPS database, coupled with the investigative follow up and surveillance, a search warrant was obtained for the individual's residence in the City of Hollister.

On May 4, 2021, Special Agents executed the search warrant at the individual's residence without incident. A search of the residence resulted in the seizure of 15 handguns, 11 shotguns, 24 rifles, 28 large capacity ammunition magazines, and approximately 16,000 rounds of ammunition. All APPS firearms were located unsecured in the residence.

The subject was arrested and booked into the San Benito County Jail for firearms related charges.



Intercepted “fuel filter” silencer leads to seizure of firearms from convicted felon in Paso Robles

In July 2021, Special Agents were contacted by the U.S. Department of Homeland Security regarding an individual that purchased a “fuel filter” silencer through the mail. The “fuel filter” silencer was a fully assembled monocoil silencer that was designed to be directly attached to a firearm to reduce the noise produced by the firearm when fired. The individual that purchased the silencer was found to be a convicted felon.

Based on the above information coupled with investigative follow up and surveillance, a search warrant was obtained for the individual’s residence in Paso Robles.

On July 22, 2021, Special Agents executed the search warrant at the individual’s residence without incident. A search of the residence resulted in the seizure of two ghost gun assault weapons with one being a short-barreled rifle, five ghost handguns, 11 rifles, two shotguns, five large capacity magazines, 21 standard capacity magazines, miscellaneous guns parts, and 4,320 rounds of ammunition.

The individual was arrested and booked into the San Luis Obispo County Jail on assault weapons charges and being a felon in possession of firearms.



Gun show investigation reveals felon purchasing “ghost guns” firearm parts in Highland

In September 2021, Special Agents conducted an enforcement operation at a gun show venue in Southern California. During the operation, Special Agents observed an individual determined to be a convicted felon purchase an AR15 upper receiver, a complete pistol ghost gun kit, and a gun magazine. The individual was subsequently contacted and found in possession of the items as well as an additional gun magazine. The individual was arrested for being a felon in possession of magazines, and was transported to the San Bernardino County Jail where he was booked.

Following the arrest, Special Agents responded to the individual’s residence in Highland and obtained a search warrant. The search warrant was executed without incident and resulted in the seizure of one shotgun, three ghost gun handguns, one .22 caliber handgun, one ghost gun short barrel rifle, one AR 15 upper receiver, one completed pistol lower receiver, three standard capacity magazines, five large capacity magazines, approximately 350 rounds of ammunition, eight firearm jigs, and various gun manufacturing tools and dyes.



Prohibited subject arrested for being a felon in possession of “ghost guns” in Redlands

In September 2021, the Bureau identified an individual attempting to conduct an illegal transfer of several firearms to himself. The individual was determined to be prohibited from possessing firearms and/or ammunition due to a misdemeanor conviction of assault with a deadly weapon. This information was forwarded to the Bureau’s Riverside Regional Office for investigation.

Based on investigative follow up, agents obtained a search warrant for the individual’s residence located in the City of Redlands.

In October 2021, Special Agents executed the search warrant at the individual’s residence without incident. The search of the residence resulted in the seizure of five handguns, three shotguns, nine rifles, one ghost gun handgun, three ghost gun assault weapons, 16 magazines, one silencer, and approximately 8,100 rounds of ammunition.

The subject was arrested and booked into the San Bernardino County Jail for firearms related charges.



Prohibited APPS subject found in possession of assault weapons in Fresno

Through the APPS database, the Bureau identified an individual prohibited from owning and/or possessing firearms or ammunition due to a prohibition pursuant to Welfare and Institutions Code section 5150. The individual was listed in the APPS database as illegally being in possession of three firearms.

Through the ammunition eligibility check process, Special Agents determined the individual had recently, and just prior to becoming prohibited, purchased similar caliber ammunition as his listed firearms. Special Agents subsequently obtained a search warrant for his residence in Fresno.

On November 18, 2021, Special Agents executed the search warrant at the individual's residence without incident. A search of the residence resulted in the seizure of two assault weapons with one being un-serialized (ghost gun), three AR-15 lower receiver firearms (two ghost guns), one polymer 80 handgun lower receiver, two handguns, 26 standard magazines, 28 large capacity magazines, jigs and firearm parts (used to manufacture firearms), and approximately 6,654 rounds of ammunition.

The individual was arrested and booked into the Fresno County Jail for firearms related charges.



APPENDIX H: Gun Violence Reduction Program Awards**GUN VIOLENCE REDUCTION PROGRAM
FISCAL YEAR 2021-22**

APPLICANT	SUMMARY OF AWARD	AWARD
Contra Costa County Sheriff's Office	Recover firearms and ammunition from domestic abusers and other prohibited persons in community via monthly compliance checks of persons on the monthly APPS report, training of sworn personnel, and collaboration with State and other local law enforcement agencies.	\$332,205
Lake County Sheriff's Office	Reduce the number of armed prohibited persons in Lake County via a combination of the following: increasing the frequency of APPS contacts and investigations, creating a notification program between the Sheriff's Office, the courts, and the District Attorney, coordinating with State and local law enforcement, training of sworn personnel, and performing APPS sweeps within the county.	\$277,373
Los Angeles County Sheriff's Office	Utilize funding to put an MOU in place between the Sheriff's Office and DOJ, to maintain the integrity of the currently-existing Major Crimes Bureau (MCB) APPS Task Force in conjunction with a well-established database, to do the following: significantly reduce APPS entries, allow for continued use of DOJ's APPS database, conduct weekly APPS operations, create APPS policies and procedures, increase field operations, improvement in APPS case files, and increased APPS-related communication with patrol station and dispatch center personnel.	\$843,630
Orange County Sheriff's Office	Enhance partnership with DOJ to improve the collection of firearms and ammunition from prohibited persons in the county via collaborative and/or independently-run APPS operations with or without DOJ, and through the designation of an APPS enforcement team to collaborate with DOJ, the courts, the District Attorney, and Probation Department, to conduct frequent probation/parole compliance checks of persons on the APPS list.	\$316,285
Sacramento County Sheriff's Office	Reduce gun violence in California by seizing firearms from prohibited persons via the enhancement of efforts between the Sheriff's Office and the DOJ, including the seizure of firearms from prohibited persons on the same day they become prohibited, daily hand-in-hand work with the DOJ, and entering of firearms stored at the Sheriff's property warehouse into the Automated Firearms System (AFS).	\$887,275

San Francisco County Sheriff's Office	Enforce the prohibitions on firearm possession by persons who have a Domestic Violence Restraining Order or Domestic Violence Criminal Protective Order issued against them via the following: establishment of a county-level firearm confiscation system, reducing the APPS backlog through county-level partnering, recovering firearms through enforcement of firearms possession by persons with restraining orders, contacts made during restraining order contacts, court order compliance, domestic violence and elder abuse incidents involving a firearm, and implementation of a Domestic Violence Firearms Compliance Unit.	\$301,554
Santa Barbara County Sheriff's Office	Ensure that prohibited persons in the county are complying with the prohibition against owning, accessing, or possessing firearms and ammunition by investigating and seizing firearms, arresting and assisting in the prosecution of persons on the APPS list who violate laws and regulations; the creation of an APPS team that will collaborate with DOJ, ATF, the Probation Department, and local police to locate and remove firearms from prohibited persons; and via collaboration with the courts, background checks of APPS prohibited persons, and education of Sheriff's Office staff.	\$539,660
Santa Clara County Sheriff's Office	Utilize an innovative, multi-prong strategy to remove prohibited persons from the APPS database via the following actions: proactively working off of the APPS list to identify prohibited persons targets and subsequent intelligence gathering, reviews of all new cases of domestic violence, obtaining persons of interest for investigation, collaboration with the District Attorney, and rapid response to social media posts (threats to harm others/self, in writing or video).	\$512,255
Santa Cruz County Sheriff's Office	Reduce the number of persons on the APPS list by 35% over the next two years by conducting investigations of persons on the APPS list, seizing illegally-possessed firearms and ammunition, establishing a Gun Relinquish program in collaboration with the courts and District Attorney, specialized training of deputies, and the destruction of firearms.	\$291,596
Ventura County Sheriff's Office	Reduce the number of persons in the APPS database through intensive investigation and a focus on the recovery of firearms, sharing of APPS persons information with other California Sheriff's Offices to reduce APPS statewide, additions and improvements to the APPS investigation case management system, development of a Pre-APPS program, and creation of an APPS Coordinator.	\$652,575

EXHIBIT 18



C A L I F O R N I A
DEPARTMENT OF JUSTICE

ARMED AND PROHIBITED PERSONS SYSTEM REPORT 2022

***ANNUAL REPORT TO THE LEGISLATURE
SB 94 LEGISLATIVE REPORT
CALENDAR YEAR 2022***



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EXECUTIVE SUMMARY

The Armed and Prohibited Persons System and Legislative Reporting Requirements

In 2006, California became the first and only state in the nation to monitor individuals who legally purchased or acquired firearms and later became prohibited from owning or possessing them. The Armed and Prohibited Persons System (APPS) database cross-references firearms purchasers against other records for individuals who are prohibited from owning or possessing firearms. The Department of Justice (DOJ) utilizes Crime Analysts, Special Agents, and Special Agent Supervisors to locate and seize firearms from prohibited persons identified through the APPS database, thereby preventing and reducing incidents of violent crime.

The authority and specifications for this public reporting initiative were established in Senate Bill (SB) 140 (Stats. 2013, ch. 2), which sunset in 2019, and were reestablished with further specifications under SB 94 (Stats. 2019, ch. 25) in 2019. SB 94, which added section 30012 to the California Penal Code, requires the DOJ to report specified information related to the APPS database, including the number of individuals in the APPS database and the degree to which the backlog in the APPS database has been reduced or eliminated. In this report, the term “backlog” is used in accordance with the definition created by SB 94 and codified in Penal Code section 30012, subdivision (a)(4): the number of cases for which the Department did not initiate an investigation within six months of the case¹ being added to the APPS database or a case for which DOJ has not completed investigatory work within six months of initiating an investigation.

Prior to the passage of SB 94, DOJ communicated to the Department of Finance (DOF) and to the Legislature that the current firearms database systems did not have the capability required to collect and report on the backlog as it has now been defined in statute and certain other metrics newly required by SB 94. In response, DOJ worked with DOF to submit a Budget Change Proposal (BCP) requesting funding to support the upfront planning and analysis costs to determine how to create an updated database system with the ability to track the requested data. DOJ has received the resources for the analysis phase of the modernization project. Once the analysis is complete, and additional funding secured, DOJ will begin the upgrade process for the APPS database and other firearms information technology (IT) systems.

COVID-19 Impact on APPS Enforcement

As pandemic restrictions lifted and businesses reopened, DOJ progressively increased APPS enforcement. By the end of 2021, monthly productivity returned to pre-pandemic levels. Although the impact of COVID-19 proved much more manageable in 2022 than in the prior two years, Agents were occasionally exposed to COVID-19 and required to quarantine, which impacted APPS enforcement.

¹ Within the APPS database, a ‘case’ refers to one individual; therefore, the terms ‘case’ and ‘individual’ will be used interchangeably in this report.

APPS Database Analysis

A comprehensive review of the APPS database reveals the following:

- **Removals, Additions, and Incarcerations:** In 2022, DOJ removed 9,917 prohibited persons from the APPS database. At the same time, 9,277 prohibited persons were added to the APPS database. As of January 1, 2023, the APPS database contained 23,869 armed and prohibited persons.
- **Active and Pending Cases:** The Armed and Prohibited Persons System includes 9,294 Active cases and 14,575 Pending cases. Active cases have not yet been investigated or are in the process of being investigated. Pending cases have been thoroughly analyzed and all investigative leads have been exhausted. In addition to the 23,869 armed and prohibited person, there were 1,159 additional armed and prohibited persons who were incarcerated as of January 1, 2023.
- **Staff:** In 2022, DOJ's Bureau of Firearms had between 34-37 Special Agents and between 14-15 Special Agent Supervisors working to address the ever-changing number of armed and prohibited individuals.
- **Reasons for Prohibitions:** The statistics below outline the number of individuals in each prohibiting category of the APPS database, as of January 1, 2023. Persons can be prohibited under more than one category, which is why the total number exceeds 100%.
 - 12,745 (51%) were prohibited due to a felony conviction
 - 4,985 (20%) were prohibited due to the federal Brady Handgun Violence Prevention Act (18 U.S.C. §§ 921, 922)
 - 4,099 (16%) were prohibited due to a restraining order
 - 4,837 (19%) were prohibited due to mental health triggering events
 - 2,415 (10%) were prohibited due to a qualifying misdemeanor conviction
 - 768 (3%) were prohibited per the conditions of their probation.
- **Firearms Recovered:** In 2022, DOJ recovered 1,437 firearms. Of these, 916 (64%) were firearms identified in the APPS database and 521 (36%) were non-APPS firearms. Non-APPS firearms are those not known to be associated with the prohibited person but are found in that person's possession.
- **Investigated Individuals:** In 2022, DOJ investigated approximately 7,946 individuals who were identified as armed and prohibited persons in the APPS database.
- **Ammunition Denials:** In 2022, DOJ received reports of 194 armed and prohibited individuals who attempted to purchase ammunition and were denied. Agents and Crime Analysts investigated and closed 141 of these denial cases. The remainder of the denials remain under investigation.

Recommendations

After conducting an examination of the APPS program, DOJ recommends the following steps to improve the removal of firearms from prohibited persons:

1. **Automatic Removal Post-Conviction:** Permanently fund the mandate that courts, through probation departments, and law enforcement agencies confiscate or enforce the transfer or legal storage of known firearms from individuals at the time of conviction when an individual becomes prohibited due to a felony or qualifying misdemeanor conviction.
 - *Reason for recommendation:* California Penal Code section 29810, describes the role of County courts in the post-conviction relinquishment process. Under this section, if a registered firearm owner is found guilty of a prohibiting crime and fails to relinquish the registered firearm, the courts must assign a probation officer to ensure the firearm is relinquished. However, local governments often lack the necessary resources to do so. Consequently, many individuals found guilty of a prohibiting crime to illegally own guns after their conviction. To aid in this effort, the California Legislature allocated \$40,000,000 to the Judicial Council in the 2022 budget to support a court-based firearm relinquishment program. This program was established “to ensure the consistent and safe removal of firearms from individuals who become prohibited from owning or possessing firearms and ammunition pursuant to court order” (AB 178, 2022 Biennium, 2022 Reg. Sess. (Cal. 2022)). This new grant represents a promising step toward alleviating DOJ’s APPS workload and minimizing the threat posed by prohibited persons.
2. **Automatic Removal Post-Restraining Order:** Develop and fund a statewide, county-level firearm confiscation system for prohibitions that do not result from conviction of a state criminal charge. Firearms should be confiscated from an individual at the time they are served with any type of restraining order. Existing law requires that these firearms seizures must be documented in the Automated Firearms System (AFS). These entries into AFS would prevent unnecessary, duplicative efforts by DOJ and potentially other agencies.
 - *Reason for recommendation:* Law enforcement agencies (LEAs) are required to confiscate firearms from individuals immediately after they are issued a restraining order. However, a lack of accessible county-level data sometimes impedes their ability to identify and take action at the local level. A new county-level data system would empower localities to confiscate firearms from prohibited persons who pose a threat to their communities.
3. **Increase the Budget to Expand Coordinated Efforts with LEAs:** Increase the budget to create joint local-state task forces with and under the direction of DOJ. With additional funding, DOJ could create these Joint Task Forces and improve local LEA’s reporting of firearms in their custody into the AFS. To further encourage participation, expand DOJ’s previous Gun Violence Reduction Program (GVRP) funding eligibility beyond sheriff’s offices to include other agencies tasked with firearm relinquishment, such as municipal law enforcement agencies and probation departments. Require and enforce that all GVRP awardees report on their annual progress to DOJ by January 15.
 - *Reason for recommendation:* The success of DOJ’s existing Gun Violence Task Forces, such as Contra Costa County Anti-Violence Support Effort Task Force (CASE) and the Tulare County Regional Gang Enforcement Team (TARGET), illustrates that joint task forces yield exceptionally high rates of case closures and provide needed training to LEAs. Expanding this best-practice solution across the state could have a profound impact on the APPS program. While the program has shown promising ability to reduce the number of prohibited individuals within their jurisdiction, some

GVRP participants fail to promptly send the statistics included in the “Gun Violence Reduction Program” section of this report, impeding DOJ’s ability to accurately assess their progress.

- 4. Move Toward Competitive Salaries:** Improve the recruitment and retention of DOJ sworn personnel by offering compensation competitive with other LEAs.
 - *Reason for recommendation:* Despite a 12% pay increase that took effect in September 2021, Special Agent pay at DOJ has not reached parity with comparable positions statewide. Consequently, DOJ struggles to recruit and retain qualified Special Agents.
- 5. Modernize the Database:** Continue with the modernization process of the existing firearms databases.
 - *Reason for recommendation:* Funding for Stages 1 and 2 of the modernization projects have been secured. However, additional resources will be required to fund Stages 3 and 4.

DOJ has proactively made efforts to implement four of the five recommendations outlined above. DOJ has (1) expanded its recruitment efforts and lowered vacancy rates by hiring Special Agent Trainees and recruiting new Special Agents with law enforcement experience from state and local law enforcement agencies; (2) worked diligently to create partnerships with local LEAs; (3) created partnerships and worked cases with federal LEAs; and (4) continued to provide data to IT professionals to make progress in the multi-year firearms database modernization project. However, fully implementing the remaining recommendations will require legislative support and additional resources. Further explanation of these recommendations can be found on page 33.

ANNUAL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE

The APPS and Legislative Reporting Requirements

This report presents a statistical summary of the Armed and Prohibited Persons (APPS) database, as mandated by SB 94, for the period of January 1, 2022 to December 31, 2022. The report also contains additional in-depth analyses of data through the history of the APPS database and statistics to contextualize the APPS database — particularly in light of the unprecedented COVID-19 pandemic — and the workload that flows in and out of that system.²

Penal Code section 30000, subdivision (a) requires DOJ to maintain a “Armed and Prohibited Persons System.” This file is generated from the larger APPS database, which records all known firearm owners in California. The system also monitors various other databases for prohibiting triggering events (PTE), such as a felony conviction or an active restraining order, to identify those persons within the system who are both armed and prohibited. The APPS program was created by legislation passed in 2001 (SB 950, Stat. 2001, ch. 944), then implemented in December 2006.

In 2013, the California Legislature passed SB 140, which appropriated \$24 million over a three-year period to DOJ to address the growing number of records in APPS. Additionally, SB 140 required DOJ to submit annual reports detailing the progress made in reducing the backlog.

The APPS reporting provisions as outlined in SB 140 expired on March 1, 2019. In 2019, the legislature passed SB 94, which provided updated requirements regarding the mandated reporting of the APPS database statistics. Prior to the passage of SB 94, DOJ communicated to the DOF that it did not have the technological capability to report on the new metrics required by SB 94 and would need funding to begin the planning analysis necessary to develop a system that could report on such metrics. Regardless, the new provisions went into effect on June 27, 2019, and are codified in Penal Code section 30012.

See Appendix B for additional legislative history relative to the APPS database.

Overview of the Mandated Categories for Statistical Reporting

Pursuant to Penal Code section 30012, no later than April 1, 2020, and no later than April 1 of each year thereafter, DOJ must report annually to the Joint Legislative Budget Committee the following information for the immediately preceding calendar year:

(1) The total number of individuals in the Armed and Prohibited Persons System (APPS) and the number of cases that are active and pending, as follows:

(A)(i) For active cases, DOJ shall report the status of each case for which DOJ has initiated an investigation. This information shall include, at a minimum, the number of cases that have not been actively investigated for 12 months or longer, along with a breakdown of the time period that has elapsed since a case was added to the system.

(ii) For purposes of this paragraph, “investigation” means any work conducted by sworn or non-sworn staff to determine whether a prohibited person possesses one or more firearms,

² This report will use terms specific to the subject matter at hand. See Appendix A for the Relevant Key Terms and Definitions.

whether to remove the person from the database, or whether to shift the person to the pending caseload.

(B) For pending cases, DOJ shall separately report the number of cases that are unable to be cleared, unable to be located, related to out-of-state individuals, related to only federal firearms prohibitions, and related to incarcerated individuals.

(2) The number of individuals added to the APPS database.

(3) The number of individuals removed from the APPS database, including a breakdown of the basis on which they were removed. At a minimum, this information shall separately report those cases that were removed because the individual is deceased, had prohibitions expire or removed, or had their cases resolved as a result of department firearm seizure activities.

(4) The degree to which the backlog in the APPS has been reduced or eliminated. For purposes of this section, “backlog” means the number of cases for which DOJ did not initiate an investigation within six months of the case being added to the APPS or has not completed investigatory work within six months of initiating an investigation on the case.

(5) The number of individuals in the APPS before and after the relevant reporting period, including a breakdown of why each individual in the APPS is prohibited from possessing a firearm.

(6) The number of agents and other staff hired for enforcement of the APPS.

(7) The number of firearms recovered due to enforcement of the APPS.

(8) The number of contacts made during the APPS enforcement efforts.

(9) Information regarding task forces or collaboration with local law enforcement on reducing the APPS file or backlog.

This report serves two functions: (1) it addresses the SB 94 mandated reporting; and (2) it provides a comprehensive assessment of the APPS database and DOJ’s related enforcement activities.³ DOJ undertook this comprehensive assessment by: (1) analyzing historical information such as audit files of APPS data; (2) examining the APPS caseloads and workflow for the immediately preceding calendar year; and (3) reviewing other administrative information.

Overview of the APPS Database

The APPS database contains information on firearms either legally acquired or registered in California and the owners of those firearms. Consistent with legislative mandates, the database is the result of records and information originating in the Dealer Record of Sale (DROS) database and the AFS database. Combined, those records represent all individuals who purchased or transferred firearms legally and all known firearms associated with each individual.

Individuals are entered into the APPS database when they legally purchase or acquire a firearm. They are moved to the Armed and Prohibited Persons System within the database if they become prohibited. Prohibited persons are identified by running daily manual queries of the databases that cross-reference the population of known firearm owners against individuals who may have had a prohibiting triggering event (PTE) within the past 24 hours. New individuals are added daily, creating a constantly changing and growing dataset.

³ See Appendix C for a brief overview of the mandated statistical requirements.

Armed and prohibited individuals are the primary focus of DOJ's enforcement efforts. However, they are a subset representing less than 1% of the APPS database. As of January 1, 2023, there were 3,347,221 known firearm owners in the APPS database, of which 23,869 are prohibited from owning or possessing firearms in the Armed and Prohibited Persons System. In order for DOJ to identify those armed and prohibited individuals, DOJ must first identify individuals who have legally acquired a firearm(s) and then identify which of those individuals are also prohibited due to a PTE.

From 2013 and 2022,⁴ changing laws have introduced new offenses that prohibit firearm ownership and/or possession, placing a growing number of individuals into the Armed and Prohibited Persons System. Other factors such as ammunition eligibility checks, mandatory assault weapon registration, and increased firearm sales have also contributed to the surge of identified prohibited individuals. Prohibitions may be due to a felony conviction, domestic violence conviction, a qualifying misdemeanor conviction, mental health-based event, various types of civil or criminal restraining orders, and other prohibitory categories. See Appendix E for firearm prohibiting categories.

Within the Armed and Prohibited Persons System, cases are separated into two broad categories of "Active" and "Pending."

Active cases have not yet been investigated or are in the process of being investigated, but all investigative leads have not yet been exhausted.

Pending cases have been thoroughly analyzed and all investigative leads were exhausted. For a detailed definition of the "pending category" please see Appendix A, Relevant Key Terms and Definitions.

1. **Unable to Clear:** Cases that have been investigated by the Department's agents who have exhausted all investigative leads and remain unable to recover all firearms associated with the prohibited individual. If new information is identified, the case will be moved to Active status.
2. **Unable to Locate:** Cases where the Department's agents have made at least three attempts to contact the individual but have not been able to locate them, even after exhausting all leads.
3. **Out-of-State:** Cases where the Department's agents have determined that the prohibited person is no longer living in California.
4. **Federal Gun Control Act (Federal Brady Act Prohibition Only):** Cases where a person is prohibited only under federal law. State, county, and municipal law enforcement have no authority to enforce a prohibition based only on the Federal Brady Act. Persons who have both a statewide and federal prohibition are not listed in this group.
5. **Incarcerated:** Cases involving incarcerated individuals remain on the Pending list, but the Department still tracks and monitors them. Once released, they are moved to Active status.

DOJ regularly verifies new or updated information on all Pending cases. If additional information becomes available on an APPS case in Pending status (e.g., the firearm(s) associated with the APPS individual are located, records indicate a new address for the individual, or the individual is released from incarceration), the case is evaluated and transitioned back into the Active status.

The current system includes 11 databases that do not communicate with one another or may only have one-way communication with another firearms database.⁵ This requires a Crime Analyst to manually cross-reference records from one database to another while working to compile an individual package for investigation.

⁴ See Appendix B for a legislative history as related to APPS

⁵ See Appendix D for a relational diagram of DOJ's firearms databases.

Of the 11 databases, only five databases feed into the APPS database for firearm association and prohibition determinations. These databases include:

1. **Automated Criminal History System (ACHS):** Established in 1971, ACHS is the repository for state summary Criminal Offender Record Information (CORI).
2. **Wanted Persons System (WPS):** Established in 1971 as the first online system for the Department, WPS is a statewide computerized file of fugitives for whom arrest warrants have been issued.
3. **Automated Firearms System (AFS):** Created in 1980 to identify lost or stolen firearms and to associate firearms with individuals. AFS tracks the serial number of every firearm owned by government agencies, handled by law enforcement (seized, destroyed, held in evidence, reported stolen, recovered), voluntarily recorded, or handled by a firearms dealer through transactions. Prior to 2014, most entries in AFS were handguns. Since January 1, 2014, all new legally acquired firearms, both handguns and long guns, are entered into AFS.
4. **California Restraining and Protective Order System (CARPOS):** Created in 1991, CARPOS is a statewide database of individuals subject to restraining and protective orders. This system includes Domestic Violence Restraining Orders (DVRO), Gun Violence Restraining Orders (GVRO), and other types of restraining and protective orders.
5. **Mental Health Reporting System (MHRS):** Established in 2012, MHRS is a web-based application used by Mental Health Facilities, Superior Courts, Juvenile Courts, and LEAs to report firearm prohibiting events related to mental health to DOJ.

The APPS database is not an automated system that cross-references all firearms databases; therefore, prior to creating a complete case package for investigation, Crime Analysts must manually cross-check multiple additional databases. The system is extremely cumbersome to operate. When a user retrieves a single case, all information must be verified prior to action taken by agents. Such verification starts with confirming the individual's name, birth date, and driver's license number match across all systems. Then, using the Law Enforcement Agency Web (LEAWEB), the Crime Analyst will run a multiple query using the individual's driver's license number. LEAWEB is a California unique database that queries some of California's databases, including CARPOS, AFS, ACHS, MHRS, WPS, and the Supervised Release Files, as well as the databases of the California Department of Motor Vehicles (DMV). Each case is highly variable, and the circumstances and information pertinent to each case will determine how a Crime Analyst conducts their research. For example, an individual can be prohibited under multiple categories; the prohibiting category determines which databases a Crime Analyst must use to verify the prohibition is still current and that the case is workable by agents.

Firearms Information Technology Systems Modernization (FITSM) Project

DOJ initiated the FITSM in June 2020. Currently, the project is in Stage 2, the Alternative Analysis Planning stage. The project is conducting an analysis of all firearm business processes and supporting systems. This includes market research to ultimately determine a modern solution and the timeline for the implementation of the new firearms systems. DOJ's target submission of the Stage 2 Alternatives Analysis to the California Department of Technology for review and approval is scheduled for March 2023, and DOJ plans to select vendors to begin implementation of the FITSM by January 2024. The project is expected to identify many positive solutions to various firearms systems, including the APPS database.

The existing firearms systems utilized by DOJ, LEAs, and other firearm stakeholders lack the modern capabilities DOJ needs to comply with legislative mandates and fulfill its commitment to public safety.

The systems currently in use were built many years ago — dating as far back as 1980 — and have been modified piecemeal over the years in response to various legislative mandates. Each system uses different logic, meaning inputs cannot be easily transferred from one database to another, and modifications cannot be applied across multiple systems. These problems will persist and prevent the kind of automation to enhance efficiency, thus causing increased workloads and missed operational opportunities until DOJ can develop and implement the FITSM solution.

The complexity of the existing firearms systems can be seen even in the most straightforward of circumstances. In the case of an individual who has only one firearm and is prohibited only by one restraining order, the process would be as follows:

1. The Crime Analyst must confirm the restraining order is in effect and that the individual was served by either being present in court or was served by a processor.
2. Once this is verified, the Crime Analyst will try to pull the actual restraining order from an external database, the California Courts Protective Order Registry (CCPOR).
3. CCPOR is meant to be a centralized registry for restraining orders in California; unfortunately, it has not been implemented across all county courts in the state. For courts that do not use CCPOR, DOJ's Crime Analyst must contact the court directly to attempt to obtain a copy of the restraining order. Having an original copy can provide valuable additional information. For example, confirming when, where, and how the restraining order was served; the individual's last known address; and whether the individual has already surrendered their firearm.
4. Assuming the individual is still in possession of their firearm, the Crime Analyst must then pull descriptive information for the firearm associated with the individual and run the serial number of the firearm in the AFS to confirm the individual is still associated with that firearm. The Crime Analyst may also have to establish there are no extenuating circumstances, such as a situation where the individual is no longer in possession of the firearm, but the databases do not reflect the change. This is sometimes caused by a keying error where a serial number is off by one digit, but all other information coincides. A keying error traditionally happens from data entry made by a firearms dealer, by the public via online reporting, or by LEAs that seize firearms. In such circumstances, additional administrative work must be done by DOJ to remove the association of the firearm from the individual.
5. Although LEA WEB queries the DMV, the query does not automatically pull an individual's identification photo or associated vehicles. To obtain this information, the Crime Analyst must perform additional, separate steps to pull relevant information, such as the most recently reported place of residence, from DMV registries.
6. Once all information is confirmed, and assuming the information supports investigative efforts, the package is then ready for agents to conduct enforcement actions.

As noted, this outlined process is for the simplest case possible with one prohibition and one firearm. Most cases involve additional factors such as additional firearms, prohibitions, combined federal and state prohibitions and/or criminal history, which make a case package much more difficult to compile.

Planning efforts for the FITSM project include the replacement and modernization of the existing legacy infrastructure. While funding has been secured to begin Stage 2, which involves an analysis and planning of the required work to complete the effort, future additional funding will be required to begin Stages 3 and 4, to select a vendor and initiate the implementation activities which will bring this project to fruition.

Enforcement Teams

Crime Analysts: Each of the DOJ's Bureau offices has its own team of Special Agents for field operations. DOJ also employs Crime Analysts in each of their six offices throughout the state.⁶ The Crime Analysts access the APPS database daily and develop investigative packages of armed and prohibited people for each team of agents to contact. They are required to crosscheck several databases to confirm addresses, photos, arrest records, and the status of armed and prohibited individuals, among other relevant information. Using their knowledge and expertise, they translate vast amounts of data into actionable information which allows the agents to conduct their investigations efficiently and effectively. The work is time-intensive and requires great attention to detail as errors (typos, accidental variations, incorrect information, etc.) can lead to incorrect decisions or unnecessary investigative contacts. Modernizing the firearms IT systems will allow for greater accuracy, which will bolster the success of investigative operations by ensuring agents and other law enforcement partners are provided the most current information and avoid unnecessary contacts and risk.

Special Agents: Using these investigative packages, Special Agents attempt to locate the firearm(s) associated with each armed and prohibited individual via a consent search, probation or parole search, or a search warrant. Often, the armed and prohibited individual will be in possession of numerous firearms, many of which were not associated with that individual in the APPS database. This could be due to the individual having: long guns purchased before long gun reporting requirements in 2014, firearms loaned to them by another person, firearms imported into California from another state, antique firearms, illegally purchased firearms, ghost guns,⁷ or stolen firearms.

Partnerships with Local Law Enforcement Agencies (LEAs): Improving partnerships with local LEAs will help to improve operation efficiency. Often, agents contact an armed and prohibited individual only to find that local law enforcement has already seized the firearm(s) associated with that individual but neglected to enter the seized firearm into the AFS, as required by Penal Code sections 11108.2 and 11108.3. Entering that information would have removed the individual from the APPS database, allowing DOJ's agents to focus on another case. Currently, DOJ must reach out to the LEAs to request they update the AFS, or ask for the police report to cross-check the firearms seized and match the associated firearms in the APPS database. Unless the information matches and is verified, the individual cannot be removed from the APPS database. In 2023, many APPS investigations conducted by DOJ involved firearms already in local law enforcement custody. The cost of such oversight cannot be recovered, resulting in duplicative efforts by DOJ that reduce efficiency and waste resources. DOJ's proposed plan to increase collaboration would help ensure the timely and accurate input of data by local LEAs in statewide data systems.

Successful models of operations with local law enforcement have been a force multiplier for the APPS program. For instance, the Contra Costa County Anti-Violence Support Effort Task Force (CASE) is a collaboration between various state, local, and federal agencies. CASE conducted 98 firearms-related investigations and confiscated 19 firearms, five of which were APPS firearms.⁸ As outlined in the recommendations, DOJ encourages these types of collaborative partnership operations and relationships with local LEAs.

In an effort to increase these types of successful collaborative efforts, in December 2020, DOJ established management and supervision of the Tulare County Agencies Regional Gun Violence Enforcement Team, also known as the TARGET Task Force. This is a recent addition to DOJ task

6 See Appendix F for a map of the various Bureau regional office jurisdictions

7 Ghost guns are firearms made by an individual or group, without serial numbers or other identifying markings. Without a serial number, law enforcement cannot run a trace search on the firearm and the firearm does not have the legal requirements.

8 For more on the CASE and TARGET task forces, refer to page 26.

force model and supports the value established through previous task force efforts, including the aforementioned CASE Task Force. In 2022, state and local agencies working with TARGET conducted 277 firearms-related investigations and confiscated 149 firearms, 131 of which were APPS firearms. Like CASE, TARGET works collaboratively with local, state, and federal partners to conduct APPS investigations as well as other investigations to reduce gun violence.

Additional funding to expand this task force model would allow DOJ to amplify this collaborative work. DOJ has experienced the positive impact of working with local LEAs, allowing DOJ's agents to conduct more operations and remove additional firearms from prohibited armed persons more efficiently. DOJ stands ready to work with the Legislature and local, state, and federal law enforcement partners to replicate this success across the state.

Mandated Statistics and Analysis

Senate Bill 94 mandates the reporting of specific statistics for each calendar year. As the COVID-19 pandemic affected enforcement actions during 2020 and 2021, any inferences drawn from comparisons to these years should be made with caution. The mandated statistics for the current report include the following:

The Total Number of Individuals in the APPS Database

As of January 1, 2023, the APPS database contained 3,347,221 individuals, of which 23,869⁹ were prohibited from owning or possessing firearms.

Breakdown of the Status of Active APPS Cases

“Active cases” are those involving individuals believed to reside in the state of California, are prohibited from owning or possessing a firearm in the state for one or more reasons, and have not yet been investigated or are in the process of being investigated, but all investigative leads have not yet been exhausted.

Status of the APPS Database Backlog

As outlined above, the statutory mandate described in Penal Code section 30012, subdivision (a)(1)(A) (i) requires DOJ to report “the number of cases that have not been actively investigated for 12 months or longer, along with a breakdown of the time period that has elapsed since a case was added to the system.” As stated previously, DOJ alerted DOF prior to the passage of SB 94 that it would be unable to provide these metrics without the necessary funding to update the current firearms databases. While the FITSM project is ongoing, this continues to be the case.

SB 94 defined “backlog” as the number of cases for which DOJ did not initiate an investigation within six months of the case being added to the APPS database or for which it has not completed investigatory work within six months of initiating an investigation on the case. Once DOJ receives full funding to complete the FITSM, the new system will be better able to accommodate reporting on the status of the backlog.

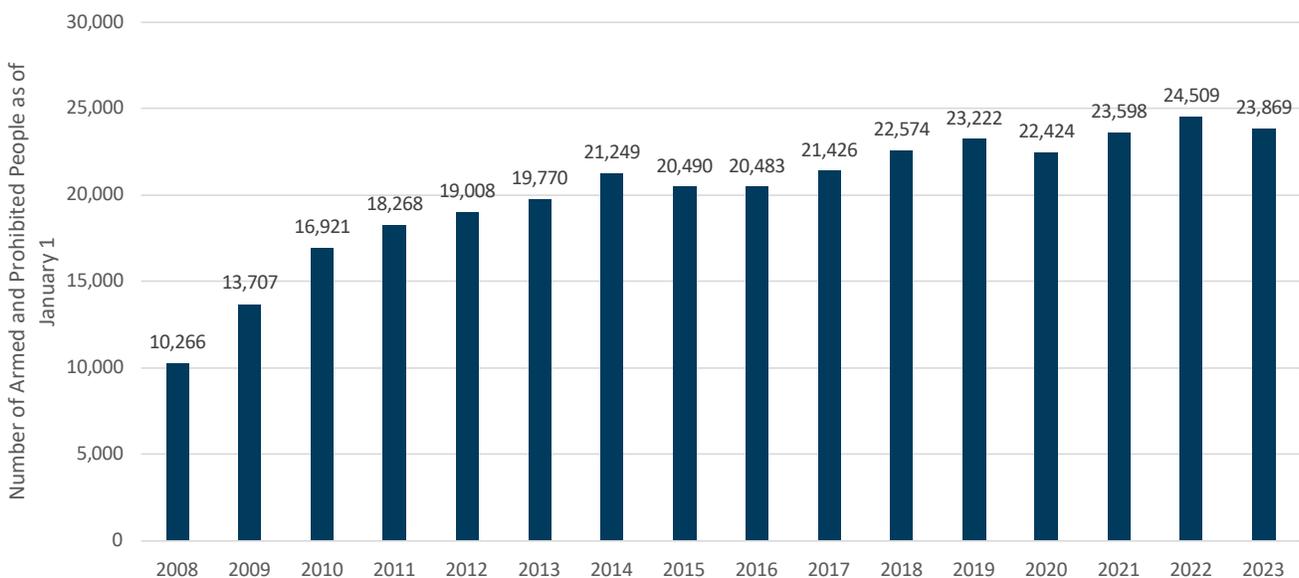
9 This number excludes individuals who are known to own firearms and are prohibited but are also known to be incarcerated for six months or more. While incarcerated individuals are technically in the Pending status, it is assumed that they are not in possession of firearms while in custody and are therefore treated as a separate population. DOJ receives state prison incarceration statuses nightly and individuals released from state custody are moved into the Active status.

Breakdown of Cases in the APPS Database

As of January 1, 2023, the APPS database contained 3,347,221 individuals, of which 23,869 were prohibited from owning or possessing firearms. This latter figure is further subcategorized into Active and Pending cases. “Active” cases are those for which DOJ has not yet begun investigations or is in the process of investigating but has not yet exhausted all investigative leads. “Pending” cases are those investigations that DOJ has thoroughly analyzed and exhausted all investigative leads or determined that the person is not within DOJ’s jurisdiction. As of January 1, 2023, there were 9,294 Active cases and 14,575 Pending cases. In addition to the pending category, there are 1,159 incarcerated individuals. While technically in a pending status, incarcerated individuals represent a unique population that cannot be investigated until released from incarceration and moved to Active status. Therefore, incarcerated individuals are counted separately for the purposes of this report, and are not figured in the Pending case statistics that follow.

Figure 1 shows the number of people in the Armed and Prohibited Persons System within the APPS database each year. The number armed and prohibited persons decreased as of January 1, 2023 in comparison to January 1, 2022. Substantial decreases have only occurred twice previously: between the 2014 and 2015 reporting years, and again between the 2019 and 2020 reporting years (Figure 1. 2015 & 2020). The reason for the overall decrease as of 2023 is potentially due to the reduced severity of the COVID-19 pandemic, increased cooperation with local LEAs through the Gun Violence Reduction Program (GVRP), and APPS enforcement sweeps during the year. APPS enforcement sweeps are multi-day operations in which DOJ works together with allied LEAs in a certain jurisdiction of the state. For more information on APPS enforcement sweeps, please see page 28 of this report.

Figure 1. The number of prohibited people in the APPS database as of January 1 each year



Breakdown of the Status of Pending APPS Cases

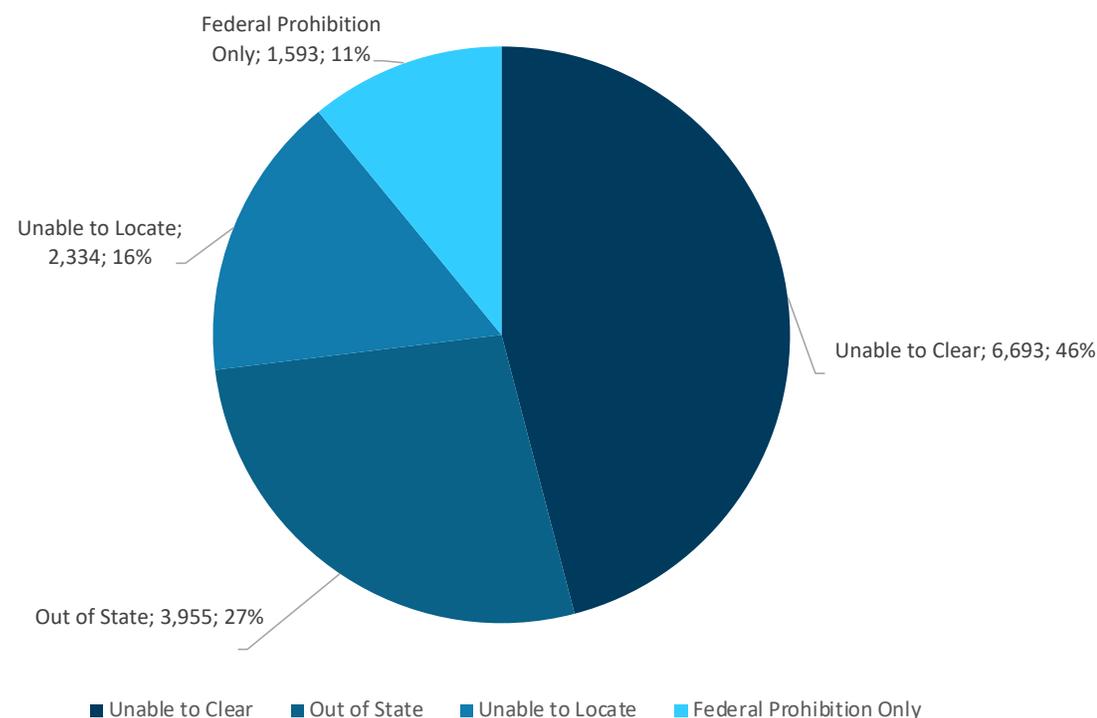
Prohibited individuals in the APPS database may be assigned a Pending status for one of four reasons:

- 1. Unable to Clear (UTC):** The prohibited person has been investigated and all leads have been exhausted, but agents have been unable to disassociate the individual from all known firearms.

2. **Unable to Locate (UTL):** Agents have made at least three attempts to contact the prohibited individual but have not been able to locate them, even after exhausting all leads.
3. **Out of State:** The prohibited individual has moved out of California.
4. **Federal Brady Act Prohibition Only:** The prohibited individual is prohibited due to a Federal Brady Act prohibition (18 U.S.C. §§ 921, 922) alone and DOJ does not have the jurisdiction to investigate them.

Of the 14,575 Pending cases, 6,693 (46%) were unable to be cleared, 2,334 (16%) were unable to be located, 3,955 (27%) moved out of state, and 1,593 (11%) were prohibited under Federal Brady Act prohibitions only (Figure 2).

Figure 2. Pending APPS cases separated by category as of January 1, 2023



Breakdown of the Number of Individuals Removed from the APPS Database

In 2022, 9,917 armed and prohibited people were removed from the APPS database. Removals from the Armed and Prohibited Persons System occur for one of three reasons:

1. **Prohibition Expired:** An individual's prohibition expired, which could result from the expiration of restraining orders, the end of a 10-year prohibition that resulted from a qualifying misdemeanor conviction, or the end of a 5-year prohibition that resulted from a mental health event.
2. **Disassociated from All Known Firearms:** The prohibited person has all of their known firearms disassociated from them, meaning each firearm attributed to them within the APPS database has been accounted for by DOJ and disassociated from the prohibited person.
3. **Deceased:** The prohibited person is deceased.

Table 1. Individuals removed from the APPS database in 2022 separated by reasons for removal

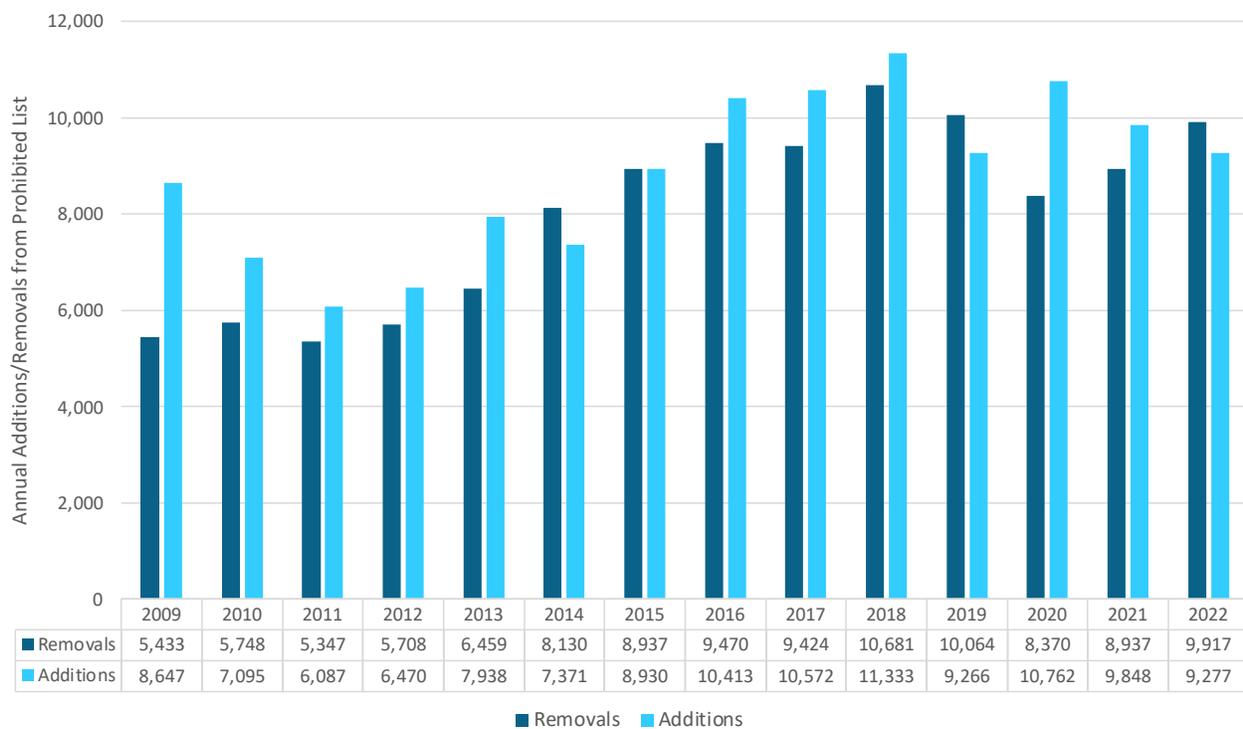
Reason for Removal	Number of Individuals Removed
Prohibition expired/no longer prohibited	5,940
Disassociated from all known firearms	3,598
Deceased	379

If DOJ is unable to locate the prohibited person or disassociate all known firearms from the prohibited person, despite having exhausted all leads, DOJ cannot remove the individual from the APPS database and must instead assign them to the Pending category. This often results from the inherent difficulty of confiscating firearms from individuals who are unwilling to surrender their firearms regardless of their prohibited status.

Of the 9,917 prohibited people removed from the APPS database this year, 3,598 removals were the result of enforcement efforts¹⁰ – 377 more removals compared to 2021, an increase of almost 12%. The monthly average number of individuals disassociated from their known firearms was approximately 300, with a standard deviation of approximately 41 individuals from month to month.

Agents removed a higher number of prohibited individuals in the first half of the year, with an average of 311 removals per month from January through June, compared to an average 289 removals per month from July through December. The most productive month was March, with 375 prohibited individuals disassociated from all known firearms.

Figure 3. The yearly removals and additions from the APPS list as of January 1, 2023



¹⁰ Note that not all 3,598 individuals who were disassociated from their firearms resulted in firearm seizures by DOJ. In some cases, DOJ investigations determined that local law enforcement agencies already seized the firearms but failed to record the recovery, the individual attempted to report the firearm lost/stolen, or the individual is in the process of lawfully selling or gifting the firearm to a friend or relative. For a breakdown of prohibition categories as a percentage of prohibited people see Figure 4 below.

DOJ has experienced an increase in the past few years of prohibited individuals with Gun Violence Restraining Orders (GVROs) being entered into the APPS database. In 2016, with the implementation of Assembly Bill (AB) 1014, California became one of the first states to enact a red flag law. The law initially allowed law enforcement officers and family members of a person they believed was a danger to themselves or others to petition the court to prohibit that person from possessing firearms under a GVRO. In 2020, Assembly Bill (AB) 61 expanded authorization to petition the court for a GVRO to employers, coworkers, and school employees.

GVROs assist LEAs in recovering firearms from individuals who have shown a probability to commit violence with a firearm or to prevent those individuals from obtaining firearms. DOJ GVROs are a critical tool that saves lives, and DOJ prioritizes GVRO-related APPS subjects for investigation. LEAs are increasingly implementing GVROs as they recognize the positive impact on public safety. DOJ applauds these efforts to enhance public safety through the GVRO process.

DOJ improved the method of calculation and developed a new, more accurate method of determining the number of prohibited individuals with restraining orders whose prohibitions expired in 2022¹¹. The new method uses audit dates to track individuals' statuses as they change in the APPS database. This allows for a more accurate count of people who remain within the system.

Of the 3,598 individuals who were disassociated from all known firearms in 2022, 2,047 (57%) were prohibited, at least in part, due to restraining orders. Meanwhile, of the 5,940 people who had their prohibitions expire in 2022, 4,065 (68%) individuals were prohibited, at least in part, due to restraining orders. Similarly, of the 379 people who became deceased in 2022, 51 (13%) were prohibited, at least in part, due to restraining orders.

As of January 1, 2023, 1,449 (10%) people who were prohibited due to restraining orders were designated "Pending" in comparison to the 2,047 (57%) people prohibited due to restraining orders who were disassociated with all known firearms. The data suggests that if individuals' firearms were disassociated at the time of them being served a restraining order, DOJ may be able to fully disassociate firearms from a significant proportion of the 4,065 individuals whose restraining orders expired in 2022.

The Number of People in the APPS Database Before and After the Relevant Reporting Period

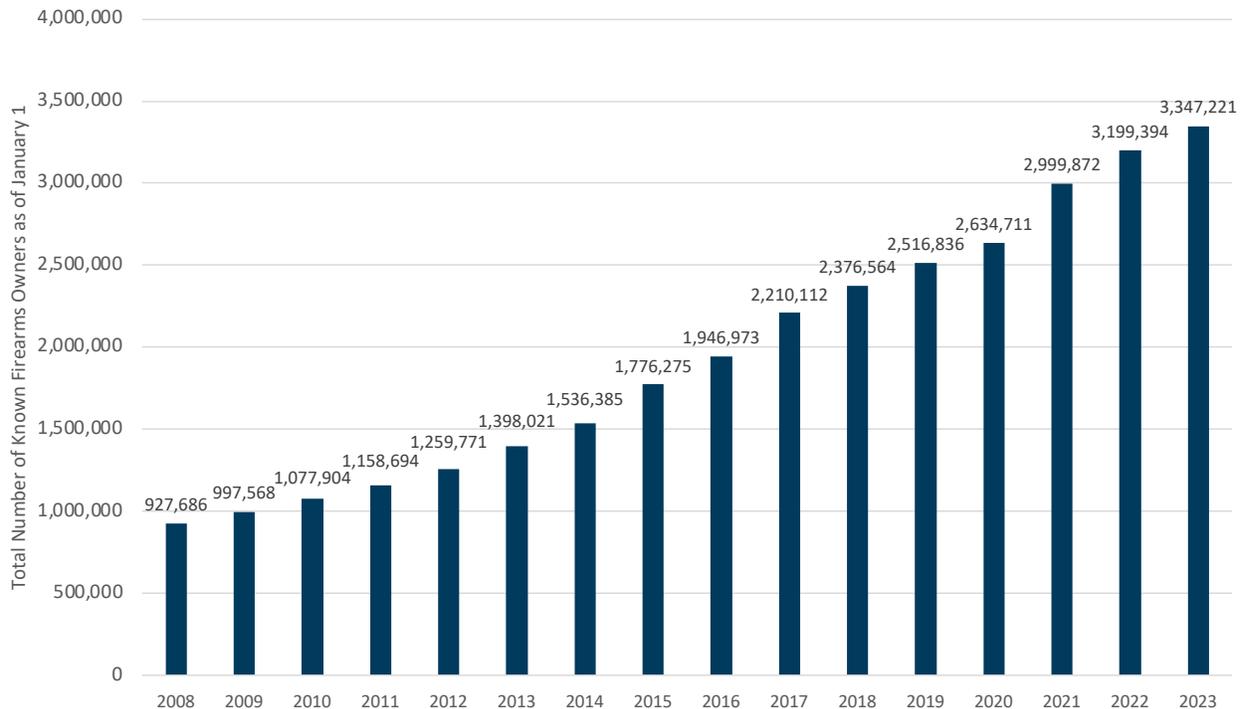
The relevant reporting period runs from January 1, 2022 through December 31, 2022. The APPS database is a compiled list of all individuals who legally purchased or were transferred a firearm in California. It further categorizes individuals as either persons armed but not prohibited, persons armed and prohibited, or persons incarcerated and known to have possessed a firearm prior to incarceration. To account for late additions or removals from the system, the state of the APPS database was analyzed as of 1:30 a.m. Pacific Standard Time on January 1, 2023. At that time, the APPS database system contained 3,347,221 individuals, including 3,322,193 armed and not prohibited individuals, 23,869 armed and prohibited individuals, and 1,159 incarcerated individuals

The number of people in the APPS database grew by 147,827 in 2022. In other words, 147,827 individuals became registered firearm owners living in California at some point during 2022, either through purchasing a firearm or reporting a firearm in their possession. This number does not reflect existing firearm owners who acquired new firearms in 2022. The addition of 147,827 to the APPS database represents the median increase between 2019 and 2022. That annual growth is slightly lower than the average annual increase of the last five years, which was 194,131. The APPS database is highly

¹¹ The new method uses audit dates to track individuals' statuses as they change in the APPS database. This allows for a more accurate count of people who remain within the system.

dynamic, and newly armed and prohibited people continue to be added as many others are removed. This increase represents both prohibited and non-prohibited persons in the APPS database.

Figure 4. The total number of people in the APPS database per year



Breakdown of Why Each Person in the APPS Database is Prohibited from Possession of a Firearm

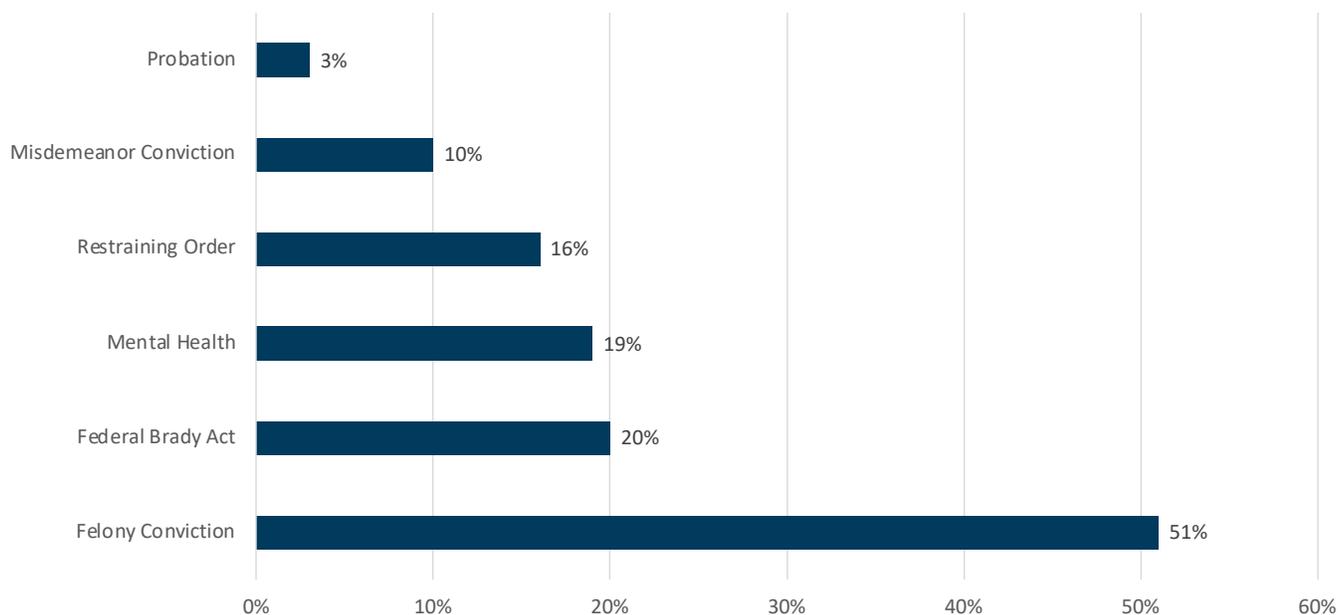
Persons become prohibited in the APPS database for several reasons. The following categories are the typical events, or PTEs, which can trigger a firearm prohibition.

- An individual may become prohibited under the Federal Brady Act. Note, some individuals prohibited under the Federal Brady Act may not be prohibited under California state law (e.g., a dishonorable discharge in the military).
- An individual may be prohibited from owning or possessing a firearm as a condition of their probation.
- Individuals with felony convictions are prohibited from owning firearms.
- A juvenile who becomes a ward of the court may be prohibited.
- Mental health crises involving involuntary commitment may trigger a temporary prohibition.
- Some misdemeanor convictions may prohibit owning a firearm.
- Individuals may be temporarily prohibited due to restraining orders.
- Individuals may be temporarily prohibited due to a felony warrant.
- Individuals may be temporarily prohibited due to a misdemeanor warrant.
- Individuals may be prohibited due to offenses or triggering events occurring in other states.

Many individuals are prohibited under several categories (Figure 5). The following is a breakdown by category as of January 1, 2023:

- 12,745 people prohibited due to a felony conviction, representing 51% of all active, pending, and incarcerated individuals in APPS.
- 4,985 (20%) are prohibited due to the Federal Brady Act¹²
- 4,099 (16%) prohibited due to restraining orders
- 4,837 (19%) prohibited due to mental health prohibitions
- 2,415 (10%) prohibited due to a qualifying misdemeanor conviction
- 768 (3%) prohibited due to terms of their probation
- 361 (1%) prohibited due to a felony warrant
- 118 (<1%) prohibited due to misdemeanor warrants
- 12 (<1%) prohibited due to juvenile prohibitions
- 52 (<1%) prohibited due to other reasons.¹³

Figure 5. Prohibition categories as a percentage of prohibited people¹⁴



The distribution among these categories is largely consistent with that in 2021. Overall, the categories with the greatest change between 2021 and 2022 were: probation prohibition, accounting for 2% fewer prohibitions than in 2021; restraining orders, which accounted for 3% fewer prohibitions than in 2021; and felony convictions, which accounted for 1% more prohibitions than in 2021. All other categories,

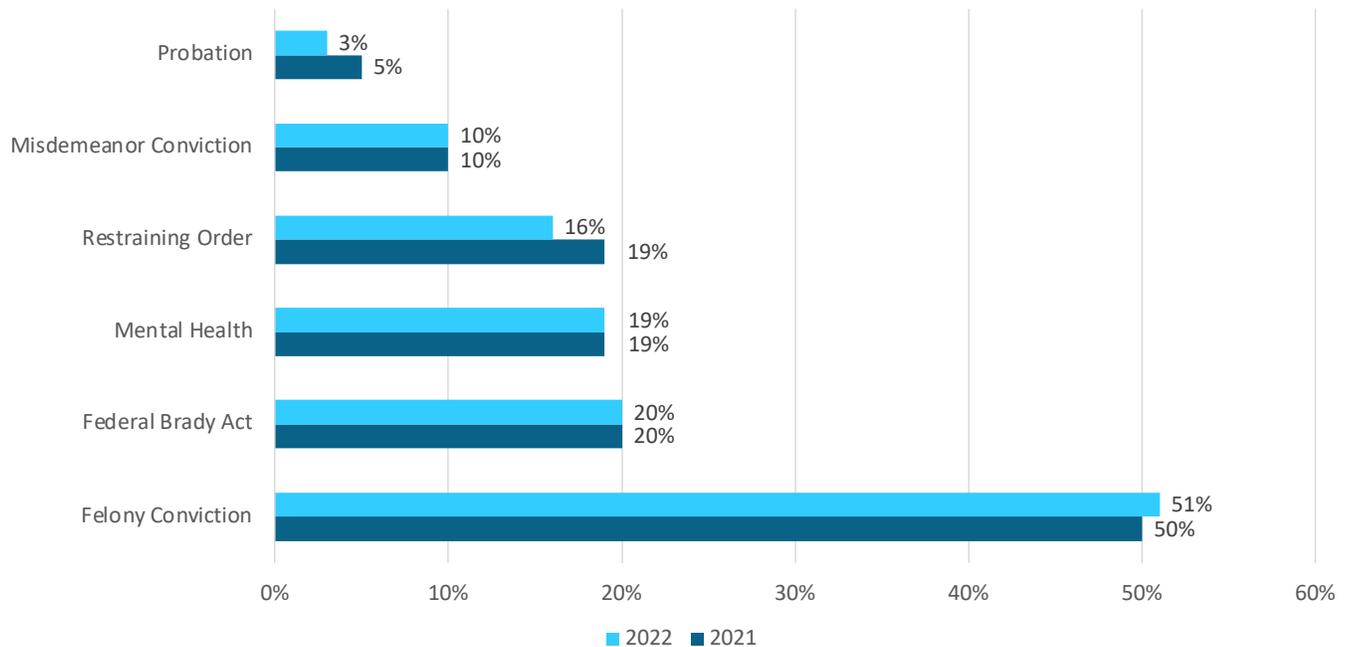
12 This figure includes individuals who may be prohibited under more than one category, including a Federal Brady Act prohibition. These are not solely Federal Brady Act cases.

13 See Appendix E for a list of Firearm Prohibiting Categories.

14 Many cases have more than one prohibition, which is why these numbers do not equal 100%.

including misdemeanors, felonies, mental health, and federal prohibitions remained unchanged. See Figure 6 for a complete comparison¹⁵.

Figure 6. Prohibition categories as a percentage of prohibited people in 2021 and 2022



Number of Agents and Other Staff Hired for Enforcement of the APPS

As of January 1 2022, DOJ had 76 authorized permanent Special Agent Trainee, Special Agent, Special Agent Supervisor and Special Agent in Charge positions. Of those positions, 53 were filled and 23 were vacant. By December 2022, DOJ continued to have 76 authorized permanent positions, of which 64 were filled and 13 were vacant. As Table 2 shows, the number of filled and vacant positions fluctuates throughout the year, reflecting the quick turnover rate of these positions. This illustrates DOJ's challenges hiring and retaining agents, despite having authorized positions to fill. In an effort to address the ongoing challenges with staffing, specifically recruitment at the Special Agent and Special Agent Supervisor classifications, DOJ has continued recruiting Special Agent Trainees. While this approach may ultimately benefit DOJ by increasing the total number of Special Agents, it can be challenging in the short term due to the time and resources required to educate and train a Special Agent Trainee to perform at the level of a Special Agent.

In December 2021, DOJ had 36 filled Special Agent positions (not including Special Agent Trainees). In 2022, DOJ hired seven Special Agents and 10 Special Agent Trainees. Four sworn personnel left DOJ due to inter-departmental transfers and/or promotions, and one Special Agent was promoted from within DOJ to a Special Agent Supervisor.¹⁶ Due to the unique demands placed on APPS team members, Special Agent Trainees are required to meet high standards before promotion to Special Agent. While these high standards ensure a competent and seasoned task force, they present an obstacle for recruitment and retention. For example, between January 1, 2022, and December 1, 2022, there was a decrease of nine authorized Special Agent Trainees. In order to fill these positions while maintaining the high standards

¹⁵ Percentages for the Felony Conviction, Federal Brady, Restraining Order, and Probation categories were misprinted in the 2021 report. Their correct percentages are reported in Figure 5 above.

¹⁶ Agent staffing temporarily fell in 2022, as the Department's Division of Law Enforcement took on significant, additional statutorily-mandated workload.

for training, DOJ temporarily reclassified several “Special Agent” positions to “Special Agent Trainee” positions while the current agents finish their trainings.¹⁷

A number of enforcement support staff assist Special Agents; these individuals are a significant asset to DOJ. In 2022, three support staff separated from the enforcement teams. DOJ is actively recruiting to fill these positions.

The fluctuation in Special Agent staffing levels due to transfers and promotions affected the quantity of agents able to initiate and complete enforcement work in 2022.

Table 2: DOJ authorized positions for the relevant reporting period

Bureau Positions	1/1/2022			7/1/2022			1/1/2023		
	Filled	Vacant	Total Authorized	Filled	Vacant	Total Authorized	Filled	Vacant	Total Authorized
Special Agent	36	19	55	34	15	49	35	13	48
Special Agent Supervisor	14	1	15	15	0	15	12	3	15
Special Agent-in-Charge	2	1	3	2	1	3	2	1	3
Special Agent Trainee	1	2	3	8	1	9	9	1	10
Total	53	23	76	59	17	76	58	18	76

DOJ expects it will continue to face challenges in recruiting Special Agents as long as its compensation is not competitive with compensation packages offered by other LEAs.

While the 12% pay increase for Special Agents that went into effect on September 1, 2021, was a step in the right direction, Special Agent monthly base salary at DOJ continues to lag behind comparable positions at other LEAs.

Although DOJ had five retirements of sworn personnel in 2022, it expects in forthcoming years the Division of Law Enforcement (which includes DOJ), will face a substantial staffing shortfall as a result of projected retirements (see Table 3).

¹⁷ Due to AB 2699, DOJ was given one additional Special Agent position to investigate illegal firearms transactions.

Table 3: Projection of Retirement Eligibility within the Division of Law Enforcement¹⁸

Division of Law Enforcement - SA/SAS/SAC Retirement Eligible Counts			
Fiscal Year	Classification	Employees Eligible to Retire	Cumulative Fiscal Year Total
21-22	Special Agent	12	20
	Special Agent Supervisor	6	
	Special Agent in Charge	2	
22-23	Special Agent	16	26
	Special Agent Supervisor	8	
	Special Agent in Charge	2	
23-24	Special Agent	21	37
	Special Agent Supervisor	9	
	Special Agent in Charge	7	
24-25	Special Agent	25	47
	Special Agent Supervisor	15	
	Special Agent in Charge	7	
25-26	Special Agent	27	54
	Special Agent Supervisor	20	
	Special Agent in Charge	7	
26-27	Special Agent	36	67
	Special Agent Supervisor	24	
	Special Agent in Charge	7	

Until salaries are increased to competitive levels, either through additional amendments to bargaining unit contracts or by way of another change, as requested in the “Recommendations” section, DOJ can expect to continue to face challenges recruiting agents to fill DOJ’s authorized positions.

Number of Contacts Made During APPS Enforcement Efforts

DOJ’s agents and Crime Analysts are continuously working to research and develop viable APPS investigations to determine which leads will potentially provide the greatest possible number of positive results. Cases are pursued until all investigative leads are exhausted. Individuals are then either: (1) disassociated from all of their firearms and removed from the APPS database; or (2) moved to the Pending category due to the existence of no further leads and are labeled “unable to clear.”

During the course of an investigation, Bureau agents may need to make repeated contacts with a prohibited individual to close a case. These repeated contacts occur because the APPS individual may (1) not be home at the time of the initial contact; (2) have moved and failed to update their address with the DMV; (3) have moved out of state; (4) claim the firearm(s) was already seized by local law enforcement or has been reported as lost or stolen; (5) be uncooperative and not forthcoming with

¹⁸ The data in Table 3 was provided on January 30, 2023 by DOJ’s Office of Human Resources Data Analytics Unit and is based on vacancies and headcounts as of January 30 2023. The projected cumulative fiscal year totals increase each year as additional employees become retirement eligible, and the projection assumes the prior years’ employees have not yet retired.

information about the firearm(s), requiring further interviews and contacts; and (6) claim to have given their firearm(s) to another person outside of the legal firearms transfer process, requiring agents to track down the firearm(s) and/or verify the provided information.

In total, agents made nearly 24,000 contacts in 2022. With an average of 35 Special Agents (not including supervisors or agents in training) employed during 2022, which represents an average of 57 contacts per month per agent.¹⁹ Overall, the monthly average number of contacts per agent in 2022 remained comparable to 2021. As in previous years, agents required an average of three separate contacts, which consisted of in-person interviews, to close one APPS case.

Special Agent Supervisors are not included in these calculations because, although supervisors are involved in all field operations, their work focuses on being vigilant and available to make quick decisions for the safety of the team. Agents in training are likewise not included in these calculations because they accompany special agents during investigations. In the course of an investigation, special agents take the lead on investigations and contacts. Supervisors ensure their teams adhere to Department policy, follow officer safety protocols, and use proper investigative methods so that no violations of constitutional rights occur in the course of the investigation.

Number of Firearms Recovered

In 2022, DOJ's Special Agents seized a total of 1,437 firearms. Of these firearms 916 (64%) were firearms listed in APPS, and 521 (36%) were firearms not listed in the system (non-APPS). See Figures 7 and 8 for a breakdown of the type of APPS and non-APPS firearms recovered. Together, APPS and non-APPS firearms resulted in 1,437 total firearm seizures (Figure 9). DOJ agents closed 7,946 APPS investigations due to enforcement efforts in 2022.²⁰ This number does not reflect the number of times DOJ agents attempted to locate an APPS individual or were required to visit third-party residences; it only captures the total number of closed cases.²¹ The following graphs detail the number of firearms seized due to APPS enforcement in 2022, categorized by the type of firearms seized.

19 DOJ provides this number to illustrate the workload for each agent and compare year-to-year contacts per agent. However, agents always work in teams and will never contact a person in the Armed and Prohibited Persons System alone.

20 Not all cases closed are removed from APPS. They may remain in the Pending category.

21 Cases can also be closed when 1) agents or criminal analysts find the individual is deceased, 2) the individual has moved out of state and out of DOJ's jurisdiction, 3) a criminal analyst corrects a data discrepancy, and the individual is cleared.

Figure 7. APPS firearms seized in 2022

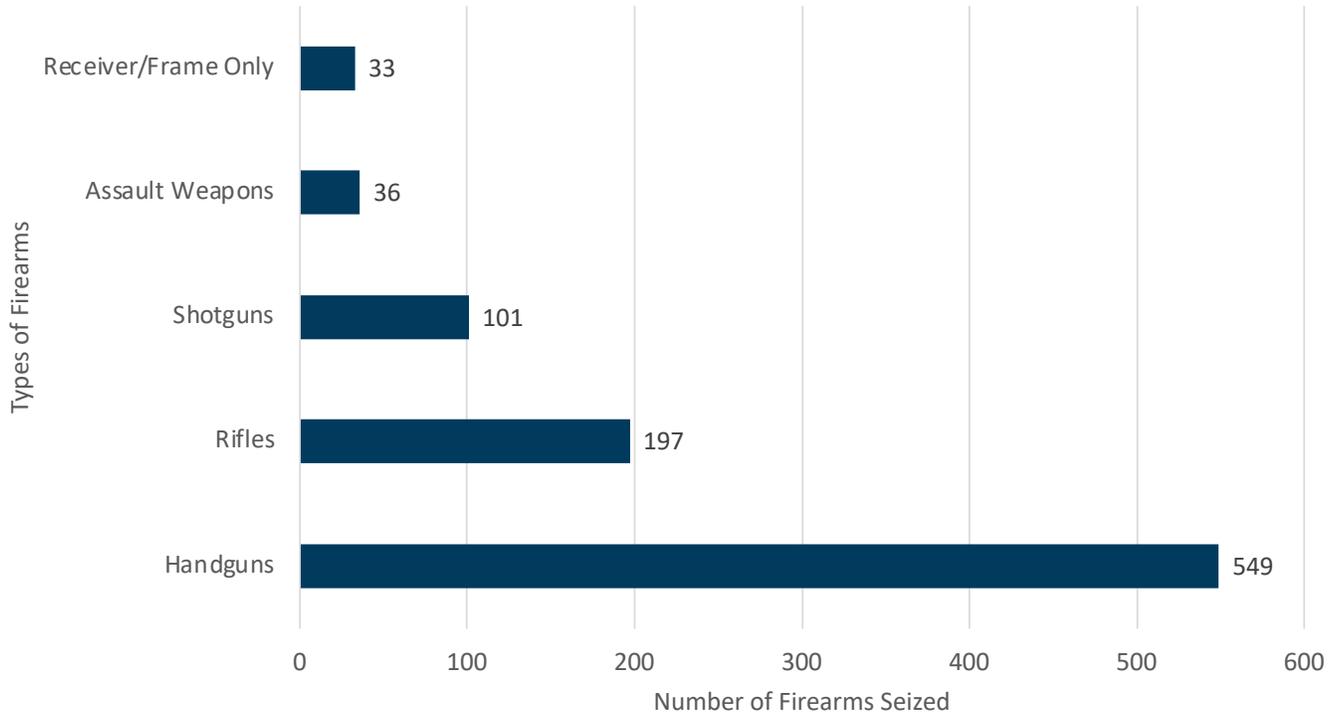


Figure 8. Non-APPS firearms seized in 2022

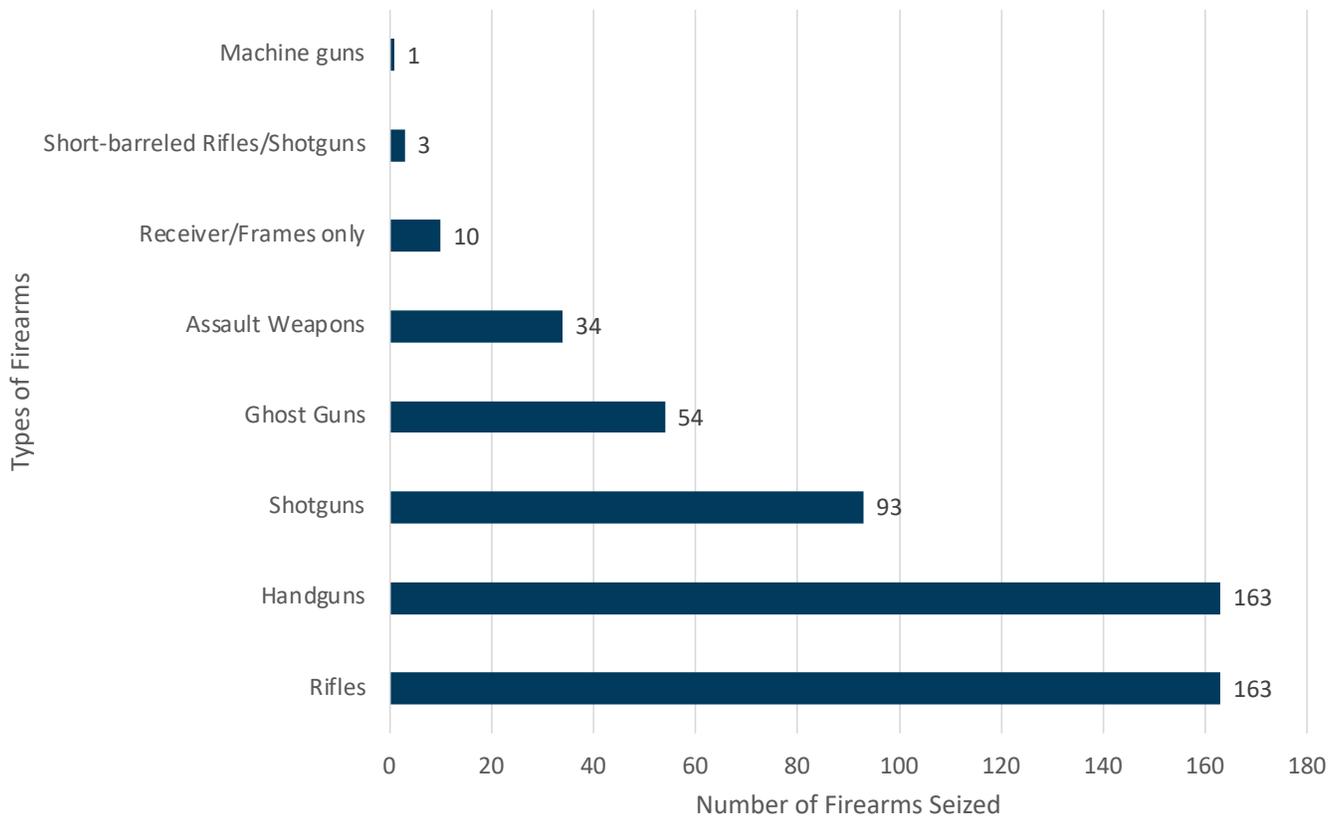
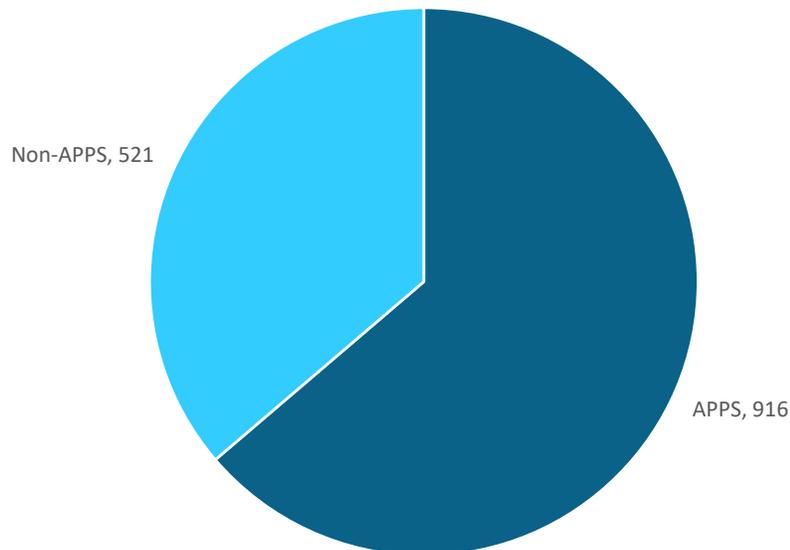


Figure 9. The 1,437 firearms seized in 2022 separated by APPS type



Number of Ghost Guns Recovered

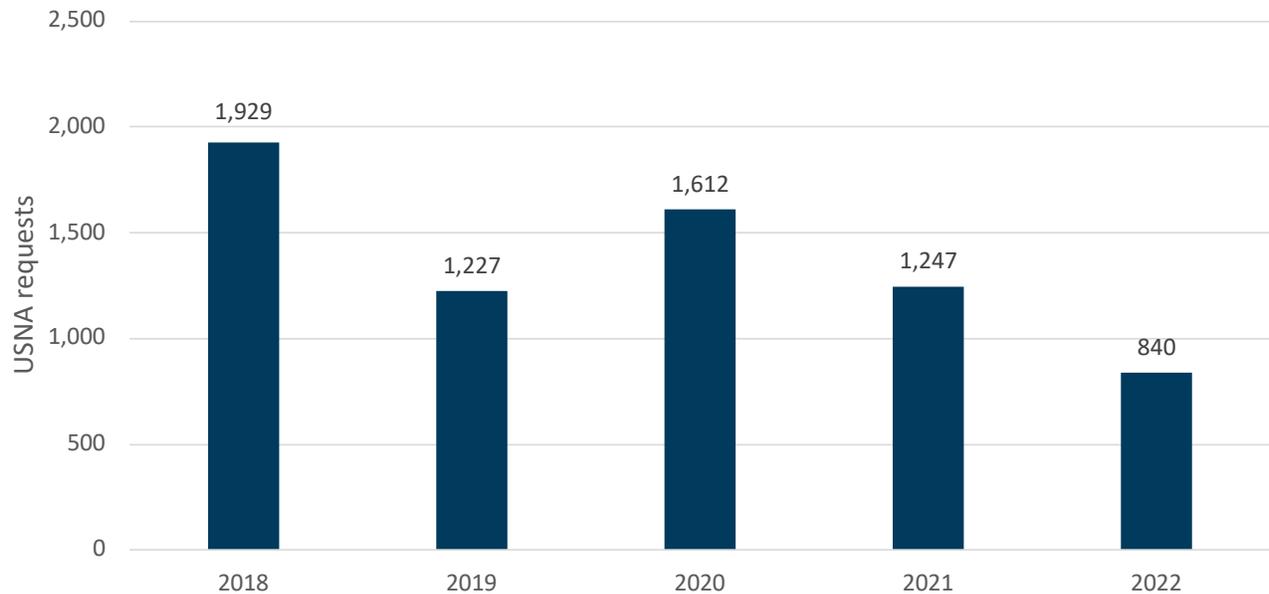
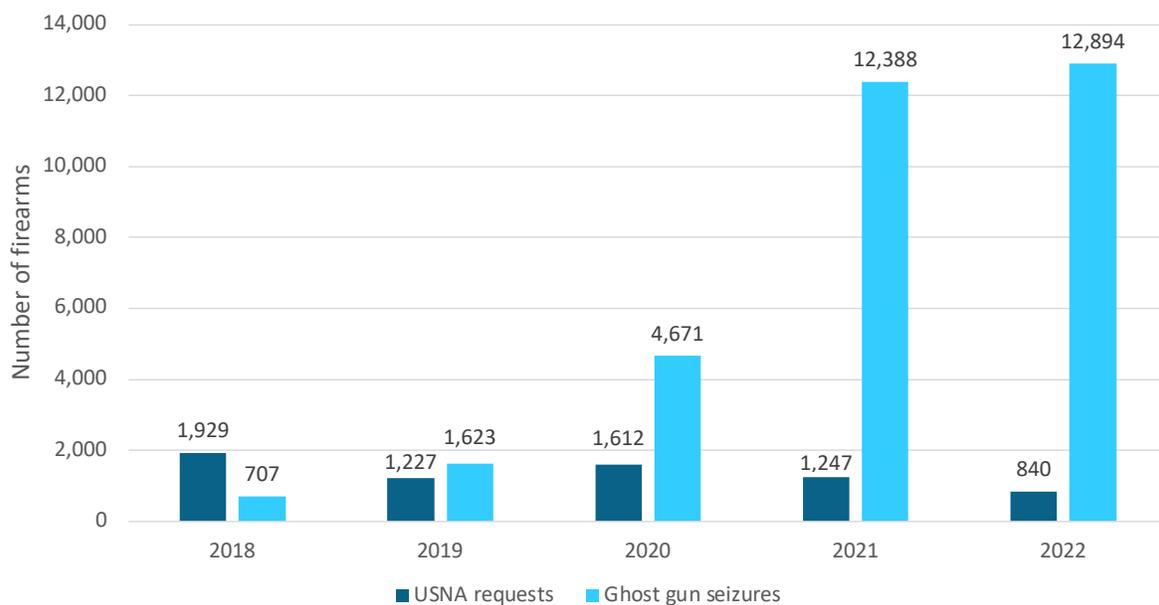
Ghost guns are firearms constructed by private citizens that do not have a serial number, which means they are not registered. By definition, ghost guns do not appear in the APPS database and cannot be tracked by law enforcement. DOJ's agents seized a total of 54 ghost guns in 2022, a 38% increase compared to the 39 ghost guns seized during 2021 APPS investigations.

The increase in the number of seized ghost guns in 2022 indicated the effectiveness of the two sweeps conducted during the year (see "Task Forces and Collaboration with Local Law Enforcement" for more information on DOJ's 2022 Sweeps). Of the 54 ghost guns seized in 2022, eight were seized during DOJ's two sweeps. These eight ghost guns account for approximately 15% of all ghost guns seized overall.

When looking at data from the Unique Serial Number Application (USNA) process, which shows how many California residents have applied to legally make personally manufactured firearms, there has been a slight decline in applications since 2018 (see Figure 11). However, the number of illegal ghost guns seized by law enforcement agencies continues to rise, as evidenced by figure 11. This contrast demonstrates illegal ghost guns remain difficult to track and represent a persistent threat to public safety. DOJ continues to actively investigate illegal manufacturing and possession of ghost guns.

In response to the overall increase in ghost gun seizures across the state, DOJ will be expanding its investigative efforts focused on ghost guns. DOJ is actively working with law enforcement partners to establish collaborative investigative efforts aimed at addressing ghost gun activity.

Figure 10. Unique Serial Number Application (USNA) submissions granted serial numbers from 2018-2022

Figure 11. The number of unique serial number applications and ghost guns seized 2018-2022²²

Additionally, effective July 1, 2022, California became the first state to require a background check for the purchase of a firearm precursor part, which includes unfinished receivers and unfinished handgun frames. Senate Bill (SB) 118 (Stats. 2020, ch. 29) and Assembly Bill (AB) 879 (Stats. 2019, ch. 730) also created a new licensing structure for vendors to sell firearm precursor parts. In concurrence with the Legislature and the Governor, DOJ anticipates this law will further help keep firearms out of the hands of people prohibited from owning or possessing them.

²² This represents the total number of ghost guns seized by law enforcement in California. Law enforcement agencies are required to report ghost gun seizures to DOJ per California Penal Code section 11108.2.

Ammunition Recovered

In 2022, DOJ agents recovered 308 large-capacity magazines, 2,123 standard capacity magazines, and 281,299 rounds of ammunition.

Ammunition Purchase Eligibility Check Program

Proposition 63 (The Safety for All Act), as amended by Senate Bill (SB) 1235 (Stats. 2016, ch. 55), was approved by voters in 2016. The intent of Proposition 63 and SB 1235 was primarily to keep prohibited persons from acquiring ammunition in an effort to prevent gun violence. Under the new laws, ammunition must be purchased from or transferred by a licensed California Ammunition Vendor in a face-to-face transaction. Effective July 1, 2019, the law required California Ammunition Vendors to submit eligibility checks for prospective purchasers to DOJ and obtain approval prior to selling or transferring ammunition. Thereafter, California Ammunition Vendors are required to submit ammunition purchase details to DOJ. The eligibility checks ensure purchasers are not prohibited from owning or possessing ammunition due to a felony and/or violent misdemeanor conviction/warrant, domestic violence restraining order, or mental health issue.

On July 1, 2019, DOJ successfully deployed enhancements to the Dealer Record of Sale (DROS) Entry System, which allowed California Ammunition Vendors to submit eligibility checks, and subsequently report ammunition purchases in compliance with Proposition 63.

Monitoring denied ammunition purchases is an effective strategy because the attempted ammunition purchases signal to DOJ agents that a prohibited person still possesses and may be actively using a firearm. Additionally, it often provides more current addresses than those previously available in the APPS database. While the use of ammunition denial data is ancillary to regular APPS investigations, nearly every investigation results in a seizure of firearms and/or ammunition from a prohibited person.

In 2022, DOJ received reports of 194 armed and prohibited individuals who attempted to purchase ammunition and were denied through the ammunition eligibility check process. DOJ agents used the intelligence gathered through the ammunition purchase denials to investigate 194 individuals and close 141 of these cases. These investigations resulted in the seizure of 56 firearms, 39 APPS firearms (21 handguns, one receiver/frame only, 13 rifles, and four shotguns), 17 non-APPS firearms (three handguns, seven rifles, two short-barrel shotguns, and five shotguns), four large-capacity magazines, 55 standard magazines, and 6,621 rounds of ammunition. The remainder of the denial cases are under investigation. All seizures resulting from these ammunition purchase eligibility check denials are included in the overall APPS statistics provided in the “number of firearms recovered” section of this report.

Task Forces and Collaboration with Local Law Enforcement

As discussed in the “Recommendations” section, these are the types of programs DOJ would like to expand. Receiving additional funding to reimburse local LEAs working with DOJ in coordinated APPS enforcement activities would make this work possible.

Contra Costa County Anti-Violence Support Effort Task Force

DOJ currently manages the Contra Costa County Anti-Violence Support Effort (CASE) Task Force. The primary mission of CASE is to conduct complex firearms investigations and to seize firearms from prohibited and violent individuals in the Bay Area. This Task Force consists of representatives from the following agencies:

- California Department of Justice, Bureau of Firearms
- Contra Costa County Probation Department
- Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives
- San Francisco District Attorney's Office
- California Department of Corrections and Rehabilitation
- California Highway Patrol

The CASE Task Force is a stand-alone task force dedicated to reducing firearm related crimes, identifying and apprehending persons prohibited persons, and assisting LEAs with specific firearm and crime related investigations. In 2022, it conducted 98 firearms-related investigations, of which 29 were APPS-related. During these investigations, they conducted 57 probation or parole searches and executed six search warrants. As a result of these investigations, the CASE Task Force arrested 29 armed individuals for firearms-related offenses and seized 19 firearms, of which five were APPS firearms (three rifle/shotguns, two handguns). The seizure of these five APPS firearms is reported with the overall APPS statistics. The 14 firearms seized during non-APPS investigations are not included in seizure totals for this report. Because not all firearms crimes in any county are committed by people in the APPS database, this task force focuses on investigating a broad range of subjects involved in firearms-related crimes — including those in the APPS database.

Tulare County Agencies Regional Gun Violence Enforcement Team

In December 2020, DOJ assumed management of the Tulare County Agencies Regional Gun Violence Enforcement Team, also known as the TARGET Task Force. Due to funding issues, management of this task force was redirected from DOJ's Bureau of Investigation. The primary mission mirrors that of the CASE Task Force as the team is designed to investigate crimes involving gun violence and to seize firearms from prohibited individuals in the Tulare County region. Through this task force, DOJ has increased collaborative efforts and support of local and state law enforcement in the region. This task force consists of representatives from the following agencies:

- California DOJ, Bureau of Firearms
- California Department of Corrections and Rehabilitation
- Porterville Police Department
- Tulare County Sheriff's Department
- Visalia Police Department

In 2022, the TARGET Task Force conducted 277 firearms-related investigations, of which 131 were APPS investigations. During these investigations, they conducted 76 probation/parole searches and executed 34 search warrants. As a result of these investigations, the TARGET Task Force arrested 53 armed individuals for firearms-related offenses and seized 149 firearms, of which 33 were APPS

firearms (two assault weapon, 19 handguns, 10 rifles/shotguns, two receiver/frame only). The seizure of these 33 APPS firearms is reported with the overall APPS statistics.

The 116 firearms seized during non-APPS investigations are not included in seizure totals for this report. Because not all firearms crimes in any county are committed by people in the APPS database, this task force focuses on investigating a broad range of subjects involved in firearms-related crimes — including those in the APPS database. Like CASE, TARGET represents an efficient and effective model for collaboration with local, state, and federal LEAs on both APPS and non-APPS-related firearms investigations and affords a proactive approach to combating firearm violence.

Joint Sweep Investigations

In addition to participating in the CASE Task Force and TARGET Task Force, DOJ also conducts collaborative APPS sweeps throughout the state upon request of a local or county LEA. These sweeps consist of Bureau personnel working together with allied LEAs in a certain jurisdiction of the state for a period of multiple days conducting APPS investigations. DOJ conducted two regional sweeps in 2022.

During these regional sweeps, Special Agents collaborated with local LEAs in a partnership to safely conduct APPS investigations. Although many LEAs were unable to participate in the sweeps due to staffing issues, DOJ still received assistance from multiple agencies throughout the state. Local patrol officers can act as a force multiplier to benefit APPS enforcement by providing additional information regarding the location of APPS subjects, and can assist with marked patrol vehicles. Local officers can also help expedite the transport and booking process of arrested subjects due to their familiarity with individual county processes. If the subject reports a missing or stolen firearm, the local law enforcement agency can work with the subject to promptly report that information into AFS, which may result in the removal of the subject from the APPS database.

These sweeps throughout the state increased APPS investigations while strengthening partnerships with local LEAs.

In 2022, two regional sweeps cumulatively investigated 777 cases, resulting in 21 arrests, and produced 141 firearm seizures, including 92 APPS firearms, 23 non-APPS firearms, eight ghost guns, and 18 assault weapons.²³

DOJ worked jointly with the following agencies on 2022 APPS investigations:

- San Francisco District Attorney's Office,
- Santa Clara District Attorney's Office Inspector
- CASE Task Force
- Los Angeles Sheriff's Office
- Los Angeles Police Department
- Pomona Police Department
- Pasadena Police Department
- Azusa Police Department

²³ These statistics are included in the total 2021 statewide seizure numbers.

- Los Angeles Probation Department
- TARGET Task Force

Looking forward, DOJ expects to foster more partnerships for collaborative sweeps in 2023, particularly as the Gun Violence Reduction Program grant allows more local agencies to fund positions that can assist DOJ in APPS enforcement.

Bay Area Sweep

On January 10, 2022, APPS agents from throughout the state consolidated their investigative efforts in the Bay Area. Together with local and federal law enforcement, they engaged in a four-day sweep to remove firearms from individuals legally barred from possessing them. The teams thoroughly analyzed and exhausted their leads in 338 cases in the counties of Alameda, Contra Costa, Marin, Napa, Sacramento, San Francisco, Santa Clara, San Mateo, Sonoma, and Solano. The investigation resulted in the seizure of 27 firearms and eight arrests.

The operation was a joint effort with San Francisco District Attorney, Santa Clara District Attorney Inspector, and CASE Task Force.

Los Angeles Sweep

On February 14, 2022, APPS agents from throughout the state consolidated their investigative efforts in the Los Angeles County Area. Together with local and federal law enforcement, they engaged in a five-day sweep to remove firearms from individuals legally barred from possessing them. The teams thoroughly analyzed and exhausted their leads in 439 cases. The investigation resulted in the seizure of 113 firearms and 13 arrests.

The operation was a joint effort with the Los Angeles Sheriff's Department, Los Angeles Police Department, Pomona Police Department, Pasadena Police Department, Azusa Police Department, and Los Angeles Probation Department.

Gun Violence Reduction Program

Assembly Bill (AB) 74 provided grant funding to the Board of State and Community Corrections (BSCC) for statewide Gun Violence Prevention Programs. In 2019, funds were disbursed by the BSCC to four counties: Alameda, San Diego, Santa Cruz and Ventura to investigate and close APPS cases. Owing to its success, the legislature expanded the scope of the Gun Violence Reduction Pilot Program (GVRPP) by creating the Gun Violence Reduction Program (GVRP) through Senate Bill (SB) 129.

SB 129 allocated \$10.3 million for two years for the GVRP. Unlike the GVRPP, which was operated by the BSCC, the GVRP is operated by DOJ. Under the program, DOJ awarded grants to county sheriff's departments to support seizures of firearms and ammunition from prohibited individuals. This program was designed to increase collaboration with local law enforcement across the state to enhance public safety by removing firearms and ammunition from prohibited persons. Collaboration between DOJ and local LEAs has proven a successful model which streamlines APPS enforcement efficiencies.

Pursuant to SB 129, DOJ made \$10 million available over two grant cycles. Approximately \$5 million was awarded by January 1, 2022, and nearly \$3 million was awarded by January 1, 2023. Following the grant criteria outlined in SB 129, grant applicants were asked to provide clearly defined and measurable objectives for closing APPS cases and reducing the number of prohibited persons in possession of firearms. The sheriff's departments were also required to explain how the grants would enhance

existing law enforcement activities and also how the funds would be used for new activities, including innovative techniques and approaches toward APPS enforcement.

Pursuant to the parameters for grantee selection outlined in SB 129, DOJ prioritized counties with the highest per capita population of armed and prohibited persons that also lacked a DOJ field office. Grant priority was also given to departments that proposed innovative techniques and approaches to APPS enforcement, integrated APPS enforcement into existing operations, and presented a plan with the greatest likelihood of success.

In the first grant cycle, 10 county sheriff's departments were awarded grants to support activities related to seizing firearms and ammunition from individuals prohibited from owning or possessing them. The sheriff's departments and offices of Contra Costa, Lake, Los Angeles, Orange, Sacramento, San Francisco, Santa Barbara, Santa Clara, Santa Cruz, and Ventura counties received grant funding through the first cycle of DOJ's GVRP. The second grant cycle included the sheriff's departments and offices of Kings, Lassen, San Joaquin, Stanislaus, and Ventura. The results of the second round of GVRP grant funding will be included in next year's report. For more information on awards, see Appendix H.

The grantees listed below reported statistical information regarding the enforcement of this grant funding to DOJ by February 1, 2023. The statistical information demonstrated that most counties worked APPS cases throughout the year and provided DOJ with adequate data to analyze their progress during 2022. The requested statistical information included the number of individual cases investigated, the outcome of those investigations, and the number of prohibited APPS individuals before and after the reporting period.

DOJ then cross-referenced records provided by the grantee counties to data within the APPS database to verify that the county's reported cases exist in DOJ's APPS database. In some instances, records could not be verified because the grantee provided different identifying information than what is in the APPS database. These remain on the active list until DOJ or an LEA is able to conduct further investigations. In the meantime, only verified cases are included in GVRP analyses in this report. The results reported below detail the records DOJ could find and their status as of January 1, 2023.

Contra Costa County Sheriff's Office

The Contra Costa County Sheriff's Office received \$332,205 in GVRP funding and reported working 17 APPS cases. DOJ verified 16 of the 17 reported cases. These 16 cases included one removed from the APPS prohibited list, six cases that are still labeled as active as of January 1, 2023, and nine as pending cases. The one removed individual was disassociated from all known firearms. Of the nine pending cases, three people were prohibited due to Brady prohibitions, two were unable to be closed, and four could not be located. By the end of their reporting period, Contra Costa County reported 27 fewer prohibited individuals in APPS within their jurisdiction.

Lake County Sheriff's Office

The Lake County Sheriff's Office received \$277,373 in GVRP funding and reported working 30 APPS cases but did not report the reduction of prohibited persons in APPS within the county in 2022. DOJ verified 13 out of the 30 reported cases. These 13 cases included one individual disassociated from all firearms, one individual who could not be located, one incarcerated individual, eight individuals who were active as of January 1 2023, and two who were not prohibited in APPS.

Los Angeles County Sheriff's Department

The Los Angeles County Sheriff's Department received \$843,630 in GVRP funding and reported working 162 cases but did not report the reduction of prohibited persons in APPS within the county to DOJ in 2022. DOJ verified 155 out of the 162 cases. These 155 cases included 46 individuals removed from the APPS prohibited list, 62 individuals still labeled as active as of January 1, 2023, 33 individuals still labeled as pending cases, and one incarcerated individual. There were a further five individuals removed from APPS prior to 2022 and eight reported individuals who were not prohibited from possessing firearms. Of the 46 removed cases, 37 were disassociated from all known firearms, eight had their prohibitions expire, and one was deceased. Of the 33 pending cases, 13 were unable to be closed, 17 were unable to be located, one had moved out of California, and two were prohibited only due to Federal Brady prohibitions.

Orange County Sheriff's Department

The Orange County Sheriff's Department received \$316,285 and reported working 178 cases. DOJ verified 175 of the 178 cases. These 175 cases included 60 individuals removed from the APPS prohibited list, 113 individuals still labeled as active as of January 1, 2023 and two individuals labeled as pending cases. Of the 60 removed cases, 35 were disassociated from all known firearms and 25 had their prohibitions expire. Of the two pending cases, one was unable to be located and one had moved out of California. By the end of their reporting period, the Orange County Sheriff's Department reported 25 fewer prohibited persons in APPS within their jurisdiction.

Sacramento County Sheriff's Office

The Sacramento County Sheriff's Office received \$887,275 in GVRP funding. The county reported working 59 cases and did not report the reduction of prohibited individuals in APPS within the county to DOJ in 2022. DOJ verified 58 of the 59 cases. These 59 cases included 18 individuals removed from the APPS prohibited list, 18 individuals still labeled as active as of January 1, 2023, and 19 individuals labeled as pending cases. Of the 18 removed cases, 15 were disassociated from all known firearms and three individuals were deceased. Of the 19 pending cases, four were unable to be located, 13 were unable to be closed, and one had moved out of California. There were an additional four individuals who were either not prohibited or removed from APPS in previous years.

San Francisco County Sheriff's Department

The San Francisco County Sheriff's Department received \$301,554 in GVRP funding and reported working 328 cases but did not report the reduction of prohibited persons in APPS within the county to DOJ in 2022. Due to extensive missing and improperly recorded data, DOJ was able to verify only five of the 328 cases. Of the five cases, two individuals were disassociated from all known firearms and three did not ever appear as prohibited in APPS. Due to significant gaps in data reporting, these results should not be afforded much weight.

Santa Barbara County Sheriff's Office

The Santa Barbara County Sheriff's Office received \$539,600 in GVRP funding and reported working 187 cases. DOJ verified all 187 cases. These 187 cases included 45 individuals removed from the APPS prohibited list, 28 individuals still labeled as active as of January 1, 2023, 102 cases labeled as pending cases, and 11 incarcerated individuals. Another individual who was reported was not prohibited in APPS. Of the 45 individuals removed from the APPS prohibited list, 20 were disassociated from all known firearms, four were deceased, and 21 had their prohibitions expire. Of the 102 pending cases, 15 individuals were prohibited only due to federal prohibitions, two had moved out of California, 56 were unable to be closed after exhausting all leads, 29 were unable to be located after exhausting all leads. By the end of their reporting period, the Santa Barbara County Sheriff's Office reported 24 fewer prohibited people in APPS within their jurisdiction.

Santa Clara County Sheriff's Office

The Santa Clara County Sheriff's Office received \$512,255 in GVRP funding and reported working 19 cases. DOJ verified 14 of 19 cases. These 14 cases included 10 individuals removed from the APPS database, two individuals still labeled as active as of January 1, 2023 and two individuals labeled as incarcerated. Of the ten removed individuals, eight were disassociated from all known firearms and two had their prohibitions expire. By the end of their reporting period, the Santa Clara County Sheriff's Office reported 26 fewer prohibited individuals in APPS within their jurisdiction.

Santa Cruz County Sheriff's Office

The Santa Cruz County Sheriff's Office received \$291,596 in GVRP funding and reported working 49 cases. DOJ verified 47 of 48 cases. These 47 cases included 30 individuals removed from the APPS database, 14 individuals still labeled as active as of January 1, 2023, and three individuals labeled as pending cases. Of the 30 removed individuals, 14 were disassociated from all known firearms, and 15 had their prohibitions expire. The three pending individuals could not be closed due to unaccounted for firearms after exhausting all leads. By the end of their reporting period, the Santa Cruz County Sheriff's Office reported 16 fewer prohibited individuals in APPS within the county to DOJ in 2022 within their jurisdiction.

Ventura County Sheriff's Office

The Ventura County Sheriff's Office received \$652,575 in GVRP funding. The county reported working 110 cases and did not report the number of prohibited individuals in APPS removed from APPS in 2022. DOJ verified 85 of 110 cases. These 85 cases included 42 individuals removed from the APPS database, 12 individuals still labeled as active as of January 1, 2023, 13 individuals labeled as pending cases and five individuals who were incarcerated. Of the 42 removed individuals, 19 were disassociated from all known firearms, five individuals were deceased, and 18 had their prohibitions expire. Of the 13 pending cases, eight individuals could not be closed due to unaccounted for firearms after exhausting all leads, two could not be located after three separate attempts, two had moved out of California, and one was prohibited only due to federal prohibitions. A further 13 reported individuals were not prohibited in APPS.

Firearms & Removal Reporting

While most counties provided clear records on individuals investigated throughout the year, the firearm data and final status of individuals showed discrepancies between the information counties reported and information in DOJ's records. Counties often report firearms as being "cleared" or "recovered," and individuals as being "suspended" or "removed" from APPS, but DOJ's data contradicts these reports.

In order to better track prohibited persons and their firearms at the local level, DOJ will bolster its outreach efforts by conducting trainings and providing the GVRP grantee agencies with more specific exemplar statistical reporting documents.

APPS Report Detailed Recommendations

DOJ greatly appreciates Governor Gavin Newsom’s and the Legislature’s interest in sensible firearms regulation and enforcement, and additional financial support toward this effort. As noted throughout this report, the recommendations proposed by DOJ would help to report the information mandated under Penal Code section 30012 and would also improve the efficiency and efficacy of the APPS program. To that end, DOJ recommends the following:

1. Continue to fund courts and probation departments so that they can confiscate or enforce the transfer or legal storage of known firearms at the time of conviction, when an individual is prohibited due to a felony or qualifying misdemeanor. Fund law-enforcement agencies to seize firearms that are not relinquished at or immediately after the time of prohibition. Pursuant to Proposition 63 (2016), the courts, probation departments, and local law enforcement agencies should focus on ordering firearms relinquishment and obtaining firearms from armed and prohibited persons on the front-end of the process. When an individual’s conviction for a crime renders them prohibited, they are supposed to be notified at the time of conviction that they are prohibited from owning and possessing any firearms as well as how to turn over any firearms they have in their possession. This is the best opportunity to ensure prohibited persons are being disarmed. Felons and persons prohibited from possessing firearms by qualifying misdemeanors, account for 61% of the Armed and Prohibited Persons System in the APPS database, or 14,559 individuals. Recognizing the need for local governments to remove firearms from prohibited persons immediately post-conviction, the California Legislature allocated \$40,000,000 to the Judicial Council in the 2022 budget to support a court-based firearm relinquishment program. This program was established “to ensure the consistent and safe removal of firearms from individuals who become prohibited from owning or possessing firearms and ammunition pursuant to court order” (AB 178, 2022 Biennium, 2022 Reg. Sess. (Cal. 2022)). This new grant represents a promising step toward alleviating DOJ’s APPS workload and minimizing the threat posed by prohibited persons.
2. Develop and fund a similar county-level firearm confiscation system where firearms are confiscated from the individual at the time they are served with a restraining order(s). Currently, all individuals who are served restraining orders and are in possession of a firearm at the time they are served end up in the APPS database unless local LEAs seize the firearms from them. If local LEAs could seize the firearms from these individuals upon service of the various types of restraining orders, it could limit new additions to the Armed and Prohibited Persons System in the APPS database by up to 17 percent.
3. Improve the recruitment of Special Agents by making their compensation competitive with other LEAs. Traditionally, proof of graduation from a police academy training program constitutes the main requirement for applicants seeking positions in law enforcement. However, DOJ’s special agent requirements are significantly more rigorous. In addition to graduating from a police academy, Special Agents are required to have spent one to two years in law enforcement and, in many cases, have attended or graduated from college. However, entry-level Special Agents are paid less than those in LEAs that do not have these same requirements. While the 12% pay increase for Special Agents that went into effect on September 1, 2021 was a step in the right direction, Special Agent monthly base pay at DOJ continues to lag behind comparable positions at other LEAs. Seizing firearms from prohibited persons is dangerous and difficult work that requires quick decision-making and superior analytical thinking. In order to recruit and maintain the caliber of individual necessary to perform this work, BOF must be able to offer competitive pay. Moreover, the agents who do this work should be competitively compensated for their efforts. DOJ has moved to a more aggressive hiring model in an attempt at filling Special Agent and Special Agent Supervisor positions at a quicker rate and keep pace with agent attrition.

However, receiving additional funding and contracting for salary increases would greatly improve recruitment of agents for DOJ's currently authorized positions.

4. Continue to improve coordination and cooperation with local LEAs by establishing joint task forces and expanding GVRP eligibility beyond Sheriff's offices to other agencies tasked with firearm relinquishment, such as municipal law agencies and probation departments. Funds would be managed and disbursed for the purpose of reimbursing local agency overtime for working with DOJ on the APPS workload. Reimbursement would go toward personnel time and other applicable expenses incurred as a direct result of the involved agency's participation in the joint operations through the execution of a memorandum of understanding with DOJ. A memorandum of understanding would also include administrative assistance efforts to help identify and reduce APPS firearms in locally managed evidence systems. All participating agencies would be required to assess firearms in their possession and develop a plan approved by DOJ to ensure all the required entries into the AFS are made in accordance with current state law. This would be a force multiplier for DOJ that would ensure a statewide coordinated effort and maintain recordkeeping standards to ensure that the data in the APPS database is as current as possible. Expansion of the GVRP grant program is expected to bolster existing APPS enforcement by law enforcement agencies. Additionally, the participating law enforcement agencies would be required to report all data in a manner prescribed by DOJ or as required by law as it relates to the seizure of firearms, ammunition, arrests, and all other information relevant to maintain adequate accountability for the APPS database.
5. Modernize the existing firearms databases and automate many of the manual processes to improve overall efficiency, risk mitigation, and stabilization of employee resources. As communicated to the DOF when the Legislature implemented SB 94's current reporting requirements under Penal Code section 30012, DOJ cannot fulfill this obligation until it modernizes the firearms databases.

The following systems support the regulation, and enforcement actions relating to the manufacture, sale, ownership, safety training, and transfer of firearms.

- Ammo Processor
- Armed and Prohibited Persons System (APPS)
- Automated Firearms System (AFS)
- California Firearms Information Gateway (CFIG)
- California Firearms Licensee Check (CFLC)
- Carry Concealed Weapons (CCW)
- Centralized List (CL)
- Consolidated Firearms Information System (CFIS)
- Dealer Record of Sale (DROS)
- DROS Entry System (DES)
- California Firearms Application Reporting System (CFARS)
- Firearms Certificate System (FCS)
- Assault Weapons Registration (AWR)

- Firearms Employment Application File (FEAF)
- Mental Health Reporting System (MHRS)
- Mental Health Firearms Prohibition System (MHFPS)
- Prohibited Applicant (PA)

This network of systems is incredibly complex and cumbersome to operate and navigate. Despite this monumental challenge, DOJ has been able to meet legislative reporting mandates using these outdated databases. These databases are not flexible and were not designed to be adaptable to meet additional demands. DOJ has been able to partially adapt and circumvent issues despite using technology that is not equipped with automated processes to meet the specified conditions. Consequently, most, if not all queries must be pulled and cross-checked manually from database to database, hindering efficiency and introducing increased opportunities for error. Working to modify or maintain these legacy systems is no longer cost-effective or a technologically viable option as the databases have become outdated and no longer meet the demands of the Legislature and DOJ.

DOJ received initial funding to pursue Stage 2 of this effort and is exploring modernization options to find a dynamic solution that would meet existing needs and be adaptable to evolving statutory mandates. However, additional funding will be required to begin Stages 3 and 4 and fully implement this project.

APPENDICES

APPENDIX A: Relevant Key Terms and Definitions

This section provides definitions to key terms used throughout this report.

Armed and Prohibited Persons System (APPS). The APPS database, housed at the California Department of Justice (DOJ), which contains a list of all individuals who are both armed (DOJ is aware of their ownership of one or more firearms) and prohibited (for one or more reasons they have been designated as not being permitted to own or possess firearms).

Automated Criminal History System (ACHS). The repository for the state summary Criminal Offender Record Information (CORI). In addition, DOJ transmits CORI to the Federal Bureau of Investigation (FBI).

Automated Firearms System (AFS). This system was created in 1980 to identify lost or stolen firearms and connect firearms with persons. The system tracks serial numbers of every firearm owned by government agencies, handled by law enforcement (seized, destroyed, held in evidence, reported stolen, recovered), voluntarily recorded in AFS, or handled by a firearms dealer through transactions. Prior to 2014, most entries in AFS were handguns. Now, all newly acquired firearms, both handguns and long guns, are entered into AFS.

Backlog. The number of cases for which DOJ did not initiate an investigation within six months of the case being added to the APPS database or has not completed investigatory work within six months of initiating an investigation on the case.

Brady Handgun Violence Prevention Act. The Federal Brady Act, codified at 18 U.S.C. § 922(g), makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms or ammunition, to include any person:

- Convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- Who is a fugitive from justice;
- Who is an unlawful user of or addicted to any controlled substance (as defined in Section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802);
- Who has been adjudicated as a mental defective or has been committed to any mental institution;
- Who is an illegal alien;
- Who has been discharged from the Armed Forces under dishonorable conditions;
- Who has renounced his or her United States citizenship;
- Who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or
- Who has been convicted of a misdemeanor crime of domestic violence.

Under 18 U.S.C. § 992(n), it is also unlawful for any person under indictment for a crime punishable by imprisonment for a term exceeding one year to ship, transport, or receive firearms or ammunition. Further, 18 U.S.C. § 922(d) makes it unlawful to sell or otherwise dispose of firearms or ammunition to any person who is prohibited from shipping, transporting, receiving, or possessing firearms or ammunition. DOJ refers to these prohibitions as Federal Brady Act prohibitions. Since these individuals are only prohibited due to federal law, DOJ lacks jurisdictional authority to investigate these individuals, unless

they also have a California prohibition. On January 1, 2023, there were 23,869 armed and prohibited persons in the APPS database (9,294 active and 14,575 pending). Of the 14,575 pending cases, 1,593 are Federal Brady only cases.

Bullet Button. A product requiring a tool to remove an ammunition feeding device or magazine by depressing a recessed button or lever shielded by a magazine lock.

Bullet Button Weapon. A semiautomatic, centerfire or rim fire pistol with an ammunition feeding device that can be readily removed from the firearm with the use of a tool that has one or more specified features identified in Penal Code section 30515 and is included in the category of firearms that must be registered.

California Restraining and Protective Order System (CARPOS). A statewide database of individuals subject to a restraining order.

Cleared. All cases in which the individual has died, the prohibition has expired or been reduced (e.g., the expiration of a temporary restraining order), or the individual has been disassociated from the firearm(s) such as selling, transferring, or turning over their firearm(s).

Closed. Any investigation that has been fully investigated and the individual has been cleared from APPS, or all investigative leads are exhausted and the individual remains in APPS with a pending status (see definition of pending and sub-statuses definitions).

Consolidated Firearms Information System (CFIS). This system consolidates numerous internal firearm applications within the California Justice Information Services Division (CJIS), the technology division within DOJ. These applications include the Armed and Prohibited Persons System (APPS), Assault Weapon Registration (AWR), Centralized List (CL), Carry Concealed Weapon (CCW), Dealers' Record of Sale (DROS), and Prohibited Applicant (PA).

Contacts. An attempt to locate an APPS individual at a potential current address. During face-to-face contact, agents will attempt a consent search if there are no search conditions due to parole or probation status. Sometimes consent is denied, and agents will leave the premises. If probable cause is developed at the scene, a search warrant will be requested and served that day.

Dealers' Record of Sale (DROS). This application is completed by firearms purchasers in California and is sent to DOJ by licensed firearms dealers, which initiates the 10-day waiting period. DOJ uses this information for a background check and the documentation of firearms ownership.

Ghost Gun. Ghost guns are firearms made by an individual, without serial numbers or other identifying markings.

Mental Health Reporting System (MHRS). This is a web-based application used by Mental Health Facilities, Superior Courts, Juvenile Courts, and LEAs to report firearm-prohibiting events related to mental health to DOJ.

Statuses:

Active. Individuals believed to reside in California who are prohibited (state, federally, or a combination of state and federally prohibited) from owning or possessing firearms, and have not yet been investigated or are in the process of being investigated, but all investigative leads have not yet been exhausted.

Pending. Individuals previously investigated, but that cannot be currently investigated for one or more reasons. The cases are those that have been thoroughly analyzed and all investigative leads have been exhausted. These individuals fall into one of the following sub-categories:

Incarcerated. These individuals are in state or federal prison. While they are incarcerated, these individuals are not in Active status. Although technically under Pending status, incarcerated individuals are treated as a separate population for the purposes of this report because it is assumed that they are not in possession of firearms while in custody and cannot be investigated until they are released. Once DOJ has received notification that they have been released, the individual is moved to the Active status.

No Longer Residing in California (Out-of-State). Individuals who were a resident of California, but now no longer live in this state.

Unable to Clear (UTC). These cases have previously been investigated by Bureau Special Agents and all investigative leads have been exhausted. The individual still has one or more firearms associated with them. If new information is identified, the case will be moved to Active status.

Unable to Locate (UTL). These cases have previously been investigated by a Bureau Special Agent, but the agent is unable to locate the individual. It could be that the individual no longer lives at the address on file, family and friends are not able to provide useful location information, etc. If new location information is identified, the case will be moved to active status.

Federal Brady Act Prohibition Only. Cases where a person is prohibited only under federal law. State, county, and municipal law enforcement have no authority to enforce a prohibition based only on the Federal Brady Act (see definition for Brady Handgun Violence Prevention Act for a list of federal prohibitions). Persons who have both a statewide and federal prohibition are not listed in this group.

Individuals Having Both State and Federal Prohibitions. If APPS database individuals have a combination of state and federal firearm prohibitions, then DOJ has jurisdictional authority to investigate the matter related to the state prohibitions (e.g., felons, individuals with California restraining orders, qualifying misdemeanor convictions, and California mental health prohibitions).

Wanted Persons System (WPS). This system was established in 1971 as the first online system for DOJ. It is a statewide computerized file of fugitives for whom arrest warrants have been issued.

APPENDIX B: Legislative History Relative to APPS

The following provides a brief overview of the legislative history affecting DOJ's Armed and Prohibited Person program from 1999 to present. These legislative changes have exponentially increased the volume of prohibited individuals as the Legislature continues to increase the type and length of prohibitions. Other legislative changes with a substantial impact include evolving statutory and legal definitions as well as increases in the overall regulation of the various types of firearms, ammunition, and parts.

1999: APPS was conceptualized by the Legislature as a result of the proliferation of gun violence across the state and the nation.

2001: APPS was created in 2001 by Senate Bill (SB) 950 in response to high-profile murder cases involving people prohibited from owning firearms.

2006: The APPS database went into effect.

2013: SB 140 passed the Legislature and appropriated \$24,000,000 from the Dealer Record of Sale Special Fund to DOJ for three years to reduce the volume of pending APPS investigations.

2014: Effective January 1, 2014, a new California law (Assembly Bill 809, Stats. 2011, ch. 745) mandated DOJ collect and retain firearm transaction information for all types of firearms, including long guns.

2015: After a 2013 audit by the Bureau of State Audits, DOJ finished manually inputting all of the cases into the APPS database.

2016: SB 140 funding expired. Effective January 1, 2016, AB 1014 created the new prohibitory category of the Gun Violence Restraining Order.

2018: Effective January 1, 2018, AB 785 added Penal Code section 422.6 (Criminal Threats) to the list of prohibiting misdemeanors. Effective July 1, 2018, AB 857 required DOJ to begin issuing serial numbers for firearms manufactured by unlicensed individuals after a successful background check of the owner. The background checks associated with this process identified additional prohibited persons.

2019: Effective July 1, 2019, SB 1235 and Proposition 63 required ammunition to be sold only to an individual whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, with some exceptions. It also required ammunition vendors to electronically submit to a database known as the Ammunition Purchase Records File, and thus to DOJ, information regarding all ammunition sales and transfers.

Additionally, AB 3129 prohibited a person from ever possessing a firearm if that person is convicted of a misdemeanor violation of Penal Code Section 273.5 regarding the willful infliction of corporal injury resulting in a traumatic condition upon a spouse, cohabitant or other specified person. SB 746 required new California residents to, within 60 days of becoming a resident, apply for a unique serial number or other identifying mark for any unserialized firearm the resident manufactured or otherwise owns and intends to possess in California. SB 1100 prohibited the sale, supplying, delivery or giving possession or control of any firearm by a licensed dealer, with some exceptions, to any person under 21 years of age. SB 1200 expanded the definition of ammunition for the purposes of the Gun Violence Restraining Order law.

SB 94 provided updated requirements regarding the mandated reporting of the APPS database statistics. It required DOJ to report no later than April 1, 2020, and no later than April 1 of each year

thereafter, to the Joint Legislative Budget Committee and the fiscal committees of each house of the Legislature on information related to the APPS database, as listed in Penal Code section 30012.

2020: Effective January 1, 2020, AB 1968 subjected individuals who have been taken into custody, assessed and admitted to a designated mental health facility twice within a one-year period, because they are a danger to self or others as a result of a mental health disorder, to a lifetime firearms prohibition subject to a petition for, and hearing on, a reinstatement of firearm ownership rights.

Additionally, AB 164 prohibited a person from possessing a firearm if that person is prohibited in another state and allows DOJ, partners from other state agencies, and local LEAs to investigate and pursue these cases. AB 12 increased the maximum duration of a gun violence restraining order from one year to between one and five years. It also allows for law enforcement officers to file a petition for gun violence restraining orders in the name of the law enforcement agency in which they are employed. AB 61 expanded the list of individuals who may request a gun violence restraining order.

2022: AB 178 allocated \$40 million to the Judicial Council to support a court-based firearm relinquishment program to ensure the consistent and safe removal of firearms from individuals who become prohibited from owning or possessing firearms and ammunition pursuant to court order. The funding is available until June 30, 2025. The first round of funding was distributed in January 2023.

APPENDIX C: Mandated Statistics – At a Glance²⁴

[1] The Total Number of Individuals in the APPS Database and the Number of Cases which Are Active and Pending: APPS has 3,347,221 individuals as of January 1, 2023. Of those individuals, 23,869 are prohibited from owning or possessing firearms, with 9,294 Active cases and 14,575 Pending cases.

[A][i] For Active Cases, the Number of Cases That Have Not Been Actively Investigated for 12 Months or Longer, Along with a Breakdown of the Time Period That Has Elapsed since a Case Was Added to the System: The APPS database is an outdated system that does not have the capability to track the time elapsed between a case entering the APPS database to when a case was last worked. As a result, DOJ does not have the ability to gather and report the requested information.

[B] For Pending Cases, DOJ Shall Separately Report the Number of Cases That Are Unable to Be Cleared, Unable to Be Located, Related to Out-of-State Individuals, Related to Only Federal Firearms Prohibitions, and Related to Incarcerated Individuals: Of the 14,575 prohibited persons designated as Pending cases, 6,693 (46%) were unable to be cleared, 2,334 (16%) were unable to be located, 3,955 (27%) moved out of state, and 1,593 (11%) were prohibited under federal prohibitions only. Additionally, there are 1,159 incarcerated individuals.

[2] The Number of Individuals Added to the APPS Database: Between January 1, 2022 and January 1, 2023, there were 9,277 additional known firearm owners who became prohibited. In the same time period, there were 9,917 individuals removed from the prohibited category. This resulted in the total number of armed and prohibited individuals decreasing by 640.

[3] The Number of Individuals Removed from the APPS Database, including a Breakdown of the Basis on Which They Were Removed:

Table 1: Removals of Prohibited Persons in 2022 Separated by Reason for Removal

Reason for Removal	Number of Individuals Removed
Prohibition expired/no longer prohibited	5,940
Disassociated from all known firearms	3,598
Deceased	379

[4] The Degree to Which the Backlog in the APPS Has Been Reduced or Eliminated: Penal Code section 30012, subdivision(a)(4) defines “backlog” as being cases for which DOJ did not initiate an investigation within six months of the case being added to the APPS database or has not completed investigatory work within six months of initiating an investigation on the case. The APPS database does not have the technological capability of tracking the amount of time a case has been in the system. Gathering this information would require that a Crime Analyst review each individual APPS entry, one-by-one and review the notes in each file. Lacking a more efficient way of gathering this information, DOJ will be unable to provide these statistics until upgrades are made to the APPS database.

²⁴ The numbers and letters below correspond to the subdivision number in Penal Code section 30012.

[5] The Number of Individuals in the APPS before and after the Relevant Reporting Period:*Table 2: The Total number of Individuals in APPS Before and After the Reporting Period Separated by Status*

Status	Before Reporting Period	After Reporting Period
Armed and Not Prohibited	3,173,755	3,322,193
Armed and Prohibited	24,509	23,869
Incarcerated	1,130	1,159

[6] The Number of Agents and Other Staff Hired for Enforcement of the APPS:

In 2022, DOJ hired seven Special Agents, nine Special Agent Trainee and two support staff for APPS enforcement. No existing Special Agent Trainees were promoted into the Special Agent ranks. DOJ also saw the separation of four Special Agents during 2022 due to inter-departmental transfer and/or promotion and had one Special Agent promote from within to Special Agent Supervisor position, leaving DOJ with a net increase of 10 filled Special Agent positions. DOJ also saw the separation of one support staff for APPS enforcement and one internal promotion resulting in a net change of one in support staff.

[7] The Number of Firearms Recovered Due to Enforcement of the APPS:

In 2022, Bureau Agents recovered 916 (64%) APPS firearms (i.e., firearms known in the APPS database), and 521 (36%) non-APPS firearms not associated with APPS individuals, for a total of 1,437 firearms recovered.

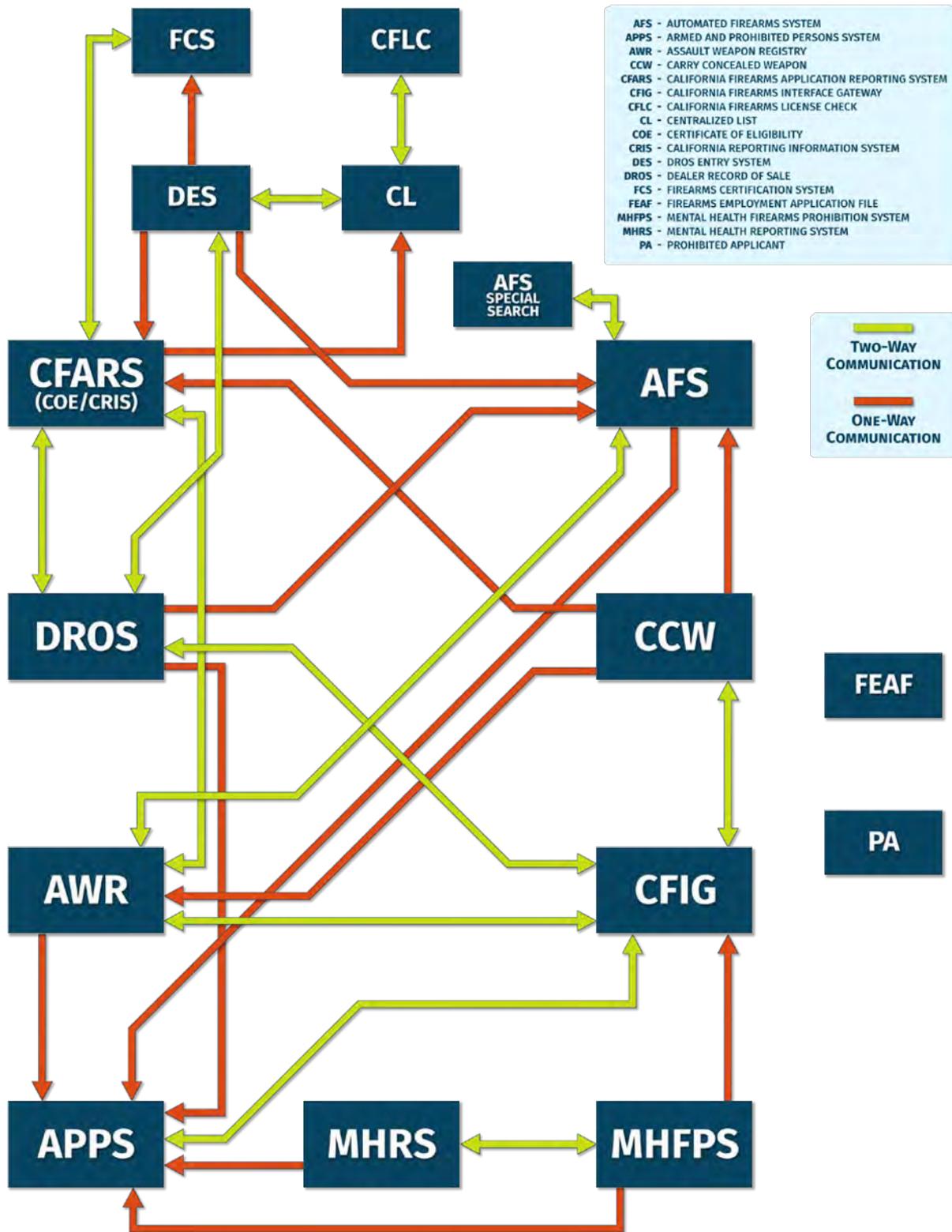
[8] The Number of Contacts Made during the APPS Enforcement Efforts:

In 2022, agents made nearly 24,000 contacts based on an average of three contacts per individual per case while working APPS investigations.

[9] Information regarding Task Forces or Collaboration with Local Law Enforcement on Reducing the APPS File or Backlog:

DOJ takes pride in its collaborative efforts with law enforcement partners. These efforts include leading the CASE Task Force along with the recent addition of the TARGET Task Force, its partnership with the Los Angeles County Sheriff's Department on Dual Force operations, joint APPS sweeps with specific jurisdictions based on workload, and most recently the GVRP in which DOJ has awarded grant funding to county sheriff's departments to support activities related to conducting APPS investigations.

APPENDIX D: Relational Diagram of DOJ's Bureau of Firearms Databases



APPENDIX E: Firearms Prohibiting Categories

STATE OF CALIFORNIA
PROHIBITING CATEGORIES (Rev. 03/2023)

DEPARTMENT OF JUSTICE
PAGE 1 of 5



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS FIREARM PROHIBITING CATEGORIES



Persons who fall into the following categories are prohibited from owning and/or possessing firearms under California and/or federal law for the time periods described below. Please note that the Department of Justice provides this document for informational purposes only. This list may not be inclusive of all firearm prohibitions. For specific legal advice, please consult with an attorney.

Lifetime Prohibitions

Convictions

- Any person who has been convicted of, or has an outstanding warrant and knowledge of the same for, a felony under the laws of the United States, the State of California, or any other state, government, or country. (Cal. Penal Code § 29800(a)(1), (a)(3); 18 U.S.C. § 922(g)(1).)
- Any person who has been convicted of a “violent offense” listed in California Penal Code section 29905. (Cal. Penal Code § 29900(a)(1).)
- Any person with two or more convictions for exhibiting any firearm in a rude, angry, or threatening manner in the presence of another person, except in self-defense, in violation of Penal Code section 417, subdivision (a)(2). (Cal. Penal Code § 29800(a)(2).)
- Any person convicted of a misdemeanor violation of the following offenses:
 - Assault with a firearm. (Cal. Penal Code §§ 29800(a)(1), 23515(a), 245(a)(2).)
 - Assault with a machinegun, assault weapon, or .50 BMG rifle. (Cal. Penal Code §§ 29800(a)(1), 23515(a), 245(a)(3).)
 - Shooting at an inhabited dwelling house, housecar, or camper, or at an occupied building, vehicle, or aircraft. (Cal. Penal Code §§ 29800(a)(1), 23515(b), 246.)
 - Exhibiting any firearm in a rude, angry, or threatening manner in the presence of a peace officer. (Cal. Penal Code §§ 29800(a)(1), 23515(d), 417(c).)
 - Inflicting corporal injury on a spouse or significant other under California Penal Code section 273.5, if convicted on or after January 1, 2019. (Cal. Penal Code § 29805(b).)
- Any person who has been convicted in any court of a misdemeanor crime of domestic violence. (18 U.S.C. § 922(g)(9).)

Mental Health

- Any person who is found by a court of any state to be a danger to others because of a mental disorder or mental illness. (Cal. Welf. & Inst. Code § 8103(a).)
- Any person who is found by a court of any state to be a mentally disordered sex offender. (Cal. Welf. & Inst. Code § 8103(a).)
- Any person who is found by a state or federal court to be not guilty by reason of insanity. (Cal. Welf. & Inst. Code § 8103(b), (c).)
- Any person who is found by a state or federal court to be mentally incompetent to stand trial. (Cal. Welf. & Inst. Code § 8103(d).)
- Any person who, within one year, is taken into custody two or more times as a danger to self or others under Welfare and Institutions Code section 5150 and assessed and admitted to a mental health facility. (Cal. Welf. & Inst. Code § 8103(f)(1)(B).)
- Any person who has been adjudicated as a mental defective or who has been committed to a mental institution. (18 U.S.C. § 922(g)(4).)

Miscellaneous

- Any person who is a fugitive from justice. (18 U.S.C. § 922(g)(2).)
- Any person who is an alien illegally or unlawfully in the United States, or admitted to the United States under a nonimmigrant visa (subject to certain exceptions). (18 U.S.C. § 922(g)(5).)
- Any person who has been discharged from the military under dishonorable conditions. (18 U.S.C. § 922(g)(6).)
- Any person who has renounced his or her United States citizenship. (18 U.S.C. § 922(g)(7).)



**CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
FIREARM PROHIBITING CATEGORIES**



10-Year Prohibitions

When a person has been convicted of, or has an outstanding warrant and knowledge of the same for, a misdemeanor violation of any of the offenses listed below (Cal. Penal Code § 29805(a), (c), (d)):

- Threatening public officers, employees, and school officials. (Cal. Penal Code § 71.)
- Threatening certain public officers, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat. (Cal. Penal Code § 76.)
- Intimidating witnesses or victims. (Cal. Penal Code § 136.1.)
- Possessing a deadly weapon with the intent to intimidate a witness or victim. (Cal. Penal Code § 136.5.)
- Using force or threatening to use force against a witness, victim, or informant. (Cal. Penal Code § 140.)
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer. (Cal. Penal Code § 148(d).)
- Knowingly making a false report to a peace officer that a firearm has been lost or stolen. (Cal. Penal Code § 148.5(f).)
- Unauthorized possession of a weapon in a courtroom, courthouse, or court building, or at a public meeting. (Cal. Penal Code § 171b.)
- Bringing into or possessing a loaded firearm within the State Capitol, any legislative office, any legislative hearing room, or any office of the Governor or any other constitutional officer. (Cal. Penal Code § 171c(a)(1).)
- Bringing onto the grounds a loaded firearm, or possessing a loaded firearm within, the Governor's Mansion or residence of any other constitutional officer. (Cal. Penal Code § 171d.)
- Knowingly supplying, selling, or giving possession of a firearm to a person to commit a felony while actively participating in a criminal street gang. (Cal. Penal Code § 186.28.)
- Assault. (Cal. Penal Code §§ 240, 241.)
- Battery. (Cal. Penal Code §§ 242, 243.)
- Sexual Battery. (Cal. Penal Code § 243.4.)
- Assault with a stun gun or taser weapon. (Cal. Penal Code § 244.5.)
- Assault with a deadly weapon other than a firearm, or assault with force likely to produce great bodily injury. (Cal. Penal Code § 245(a)(1), (4).)
- When the victim is a school employee engaged in performance of duties, assault with a firearm, assault with a deadly weapon or instrument, assault by any means likely to produce great bodily injury, or assault with a stun gun or taser. (Cal. Penal Code § 245.5.)
- Discharging a firearm or BB gun in a grossly negligent manner. (Cal. Penal Code § 246.3.)
- Shooting at an unoccupied aircraft or motor vehicle, or at an uninhabited building or dwelling house. (Cal. Penal Code § 247.)
- Inflicting corporal injury on a spouse or significant other, if convicted before January 1, 2019. (Cal. Penal Code § 273.5.)
- Intentionally and knowingly violating a protective or restraining order. (Cal. Penal Code § 273.6.)
- Exhibiting any deadly weapon or firearm in a rude, angry, or threatening manner in the presence of another person, except in self-defense. (Cal. Penal Code § 417.)
- Intentionally inflicting serious bodily injury as a result of exhibiting a deadly weapon or firearm in the presence of another person. (Cal. Penal Code § 417.6.)
- Making threats to commit a crime which will result in death of, or great bodily injury to, another person. (Cal. Penal Code § 422.)
- Interference with the exercise of civil rights because of actual or perceived characteristics of the victim. (Cal. Penal Code § 422.6.)



**CALIFORNIA DEPARTMENT OF JUSTICE
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FIREARM PROHIBITING CATEGORIES**



- Possessing a firearm in a place the person knows or reasonably should know is a school zone. (Cal. Penal Code § 626.9.)
- Stalking. (Cal. Penal Code § 646.9.)
- Wearing a peace officer uniform while engaged in picketing or other public informational activities relating to a concerted refusal to work. (Cal. Penal Code §§ 830.95.)
- Possessing a deadly weapon with the intent to commit an assault. (Cal. Penal Code § 17500.)
- Carrying a concealed firearm, loaded firearm, or other deadly weapon while engaged in picketing or other public informational activities relating to a concerted refusal to work. (Cal. Penal Code § 17510.)
- Carrying a firearm in a public place or on a public street while masked. (Cal. Penal Code § 25300.)
- Carrying a loaded firearm with the intent to commit a felony. (Cal. Penal Code § 25800.)
- Possession of handgun ammunition designed primarily to penetrate metal or armor. (Cal. Penal Code § 30315.)
- Unauthorized possession or knowing transportation of a machinegun. (Cal. Penal Code § 32625.)
- As the driver or owner of any vehicle, knowingly permitting another person to discharge a firearm from the vehicle, or any person who willfully and maliciously discharges a firearm from a motor vehicle. (Cal. Penal Code § 26100(b), (d).)
- A firearms dealer who sells, transfers, or gives possession of a handgun, semiautomatic centerfire rifle, completed frame or receiver, or firearm precursor part to a person under 21 years of age, when no exception applies. (Cal. Penal Code § 27510.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving in-patient treatment for a mental disorder while a danger to self or others, or by a person who has communicated to a licensed psychotherapist a serious threat of physical violence against an identifiable victim. (Welf. & Inst. Code § 8100.)
- Knowingly providing a deadly weapon or firearm to a person described in Welfare and Institutions Code sections 8100 or 8103. (Cal. Welf. & Inst. Code § 8101.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been found by a court to be a danger to others because of a mental disorder or mental illness, to be a mentally disordered sex offender, to be not guilty by reason of insanity, or to be mentally incompetent to stand trial. (Cal. Welf. & Inst. Code § 8103(a), (b), (c), (d).)
- Purchase, possession, or receipt of a firearm by a person placed under a conservatorship for specified reasons, by a person taken into custody as a danger to self or others under Welfare and Institutions Code section 5150 and assessed and admitted to a mental health facility, or by a person certified for intensive treatment under Welfare and Institutions Code sections 5250, 5260, or 5270.15. (Cal. Welf. & Inst. Code § 8103(e), (f)(1)(A), (g).)
- Knowingly bringing a firearm into, or knowingly possessing a firearm in, a juvenile facility. (Cal. Welf. & Inst. Code § 871.5.)
- Knowingly bringing a firearm into, or knowingly possessing a firearm in, a Youth Authority institution or camp. (Cal. Welf. & Inst. Code § 1001.5.)
- Grand theft of a firearm. (Cal. Penal Code § 487.)
- Various violations involving sales and transfers of firearms. (Cal. Penal Code § 27590(c).)
- Storing a firearm knowing that a child or person prohibited from possessing firearms is likely to gain access to the firearm, if convicted on or after January 1, 2020. (Cal. Penal Code § 25100.)
- While residing with a person prohibited from possessing firearms, failing to keep the firearm secure in the residence in one of the specified manners, if convicted on or after January 1, 2020. (Cal. Penal Code § 25135.)
- Storing a firearm knowing that a child or person prohibited from possessing firearms is likely to gain access to the firearm, and the child or prohibited person accesses the firearm and carries it off-premises, if convicted on or after January 1, 2020. (Cal. Penal Code § 25200.)
- Willfully harming, injuring, or endangering the health of a child, if convicted on or after January 1, 2023. (Cal. Penal Code § 273a.)
- Willfully harming, injuring, or endangering the health of an elder or dependent adult, or falsely imprisoning an elder or dependent adult, if convicted on or after January 1, 2023. (Cal. Penal Code § 368(b), (c), (f).)



**CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
FIREARM PROHIBITING CATEGORIES**



- Knowingly helping a person prohibited from possessing firearms to manufacture a firearm, or knowingly manufacturing a firearm without a valid state or federal serial number, if convicted on or after January 1, 2023. (Cal. Penal Code § 29180(e), (f).)

Juvenile Prohibitions

- Until 30 years of age or older, any person who is adjudged a ward of the juvenile court under Welfare and Institutions Code section 602 because the person committed an offense listed below (Cal. Penal Code § 29820):
 - An offense listed in Welfare and Institutions Code section 707(b);
 - An offense listed in Penal Code section 29805;
 - A controlled substance offense listed in paragraphs (B), (C), (D), (E), or (F) of Penal Code section 29820(a)(1);
 - Carrying a loaded firearm in public under Penal Code section 25850;
 - Carrying a concealed firearm under Penal Code section 25400(a); or
 - As the driver or owner of a motor vehicle, knowingly permitting another person to bring a firearm into the vehicle, under Penal Code section 26100(a).

Non-Lifetime Mental Health Prohibitions

- For the period of admittance until discharge from a mental health facility, any person who is receiving in-patient treatment at a mental health facility for a mental disorder and is a danger to self or others. (Cal. Welf. & Inst. Code § 8100(a).)
- For the period of the conservatorship, any person who is placed under a conservatorship by a state or federal court because he or she is gravely disabled from a mental disorder or chronic alcoholism and the court finds that possession of a firearm would endanger the person or others. (Cal. Welf. & Inst. Code § 8103(e).)
- For a period of 5 years from the date that a licensed psychotherapist reports to a local law enforcement agency, any person who communicates a serious threat of physical violence to a licensed psychotherapist against a reasonably identifiable victim and the psychotherapist reports the threat to law enforcement. (Cal. Welf. & Inst. Code § 8100(b).)
- For a period of 5 years after being released from a mental health facility, any person who is taken into custody as a danger to self or others under Welfare and Institutions Code section 5150, assessed, and admitted to a mental health facility. (Cal. Welf. & Inst. Code § 8103(f).)
- For a period of 5 years, any person certified for intensive treatment under Welfare and Institutions Code sections 5250, 5260, or 5270.15. (Cal. Welf. & Inst. Code § 8103(g).)

Non-Lifetime Court-Ordered Prohibitions

- For the period of probation, any person who is ordered to not possess firearms as a condition of probation. (Cal. Penal Code § 29815.)
- For the period that a court order is in effect, any person who is subject to one of the following orders that includes a prohibition from owning or possessing a firearm (Cal. Penal Code § 29825):
 - A civil harassment temporary restraining order under Code of Civil Procedure section 527.6;
 - A workplace violence temporary restraining order under Code of Civil Procedure section 527.8;
 - A private postsecondary school violence temporary restraining order under Code of Civil Procedure section 527.85;
 - A domestic violence protective order under Family Code section 6218;
 - A criminal protective order under Penal Code section 136.2;
 - A stalking protective order under Penal Code section 646.91;
 - An elder or dependent adult abuse temporary restraining order under Welfare and Institutions Code section 15657.03; or
 - A valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order, as specified in Penal Code section 29825.



**CALIFORNIA DEPARTMENT OF JUSTICE
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FIREARM PROHIBITING CATEGORIES**



- For a period of 21 days, any person subject to a temporary emergency Gun Violence Restraining Order (GVRO) or subject to an ex parte GVRO. (Cal. Penal Code §§ 18148, 18165.)
- For a period of 1 to 5 years, any person subject to a GVRO after notice and hearing. (Cal. Penal Code § 18170.)
- For a period of 5 years after an existing GVRO expires, any person who possesses a firearm or ammunition while knowingly subject to a GVRO prohibiting the person from doing so and is convicted for such possession. (Cal. Penal Code § 18205.)
- Any person who is subject to a court order that meets certain requirements and restrains the person from harassing, threatening, stalking, or threatening an intimate partner or child. (18 U.S.C. § 922(g)(8).)

Miscellaneous Prohibitions

- Any person who is addicted to the use of any narcotic drug. (Cal. Penal Code § 29800(a)(1).)
- Any person who is an unlawful user of or addicted to any controlled substance. (18 U.S.C. § 922(g)(3).)

APPENDIX F: Bureau of Firearms Regional and Field Offices



APPENDIX G: Case Studies

Prohibited APPS Subject Found in Possession of Machine Guns

In October 2022, the Bureau identified an individual who owned a firearm, despite the fact that he was prohibited from owning and possessing firearms or ammunition due to a felony conviction. Agents conducted investigative follow-up and subsequently obtained a search warrant for the individual's residence in Elk Grove, California. Special Agents with the assistance of the Elk Grove Police Department Special Weapons and Tactics (SWAT) Team, served a search warrant at the subject's residence. As a result of the search warrant, agents seized one AR-15 style rifle machine gun, one AR-15 style pistol machine gun, one Polymer 80 handgun (ghost gun) with a auto switch attached, one stolen handgun, one complete Polymer 80 handgun (ghost gun), three suppressors, 15 ghost gun receivers/frames, 15 large capacity magazines, and approximately 1,200 rounds of ammunition. Special Agents also located ten 3D-printed handgun receivers and frames, two 3D printers, and filament for the printers. The subject was arrested and his criminal case is pending with the court.



Intercepted Russian Imported Packages Lead to Seizure of Machine Guns from San Luis Obispo Subject

In June of 2022, the Homeland Security Investigations, in coordination with the U.S. Customs and Border Protection, contacted Department special agents regarding a subject receiving machine gun parts from Russia. A total of four packages were intercepted with one package containing two AK style machine gun lower receivers with no serial numbers and stamped "Made in Russia." Based on the above information coupled with investigative follow up, agents secured a search warrant for the individual's residence in San Luis Obispo, California. In October of 2022, Special Agents served the search warrant at the individual's residence. A search of the residence resulted in the seizure of 16 unregistered assault weapons, five unserialized AK style machine guns, 45 AK style unserialized machine gun kits (several stamped "Made in Russia"), two silencers, one unregistered .50 caliber BMG rifle, 420 large capacity magazines, and approximately 150 rounds of ammunition. The subject was arrested, with criminal cases pending in court.



Ammunition Eligibility Check Identifies Prohibited Individual in Redlands

In November of 2022, an individual attempted to purchase ammunition and was flagged as prohibited through the ammunition eligibility check process. Special Agents reviewed the case and found the individual was prohibited from owning and possessing firearms due to a misdemeanor conviction for willful discharge of a firearm. The individual had four firearms registered in his name in APPS. Agents subsequently obtained a search warrant for the subject's residence in Redlands, California. The search resulted in two handguns, seven rifles (including an unregistered assault weapon and a short barrel rifle), two shotguns, 11 magazines, and approximately 1,200 rounds of ammunition. The subject was arrested, with criminal cases pending in court.



Riverside County APPS Subject Arrested for Being in Possession of Numerous Firearms while Prohibited Due to a Mental Health Commitment

In August of 2022, the Bureau identified a subject who resided in Menifee, California and was prohibited from owning or possessing firearms due to a mental health condition. It was determined the subject had several firearms recorded in his name, two of which were assault weapons. Agents conducted a preliminary investigation and found that the Menifee Police Department had responded to the subject's residence in January of 2022. During the January 2022 incident, the subject fired one of his firearms into his bedroom closet, believing someone was hiding there. At the time of that incident, Menifee Police Department seized the subject's firearm. Agents, believing the subject could potentially have additional firearms obtained and served a search warrant at the subject's residence. Agents subsequently located 54 firearms located throughout the house, including two AR-15 style assault rifles, two UZI assault weapons, 35 handguns, 15 rifles, 157 magazines and approximately 2,200 rounds of miscellaneous caliber ammunition. The subject was arrested and booked into Riverside County Jail.



Glendora Subject Arrested for Being in Possession of Numerous Assault Weapons while Prohibited Due to a Criminal Protective Order

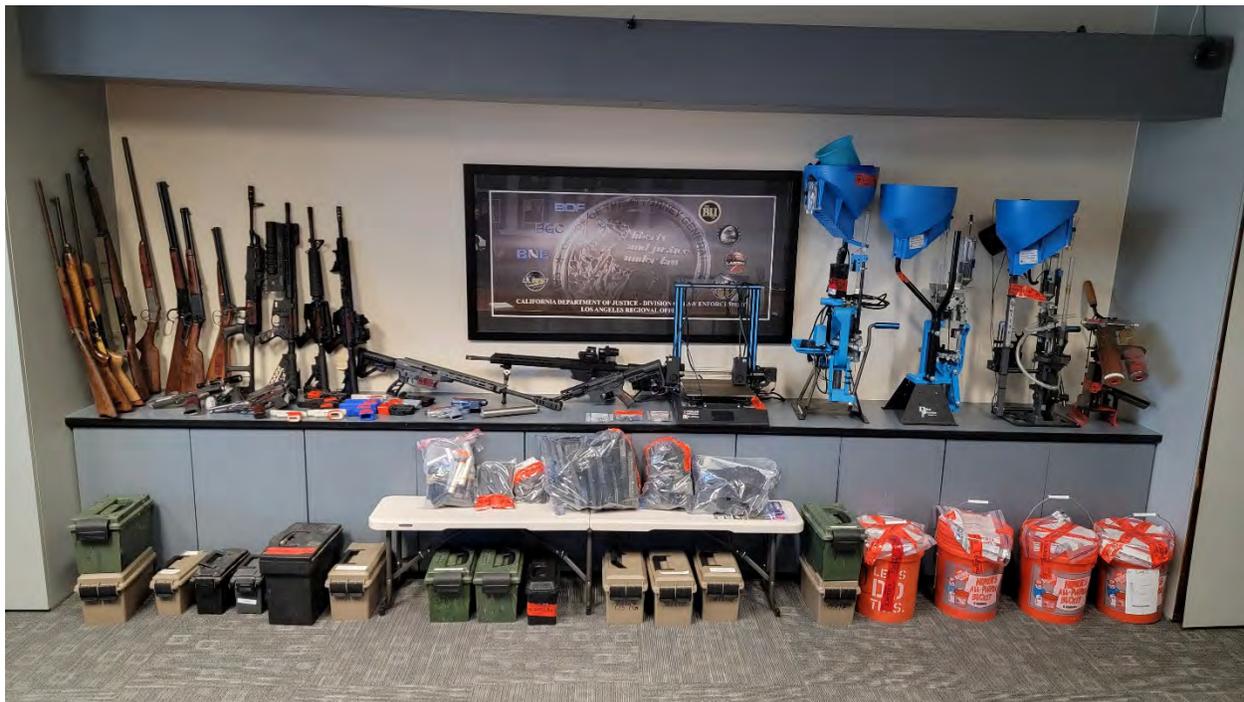
In February of 2022, the Bureau identified a subject who resided in Glendora as being prohibited from owning or possessing firearms due to having a criminal protective order issued to him. Agents attempted to contact the subject at his residence, but were unable to locate him. A short time later, agents were able to contact the subject's wife and subsequently obtained a search warrant for the residence. While agents were conducting the search of the residence they were able to contact the prohibited person. Their search of the residence resulted in the seizure of: one short barrel rifle, five assault weapons, one rifle, four shotguns, one rifle lower, six handguns, 33 miscellaneous caliber magazines, and approximately 10,336 rounds of ammunition. The subject was arrested and his criminal case is pending with the court.



Gun Show Investigation Results in the Seizure of Numerous Ghost Gun Assault Weapons

In October of 2022, agents conducted an enforcement action at a gun show located in the Ontario Convention Center. During the operation, agents observed an individual, who they determined to be a convicted felon, purchase a rifle stock, a bolt barrier, and an upper receiver for an AR style rifle. Agents conducted additional investigative follow up, and obtained a search warrant for the subject's residence in Ventura.

Agents subsequently served the search warrant at the residence and seized the following items: one short barrel rifle, eight assault weapons (all ghost guns), two machine guns, six rifles, 12 lower receiver frames, seven handguns (three were ghost guns), two shotguns, 43 miscellaneous caliber large capacity magazines, 120 miscellaneous caliber standard capacity magazines, approximately 80,000 rounds of ammunition, a 3D printer, and miscellaneous gun/ammo manufacturing parts. The subject was arrested, with a criminal case pending in court.



Gun Show Investigation Results in the Seizure of Assault Weapons

In August of 2022, Special Agents, with the assistance of the Sacramento County Sheriff's deputies, conducted an enforcement operation at a gun show in Red Bluff, California. Inside the gun show, Special Agents observed a firearms dealer selling two assault weapons. The dealer did not possess the proper permits to sell or possess the assault weapons. Agents contacted the dealer and seized two assault weapons and four magazines. They then searched his residential dealership. The subject was arrested and his criminal cases are pending with the court.



APPENDIX H: Gun Violence Reduction Program Awards

**GUN VIOLENCE REDUCTION PROGRAM
FISCAL YEAR 2022-23**

APPLICANT	SUMMARY OF AWARD	AWARD
Kings County Sheriff's Office	Investigate and bring resolution to 67 APPS subjects in Kings County. Research and eliminate firearm transfers that were not completed properly. Collaborate with courts, District Attorney, Probation Department and Parole Offices on subjects navigating through the court system that will become prohibited in the near future.	\$355,686
Lassen County Sheriff's Office	Reduce the number of APPS cases in Lassen County through APPS related investigations as well as general law enforcement investigations. Increase the number of cases filed and convictions obtained in armed prohibited person cases. Reduce the number of stolen firearms in possession of prohibited persons. Work with the courts, District Attorney, Public Defender and Probation Department on identifying persons likely to become prohibited and help in educating the person(s) on their options available to them for legally disposing of or transferring their firearm(s).	\$322,249
San Joaquin County Sheriff's Office	Create a Gun Violence Prevention Team focusing first on subjects from APPS that pose the most risk to the public (e.g., gang affiliations, domestic violence restraining orders, etc.). Determine level of threat of subjects and resources needed (e.g., Veterans Affairs, mental health clinicians, Probation Department, etc.). Work with local entities to address new subjects added to APPS timely.	\$987,072
Stanislaus County Sheriff's Office	Reduce the 1,008 firearms associated with 413 armed prohibited persons in Stanislaus County. Contact mental health prohibited persons regarding firearm possession. Utilize the National Integrated Ballistic Information Network to seek out new offenders that are matched from ballistic data.	\$568,604
Ventura County Sheriff's Office	Reduce the number of individuals in APPS through intensive investigation and focus on recovery of firearms. Improve and make additions to the APPS investigation case management system that tracks, stores and combines data from a variety of sources regarding APPS subjects and investigations. Development of a Pre-APPS program that will allow for the legal removal of firearms from individuals with a qualifying incident (e.g., restraining order, 5150 commitment, etc.) before they are placed in APPS. Check range records, intelligence reports and social media investigation information to help identify prohibited persons in possession of firearms.	\$555,876

CALIFORNIA DEPARTMENT OF JUSTICE



**GUN VIOLENCE REDUCTION PROGRAM
FISCAL YEAR 2022-23**

APPLICANT	SUMMARY OF AWARD	AWARD
Kings County Sheriff's Office	Investigate and bring resolution to 67 APPS subjects in Kings County. Research and eliminate firearm transfers that were not completed properly. Collaborate with courts, District Attorney, Probation Department and Parole Offices on subjects navigating through the court system that will become prohibited in the near future.	\$355,686
Lassen County Sheriff's Office	Reduce the number of APPS cases in Lassen County through APPS related investigations as well as general law enforcement investigations. Increase the number of cases filed and convictions obtained in armed prohibited person cases. Reduce the number of stolen firearms in possession of prohibited persons. Work with the courts, District Attorney, Public Defender and Probation Department on identifying persons likely to become prohibited and help in educating the person(s) on their options available to them for legally disposing of or transferring their firearm(s).	\$322,249
San Joaquin County Sheriff's Office	Create a Gun Violence Prevention Team focusing first on subjects from APPS that pose the most risk to the public (e.g., gang affiliations, domestic violence restraining orders, etc.). Determine level of threat of subjects and resources needed (e.g., Veterans Affairs, mental health clinicians, Probation Department, etc.). Work with local entities to address new subjects added to APPS timely.	\$987,072
Stanislaus County Sheriff's Office	Reduce the 1,008 firearms associated with 413 armed prohibited persons in Stanislaus County. Contact mental health prohibited persons regarding firearm possession. Utilize the National Integrated Ballistic Information Network to seek out new offenders that are matched from ballistic data.	\$568,604
Ventura County Sheriff's Office	Reduce the number of individuals in APPS through intensive investigation and focus on recovery of firearms. Improve and make additions to the APPS investigation case management system that tracks, stores and combines data from a variety of sources regarding APPS subjects and investigations. Development of a Pre-APPS program that will allow for the legal removal of firearms from individuals with a qualifying incident (e.g., restraining order, 5150 commitment, etc.) before they are placed in APPS. Check range records, intelligence reports and social media investigation information to help identify prohibited persons in possession of firearms.	\$555,876

EXHIBIT 19



Settings

← Post

Ammunition Depot
@AmmunitionDepot

This is HUGE! Judge Roger T. Benitez, rules that Californians may again purchase ammo without a background check and order ammo online! Click on the link for more...ammunitiondepot.com/welcome-back-c...



4:29 PM · Apr 23, 2020



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EXHIBIT 20



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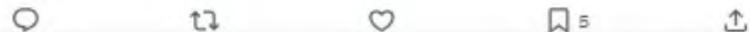
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BREAKING NEWS! Californians can now exercise their right to purchase ammunition without a background check & have that ammunition shipped directly to their homes! ammunitiondepot.com



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EXHIBIT 21



Settings

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Fenix Ammunition 
@FenixAmmunition

As of this moment, we are opening up California orders shipped directly to the customer.

I'm not confident it will last very long but in the meantime, let the games begin.

Chuck Michel  @CRPAPresident · 3h · 

BREAKING 2A NEWS: HUGE WIN THIS MORNING in CRPA's Rhode case challenging California ammo purchase restrictions. Stand by for details coming shortly. You can read the decision and see all the work CRPA put into this case here. michellawyers.com/rhode-v-becerr....

And thanks to all the folks...

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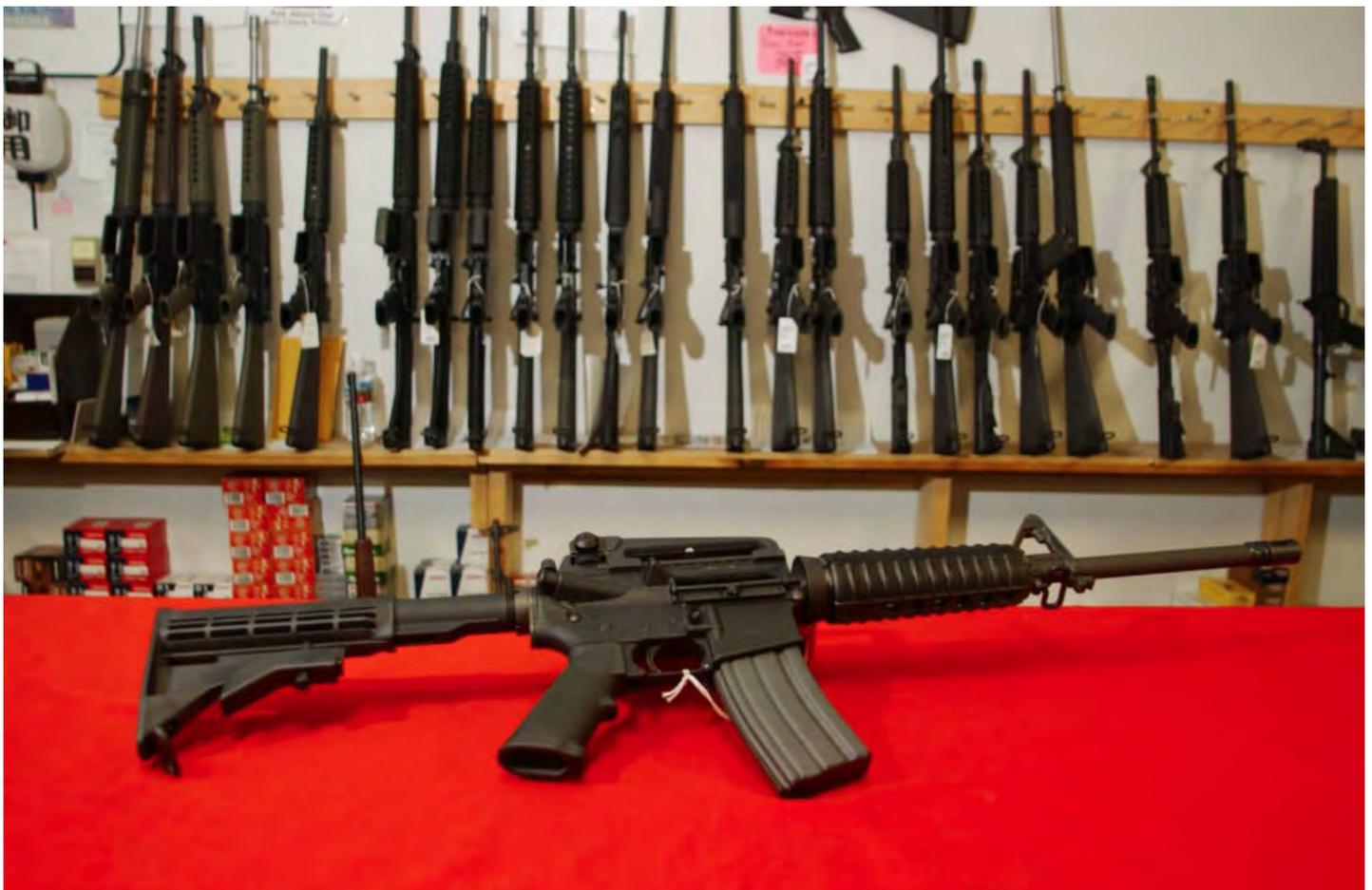
Gun Groups: More Than A Million High-Capacity Magazines Flooded California During Weeklong Ban Suspension

By [Matthew Green](#) Apr 12, 2019

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A Colt AR-15 with a high-capacity magazine that holds more than 30 rounds. (Thomas Cooper/Getty Images)

More than a million high-capacity ammunition magazines flooded into California during a one-week window created when a federal judge temporarily threw out the state's ban, gun owners' groups estimated Thursday.

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The magazines aren't tracked. But there are plenty of anecdotal indications that the floodgates briefly opened when U.S. District Judge Roger Benitez overturned the state's nearly 20-year-old ban in late March.

Gun control advocates, however, said the projections are inflated and self-serving as gun rights organizations try to make the case that high-capacity magazines bans are impractical.

The judge halted sales a week later, but ruled that those who bought the magazines can legally own them while the state appeals his ruling.

"Everything was all sold out. I basically took whatever I could get," said Chris Puehse, who owns Foothill Ammo in Shingle Springs, east of Sacramento.

He fielded dozens of telephone calls while buyers stacked up 20 deep in his one-man store to buy the hundreds of magazines that arrived in two shipments last week. He had just six left by the time Benitez reinstated the ban last Friday.

"People loved it. It was like we were out of prison and were not treated like bastard stepchildren of the country anymore," he said.

Puehse said that 30-round magazines for military-style rifles, handgun magazines holding 17 to 20 bullets, all selling for less than \$30 each, almost immediately "disappeared."

"They wanted to grab more than I let them, otherwise they would have been gone even

faster than a few hours," he said. "Because of that one slip-up, in one week you literally had millions of magazines come into the state that were bought legally. These magazines are here to stay."

Hours before Benitez again halted sales, California Attorney General Xavier Becerra warned that the state was in danger of becoming "the wild, wild West for high-capacity magazines."

"There are those who are now trying to flood the state of California with what were until this decision illegal high-capacity magazines, the type of magazines that are used in firearms to commit the mass shootings that we've seen throughout the country," Becerra said.

The magazines allow shooters to fire more bullets without stopping to reload. Gun owners' organizations — and Judge Benitez — said that's helpful to ward off multiple home invaders, but opponents said it gives victims less time to escape or tackle a mass shooter as he reloads.

During that short window, a number of ammunition manufacturers around the country sought to take advantage of the opportunity. South Carolina-based Palmetto State Armory announced in a Facebook ad that it was "prepared to send a whole lot of freedom to our friends in California," but warned of delays due to high demand.

"The pipeline was open and it was flowing, on all platforms — people showing up (in stores), online — I'm guessing that UPS and FedEx had a field day," said Gun Owners of California president Sam Paredes. "It was a frenzy."

He said an estimate of a million magazines "seems a little bit low."

California's more than 2.5 million gun owners together have nearly 20 million guns, many of which can use the extended magazines.

Staff attorneys with the Giffords Law Center to Prevent Gun Violence in San Francisco said they've seen no evidence to back up the million-magazine estimate, and said gun rights organizations have a vested interest in inflating the number of law-abiding owners.

"They have a very specific purpose and intent here to try to set up for the court that these are devices that are very commonly used and possessed" and therefore should not be banned again, said Ari Freilich, an attorney with the center.

The problem isn't the new owners who will use them legally for target shooting or self-

defense, he said, it's that some will fall into the hands of criminals or be used by mass shooters.

Reformers expect the 9th U.S. Circuit Court of Appeals to keep the ban on sales while reinstating a 2016 state law and ballot measure banning possession even by those who purchased the magazines legally.

Opponents of California's law are counting on the U.S. Supreme Court to ultimately side with Benitez's ruling, that the bans infringe on the Second Amendment right to bear arms.

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