



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
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September 23, 2011

The Honorable Edmund G. Brown
Governor of California
State Capitol Building, Suite 1173
Sacramento, California 95814

RE: SB 427 (De Leon) -- Ammunition

Dear Governor Brown,

On behalf of the tens of thousands of National Rifle Association members in California, I respectfully urge you to veto Senate Bill 427. This bill would only reinforce the state's commitment to an already failed attempt to control crime through burdensome, unnecessary, and intrusive requirements pertaining to lawful handgun ammunition sales and handgun ammunition vendors.

While we strongly oppose the policy proposed in SB 427, its defective drafting alone should warrant your veto. SB 427 is the latest attempt to regulate handgun ammunition. It was preceded by AB 2062 (2007), AB 962 (2009) and AB 2358 (2010). AB 962 was to become law on February 1, 2011 but was overturned in *Parker v. California*. In the search for a workable definition of what was to be regulated, those bills were repeatedly amended. SB 427 was amended six times – the last of which was on August 31 while on the Assembly floor. No policy committee review was conducted of those final amendments and the definition of handgun ammunition that resulted is as convoluted as that which was struck down in *Parker*.

The author's inability to produce a coherent definition resulted from two inexplicable failures. The first is the apparent unwillingness to seek the counsel of the firearm experts from the Attorney General's Bureau of Forensic Services. The second, and most vexing, is the disregard shown for the long-established standard for defining cartridges. In 2004 restrictions were placed on firearms that could use the .50 BMG cartridge (PC 12078). Defining exactly what was meant by ".50 BMG" proved challenging. The solution was to use the Sporting Arms and Ammunition Manufacturers' Institute (SAAMI) description.

That definition has not been challenged because it uses technical terms properly and is precise. The failure of the author of SB 427 to adopt the clear standard established in PC_12278(b) and his conflation of the words “caliber” (measurement of bullet diameter) and “cartridge” (the combination of a bullet, cartridge case, powder and primer) – has resulted in a muddled definition that will make it impossible for those who enforce or must comply with the law to understand what is expected of them. The following are a few of many examples from the definitional element of this bill that demonstrate the drafting deficiencies of SB 427.

“(1) .22 rimfire, .22 Long Rifle also known as .22 LR”

Senator De Leon testified incorrectly in the Assembly Public Safety Committee that according to the Department of Justice, “.22 caliber bullets” are those most frequently used in crimes. The *Reports on Firearms Used in the Commission of Crimes* are posted on the Attorney General’s website at <http://ag.ca.gov/publications/index.php#firearms>.

The .22 rimfire family includes the .22 BB Cap, .22 CB Cap, .22 Short, .22 Long, .22 Long Rifle, .22 CCI Stinger, .22 shot, .22 WRF and the .22 Winchester Rimfire Magnum. SB 427 only specifies the .22 Long Rifle. All of the listed cartridges except for the .22 WRF and the .22 Magnum can be fired in a weapon chambered for the .22 Long Rifle. The confusion is due to the following bill language:

“(c) If a cartridge is named or listed in subdivision (b), any variation of that cartridge type is included for purposes of subdivision (b), including variations in bullet weight, bullet type,…”

The .22 Long and the .22 Long Rifle share the same cartridge case – but have different bullet weights. The .22 CCI Stinger is designed to be fired from a .22 Long Rifle chamber – but has a longer case and a shorter bullet. Are they covered by the restrictions in SB 427? As .22 rimfire is the largest selling portion of the ammunition market – this is a major issue.

“(13) ... Bren Ten.” The Bren Ten is neither a caliber nor a cartridge. It is a model designator for a pistol that was discontinued in the early 1980s. It is also an example of why analysis by committee staff is important.

SB 427 would create a new and expensive government program at both the state and local level. Even if SB 427 had some potential as a crime-fighting tool - which it doesn’t - California’s budget problems make the author’s timing most inopportune. We ask you to weigh the potential benefit of this proposed law against the cost of its implementation and the litigation that will surely follow.

For these reasons, the NRA respectfully urges you to veto SB 427.

Sincerely,



Charles H. Cunningham
Director of State and Local Affairs