

ISSUE 1073 | SEPTEMBER/OCTOBER 2024

# CALIFORNIA FIRING LINE

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION

**HUNTING  
& THE  
FIREARMS  
DEBATE**  
TIME TO MAKE A  
STAND AS ONE



## THE BIG BIANCHI

**WILL SCOTUS FINALLY STRIKE  
DOWN A SEMI-AUTO BAN?**

**GUN RATIONING GONE**  
9TH CIRCUIT BLOCKS ENFORCEMENT  
OF 1 IN 30 DAY LAW

**REPORTS & UPDATES**  
LITIGATION, LEGISLATION, LOCAL  
ACTION & CRPA PROGRAMS

**GUN STORAGE  
CHECK WEEK™**

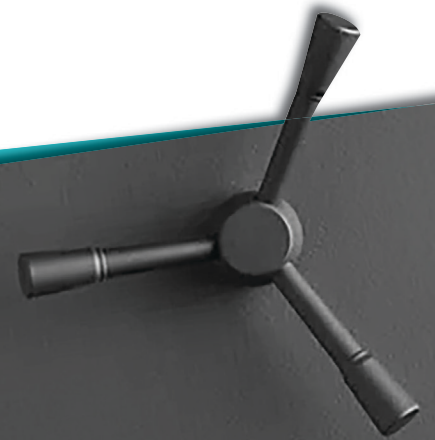
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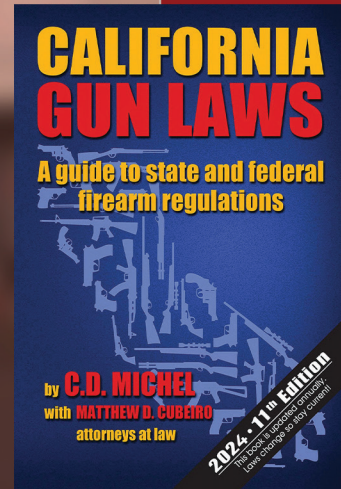


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# CALIFORNIA FIRING LINE

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## DEFENDING SECOND AMENDMENT RIGHTS IS A MARATHON

**H**ow can we still be litigating cases that CRPA filed to protect our Second Amendment rights ten years down the road? Why don't these lawsuits come to an end sooner? CRPA hears these questions from gun owners every day.

I know personally the frustration of waiting for the courts to act while the state plays games with your rights. They raise collateral and irrelevant legal issues, overlitigate cases using taxpayer dollars, twist the Bruen and Heller case rulings, challenge rock solid evidence, and do all they can to delay the inevitable. And some judges are complicit in the game playing. It is infuriating but remember that Bruen is still a relatively new decision from 2022, as is the latest Supreme Court decision in the Rahimi case. But keep in mind this is a marathon, the Supreme Court's rulings still leave some questions unanswered, and that we must pursue our rights in the courts to get them back no matter how long it takes. Hopefully, that marathon will end soon. CRPA is winning lots of battles, but we need to win



the war on our rights. We won't stop until we do.

CRPA has over 12 Second Amendment cases going in state and federal courts, including the challenge to ammunition

purchasing schemes, the challenge to the law banning magazines over 10 rounds, the challenge to overly expansive designation of "sensitive" places where CCWs are useless, the

# PRESIDENT'S MESSAGE



## DEFENDING THE 2ND AMENDMENT

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION

KATARZYNA HUHOVA/SHUTTERSTOCK.COM

challenge to the handgun roster, and most recently a challenge to the 11% excise tax the state has tacked on to every purchase of a firearm, ammunition, and parts. It's a lot of work.

It is truly mind-blowing how anyone could look at this list of challenges to fundamental rights, read the Supreme Court's decisions, faithfully apply them, and still think the gun owner hating bureaucrats are in the right! But the state keeps playing games and dragging our cases through long and arduous processes in the courts, hoping to buy some time. Their long game, a Biden win and a new Supreme Court.

The good news is that most courts have been siding with CRPA and our plaintiffs. CRPA knows the truth - and we have

the Constitution on our side.

Just this month, CRPA stepped up with other 2A organizations to join forces against the state's 11% excise tax on firearms, ammunition, and parts. Perhaps the most significant part of this case is that all of the pro 2A civil rights groups are now working together, and even the weaker NRA is trying to get back in the game.

Politicians think there is nothing wrong with adding more taxes and fees onto something that they disfavor. It's all part of their larger effort to make gun ownership so compacted and expensive that people stop trying. Politicians have likened this tax to those that are placed on cigarettes, alcohol, and other "sins" that they label are bad for the people.

They forget that the Second Amendment is not a privilege, it is a right - big difference! This tax is more like charging prescription drug users a tax to fight Columbian drug lords.

The 11% tax is added on to the sales taxes, DROS fees, and other fees the state tacks on. In some jurisdictions that can bring the tax on a firearm up to 20-25%. When you are purchasing a \$600.00 firearm that is \$150.00 more in costs. For many who are already scrimping and saving to purchase a firearm so they can protect themselves and their families, an extra \$150.00 could delay the purchase and the exercise of those freedoms for months, or worse, price many people out of the market for the most effective tool for protecting yourself or enjoying the shooting sports.





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This is why we challenged the 11% excise tax an litigating all our other lawsuits. California and the statists that run it must be forced to understand that politicians cannot take a right that they disfavor and punish the law-abiding citizen for exercising that right. They will never see the light, but with your help we can make them feel the heat.

With anti-gun groups calling last year's Bruen decision "reckless," we have no choice but to challenge unconstitutional laws and tell politicians like Governor Newsom that the problem with gun violence is not caused by the lawful gun owners but with the criminals that they refuse to prosecute.

Collectively, the tax, on top of California's ammunition restrictions, standard magazine bans, a gun roster that does not let Californians purchase the latest and safest technology, attacks on gun shows, gun stores, gun ranges, and making it ever more difficult for CCW holders and others to carry their firearm for protection, all show that California politicians and Gavin Newsom have disdain for the gun culture and those who choose to exercise their

constitutional rights. Their hatred for the Second Amendment is on full display as they have even openly joked that they are trying to bankrupt the Second Amendment groups by making us fight all these unconstitutional infringements.

One silver lining is that all these attacks on your rights have built stronger bonds in the Second Amendment community and are creating fidelity among Second Amendment advocacy groups and gun owners. You are a strong part of that commitment. You are the ones who will hold the line for the next generation of gun owners in California. And that generation's participation is increasing because of our recruitment and training work.

Thank you for supporting these ongoing legal challenges, and thank you for supporting CRPA in leading the charge in California. For almost 150 years, we have been holding the line and protecting the rights of gun owners, and we will continue to preserve and protect your rights.

Stay informed, stay involved, and contribute to CRPA as we make history together. **CRPA**

**CHUCK**

## STATEMENT OF CRPA'S FINANCIAL PRACTICES

No other pro-2A association is more scrupulous about avoiding financial improprieties than CRPA and its sister, The CRPA Foundation. Donations and membership dues are closely monitored, budgeted, and reinvested into fighting for the rights of California gun owners. The CRPA has a Finance Committee that oversees bookkeeping and expenses, a fully informed Board of Directors, and accountants that scrutinize bookkeeping and expenses. CRPA also has a conflict-of-interest disclosure and review policy, a vendor fraud prevention policy, an expenses review and limitation policy and review process, and multiple other safeguards in place to make sure every donation is spent wisely and frugally. CRPA's volunteer President, Chuck Michel, is paid nothing for his many hours of work because he believes in the cause and donates all of that time. Any legal work for the CRPA or CRPA Foundation is done at significantly reduced, hourly, non-profit rates.

# ANALYSIS: WILL THIS BE THE YEAR SCOTUS TAKES AN 'ASSAULT WEAPONS' BAN CASE?

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION



In a recent ruling upholding Maryland's ban on so-called assault weapons, a federal appeals court gave gun-rights advocates their best opportunity yet to entice the Supreme Court to strike down those bans nationwide. Whether the Justices are prepared to oblige them is another matter entirely.

J.J. GOJINI/SHUTTERSTOCK.COM

In a divided opinion last week, the en banc Fourth Circuit Court of Appeals delivered its long-awaited judgment of Maryland's ban on AR-15s and other semi-automatic weapons. By a ten-to-five margin, the court's majority upheld the ban.

"The assault weapons at issue fall outside the ambit of protection offered by the Second Amendment because, in essence, they are military-style weapons designed for sustained combat operations that are ill-suited and disproportionate to the need for self-defense," Judge Harvie Wilkinson wrote in *Bianchi v. Brown*.

Rather than greet the preservation of one of the movement's longest-standing targets with dejection, some gun-rights advocates celebrated the outcome. Pro-gun attorney and legal commentator Mark Smith called the ruling "100% expected" and "excellent news for [the Second Amendment]" in a social media post.

"It should be a clear glide path to SCOTUS for them to hear an 'assault weapon' ban case next term (2024-25)," he reasoned.

Indeed, such optimism is not entirely unwarranted.

The Fourth Circuit's decision is a final ruling on the merits of an assault weapon ban from an en banc federal appellate court. That means there's simply no other legal venue left for the case to go on appeal other than to the Supreme Court. The issue of final judgments versus interlocutory appeals has been a problem for gun-rights activists of late. The Supreme Court has consistently

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## **"IT SHOULD BE A CLEAR GLIDE PATH TO SCOTUS FOR THEM TO HEAR AN 'ASSAULT WEAPON' BAN CASE NEXT TERM (2024-25)"**

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declined to get involved in a ban case before the lower courts could reach a merits decision. Most recently, the Court rejected a Seventh Circuit case covering the Illinois assault weapon ban.

"This Court is rightly wary of taking cases in an interlocutory posture," Justice Thomas wrote in a brief opinion appended to the Court's denial of cert in that case.

With the new *Bianchi* decision, that prior hurdle has now been cleared.

Furthermore, two members of the Court's conservative majority are already on board with reviewing hardware bans. Justice Samuel Alito noted that he would have voted to take up the Illinois gun ban case last month, and Thomas expanded his brief opinion to express his desire for the Court to address the question as soon as a more appropriate opportunity arises.

"I hope we will consider the important issues presented by these petitions after the cases reach final judgment," he wrote. "We have never squarely addressed what types of weapons are 'Arms' protected by the Second Amendment."

Thomas went even further by

strongly suggesting that Illinois' gun ban, which is similar (though not identical) to Maryland's, is likely unconstitutional.

"If the Seventh Circuit ultimately allows Illinois to ban America's most common civilian rifle, we can—and should—review that decision once the cases reach a final judgment," he wrote.

"The Court must not permit 'the Seventh Circuit [to] relegat[e] the Second Amendment to a second-class right.'"

The Maryland case's procedural history also makes it a particularly compelling case for the Court to consider taking. It was already presented to the Justices once before in 2021 after the Fourth Circuit previously upheld the state's ban. The Supreme Court ultimately opted to grant, vacate, and remand (GVR) that decision back to the Fourth Circuit after its *New York State Rifle and Pistol Association v. Bruen* ruling in 2022, which created a new test for Second Amendment cases.

A three-judge panel for the Fourth Circuit reheard the case on remand in December of 2022 but stayed silent on the matter for more than a year after that. Then, earlier this January, a majority

on the Fourth Circuit suddenly voted to take the case en banc without the panel ever issuing a decision. According to Judge Julius Richardson, that's because a dissenting judge on the original three-judge panel exercised a "pocket veto" of what would have been a ruling striking down the state's ban by not returning his section of the opinion.

"After hearing the case in December 2022, the initial panel majority reached a decision and promptly circulated a draft opinion," Richardson wrote in a dissent from last week's ruling. "Yet, for more than a year, no dissent was circulated. The panel thus held the proposed opinion in accordance with our custom that majority and dissenting opinions be published together. One year later, as the proposed opinion sat idle, a different panel heard arguments in *United States v. Price*, which also involved interpreting and applying *Bruen*. The *Price* panel quickly circulated a unanimous opinion that reached a conclusion at odds with the *Bianchi*

majority's year-old proposed opinion. Facing two competing proposed published opinions, the court declined to let the earlier circulated opinion control. Rather, in January 2024, we invoked the once extraordinary mechanism of an initial en banc review."

A history of being GVR'd already suggested the Supreme Court at least had its eye on the case. That, coupled with a perception of judicial gamesmanship to scuttle the possibility of pro-gun precedent, could prompt the Justices to take the case to deter something similar from happening in the future.

At the same time, gun-rights advocates do still face some headwinds that could dash their hopes of seeing an assault weapon ban before the Court in the near future.

For starters, there's no circuit split on the question, and there likely isn't going to be any time soon.

As the Court of last resort, the Supreme Court generally prefers to hold off on hearing

big constitutional questions until there's an active controversy between the lower appellate courts after they have reached opposite conclusions. There are exceptions, of course, particularly when an appeals court decision blows a hole in existing federal law for a particular segment of the country. In those instances, the Justices will sometimes hear a case without a circuit split, usually at the behest of the DOJ, to whom the Court tends to grant more deference.

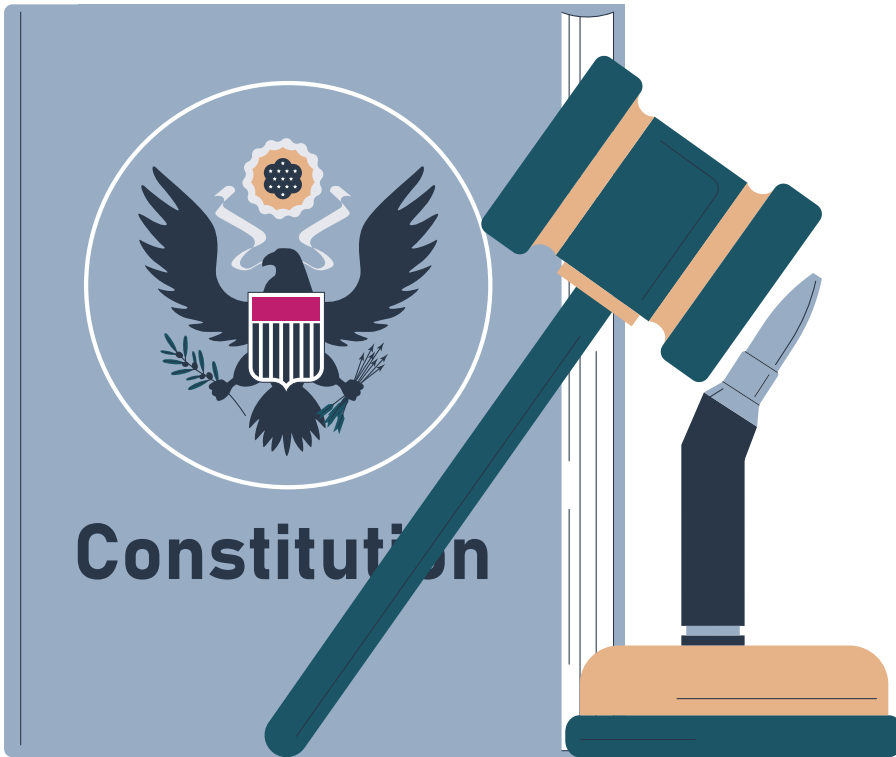
What makes the *Bianchi* decision different from those exceptions is that while assault weapon bans are of national significance, the case deals solely with a particular state law in a circuit in which Maryland is the only state with such a ban. Furthermore, the Fourth Circuit merely preserved the status quo by upholding the ban rather than inducing any new upheaval in Maryland's legal system that might demand immediate intervention.

Additionally, it's still not obvious that the other Justices on the

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## AT THE SAME TIME, GUN-RIGHTS ADVOCATES DO STILL FACE SOME HEADWINDS THAT COULD DASH THEIR HOPES OF SEEING AN ASSAULT WEAPON BAN BEFORE THE COURT IN THE NEAR FUTURE.

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Court have the same appetite as Thomas and Alito to take up a hardware ban case in the first place. Sure, Justice Kavanaugh has already demonstrated that he believes such bans are unconstitutional during his time on the D.C. Circuit in his 2011 *Heller II* opinion. But ruling that way when a case is already in front of you (in a dissenting opinion, no less) and voting to take one up in the first place as a member of the highest court in the land are two separate questions.

The same holds true for Justices Barrett and Roberts, who, while not obviously personally in favor of assault weapon bans, are generally perceived as being more cautious and conscious of institutional perception in the Court's actions. They have a track record of appearing to weigh the optics of the Court's decisions

in many cases and may not want to ignite the public firestorm that would ensue from the Court raising the question of such a policy's viability, particularly as the Court is already underwater with public opinion and subject to new partisan attacks every day.

Finally, the Court may also simply have its hands full with what it perceives to be more pressing Second Amendment and other gun-related questions in the near term.

After striking down the Trump-era bump stock ban last term, the justices are already slated to hear another case dealing with the ATF's rulemaking later this year when they will be asked to review the agency's "ghost gun" kit ban. Meanwhile, further decisions striking down other ATF rules continue to percolate up through the federal appellate courts and could also

wind up before the Court.

Against that backdrop of regulatory gun control challenges, the Supreme Court has also been inundated with requests to address a litany of prohibited persons cases. In the aftermath of its June decision in *US v. Rahimi*, the question of to what extent felons have gun rights has been a particularly live issue. In the wake of *Rahimi*, the U.S. Department of Justice asked the Supreme Court to resolve the existing circuit split over whether certain types of felons retain their gun rights, noting in the process that felon-in-possession convictions account for nearly 12 percent of all federal criminal cases. The Court refused and instead sent the five appealed cases back down for new decisions at the appellate level last month. At least one has already been returned with the same outcome.

While it is true that the Court has shown a willingness to take an increased number of gun-related cases in short succession of late, it is also noticeably taking fewer cases overall each term. As more criminal justice system controversies arise, the justices may have little room on their plates for additional Second Amendment work.

It's not obvious which factors will weigh heavier on the minds of the Justices. It almost never is when it comes to reading the tea leaves on potential Supreme Court cert grants. What is for certain is that gun-rights advocates currently have their best vehicle to date for getting the Court to weigh in on an assault weapon ban. That is by no means guaranteed to be enough, though. **CRPA**

# STOLEN GUNS

## ONE WAY CRIMINALS GETS GUNS IS TO STEAL THEM, OR TO BUY GUNS FROM GUN THIEVES.

The question is if this is a major source of crime guns, and where is the leakage occurring?

The answers are serious though the data is convoluted.

### Takeaways

- A net 154,746 guns (stolen minus recovered) enter the underground in a year.
- They are overwhelmingly taken from civilians.
- Most disappear from vehicles, not homes.
- Public carry is not a predictor of gun theft rates, but the adult population is.
- Gun theft rates are not covariant with gun homicide rates.

### A crabby note about data

Data quality is the bane of research, and data quality on this issue is inconsistent.

We'll include rants about data as we explain our findings, but for starters, we'll note that snapshot data (i.e., a one-year picture) is divorced from long-

term data, and the long-term data required us to triangulate factors. That latter bit leads to a mild caution about trend charts herein, and a not-mild (borderline screaming) complaint to the FBI for data design, collection and reporting.

### The framing questions

We scripted the following framing questions.

- What is and has been the rate of guns thefts?
- How is it split between civilians and federal firearm licensees (FFL), a.k.a. gun dealers?
- Is the situation getting worse, better, or staying steady?
- Does the general degree of gun ownership correlate to gun thefts?

- Does public carry correlate to gun thefts, and if so, how?

We soon discovered that some of these questions produce fuzzy answers, some data is misaligned, and some sub questions (such as the percentage of stolen guns that end up "on the streets") cannot be accurately estimated.

All that said, some things are clear and clearly not good.

### The high-level national view

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) - which would be a good name for a Nevada convenience store - produced a report 1 on the subject. Though some insights therein are important, they only covered five years, and two of those were during the pandemic when criminology data

was wildly fluctuating. The report is also frustrating because they pulled data from the National Crime Information Center (NCIC), which is not readily available to the public, and thus not to Gun Facts (see Righteous Data Rant #1).

However, it gives us a starting point for both the degree of the problem and for sanity-checking other data.

The ATF report breaks down thefts from both civilian and Federal Firearm Licensees (FFLs). The latter are gun dealers ranging from your Uncle Harvey who trades a few pieces a year for profit, to every Bass Pro shop, all the pawn shops, et cetera. Combined, the ATF estimates that every year 211,934 guns get stolen. As we'll explore in a moment, about 15% of stolen guns are recovered each year, so there is a net leakage of approximately 180,144 guns into criminal hands per the ATF's snapshot.

That is a lot of guns.

Compare that gun loss rate

with the 19,651 gun homicides in 2022. That is more than nine guns entering criminal hands for every gun used in a gun murder. But guns are used for other types of crime (i.e., attempted homicide, armed robbery, etc.), some are ditched after being used in a crime and then replaced, and others are not used. But still, that is a lot of guns entering the underground.

The good news is that the ATF's private data source roughly agrees with published data from the not-yet-matured National Incident-Based Reporting System (NIBRS), the new scheme replacing the decades-old Uniform Crime Reporting (UCR) system. We used 2022 NIBRS data because they rolled out of NIBRS nationally in 2021 and the reporting compliance rate was not great. But the last year reported in the ATF was 2021, leaving a one-year gap.

That said, the numbers are "close enough."

NIBRS 2022 reported 165,378 instances of gun thefts and

the ATF 2021 report disclosed 159,422. This is a difference of less than 1% and given that the nation was still masking up and locking down in 2021, the non-pandemic related gun theft fluctuations are likely near zero.

However, NIBRS says that in the year 2022, there were 24,098 instances where stolen guns were recovered. The ATF report says that on average, 59,357 stolen guns were recovered.

This is about 2.5 guns recovered for every instance of any stolen guns being recovered. This is significantly higher than the ATF's reported average of 1.3 guns stolen in each gun theft instance. Summarized, police recover more stolen guns per instance than are stolen per instance. This discrepancy is likely due to busts of underground gun marketers and police obtaining small caches of guns when a criminal is charged.

For now, using just NIBRS instance numbers for 2022 and ATF guns/event ratios, we see:

- GUN STOLEN: 214,991

## CRPA IS A FOUNDING MEMBER OF THE CALIFORNIA HUNTING & CONSERVATION COALITION

California Hunting and Conservation Coalition (Coalition) members include all the major hunting and natural resource conservation groups in California. Coalition members are united to ensure a strong future from wildlife conservation by protecting and expanding hunting and fishing opportunities throughout California and supporting wildlife management decisions based on the North American Model of Wildlife Conservation.

The Coalition works to make sure these decisions are based on the best available science and sound management strategies.

The Coalition's primary goal is to ensure that wildlife populations thrive in perpetuity, and that our traditional hunting and fishing heritage will be guaranteed for all Californians, for generations to come.

Coalition efforts are badly needed in these times of great challenges to our hunting heritage, but also in times of great opportunities.

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**TABLE 5**  
Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, sources and methods used to obtain a firearm, 2016

Source and method to obtain firearm	All prisoners	State	Federal
<b>Purchased/traded at retail source</b>	10.1%	9.7%	13.7%
Gun shop/store	7.5	7.2	9.6
Pawn shop	1.6	1.5	2.2
Flea market	0.4	:	:
Gun show	0.8	0.8	1.4
<b>Obtained from individual</b>	25.3%	26.0%	20.5%
Purchased/traded from family/friend	8.0	7.9	9.1
Rented/borrowed from family/friend	6.5	7.0	3.0
Gift/purchased for prisoner	10.8	11.2	8.4
<b>Off the street/underground market<sup>a</sup></b>	43.2%	43.2%	42.9%
<b>Theft<sup>b</sup></b>	6.4%	6.6%	4.7%
From burglary	1.5	1.5	:
From retail source	0.2	:	:
From family/friend	1.6	1.8	:
Unspecified theft <sup>c</sup>	3.1	3.3	1.8
<b>Other source</b>	17.4%	17.1%	20.1%
Found at location of crime/victim	6.9	6.7	7.9
Brought by someone else	4.6	4.7	3.6
Other <sup>d</sup>	5.9	5.6	8.5
<b>Multiple sources<sup>e</sup></b>	2.5%	2.6%	2.0%
Estimated number of prisoners who possessed a firearm, excluding prisoners who did not report source <sup>f</sup>	256,400	227,100	29,300

- GUNS RECOVERED: 60,245
- NET GUNS ENTERING UNDERGROUND: 154,746

For perspective's sake, in 2022 there were 19,651 firearm homicides, 2, or about seven guns stolen for every gun homicide. To add even more

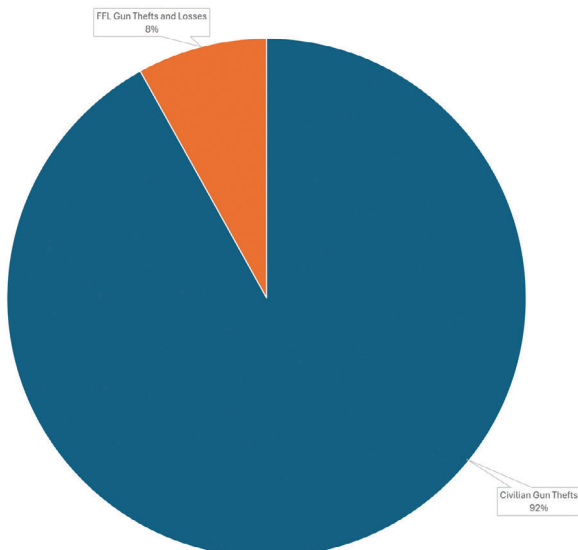
perspective, sundry local police statements have shown that a street gang member being held on a homicide charge typically is also the lead suspect in two to three other homicides. This resolves into a few thousand super killers. Per the Bureau of

Justice Statistics decadal studies on crime gun sources, most of these guns are acquired from "street sources." 3

But the gap between the number of guns stolen and the maximum number of guns chucked into a river after being used to commit a crime is way off. Perhaps crime guns not used in murder explains the gap. After all, if you wounded but didn't kill someone, you might be motivated as well to dispose of the crime weapon.

In 2022, there were about 59,000 firearm woundings due to assaults or undetermined intents (though this includes the tiny fraction of gun accidents). Add this to the gun homicides, and we still only get to nearly 79,000 cases where someone was hit with a bullet in a criminal action, which is still well below the net

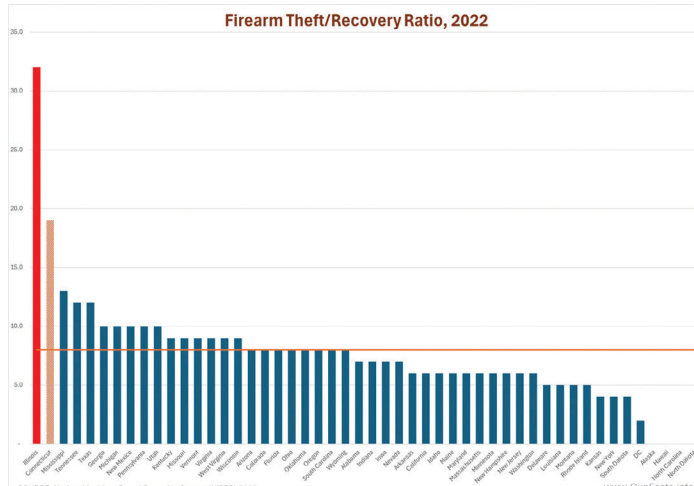
**Civilian Gun Thefts and FFL Gun Thefts + Losses, 2022**



SOURCE: National Incident-Based Reporting System (NIBRS) 2022, BATF Federal Firearms Licensee Statistics Theft/Loss Reports

www.GunFacts.info

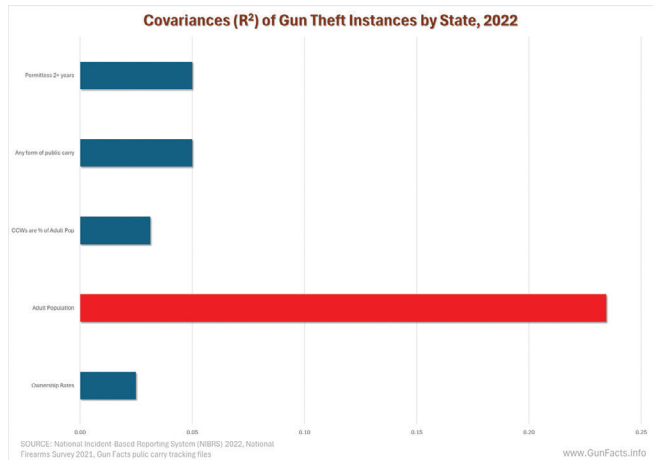
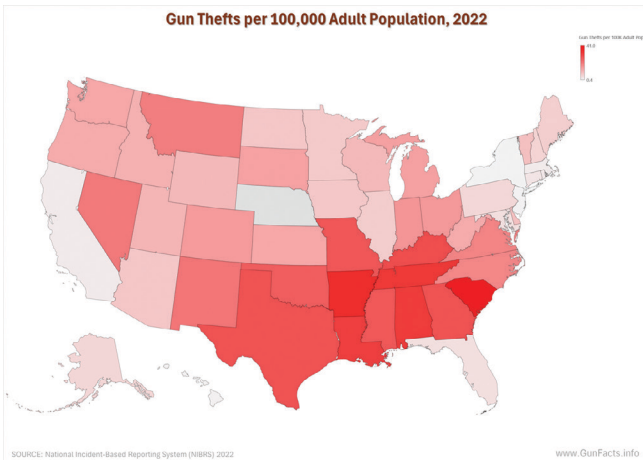
**Firearm Theft/Recovery Ratio, 2022**



SOURCE: National Incident-Based Reporting System (NIBRS) 2022

www.GunFacts.info





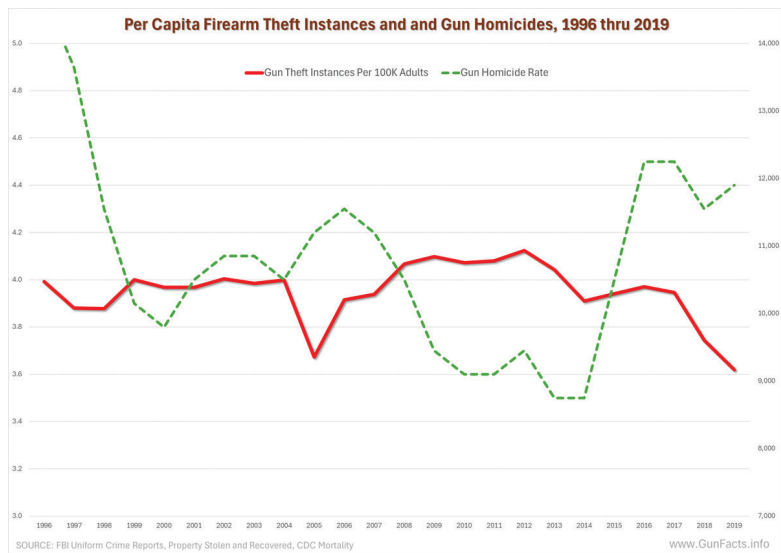
154,746 guns stolen (actual number stolen less the number recovered). That's a nearly 2:1 ratio.

Since criminals notoriously decline to describe their activities, we are in the dark as to how many of the stolen guns:

1. Enter underground markets
2. End up in criminal hands
3. Are used in crime, even if not fired
4. Are used in crime and fired
5. Are used in crime, are fired, and someone is wounded or killed

But 154,746 new free-range guns a year is clearly a problem.

One quick aside is that not all stolen guns are acquired by street thugs. There are times where people acquire stolen guns though they are not active



criminals (as in this report of an elderly man who shot a burglar, and the old fellow used a stolen gun). It is impossible to know the breakdown of who receives stolen guns, but other research 4

has shown the "street price" for a handgun is about 25-50% that of the retail price, which makes it affordable to gang members and disadvantaged seniors alike.

To complete the high-level

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one-year snapshot, we need to look at the relative rate of guns “disappearing” (the real “ghost guns”) between civilians and gun stores.

In the five-year ATF report mentioned before, they concluded that only 3.2% of lost and stolen guns left the hands of FFLs. The 2022 data we gathered puts the figure at around 8%, which is a significant difference. Again, the ATF’s report was made using opaque data unavailable to us, and included pandemic-era fluctuations, so we are more content with the pie chart presented here.

### State-level view

Keeping in mind that there was still an under-reporting problem with NIBRS for the year 2022, there are some disturbing and illuminating state-level elements in the data.

Foremost, we are concerned with the net number of stolen guns that enter the underground markets. This can be viewed for each state by the ratio of guns that are stolen and the number of stolen guns that are recovered. A lack of policing, which is associated with high gun homicide rates, also likely allows more stolen guns to not be recovered. Illinois (with Chicago’s Cook County, the leader in excess gun homicides) also has the worst stolen/recovered ratio of all states.

But that is not the whole story. If a state has a much higher rate of gun thefts, and an average theft/

recovery ratio, then they will have more guns leaking into the wrong hands. For example, Michigan (think Detroit) is about average in the number guns stolen per capita, but their stolen gun recovery ratio is 20% worse than average. Texas has nearly double the number of guns stolen and has even a worse recovery rate (a recovery rate of 8%, compared to a national average of 13%).

Later on, we will get more detailed, but at a high level for states we see no meaningful covariance between rates for stolen guns and either the average gun ownership rates or public carry rates (“shall issue,” permitless carry, or the combination of public carry laws). It is, however, much more associated with how many adults there are in any state. Since you have to be an adult to buy a handgun, and since handguns

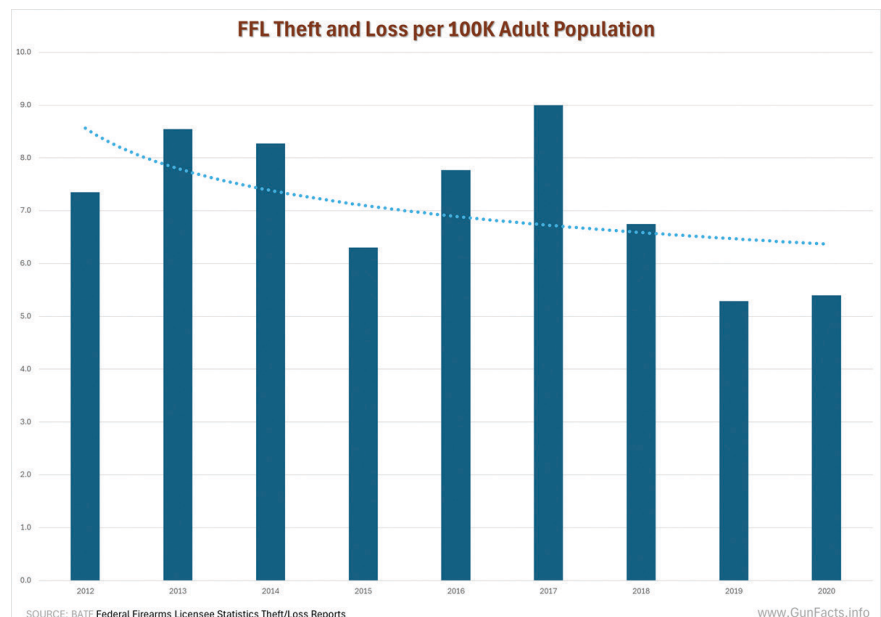
are the primary choice of gun thieves, the intersections are unsurprising.

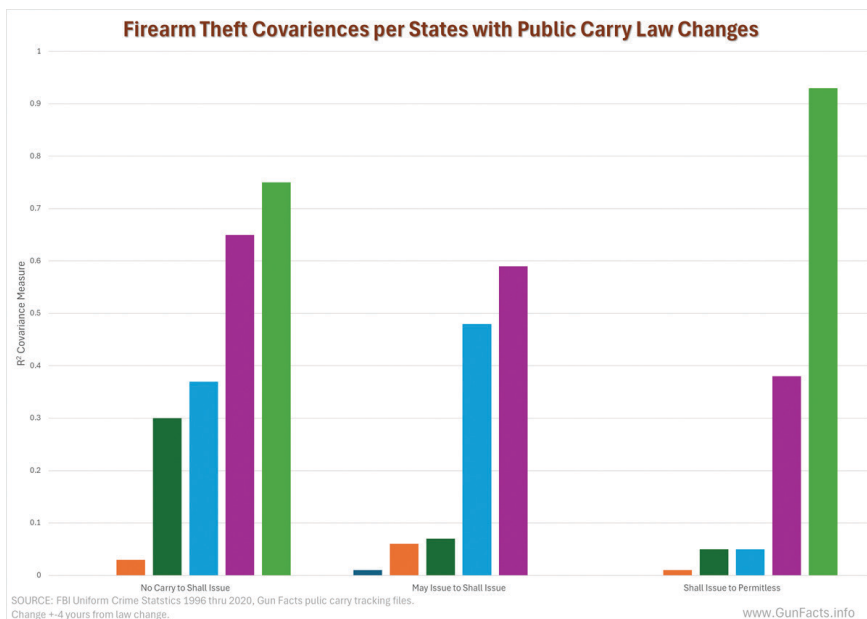
### Is it getting better or worse?

Neither, though the data is maddening (see Righteous Data Rant #2).

Using the FBI’s data for the value of guns stolen, and adjusting for inflation, we see three interesting things about stolen guns.

- The gun homicide rate was falling as a byproduct of 24 states passing habitual offender laws in the early 1990s, even though the gun theft rate was static.
- For six years after the Great Recession of 2008, gun homicides continued to fall even though the gun theft rate was rising.
- Murder started spiking in 2015 (post Ferguson Michael





Brown shooting and early police defunding drives) when the gun theft rate started falling.

The chart above includes both civilian and FFL thefts. Looking at just FLL thefts and losses (this is how the ATF clustered their data) we see a general downward trend in guns leaking into underground markets from gun stores. But recall that depending on which data sources are used, FFL guns account for only 3-8% of guns stolen (and for FFLs, lost). Good that the trend is downward, but the FLL contribution is the minor problem to consider.

The take-away here is that the gun theft rate does not appear to predict the gun homicide rate.

### Did expanded public carry induce more gun thefts?

The short answer is “no,” but it

really depends on how big of a change in public carry laws a state made.

From 1988 through the 2022 Bruen Supreme Court decision, the US went from 10 states that allowed public carry to 42 states. And by “allow” we mean that any adult not convicted of a felony would be issued a permit upon request, or within the increasing number of states that eliminated permitting all together.

From 1996 through 2020 (see Righteous Data Rant #3) 67% of states saw a net decline in the inflation and population adjusted value of stolen firearms. Only two states showed both an increase in firearm thefts and a significant 24-year covariance. In short, for most states, gun thefts did not get worse as public carry expanded from 10 to 42 states.

But there were hiccups.

How big of a leap a state made seems to matter. There are four modes of public carry legislation:

**NO CARRY:** Forget about it. No civilian is authorized to carry.

**MAY ISSUE:** The government may or may not grant anyone a permit to carry. This is often at the whim of local law enforcement and historically has been about as restrictive as No Carry.

**SHALL ISSUE:** A carry permit will be issued to any adult who wants one providing they have no felony convictions. There may be other requirements (i.e., a written test, life-fire test, etc.).

**PERMITLESS:** Lacking a felony conviction, any adult can carry a gun in public without the need to obtain a permit.

What we see is when states made a big jump from No Carry to Shall Issue, gun thefts jumped significantly and consistently. However, states that graduated from May Issue to Shall Issue were less at risk for new gun thefts, and states moving from Shall Issue to Permitless even less so.

Incidentally, that big spike on the right is New Hampshire, whose population in 2020 was about the same as Dallas, Texas. Being a small-population state means any smallish blip in the trending data looks like a huge covariance.

Between the long 24-year trends and the spot checks around specific public carry regime changes, no case can be made that expanded public carry, generally speaking, induced more gun thefts. This is somewhat intuitive because criminals have been in the gun theft business since guns were invented. Their

MOs were well established before public carry came to their state. Given that the population has grown and the number of handguns in circulation has too, the lack of uptick in gun thefts is a good sign.

Because the FBI did not track either the number of guns stolen or where they were stolen from until 2021 (at least not in public accessible datasets), we don't know for certain if gun thefts from cars has increased with public carry.

This is important because some states and the federal laws disallow carrying guns in certain "sensitive" locations. For example, in most states you can carry a gun

in the supermarket, down the sidewalk, in a movie theater, and just about anywhere. But when you enter a post office, you have to leave it in your car.

Also, people are lazy. When we posted some data about car gun thefts, one person on Twitter/X chimed in with "Your car is not a holster!" People get lax and leave guns in cars. Sometimes they forget, sometimes they think "Nobody knows my gun in in the console."

Most of the time (52%), guns stolen from civilians are taken from a residence, for the top 10 locations, which account for 95% of all gun thefts. This might

be the gun owner's residence, or it might be someone they are visiting.

Contrast that with about 36% of civilian gun thefts happening in parking lots or in roadway settings. Initially one might think that 36% of gun thefts from cars is pretty bad, but the number is actually 73%.

A theft of a gun from a car at a residence gets logged initially as a residential theft, because your driveway is part of your residence. Fortunately, we have additional data in NIBRS that shows added detail.

About 72% of residential gun thefts are thefts from cars. Again, if you are parked in a friend's driveway and leave a gun in your car that is then stolen, that is a "residential" theft.

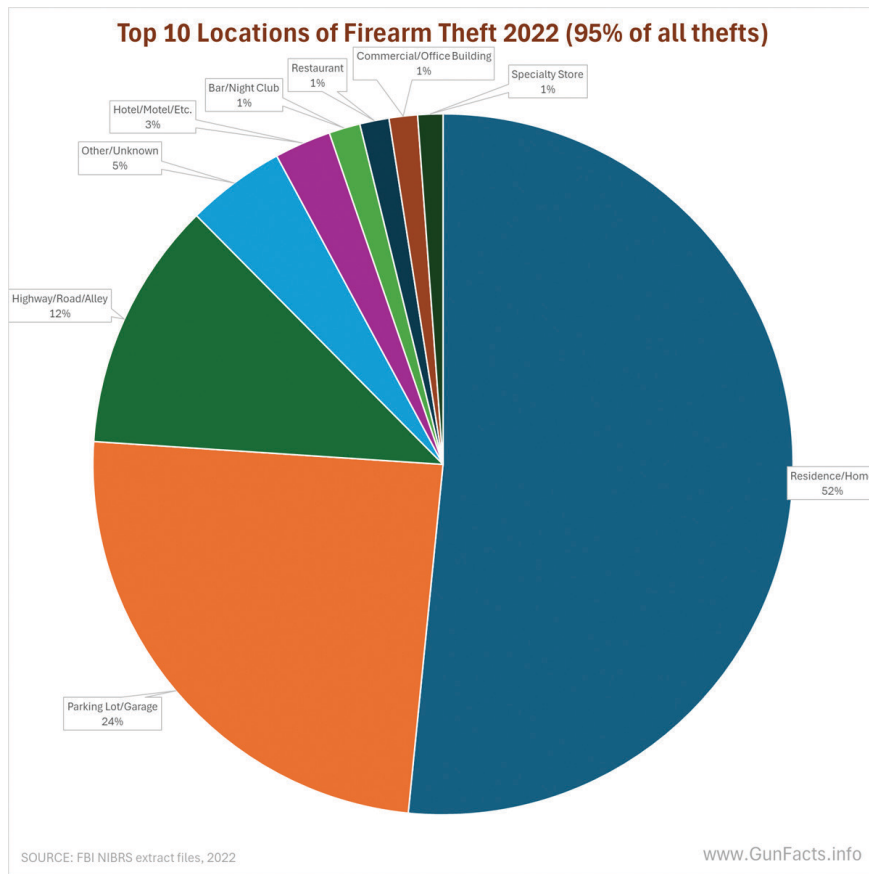
When you combine the residential car gun thefts with parking lot and roadway thefts, the total of civilian gun thefts from cars is about 73%... at least for the top ten location sources (95% of all gun thefts are in that top 10).

Using the ATF's annualized averaged data, that means civilian car gun thefts account for approximately 149,874 stolen guns. This may well be the core of the supply of underground armament.

Undeniable problem, onerous solutions

154,746 guns is a lot of guns, by anyone's accounting... outside of the U.S. Army.

The data shows the sore points. Handguns stored in cars is the biggest source. But the solutions



will be hard and/or contentious.

People who carry have lives just like everyone else. They have to go to the post office like everyone else. But federal law says they have to leave their gun in the car. One aspect of reducing gun thefts is to reduce the number of not-really-sensitive places where you cannot carry a gun down to just those which are actually sensitive (court houses, where people who are already in conflict congregate).

But gun owner laziness has the bigger payoff. The firearm industry and local governments might educate people about the rate of vehicle gun thefts and encourage new gun buyers to not be lazy.

And, of course, more police on the streets will prevent gun thefts, especially if local police analyze their data and identify which places in their cities have car gun thefts happen the most... which might lead to declassifying some "sensitive places."

#### Acknowledgements

Special thanks to Gun Facts research volunteer Steve S. for gathering and codifying a set of ATF files on FFL gun thefts.

Also, a special thanks to the crew at Outdoor Analytics who compiled historical gun prices that helped cross-validate our normalization of FBI UCR data about stolen and recovered guns.

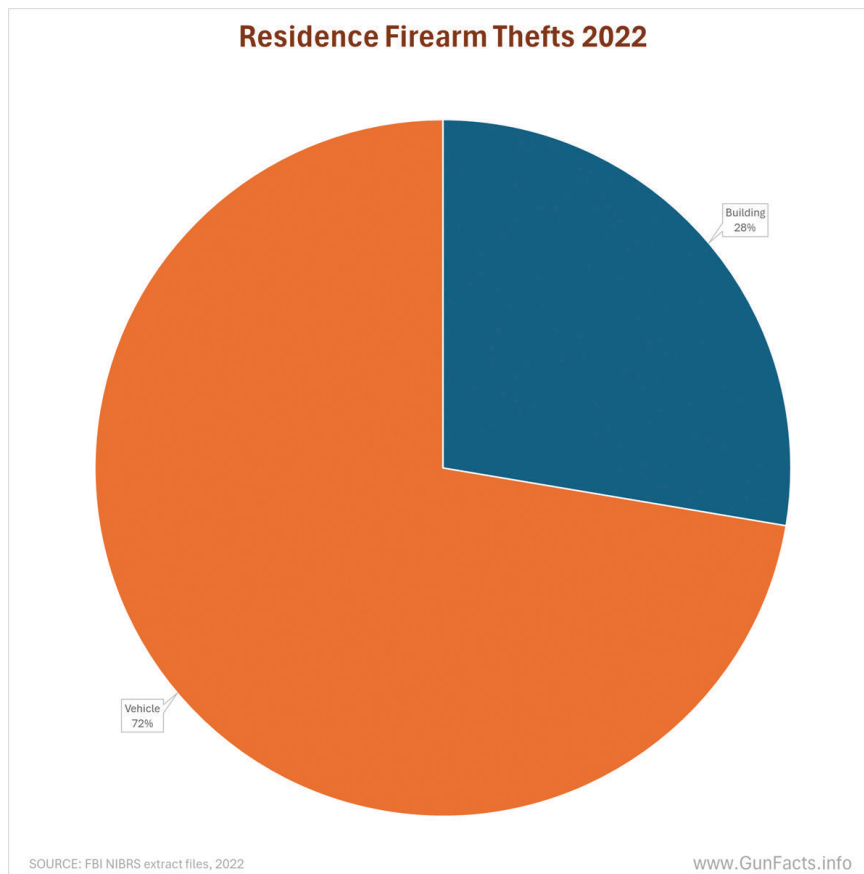
#### Righteous data rants

##### #1: Non-public data

The National Crime Information Center (NCIC) "is a computerized database of documented criminal justice information available to virtually every law enforcement agency nationwide."

But not to researchers.

There may be good reason for this as there may be sensitive data



about ongoing investigations or personal info about victims therein. But it raises suspicions when researchers cannot verify reporting.

##### #2: FBI data is ugly

The old FBI UCR system is a bit of a mess. For example, if you use the raw data for homicides, some states will show nearly none. When you dig in, you discover that the number of agencies not reporting their crime data at all to the FBI is extreme. Both the FBI and the criminology data warehouse NACJD interpolate the missing data to produce the annual crime stats you read.

For gun thefts, data quality sank into the realm of ridiculous.

The FBI collected not the number of guns stolen for each instance of gun thefts, but the subjective estimate of the value

of the property taken. Unless the officer creating the report was an expert in retail and resell values for a wide array of firearms, they likely either looked it up in a valuation book (which might be wrong, outdated, unadjusted for condition, etc.) or made a guess.

##### #3: Even the archives are crappy

While loading annual FBI data into our databases, we notice a sudden 40,000% drop in the reported value of stolen firearms in the 1995 data. We documented this for NACJD, the archivist of crime data. They reviewed the situation and said (paraphrased) "Yep. Pre-1996 data has a data anomaly. We are unsure what happened, but we'll look into it."

This is why our analysis does not go back further than 1996. The data is not available, and there is no telling when it might be. **CRPA**

# BIDEN'S SURGEON GENERAL JOINS THE WAR ON THE SECOND AMENDMENT

**I**n the latest example of the Biden administration politicizing every corner of government it can find, on June 25, 2024, the Surgeon General released an official "advisory" meant to erode gun rights. Vivek H. Murthy first served as Surgeon General under Obama beginning in 2014, and left in 2017 soon after Donald Trump took office. He returned to the role in 2021 under President Biden. The Surgeon General was not formerly seen as a political office, but that has apparently changed.

Murthy's advisory, titled "Firearm Violence: A Public Health Crisis in America" is too overloaded with misleading assertions to even begin to rebut them all in this short article. But some examples are in order.

The report's introduction leads off with the claim that "firearm related injury has been the leading cause of death for U.S. children." But the data it relies on is based on people aged 1-19, not just minors. While gun-related causes do narrowly lead car accidents as the leading cause of death among minors ages 1-17, that is almost certainly a temporary effect of the pandemic-era crime surge

that is now finally receding. To its credit, the report does touch on the disproportionate distributions of this harm, pointing out that minority communities have a much higher gun-related homicide rate than White Americans (or Asian Americans). But it does not take the obvious next step of condemning the

poor governance and weak policing in inner cities run by antigun politicians.

The Advisory also engages in bait-and-switch tactics. It references the Gun Violence Archive for the claim that there were more than 600 mass shootings per year between 2020 and 2023. That archive counts any shooting where four or more people are injured as a "mass shooting," meaning it is primarily made up on gang-related violence incidents, not active shooters. Without acknowledging that, the Advisory switches to a discussion of "mass homicides" where four or more people are killed, without ever making clear that the Gun

**WHILE THE ADVISORY IS CHARACTERIZED AS A REPORT RELATED TO PUBLIC HEALTH, IT IS ESSENTIALLY A POLITICAL POLICY DOCUMENT.**

Violence Archive's measure is wildly different. This is intentional and meant to leave the reader with the impression that there are over 600 gun-related mass homicides per year, when in fact the real number is around 20-40 per year, according to the same source's "mass murder" metric.

While the Advisory is characterized as a report related to public health, it is essentially a political policy document. It advises, for example, that "assault weapons" and "large-capacity" magazines be banned, even though all rifles are used in a tiny fraction of our homicides annually. It also proposes that legislators pass laws requiring safe storage of firearms, which it defines as "unloaded and locked," meaning they'd be useless for home defense in the event of an unexpected intrusion.

Finally, and perhaps most egregiously, the Surgeon General relies on survey data that is obviously completely false on its face. The Advisory asserts that 17% of Americans - around 56 million people - have directly witnessed someone being shot. That just does not pass the smell test. It also claims that 4% of Americans - about 13 million people - have themselves been injured by a firearm. But the Surgeon General should know better than that, as according to UC Davis there are around 115,000 non-fatal firearm injuries per year. While the 13 million figure includes any time in the past, not just the past year, at that pace it would take about 113 years to reach 13 million injuries, and thus the total figure would be well outside of any living memory.

Somewhat comically, the report also claims that 4% of Americans (again, 13 million) have fired a gun in self-defense. That is obviously not true either, and it shows our intellectual honesty that we are able to ignore obviously-wrong statistics even if they happen to support our arguments. But given the Surgeon General included that figure in his report, perhaps he should ask the CDC to restore the defensive

gun use survey statistics that were formerly posted on its website before antigun activists pressured them into removing them, as I discovered with a Freedom of Information Act request.

There is much more to debunk in the report, but the point should be made by now. This was not an honest accounting of gun-related crime, and it is very sad to see an important office that should not be partisan exploited like this. **CRPA**



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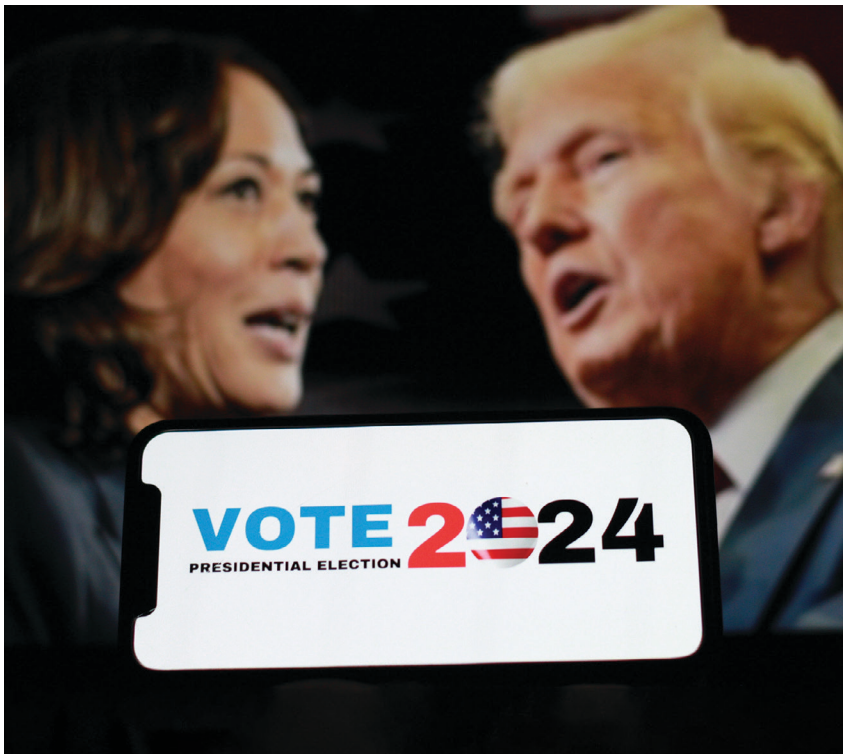
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# KAMALA HARRIS AND GUN CONTROL: A COMPREHENSIVE LOOK AT HER RECORD

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION



MUHAMMAD ALIMAKI/SHUTTERSTOCK.COM

Kamala Harris' career in public service has been marked by her continuing efforts to usher in more gun control while allowing criminals to go free. Her stance on gun control reflects this focus, evolving over time from her tenure as California Attorney General, through her years as a U.S. Senator, into her role as Vice President, and now as a candidate for the most powerful position in the world.

Kamala Harris served as the California Attorney General from 2011-2017 and was notable for her aggressive stance on a range of gun control issues affecting legal gun owners. During her time in office, Harris worked on several initiatives aimed at regulating firearms including ushering in laws that would remove firearms from gun owners with no due process, supporting banning some of the most common firearms in America, and garnering financial backing from some of the biggest anti-gun groups in the country to drive her agendas.

Under the leadership of Ms. Harris, the California Department of Justice intensified efforts to enforce existing gun control

**K**amala Harris' career in public service has been marked by her continuing efforts to usher in more gun control while allowing criminals to go free. Her stance on gun control reflects this focus, evolving over time from her tenure as California Attorney General, through her years as a U.S. Senator, into her role as Vice President, and now as a candidate for the most powerful position in the world.



regulations and implement new regulations, including the use of technology and data to enhance enforcement, notably through the Armed Prohibited Persons System (APPS), which identifies individuals who have become ineligible to own guns but still possess them. The problem is that many innocent people were on these government lists and continue to still have issues with denials or delays to this day.

Harris also worked on enforcing stricter background checks and making it more difficult for average people to purchase guns while being easy on criminals. She supported measures to require micro-stamping technology on firearms, which is still in litigation but has been ruled unconstitutional thanks to the efforts of CRPA and the support of our members.

As a U.S. Senator, Kamala Harris continued to advocate for more gun control on a national level. Her approach during this time was some of the most radical support for gun control that the country has ever seen. Notably, she supported the Background Check Expansion Act, which sought to force background checks on all gun sales (even private party transfers between family members). This legislation attempted to ensure that individuals prohibited from owning firearms could not circumvent the system by exploiting gaps in the law, but in reality, it would do nothing but make it more expensive and difficult for law-abiding citizens to exercise their rights. Like most gun control, the criminals have no intention of following the law.

Harris also co-sponsored the Assault Weapons Ban of 2019, which aimed to prohibit the sale, transfer, manufacture, and importation of "military-style

assault weapons" and "high-capacity magazines." This bill reflected her stance on limiting the availability of firearms that are most commonly used by citizens and having a lack of understanding about the very instruments that she was attempting to ban.

As Vice President, Kamala Harris has continued to push her agenda for more gun control. Harris has been a vocal supporter of the Biden administration's gun control agenda. This includes pushing for the passage of comprehensive gun reform legislation and supporting executive actions aimed at reducing gun violence.

As a candidate for office Harris has vowed that she would, by executive order, call for the mandatory confiscation of some of the most commonly used firearms in the country within her first 100 days. She is not afraid to step on the rights of the people to keep and bear arms while allowing millions of criminals to flood across our borders. She is also not afraid to add anti-gun judges into the courts which could be detrimental to protecting our rights in the future. If she truly had her way, she would scrap the Second Amendment all together as an inconvenience to moving her radical agenda on gun control.

Don't be fooled by her promise that you can protect the Second Amendment and still have more gun control. The Second Amendment's "shall not be infringed" means little to her and even less to those that she surrounds herself with and who support her campaign. She is getting big donations from the anti-gun groups. They are not investing in her campaign for empty promises, they expect action, and she will give them what they want if elected. Constitution be damned!

Now, more than ever, gun owners are being called to action. Kamala Harris's record on gun control reflects a consistent commitment to restricting the rights of the people guaranteed in the Constitution. Even her VP pick Tim Walz is for restrictive gun laws by expanding more background checks and making it more difficult and expensive for people to own firearms in this country. It is estimated that if the Harris-Walz administration will be the most anti-gun administrations ever—even Joe Biden told her she can't go as far as she wants because it would violate the Constitution! As a single-issue organization, CRPA must speak out against a candidate with such a hardline approach to diminishing the rights of gun owners. As California gun owners, we have spent millions over the past decade to overturn many of the laws that she claims are needed only to hear courts at all levels deem them unconstitutional.

If ever there was a time for gun owners to make an effort to vote, that time is now. There are millions of gun owners in California and holding onto those basic, foundational rights while speaking in one voice is something that we should all be concerned about. Those millions of gun owners can make a statement to the rest of the country that we do not support candidates who are coming after our rights. **CRPA**



# 9TH CIRCUIT JUDGES PUSHING BACK AGAINST CALI ONE-GUN-A-MONTH LAW

**A**ttorney's with the State of California are meeting with some pushback over their recent testimony before the 9th Circuit Court of Appeals on the state's one-gun-a-month law.

On Wednesday, Deputy Attorney General Jerry T. Yen attempted to make his case in *Nguyen v. Bonta*, but some justices on the court seemed skeptical about his claims. In fact, in defending the law, Yen tried to make the case that it was intended to stop straw buyers, but at least one of the judges didn't find that assertion credible.

"Do arms traffickers buy two at a time,?" asked U.S. Circuit Judge Danielle Forrest. "It seems like no."

According to Yen, the law is a regulation on when you can own a gun, not if you can do so. But that argument didn't sit well with Judge Forrest, either.

"It would be absurd to think that a government could say you can only buy one book a month because we want to make sure that you really understand the books you read, or you could only attend one protest a month because, you know, there's some societal drawbacks from having protests so we want to kind of space those out. People would say that's absurd," Forrest said during the proceeding.

Judge John Owens further tore into Yen's reasoning on one-gun-a-month law by using the scenario of a liquor store owner who might be threatened by a gang both at his business and his home. If the owner wanted two guns but didn't have any,

he would have to buy one, then wait 30 days to buy another. And Owens believes in that case the law would keep him from defending himself under the Second Amendment.

The appeal before the 9th Circuit comes after a U.S. District court ruled the law to be unconstitutional earlier this year. Of course, California is only too happy to spend taxpayer money to continue defending the law.

As the National Rifle Association argued in a brief filed in the case in June: "This Court has twice held that the Second Amendment protects the right to acquire arms. This Court's prior holdings are supported by Supreme Court precedent. First, the Supreme Court has determined that 'keep Arms' in the Amendment's text means to 'have weapons,' and the plain meaning of 'have' encompasses the act of acquisition. Second, the Supreme Court has acknowledged that certain rights are implicit in enumerated guarantees. In the Second Amendment context, four Justices have recognized—and none have disagreed—that firearms training is 'a necessary concomitant' of the right to keep and bear arms. As this Court, the Third Circuit, and many district courts have recognized, acquiring a firearm must be a necessary concomitant as well."

The state is also trying to meet the second Bruen standard by arguing that there is historic precedence for



California Attorney General Rob Bonta

limiting gun purchases to one every 30 days. But it's likely that assertion will fall on deaf ears, too.

As the NRA also pointed out in its brief: "The State argues that a more nuanced analogical approach is required because historically firearms were too laborious to manufacture and too expensive to purchase for firearms to be available for bulk purchase. In fact, firearms were ubiquitous in early America, and affordable enough for every militiaman and many women to be required to purchase one or several firearms. Indeed, newspaper advertisements regularly offered large quantities of firearms for sale."

Further bolstering that point, the brief continued: "In any event, California does not merely prohibit 'bulk' purchases; it prohibits the purchase of even two firearms in one month. Americans commonly purchased multiple firearms in a single transaction in the colonial and founding eras—and no law ever forbade it." **CRPA**



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# LEGISLATIVE REPORT TO THE GOVERNOR'S DESK

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION

**T**his is the time of the year where the bills that we have fought over a two-year session come to their final place of being dead for the session, passed by the legislature then vetoed by the governor or passed and signed into law. California's legislature sees over three to four thousand pieces of legislation a year, which means twice that number during a two-year session. Much of the United States sees far less (600-1500 bills).

The 2023-24 session will be in its final moment upon the governor's desk as you read this article. It is appropriate to look at the final outcomes this past year. The 2024 (2nd year) part of the session saw numerous bills that ranged from red flag expansion to CCW restrictions, firearms storage to children's camps, hunting issues to the use of sporting dogs, land access to firearm's licenses and a bill package that would set up mandatory firearms confiscation. The outlook for the Second Amendment did not look good in January and legislators were boastful of how they would be taking their anti-firearms show from the capital to major cities and Washington D.C. as they moved on in their political

careers.

California's Rifle & Pistol Association's legislative teams throughout the state worked together as one, the grassroots & advocacy teams spread the word far and wide and the results of what a few people coming together as one should inspire every reader of what is possible if we can get 2A couch potatoes to engage the battle.

Going into March of this year we saw some of the biggest enemies of the 2A movement run for higher office. Senator Anthony Portantino sought to go to Washington DC and was denied by the voters in an overwhelming democratic area finishing a distant third. Assemblyman Reggie Jones Sawyer sought to move into Los Angeles City

Council lost his bid as did Assemblyman Chris Holden's bid for Los Angeles County Board of Supervisors. Katie Porter lost her bid to go to the Senate and is out of office at the end of the year. Senator Melissa Hurtado who turned on firearms owners in leading the vote for last year's AB28 11% excise tax was soundly defeated in her bid to go to congress in the central valley.

The fact that many anti firearm politicians were defeated in heavily democratic districts should motivate our base that we can make changes and take back California. The battle in the legislature took on a similar tone as for years our community has viewed the legislature as the land where we are scraping to survive. Almost 100 bills were thrown at almost every aspect of enjoying your second amendment rights from protecting yourself in the home to exploring all that nature has to offer and everything in between those two bookends of life.

Let's look at a few successes starting with a zombie bill

known as AB262 the Camps Bill by Assemblyman Holden and formerly proposed by Senator Portantino. This bill has plagued us in varying renditions for the past 5 years. This session the bill was set to go to the floor to be voted on and would have provided an opportunity for multiple bills regulating every aspect of youth shooting sports at camps ranging from scouts, religious camps, competition camps, hunting camps and the list goes on. If a youth camp utilized a range on or offsite it would be under the scrutiny of this piece of legislation. The CRPA team worked with the Author's office and just before the writing of this article got every aspect of shooting sports, activities and ranges amended out of the bill effectively killing it.

Several bills to limit the size of dog litter, where and how dogs could be trained, if breeders could breed dogs, importation of dogs into California from other states were all considered and defeated. Land access issues were

also being pushed to remove more public lands from the public. These were also defeated.

The government attempted to turn the Firearm Safety Certificate in SB1253 into a license to own firearms that would have to be always carried. That bill was defeated in the final days of August! Then there was the bill known as AB 3067 which as previously stated in articles would have weaponized your insurance agent against you, so the government knew how many and where you stored your firearms. We defeated that one as well. Senator Portantino arrogantly told my colleagues that he would win with his SB1160 that would have required every firearm to be registered. That was not only defeated once when the author was forced to gut and amend it to a bill against the carrying of firearms in public but was soundly defeated in that rendition as well.

We lost some battles as well in fighting for opening new areas for range development, access

to the outdoors and funding for youth shooting sports but we will continue to push those and other ideas forward in 2025.

On the governor's desk will be two problematic bills in SB 53 and AB 3064 which both focus on firearm safety devices, a new firearms safety device roster and the storage of firearms. These two bills are unconstitutional as was testified as they violate the supreme court cases of the past two decades. Our legal team is already preparing to fight these and get stays put in place.

The tide is beginning to turn. Anyone who thinks we can turn this all around in a year needs to see that this happened to us over decades. We are doing this and will continue to succeed with your support. Make sure you support us this fall by getting everyone you know to vote for 2A candidates up and down the ballot. We are not just fighting for the soul of our hometown, our state but for our country and the free world.



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# CRPA GOVERNMENT AFFAIRS REPORT

## 2024 CALIFORNIA LEGISLATIVE SESSION

### BILL UPDATE

#### ASSEMBLY MONITOR

**AB 1252 (Wicks D ) Office of Gun Violence Prevention.**

**AB 1828 (Waldron R ) Personal income taxes: voluntary contributions: Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account: Native California Wildlife Rehabilitation Voluntary Tax Contribution Fund: covered grants.**

**Status:** 8/15/2024-Withdrawn from Engrossing and Enrolling. Ordered to the Senate. In Senate. Held at Desk.

**AB 1889 (Friedman D ) General plan: wildlife connectivity element.**

**Status:** 8/15/2024-From committee: Amend, and do pass as amended. (Ayes 5. Noes 2.) (August 15). Read second time and amended. Ordered returned to second reading.

**AB 2320 (Irwin D ) Wildlife Connectivity and Climate Adaptation Act of 2024: wildlife corridors.**

**AB 2440 (Reyes D ) 30x30 goal: partnering state agencies: Department of Parks and Recreation.**

**Status:** 8/15/2024-From committee: Amend, and do pass as amended. (Ayes 6. Noes 0.) (August 15). Read second time and amended. Ordered returned to second reading.

**AB 2739 (Maienschein D ) Firearms.**

**Status:** 8/15/2024-From committee: Amend, and do pass as amended. (Ayes 4. Noes 2.) (August 15). Read second time and amended. Ordered returned to second reading.

**AB 2827 (Reyes D ) Invasive species: prevention.**

**Last Amend: 6/11/2024**

**Status:** 6/26/2024-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (June 25). Re-referred to Com. on APPR.

**Location:** 6/25/2024-S. APPR.

**AB 2842 (Papan D ) Firearms.**

**Status:** 8/15/2024-From committee: Amend, and do pass as amended. (Ayes 7. Noes 0.) (August 15). Read second time and amended. Ordered returned to second reading.

**AB 3241 (Pacheco D ) Law enforcement: police canines.**

**Status:** 8/15/2024-From committee: Amend, and do pass as amended. (Ayes 7. Noes 0.) (August 15). Read second time and amended. Ordered returned to second reading.

#### ASSEMBLY OPPOSE

**AB 262 (Holden D ) Children's camps: safety and regulation.**

**AB 2042 (Jackson D ) Police canines: standards and training.**

**AB 2196 (Connolly D ) Beaver restoration.**

**Status:** 8/15/2024-From committee: Amend, and do pass as amended. (Ayes 7. Noes 0.) (August 15). Read second time and amended. Ordered returned to second reading.

**AB 2518 (Davies R ) Firearms: prohibited persons.**

**AB 2519 (Maienschein D ) Misdemeanor offenses: deferral of sentencing: firearms prohibition.**

**AB 2759 (Petrie-Norris D ) Domestic violence protective orders: possession of a firearm.**

**Status:** 8/8/2024-Ordered to the Senate. In Senate. Held at Desk.

**AB 2842 (Papan D ) Firearms.**

**Status:** 8/15/2024-From committee: Amend, and do pass as amended. (Ayes 7. Noes 0.) (August 15). Read second time and amended. Ordered returned to second reading.

**AB 2907 (Zbur D ) Firearms:**  
*restrained persons.*

**Status:** 8/15/2024-From committee: Amend, and do pass as amended. (Ayes 6. Noes 0.) (August 15). Read second time and amended. Ordered returned to second reading.

**AB 2917 (Zbur D ) Firearms:**  
*restraining orders.*

**Status:** 8/15/2024-From committee: Amend, and do pass as amended. (Ayes 4. Noes 2.) (August 15). Read second time and amended. Ordered returned to second reading.

**AB 3064 (Maienschein D )**  
*Firearms: safety devices.*

**Status:** 8/15/2024-From committee: Amend, and do pass as amended. (Ayes 4. Noes 2.) (August 15). Read second time and amended. Ordered returned to second reading.

## ASSEMBLY SUPPORT

**All Bills Failed this session.**

## ASSEMBLY MONITOR

**SB 899 (Skinner D )** Protective orders: firearms.

**Status:** 8/15/2024-From committee: Do pass as amended. (Ayes 11. Noes 0.) (August 15).

**SB 902 (Roth D )** Firearms: public safety.

**Status:** 8/15/2024-From committee: Do pass as amended. (Ayes 11. Noes 0.) (August 15).

**SB 1002 (Blakespear D )** Firearms: prohibited persons.

**Status:** 8/15/2024-From committee: Do pass as amended. (Ayes 11. Noes 0.) (August 15).

**SB 1019 (Blakespear D )** Firearms: destruction.

**Status:** 8/15/2024-From committee: Do pass as amended. (Ayes 11. Noes 0.) (August 15).

**SB 1020 (Bradford D )** Law enforcement agency regulations: shooting range targets.

**Status:** 7/3/2024-Read second time. Ordered to third reading.

## ASSEMBLY OPPOSE

**SB 53 (Portantino D )** Firearms: storage. (GUT & AMEND)

**Status:** 8/15/2024-From committee: Do pass as amended. (Ayes 11. Noes 3.) (August 15).

**SB 965 (Min D )** Firearms.

**Status:** 8/15/2024-From committee: Do pass. (Ayes 14. Noes 0.) (August 15).

**SB 1253 (Gonzalez D )** Firearms: firearm safety certificates.

**SB 1402 (Min D )** 30x30 goal: state agencies: adoption, revision, or establishment of plans, policies, and regulations.

## ASSEMBLY SUPPORT

**SB 1163 (Dahle R )** Wildlife-vehicle collisions: wildlife salvage permits.

**SB 1226 (Cortese D )** Hunting: navigable waters. WIN WIN WIN

**Status:** 8/13/2024-Enrolled and presented to the Governor at 2 p.m. CRPA

### UPCOMING CRPA CHAPTER GOVERNMENT AFFAIRS CHAIR MEETINGS ALL MEETINGS ARE AT 6 PM AND REQUIRE REGISTRATION.

Sep 10, 2024 - Elections and Grassroots

Oct 8, 2024 - Legislation 2025 & You

Nov 12, 2024 - Election Recap & 2025 Plan/Calendar

Dec 10, 2024 - TBD



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**- Mike Darter,  
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# LITIGATION REPORT

## SECOND AMENDMENT LITIGATION REPORT

This report provides an overview of just some of the efforts being taken to protect the rights of California gun owners, and we also track a sampling of notable cases outside of California as well. Although litigation plays an extremely important role in the fight for the right to keep and bear arms, there are many other tremendous and equally important

endeavors throughout California and across the nation.

Protecting the Second Amendment requires an enormous amount of resources and involvement in all levels of California's government, including all 58 counties, all 482 municipalities, and all state and local agencies tasked with enforcing the myriad of complex and ever-expanding gun laws.

## THE SUPREME COURT JUST RELEASED TWO MAJOR GUN-RELATED RULINGS AT THE END OF ITS CURRENT TERM.

First, in *Garland v. Cargill*, the Court ruled that the ATF exceeded its statutory authority by issuing a Rule that classifies a bump stock as a "machinegun" under §5845(b). Justice Thomas wrote for a 6-3 majority and explained that a semiautomatic rifle equipped with a bump stock is not a "machinegun" as defined by §5845(b) because: (1) it cannot fire more than one shot "by a single function of the trigger" and (2) even if it could, it would not do so "automatically." While the case is an important check on ATF's power to act without Congress, it was not a Second Amendment case, instead rooted in the Administrative Procedures Act.

Then, in *U.S. v. Rahimi*, the Court ruled 8-1 (with Thomas dissenting) that when an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be

temporarily disarmed consistent with the Second Amendment. The Court explained that founding-era surety laws as well as "going armed in terror of the people" laws were sufficiently analogous to uphold the modern regulations. Justice Thomas thought the laws operated too differently to be sufficiently analogous.

Following *Rahimi*, the Supreme Court remanded a large number of cases for further proceedings in light of the ruling, including several cases dealing with whether people with nonviolent or drug-related criminal records should have their rights restored. Unfortunately, the Court also denied review in several cases challenging the Illinois "Assault Weapons" Ban, but Justice Thomas wrote to note that the denial was primarily because the Court is wary of taking cases up on a preliminary injunction, and urged the Court to decide a similar case that came to it upon a final

judgment.

In California news, CRPA continues to await a preliminary injunction ruling in *CRPA vs. LASD*, its challenge to various CCW permitting issues including long wait times, high fees, and the lack of reciprocity. CRPA has also recently joined with several other organizations to challenge the new 11% tax on guns and ammunition, in *Jaymes v. Maduros*. We look forward to stopping that new tax as quickly as possible.



**Konstadinos Moros**  
is an Associate Attorney with Michel & Associates, a law firm in Long Beach that regularly represents the

California Rifle & Pistol Association (CRPA) in its litigation efforts to restore the Second Amendment in California. You can find him on his Twitter handle @MorosKostas. **CRPA**

# CALIFORNIA CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>Boland v. Bonta</b> <b>Renna v. Bonta</b>	Does California's Unsafe Handgun Act (the Roster) violate the Second Amendment?	United States District Court Central District of California  9th Circuit	The court granted the plaintiffs' motion for preliminary injunction on March 20, 2023 in Boland, enjoining the microstamping, loaded chamber indicator, and magazine disconnect requirements.  California appealed, and the 9th Circuit stayed the ruling, except for the microstamping requirement.	The 9th Circuit heard oral arguments on August 23, 2023, but recently vacated the oral argument it heard to instead hold the decision pending Duncan. New briefing may be ordered.
<b>Rhode v. Becerra</b>	Does California's law requiring background checks for ammunition violate the Second Amendment?	United States District Court Southern District of California  9th Circuit	Judge Benitez ruled in favor of Plaintiffs, kicking off an ammunition "freedom week".  The Ninth Circuit stayed the injunction however, so now the regulations are back in effect for the time being.	The State filed its opening brief, and Plaintiffs will respond soon with their opposition.
<b>Rupp v.</b>	<b>Becerra</b> Does California's Assault Weapons prohibition violate the Second Amendment?	United States District Court Central District of California	The trial court entered summary judgment in favor of the State, and Plaintiffs have appealed.	The 9th Circuit has stayed this matter pending Duncan.
<b>Duncan v. Bonta</b>	Does California's prohibition on large capacity magazines violate the Second Amendment?	United States District Court Southern District of California  9th Circuit	Judge Benitez ruled in favor of CRPA for a second time, case appealed.	In an unusual move and over vociferous dissents, the 9th circuit en banc panel took back the case.  Oral argument was heard in March, and now we await a ruling from the 9th Circuit. At the oral argument, one judge expressed that this should be the first case ever to be reheard by the entire 9th Circuit, but no other judge expressed support at the hearing for that idea.
<b>Linton v. Bonta</b>	Does California's fire-arm rights restoration regime violate the Second Amendment?	United States District Court Northern District of California	In a surprise decision, Judge Donato of the Northern District of California ruled that the Second Amendment forbids banning Plaintiffs, who had their prior convictions in other states vacated and their rights restored, from having guns.	The State will likely appeal.
<b>Chavez (formerly Jones) v. Bonta</b>	Does California's under 21 firearm prohibition violate the Second Amendment?	United States District Court Southern District of California	In December, the District Court denied Plaintiffs' motion for preliminary injunction, or in the alternative, motion for summary judgment.	The parties have filed dueling motions for summary judgment, with a ruling to follow.

**CALIFORNIA CASES**

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>Miller v. Bonta</b>	Does California's assault weapons prohibition violate the Second Amendment?	United States District Court Southern District of California  9th Circuit	Judge Benitez again struck down the California "assault weapons" ban.	The 9th Circuit heard oral argument, but then immediately stayed the matter pending <b>Duncan v. Bonta</b> .
<b>Barba v. Bonta</b>	Does a California law that allows firearm purchaser information to be disclosed to third parties violate privacy laws and the Second Amendment?	California Court of Appeal, 4th District  California Supreme Court	California State appellate court heard oral argument on October 10, 2023 and ruled against the plaintiffs.  Plaintiffs petitioned the California Supreme Court for review, but were denied.	It appears Plaintiffs did not seek Supreme Court review, so the decision of the California Courts is likely final.
<b>Doe v. Bonta</b>	Does a California law that allows firearm purchaser information to be disclosed to third parties violate privacy laws and the Second Amendment?	United States District Court Southern District of California  9th Circuit	Plaintiffs lost in the trial court and then lost again in the 9th Circuit.	Plaintiffs will have the option to pursue en banc review or Supreme Court review. Unclear at this time if they will do so.
<b>Junior Sports Magazines v. Bonta</b>	Does California's new law prohibiting the marketing of firearms products to youth violate various constitutional principles, including the 1st Amendment?	United States District Court Central District of California  9th Circuit	9th circuit ruled for plaintiffs, overturning the district court. California then petitioned for en banc review.  En banc review was denied, so the matter went back to the district court for issuance of a preliminary injunction.	The district court in the parallel matter of SCI v. Bonta issued an injunction against the law, and the district court in this matter finally did as well, but only as to one subsection of the law. Plaintiffs will appeal again for clarity.
<b>B&amp;L Productions v. Newsom (Southern District)</b>	Does the ban on gun shows at the Del Mar Fairgrounds violate the First and Fourteenth Amendments?	United States District Court Southern District of California  9th Circuit	Plaintiffs appealed, but have moved to stay the appeal pending the result of a similar case in the Central District.	The 9th Circuit ruled against Plaintiffs, who are now seeking en banc review.

# CALIFORNIA CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>B&amp;L Productions v. Newsom (Central District)</b>	Does the ban on gun shows at the Orange County Fairgrounds and Statewide violate the First, Second, and Fourteenth Amendments?	United States District Court Central District of California  9th Circuit	District Court ruled in favor of the Plaintiffs on October 30, 2023, gun shows ordered to resume.	The 9th Circuit ruled against Plaintiffs, who are now seeking en banc review.
<b>Baird v. Bonta</b>	Does California's ban on open carry violate the Second Amendment?	United States District Court for the Eastern District of California  9th Circuit	Plaintiffs lost their preliminary injunction at the district court, but on September 7, 2023, a 9th circuit panel remanded the case back because the district court made serious errors in its analysis.  The district court, in a lengthy ruling, upheld the law.	Plaintiffs have appealed.
<b>May v. Bonta</b>  <b>Carralero v. Bonta</b>	May California ban carry, even with a CCW permit, in almost all public places?	United States District Court for the Central District of California  9th Circuit	Plaintiffs achieved an injunction as to every place they challenged where California attempted to ban carry.  The 9th Circuit initially stayed that injunction and let the law go into effect for a week, but then dissolved that stay.	The 9th Circuit heard oral argument in early April. A ruling will be handed down in the coming months.  The panel also recently ordered supplemental briefing in light of Rahimi, which will be due July 12, 2024.
<b>CRPA vs. LASD</b>	A number of issues related to CCW permits including:  - Long wait times - High fees. - Psychological examination - Suitability de-terminations - Interstate rec-iprocity	United States District Court for the Central District of California	Plaintiffs have fully briefed their preliminary injunction motion.	Judge Garnett held a preliminary injunction hearing in early April, but said supplemental briefing may be necessary.
<b>Nguyen v. Bonta</b>	Federal Second Amendment constitutional challenge to California's ban on purchasing more than one firearm in a 30 day period.	United States District Court for the Southern District of California  9th Circuit	Plaintiffs prevailed in the district court, with judgment entered in their favor, but stayed the ruling for 30 days so the State could try and get a stay from the Ninth Circuit.	Oral argument in this matter is in August. CRPA submitted an amicus brief.
<b>Jaymes et al v. Maduros</b>	Challenge to California's new 11% tax on guns and ammunition.	Superior Court of California, County of San Diego	As of this writing, the complaint was just filed.	

## HAWAII CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>Wolford v. Lopez</b>	Does Hawaii State's post Bruen permit issuance program violate Bruen, particularly by making nearly everywhere in the State a "sensitive place" where carry is forbidden?	United States District Court District of Hawaii  9th Circuit	The district court granted a temporary restraining order, and the 9th circuit refused to stay that order for now, but may reconsider after the district judge rules on a motion to stay.	The 9th Circuit heard oral argument in early April. A ruling will be handed down in the coming months.
<b>Teter v. Lopez</b>	Is Hawaii's ban on butterfly knives constitutional?	United States District Court District of Hawaii  9th Circuit	9th Circuit rules that Hawaii statute banning butterfly knives, or balisongs, was inconsistent with the nation's historical tradition of regulating weapons, and thus violated the Second Amendment.	Hawaii petitioned the 9th circuit for en banc review of the 30 panel ruling, which was granted. The 9th Circuit reheard this matter en banc in June, with the judges arguing over whether it was moot or not, as Hawaii repealed the underlying law, but there is still an issue as to concealed carry.

## WASHINGTON CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>Mitchell v. Atkins</b>	Does Washington's under 21 firearm ban violate the Second Amendment?	United States District Court Western District of Washington	The 9th Circuit vacated and remanded to the district court in Dec. 2022. The court ordered a five-day bench trial for Mar. 2023.	The case will be tried under the Bruen standard and likely appealed to the 9th Circuit.
<b>Hartford v. Ferguson</b>	Does Washington State's assault weapons Ban violate the Second Amendment?	United States District Court Western District of Washington	Plaintiffs filed their complaint in April 2023.  Judge denied preliminary injunction.	Appeal Pending.

# NEW YORK CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<p><b>Antonyuk v. Hochul</b></p> <p>(a number of similar cases also filed and being heard jointly on appeal)</p>	Does New York State's post Bruen permit issuance program violate Bruen, particularly by making nearly everywhere in the State a "sensitive place" where carry is forbidden?	United States District Court Northern District of New York	<p>The Judge ruled mostly in Plaintiffs' favor.</p> <p>In a December ruling, the Second Circuit upheld most of the law but struck down a couple of pieces of it, including the private property default rule.</p>	Plaintiffs filed a petition for certiorari with the Supreme Court, which was granted, and the Court remanded the matter back to the 2nd Circuit for further consideration in light of Rahimi.

# NEW JERSEY CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<p><b>Koons v. Platkin</b></p>	Does New Jersey State's post-Bruen permit issuance program violate Bruen, particularly by making nearly everywhere in the State a "sensitive place" where carry is forbidden?	United States District Court District of New Jersey	<p>The Judge ruled mostly in Plaintiffs' favor.</p> <p>The case is now on appeal.</p>	Oral arguments heard on October 25, 2023. Awaiting a ruling.
<p><b>Association of New Jersey Rifle &amp; Pistol Clubs v. Grewal</b></p>	Does New Jersey's ban on large capacity magazines violate the Second Amendment?	United States District Court District of New Jersey	Remanded for further proceedings due to Bruen.	The lower will court will apply Bruen to the issue.

# RHODE ISLAND CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<p><b>Ocean State Tactical v. Rhode Island</b></p>	Does Rhode Island's large capacity magazine prohibition violate the Second Amendment?	<p>United States District Court District of Rhode Island</p> <p>1st Circuit Court of Appeal</p>	<p>Plaintiffs appealed the loss of their preliminary injunction motion in Dec. 2022.</p> <p>The 1st Circuit also ruled against Plaintiffs</p>	Plaintiffs likely to seek Supreme Court review.

## MARYLAND CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b><i>Bianchi v. Frosh</i></b>	Does Maryland's assault weapons ban violate the Second Amendment?	4th Circuit Court of Appeal	Oral argument was in Dec. 2022.	In an unusual move, before the panel could issue a ruling, the 4th Circuit took the matter en banc and reheard it in March.
<b><i>Maryland Shall Issue v. Montgomery County</i></b>	Does Montgomery County's post Bruen permit issuance program violate Bruen, particularly by making nearly everywhere in the State a "sensitive place" where carry is forbidden?	United States District Court District of Maryland	Court denied motion for preliminary injunction.	Appeal pending. CRPA filed an amicus brief in support of plaintiffs in their appeal.

## PENNSYLVANIA CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b><i>Range v. Garland</i></b>	Does a nonviolent misdemeanor offense from over two decades ago mean someone can permanently lose Second Amendment rights?	United States District Court for the Eastern District of Pennsylvania  United States Supreme Court	The Third Circuit, sitting en banc, ruled in Plaintiff's favor and explained that "despite his false statement conviction, he remains among "the people" protected by the Second Amendment."	Federal government filed for certiorari with the Supreme Court. Instead, the Supreme Court remanded the matter back down for further proceedings in light of Rahimi.



# TEXAS CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>United States v. Rahimi</b>	Whether the federal firearms prohibition that applies to an individual subject to a domestic violence restraining order is constitutional.	United States District Court Northern District of Texas  5th Circuit Court of Appeal	Plaintiffs won in the trial court and the appeals court, and the case has been appealed to the Supreme Court.	The Supreme Court reversed the Fifth Circuit, ruling that those subject to domestic violence restraining orders may be temporarily disarmed.
<b>Garland v. Cargill</b>	Did the ATF have the authority to label a bump stock a machine gun?	United States District Court Western District of Texas  5th Circuit  United States Supreme Court	The Supreme Court granted certiorari.	Fifth Circuit affirmed, the Court ruled that under current law, bump stocks are not legally machine guns.
<b>Mock v. Garland</b>	Federal lawsuit challenging the ATF's pistol brace rule.	United States District Court Northern District of Texas  5th Circuit	Plaintiffs prevailed at the district court level, and then again at the Fifth Circuit. A district court issued a preliminary injunction on October 2, 2023.	Fifth Circuit will hear the appeal in April.
<b>VanDerStok v. Garland</b>	Federal lawsuit challenging the ATF's "frame or receiver" rule.	United States District Court Northern District of Texas  5th Circuit  United States Supreme Court	Plaintiffs prevailed at the district court level, and again in the Fifth Circuit, but the Supreme Court stayed their win.	Certiorari granted by the Supreme Court, case should be heard next term.
<b>United States v. Connelly</b>	Is the federal law that prohibits marijuana users from having firearms constitutional?	United States District Court Western District of Texas  5th Circuit Court of Appeal	The trial court struck down the law.	The appeal is underway in the 5th Circuit.

**OREGON CASES**

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>Oregon Firearms Federation, Inc. v. Brown</b> (and related cases)	Does Oregon's large capacity magazine prohibition violate the Second Amendment?	United States District Court District of Oregon  9th Circuit	Judge ruled against Plaintiffs on the grounds that magazines of over ten round capacity are not covered by the 2nd Amendment.	Case is stayed pending resolution of <i>Duncan. v. Bonta</i> .

**WEST VIRGINIA CASES**

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>United States v. Price</b>	Is the federal law that requires serialization of firearms constitutional?	United States District Court District of West Virginia  4th Circuit Court of Appeal	The trial court struck down the law and the plaintiffs have appealed to the 4th Circuit.	The appeal is underway in the 4th Circuit.

**MISSISSIPPI CASES**

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>United States v. Daniels</b>	Is the federal law that prohibits marijuana users from having firearms constitutional?	United States District Court for the Southern District of Mississippi  5th Circuit Court of Appeal  United States Supreme Court	After losing in the district court, Plaintiffs appealed to the Fifth Circuit, which reversed and ruled in favor of the Plaintiffs that the prohibition on firearm ownership merely for using marijuana is unconstitutional.	Federal government filed for certiorari with the Supreme Court. Instead, the Supreme Court remanded the matter back down for further proceedings in light of <i>Rahimi</i> .

# OKLAHOMA CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>United States v. Harrison</b>	Is the federal law that prohibits marijuana users from having firearms constitutional?	United States District Court District of Oklahoma  10th Circuit Court of Appeal	The trial court struck down the law and the plaintiffs have appealed to the 10th Circuit.	The appeal is underway in the 10th Circuit.

# DELAWARE CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>Delaware State Sportsmen's Association, et al. v. Delaware Department of Safety and Homeland Security, et al.</b>	Does Delaware's assault weapons ban violate the Second Amendment?  Does Delaware's large capacity magazine ban violate the Second Amendment?	United States District Court District of Delaware	In late March 2023, the district court denied plaintiffs' motion for preliminary injunction.  Plaintiffs appealed to the Third Circuit Court of Appeal.	The action in the district court is stayed pending resolution of the appeal to the Third Circuit.

# ILLINOIS CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
<b>Federal Firearms Licensees of Illinois v. Jay Robert Pritzker</b>  (consolidated with Barnett v. Raoul and a number of other cases dealing with state and local assault weapon bans in Illinois)	Is Illinois' Assault Weapons Ban Constitutional under Bruen?	United States District Court District of Illinois  7th Circuit  United States Supreme Court	The court grant-ed Plaintiffs' motion for preliminary injunction on April 28, 2023, but the Seventh Circuit reversed in November. The 7th Circuit denied en banc review.	Plaintiffs petitioned the Supreme Court for review, but were denied likely because the case is not on final judgment. Trial set for September.

# LOCAL ADVOCACY CALIFORNIA'S NEW WORKPLACE VIOLENCE POLICY REQUIREMENTS: IF YOU ARE A LOCAL BUSINESS-LISTEN UP

In response to growing concerns over workplace safety, California has implemented stringent new regulations aimed at preventing and addressing workplace violence. Under SB 553 (Labor Code 6401.9, employers must maintain a workplace violence prevention plan (WVPP). These regulations, under the California Occupational Safety and Health Act (Cal/OSHA), require almost all businesses to adopt comprehensive (WVPPs) to ensure the safety and well-being of their employees, with very few exceptions.

## Understanding Workplace Violence

Workplace violence encompasses a range of behaviors and incidents that pose a threat to employees' physical or psychological well-being. It includes physical assaults, threats of violence, verbal abuse, animal attacks, harassment, and intimidation. These incidents can occur between coworkers, clients, customers, or any individuals present at the workplace. This means that owners of a business must be vigilant in watching for potential dangers in the workplace.

California has mandated that employers take proactive measures to prevent and mitigate the risks associated with workplace violence. Employers are required to take action in several ways and CALOSHA will have oversight to issue citations and punishment for those businesses who do not have a plan and training in place.

Almost 25% of workplace violence is from an ongoing domestic dispute. The good news is that homicides in the workplace have actually declined since 2019, however there are over 1 million incidents of some kind of

workplace violence that are non-lethal (note that these numbers also contain occupations like prison guards and other historically dangerous workplaces so there is some play in these numbers).

More information on the law can be found here: <https://www.youtube.com/watch?v=OohGU6N4Thk&t=47s>

Key Requirements of the Workplace Violence Prevention Plan (WVPP)

The cornerstone of California's new workplace violence policy is the WVPP. This plan must be tailored to each workplace's specific needs and must include several critical components:

1. Risk Assessment: Employers must conduct a thorough assessment of their workplace to identify potential hazards related to workplace violence. This assessment should consider factors such as the nature of

the work, location, presence of volatile individuals, and history of previous incidents.

2. Preventive Measures: Based on the risk assessment, employers must implement preventive measures to minimize the risk of violence. This may include implementing physical security measures, modifying work practices to reduce risks, and enhancing employee training programs.
3. Procedures for Reporting and Responding: The WVPP must outline clear procedures for employees to report incidents or threats of violence promptly. It should also include protocols for responding to violent incidents, ensuring that employees know how to protect themselves and others during emergencies. A written response report template should be kept on hand for use immediately following an incident.
4. Employee Training: Training is a critical component of the WVPP. All employees must receive annual training on the policy and on keeping their work location safe (Note law does not apply to any employees working remotely). Supervisors and managers may require additional training to enable them to handle potentially volatile situations.
5. Recordkeeping and Evaluation: Employers must maintain records of workplace violence incidents, investigations conducted, and actions taken in response in a WVP Incident Log. The reports should not contain personally

identifying information of any person involved and must be submitted to CALOSHA upon request. Regular evaluation of the WVPP's effectiveness is also essential to identify any gaps or areas needing improvement.

### **Compliance and Enforcement**

Failure to comply with California's workplace violence regulations can result in significant penalties and fines. Cal/OSHA conducts inspections to ensure workplaces adhere to these requirements, emphasizing the importance of ongoing compliance and adherence to best practices in workplace safety.

### **What Does This Mean To Local Businesses In California?**

More regulation on business means more expense especially for those in the firearms business. It seems that there is always a new code section to be implemented. Good news is that there are several resources out there that offer the WVPP draft and training for an inexpensive cost. These resources are only a list and you should evaluate what works best for your business. Also, watch out for some of the plans making statements that could be problematic for a business that works with firearms and ammunition regularly. If you choose to use one of these pre-written resources, you may need to alter it for your needs.

### **Conclusion**

California's new workplace violence policy requirements represent a proactive approach to safeguarding employees and businesses alike. By implementing robust WVPPs, employers meet legal obligations to foster a culture

of safety within their businesses. Through diligent risk assessment, training, and responsive procedures, businesses can mitigate the risks associated with workplace violence.

This information has been prepared for general information purposes only. The information contained herein is not legal advice, should not be acted on as such, may not be current, and is subject to change without notice. Michel & Associates, P.C., does not warrant or guarantee the accuracy, completeness, adequacy, or currency of the information contained herein. Users of this information do so at their own risk. This document does not create an attorney-client relationship. Individual facts and circumstances may alter the conclusion(s) drawn. For legal advice consult an attorney.



### **Tiffany D. Chevront**

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*years' experience in the non-profit and regulatory fields, she practices civil rights litigation and corporate governance law (five of those years working specifically in Second Amendment and CA policy). Tiffany has written and provided testimony on issues at the local, state and federal levels of government. CRPA*

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# LOCAL ADVOCACY REPORT

The **Local Advocacy Project** actively monitors all of California’s 58 counties and 482 municipalities to support or oppose any proposed ordinance, law, or policy likely to impact Second Amendment rights. Local efforts include developing and working with a network of professionals, citizens, local government officials and law enforcement professionals to effectively oppose local threats to California gun owners. These efforts also serve as the foundation for litigation efforts against municipalities that enact anti-gun-owner legislation.

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION

JURISDICTION AND ISSUE	DESCRIPTION	LOP RESPONSE	STATUS
<b>GUN SHOWS</b>	For years CRPA has fought along side promoters to keep gun shows in California. Gun Shows are more than just a place to purchase firearms and beef jerky, they are a cultural experience of like-minded people coming together to discuss politics and their freedoms.	After a long wait from the Orange County Court, the judge enjoined the state ban on gun shows (no selling firearms, ammunition, or parts on state property) This <b>WIN</b> covered the state-wide law and the specific law for Orange County.	The state has now appealed the case to the Ninth Circuit and the OC and State law cases have now been joined with our challenge to the AB 893 our of San Diego. Both cases will be heard together in March 2024 oral argument. The gun shows returned to the Orange County Fairgrounds in January to record crowds of people happy to welcome them back! Notices of Supplemental Rulings have been submitted to the court. As of March, we are waiting on a ruling on the appeal
<b>STATEWIDE PUBLIC RECORD REQUESTS</b>	CRPA regularly seeks and obtains public records in connection with any anti-gun efforts in California. Such efforts include proposed anti-gun ordinances, gun buyback programs and other anti-gun regulatory enforcement issues.	Responses to these requests often yield valuable results, such as which members of a local government entity are working with anti-gun groups, sources of funding and other important information.	Ongoing. CRPA attorneys monitor and review thousands of pages of public records requests each month.  *Public Records Requests have been submitted for the DOJ leak of gun owner information.
<b>CULVER CITY</b>	Regarding new gun shops coming to the city	One gun shop was going out of business and instead of allowing the owner of the shop to sell to another gun store, the City Council voted to purchase the shop straight out for \$6.5 Million dollars of taxpayer money.	CRPA and local activists stood up to the City Council’s decision to try to ban gun shops in the city and under threat of a legal fight, the City decided to use tax payer money to avoid the issue of fair dealing and discrimination.  CRPA continues to monitor this situation and asks that if you know of a situation in your city or county impacting 2A civil rights, please send that to <a href="mailto:contact@crpa.org">contact@crpa.org</a>
<b>CRPA COALITION WORK</b>	The CRPA has been working with other groups across the state for years to influence and advance pro-2A work in the state. We believe in leveraging our combined strength to get things done.	Coalitions are built from other non-profit groups with similar missions coming together. We work with local chapter leaders, elected officials and legislative teams to push support and protection of the Second Amendment.	Watch for joint letters from coalition groups to fight harmful legislation in the state and for work with other groups during this election cycle.  To sign up for the Range Coalition, send an email to <a href="mailto:ranges@crpa.org">ranges@crpa.org</a> .

JURISDICTION AND ISSUE	DESCRIPTION	LOP RESPONSE	STATUS
<b>CITY OF SAN CLEMENTE</b>	Passed a locked storage ordinance in March. The City Attorney and Mayor Pro Tem wrongly advised the City Council that they would	be safe from legal expenses because they were covered under SB 1327. This law was overturned last year and CRPA legal team won that case. There is no protection for the City in this case.	CRPA attorneys sent a letter to the City of San Clemente regarding their grave error and demanding that they rescind their decision because under Bruen it is likely that mandatory locked storage would not stand.  Stay tuned for more updates.
<b>CCW Issuance Issues</b>	We understand that there are issues with jurisdictions having enough training classes and issuance of CCWs	CRPA is working with jurisdictions to make sure that the regulations imposed are followed.  CRPA is working with trainers to get them the correct information to meet the new standards.	It is not a requirement of the law that a co-worker be listed as a reference. We know that some police departments are trying to force this issue in the application process. If you run into this, go through your county Sheriff instead. If you still are getting the same requirement, please let us know at <a href="mailto:contact@CRPA.org">contact@CRPA.org</a> More information at <a href="https://crpa.org/ccw-issues-in-california/">https://crpa.org/ccw-issues-in-california/</a>
<b>11% Excise Tax</b>	In 2023, the state passed a new 11% Excise Tax on the Manufacturers and Retail Sellers of all firearms, ammunition, and precursor parts.	It is unclear if this law follows with the Bruen ruling and whether not the manufacturers and retailers will pass this tax on to the consumer. This 11%, on top of the other local sales taxes, could price people out of being able to purchase a firearm.	CRPA is conducting a legal analysis of the law and its impacts. We will update the members on any future actions.
<b>CALL FOR PLAINTIFFS</b>	If you are a CRPA member, we need you!	When local ordinance issues do not go well, we have to fight for your rights in court. We need members just like you who are negatively affected by these unconstitutional laws to step up as named plaintiffs in the	If you are interested in serving as a plaintiff in any of our upcoming litigation, please contact us at <a href="mailto:potentialplaintiffs@michellawyers.com">potentialplaintiffs@michellawyers.com</a> .  <b>Specifically looking for individuals who are being denied their CCW after meeting all of the requirements under the new law.</b>
<b>CRPA Elections</b>	CRPA grades are out for local, state, and federal candidates based on their submitted questionnaires.  CRPA PAC has issued endorsements ahead of the March primaries. Please watch for those candidates who support your 2A rights and have their names at the polls.	Please share our candidate resources with anyone who is a Second Amendment Supporter and interested in running for office.	<a href="https://crpa.org/programs/campaigns-elections/">https://crpa.org/programs/campaigns-elections/</a>

# CRPA PROGRAMS UPDATE

## WHY DO GUN OWNERS CONTINUE TO ADVOCATE AGAINST RESTRAINING ORDERS?

**Sometimes our Rights need to be drilled in so forcefully that they require a brief history lesson.... So here it is:**

In 1769 William Blackstone was an up and coming English justice in a time that would shape the English and American practice of law until present day. He would go on to serve as a Justice of the Common Pleas, a Justice of the Court of King's Bench, a Member of Parliament for Westbury, and a Member of Parliament for Hindon. But what he is best remembered for is his seminal work "Commentaries on the Laws of England." A specific idea and phrase, which has derivatives further back than the founding of America... You can find similar sentiments in the Bible... that would go on to be absorbed by the British Legal System as well as American Common Law. It would go on to be the mold by which the American legal system devised a presumption of

innocence and that guilt needed to be proven beyond reasonable doubt. If you haven't presumed the quote yet, it is one to lock in the back of your mind for trivia night. Of course I'm referring to Blackstone's Formulation (also referred to as Blackstone's Ratio) stating that "It is better that ten guilty persons escape than that one innocent suffer."

This is sort of an important idea to understand within the American legal system. A quick google search will show you article upon article of how law school forcefully crams this formulation into the curriculum for law students across the nation. But is it also important for our legislators to understand this idea? I would assume so but perhaps the more important questions would be "Is it important for our legislators to create laws that will not violate this formulation? To that, your answer should be an astounding yes.

Contrary to Blackstone's formulation you have a plethora of

Authoritarians throughout history communicating just the opposite (which side of our political system is comprised of Authoritarians again...?). During an uprising in Communist China in the 30's, Jung Chang is quoted saying, "Better to kill a hundred innocent people than let one truly guilty person go free," believe me, this list could go on.

So what grade would California legislators today get in their classes at law school? They certainly would not get an A. There is a huge gap in California Legislation that has already been implemented and continues to be pushed toward its authoritarian bounds every year. This subject is that of restraining orders. I commonly get asked "Why would the Firearms Community even advocate against restraining orders. We need a tool to keep firearms out of the hands of dangerous people." While that sentiment may have merit in virtue, and is certainly used in the state's campaign to further the



legal bounds of restraining orders, someone needs to fight for the innocent! As long as the process by which a restraining order is implemented has no due process for the accused, and a result of that restraining order, EVERY TIME, is that firearms must be relinquished, it is mathematically impossible for an innocent person not to be caught in the crossfire and have their rights unconstitutionally stripped from them.

We find a wonderful example of this in a lawsuit that is still making its way through the court that originated as Wallingford v Nguyen and transformed into Wallingford v Bonta. Here you have a married couple who has lived in the same house in Huntington Beach CA, for 5 decades who sees a new neighbor move in who doesn't like a tree in their yard. As a result of that distaste, the Wallingfords endured non-stop harassment and even death threats. As many logical people would do, they had security cameras installed on their property, in which one camera was accidentally misaligned and had view of this distraught neighbor's

back yard. It was because of this that the neighbor had a restraining order placed on the Wallinfords forcing them to relinquish their firearms and be stripped of their Second Amendment rights for 3 years!

And while all of this is happening, California's Attorney General Rob Bonta hails San Diego County for the amount of Gun Violence Restraining Orders that they have produced; "

"California has led the nation by providing multiple protection order options to protect survivors and disarm individuals perpetrating violence and abuse. These interventions are all vital to preventing gun violence and can serve as a model for other states. We have a robust gun-safety toolkit. San Diego is leading the way in utilizing that safety toolkit to proactively prevent violence, obtain protection orders, and ensure that people subject to these orders are quickly and safely disarmed. These efforts are vital and DOJ is proud to help support, implement, and fund them." - Attorney General Rob Bonta

The intent seems clear enough from AG Rob, whether under his watch, your information is being leaked from a DOJ database, or you are being subject to a restraining order and unconstitutionally forced to relinquish your firearms, the powers that be in the state of California much prefer an unarmed citizenry than an armed one.

This is why CRPA continues to advocate in the legislature and the courtroom to ensure that laws pertaining to things like restraining orders are marked as unconstitutional and no longer enforced, and to ensure that these proposed bills to broaden the scope of restraining orders are not signed into law. CRPA's legislative department, with the help of thousands of letters sent by CRPA advocates to elected officials during the committee process, has beaten back 3 of the 4 primary bills in the 2024 legislative session already, and continues to seek the denial of the 4th and will continue to do so until it is defeated. In the legislature, or in the courtroom.

**CRPA**

## SEE ALL OF CRPA'S PROGRAMS [AT CRPA.ORG](https://www.crpa.org)

LEGISLATIVE ADVOCACY

SHOOTING PROGRAMS

2A LITIGATION PROGRAM

REGULATORY WATCH PROGRAM

RANGES & RETAILERS PROTECTION PROGRAMS

BUSINESS AFFILIATE PROGRAM

WOMEN'S PROGRAM

HUNTING & CONSERVATION

VOLUNTEERS & GRASSROOTS

FIREARM SAFETY PROGRAMS

LAW ENFORCEMENT INITIATIVE

CAMPAIGNS & ELECTIONS

HISTORICAL ARMS COLLECTING & EXHIBITIONS

LOCAL ADVOCACY & CRPA CHAPTERS

PUBLICATIONS

# EVENTS & TRAINING

## SEPTEMBER

September 7th, 2024

**PISTOL INSTRUCTOR**

Fullerton, Ca.

September 14th, 2024

**SHOTGUN SHOOTING  
BASICS**

Fullerton, Ca.

September 21st, 2024

**RIFLE INSTRUCTOR**

Fullerton, Ca.

September 28th & 29th

**METALLIC CARTRIDGE  
RELOADING**

Fullerton, Ca.

## OCTOBER

October 4-6th, 2024

**CENTRAL COAST SASSE**

Santa Margarita, Ca.

October 5th, 2024

**RANGE SAFETY OFFICER**

Fullerton, Ca.

October 12th, 2024

**SHOTGUN INSTRUCTOR**

Fullerton, Ca.

October 19th, 2024

**PISTOL SHOOTING  
BASICS**

Fullerton, Ca.

October 26th, 2024

**RIFLE SHOOTING BASICS**

Fullerton, Ca.

## LOCATION KEY

- NORTHERN CALIFORNIA
- SOUTHERN CALIFORNIA
- CENTRAL CALIFORNIA
- OUT OF STATE

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION



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**NOVEMBER**

November 2nd, 2024  
**PERSONAL PROTECTION  
OUTSIDE THE HOME**  
Fullerton, Ca.

November 9th, 2024  
**SHOTGUN  
SHOOTING BASICS**  
Fullerton, Ca.

November 16th, 2024  
**CHIEF RANGE SAFETY  
OFFICER**  
Fullerton, Ca.

November 23rd, 2024  
**PERSONAL PROTECTION  
IN THE HOME**  
Fullerton, Ca.

**DECEMBER**

December 7th, 2024  
**RANGE SAFETY OFFICER**  
Fullerton, Ca.

December 14th, 2024  
**PERSONAL PROTECTION  
OUTSIDE THE HOME  
INSTRUCTOR**  
Fullerton, Ca.



## CRPA MEMBERSHIP LEVELS & BENEFITS

### ALL NEW CRPA members of every level receive these benefits:

- Subscription to CRPA's *California Firing Line* magazine
- CRPA membership card with Know Your Rights notice
- CRPA decal or sticker
- Legislative & litigation updates and information bulletins
- Exclusive access to timely and informative webinars, podcasts and other resources

Upgraded members receive **additional** benefits as listed below. To sign up for membership, please visit [crpa.org](http://crpa.org).

- **Student 1-Year Membership:** \$30 / Year
- **1-Year General Membership:** \$55 / Year
- **5-Year General Membership:** \$225 (\$5 savings a year on annual membership)
- **2A Sustaining Membership:** \$17.91 / month

### CRPA LIFE MEMBERSHIPS\*

- Life Member Hat
- Life Member Velcro Patch
- CRPA Life Member Decal or Sticker
- Pocket Constitution
- CRPA Challenge Coin
- A copy of the current year edition of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel

**\*Active military and veterans get a 10% discount on all Annual, 5-Year, & Life Memberships. Use Code USVET at checkout.**

- **Life Member:** \$1000
- **Senior Life Member (65 and older):** \$550

### ENHANCED LIFE MEMBERSHIPS

CRPA's Enhanced Life Members are 2A supporters, hunters and shooters committed to the CRPA's mission and success. In addition to ALL the above-listed member benefits, CRPA Enhanced Life Members also receive:

- **Defender Life Member:** \$1000 upgrade for CRPA Life Members
- CRPA Defender Life Member Hat
- CRPA Defender Life Member Lapel Pin
- CRPA Custom-Engraved Defender Life Member Buck Knife
- Annually updated copy of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel
- Defender Life Member Certificate
- Invitations to Exclusive VIP Events, Briefings and Tours
- Personal Recognition from CRPA President

- **Activist Life Member (Silver/Patron):** \$1500 upgrade for CRPA Defender Life Members
- Activist Life Member Embroidered Patch
- Activist Life Member Outerwear / Jacket
- Activist Life Member Hat
- Activist Life Member Lapel Pin
- CRPA Custom Engraved Life Membership Buck Knife
- Annually updated copy of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel
- Activist Life Member Certificate
- Invitations to Exclusive VIP Events, Briefings and Tours
- Personal Recognition from CRPA President

- **Patriot Life Member (Gold/Benefactor):** \$1500 upgrade for CRPA Activist Life Members
- Custom Engraved Pistol (For First 50 Members)
- CRPA Patriot Life Member Hat
- CRPA Patriot Life Member Lapel Pin
- CRPA Custom Engraved Life Member Buck Knife
- Annually updated copy of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel
- CRPA Patriot Life Member Challenge Coin
- Special Patriot Life Member Recognition Wall Plaque
- Patriot Life Member Certificate
- Invitations to Exclusive VIP Events, Briefings and Tours
- Personal Recognition from CRPA President
- Custom logo jacket

# CRPA MEMBERSHIP APPLICATION

Name
DOB
Street Address
City, County, State, Zip Code
Phone
Email Address

Membership Options	
<input type="checkbox"/> Student 1-Year Member	\$30
<input type="checkbox"/> 1-Year Member	\$55
<input type="checkbox"/> 5-Year Member	\$225
<input type="checkbox"/> 2A Sustaining Member	\$17.91/Month
<input type="checkbox"/> Life Member	\$1000
<b>*Veterans take 10% off Annual, 5-year, Life</b>	
<input type="checkbox"/> Senior Life Member	\$550
<input type="checkbox"/> Defender Life Member	\$1000 + Life
<input type="checkbox"/> Activist Life Member	\$1500 + Defender
<input type="checkbox"/> Patriot Life Member	\$1500 + Activist

### Check next to membership of choice

**Auto-Renewal**      **Total Due \$** \_\_\_\_\_

Check #	
Card #	
EXP Date MM/YY	CVC
Email Address	

*\*25% of CRPA membership dues are used for lobbying and political activities.*

### California Rifle & Pistol Association

271.E Imperial Highway, Suite #620, Fullerton, CA 92835  
 Phone: (714)922-2772 | Email: [membership@crpa.org](mailto:membership@crpa.org)

# VOLUNTEERS ARE CRPA'S MOST POWERFUL WEAPON!

CRPA is looking for men and women to join the fight for our rights as a CRPA volunteer or grassroots activist. You can feel good about being part of the solution, meet new friends, learn about guns and politics and get free CRPA swag! For more information, fill out and send in this volunteer form, on the left, email us at [volunteer@crpa.org](mailto:volunteer@crpa.org) or call (714) 992-2772.

Because of CRPA's tremendous growth, and with the support of our members and like-minded organizations, CRPA is expanding its involvement in local campaigns and elections and sponsoring and participating in more events. CRPA has made a substantial investment in grassroots/volunteer coordinating, local election messaging technologies and added staff to manage volunteers and events.

CRPA Chapters and affiliated groups maintain their independence, but work with CRPA and get access to: (1) real-time legislative information from our legislative advocates in the Capital; (2) CRPA/NRA campaign finance and PAC lawyers; (3) CRPA/NRA firearms lawyers who answer questions, fight for local FFLs and ranges in your area, oppose local gun control ordinances and file lawsuits; and (4) regular communication among coalition partners and other local groups to learn from each other and build a stronger network of activists. CRPA needs volunteers to work as Chapter Leaders; Government Liaisons (i.e., candidate development and local issues and ordinances coverage); Retail/Ranges Liaisons; Volunteers and Events Liaisons; and CCW Liaisons, among other things.

CRPA invites individuals as well as local 2A groups, clubs, ranges and FFLs to be a part of the effort in your county. Join us! Volunteer for CRPA!

# CRPA VOLUNTEER APPLICATION

First Name	Middle Initial
Last Name	
Street Address	
City, County, State, Zip Code	
Cell Phone	
Email Address	
Date	

**Check your areas of interest. This is not an exclusive list. You can always change your mind.**

Join a CRPA Chapter

Visit Local Businesses to Promote Affiliate Program

Work on Political Campaigns or Elections

Assist with Youth/Women's Events / RSO

Assist with Training Events / RSO

Assist with Hunting Events

Be a CRPA Membership Recruiter

Liaison with Local Authorities and Council Members

Teach Firearm Safety and Proficiency

Promote CRPA/PRO-2A Messaging/ PR Campaigns

Other:

# THANK YOU!

Return to the **California Rifle & Pistol Association**  
**Attn: Volunteers Program**

271.E Imperial Highway, Suite #620, Fullerton, CA 92835  
Phone: (714)992-2772 | Email: [membership@crpa.org](mailto:membership@crpa.org)

# SPOTLIGHT ON DOMINIC VEDDER

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION



One of Dominic's other hobbies is snowboarding



**L**ike many others in the state of California, Dominic looks forward to a future where we are a state that fights to defend the second amendment to uphold the tenants of safety and responsibility. As an aspiring actor and filmmaker, Dominic is not the stereotypical gun owner and second amendment defender.

Domenic's first experience with firearms was with his brother-in-law, Art, shooting at a range. However, his first encounter with CRPA was at a Crossroads Gun Show. The booth was drawing because it was straight to the point rather than so busy. He decided to purchase a raffle ticket and walked off.

A while afterwards, he saw another CRPA membership booth, and decided that he was going to get involved in the cause himself.

### WHAT WAS YOUR FIRST VOLUNTEER EXPERIENCE?

Dominic found himself at a Bart Hall Boat Show in Pomona for his first-time volunteering. Recalling the event, he said "I've never felt so safe, despite the constant sound of shooting...", he went on to say there is something about the people all around that gave him a sense of peace. At this show he went on to say that he met Bart himself and signed him up for CRPA membership! He loved the sense of camaraderie that he felt being behind the booth with others that shared the mission.

Eventually, Dominic met Dave Race, who was the central component in convincing Dominic to start a chapter. In some ways, Dave took Dominic under his wing and explained all he needed to do. Though he knew he might be able to copy and paste things like bylaws, he wrote his by hand.

### WHAT DO YOU WISH MORE PEOPLE KNEW ABOUT THE 2A COMMUNITY?

In California, Dominic has noticed a trend to gain following in 2A as labeling guns as safe. However, he wished people knew that the word



safe comes with holding to rules and regulations that make firearm handling safe.

### WHAT IS IT LIKE BEING PRO-2A IN THE FILM INDUSTRY?

Dominic described the film industry as being very polarizing,

some are anti-2a, specifically if they have experienced loss or suffering in relation to guns, where there are also many pro-2a people as well. He went on to say, "the reality is that guns will always exist, the good and bad guys will always get ahold of firearms." **CRPA**

# TIME TO MAKE A STAND AS ONE

## *HUNTING AND THE FIREARMS DEBATE*

**I** am often asked why I stay in the fight and work on your behalf in the state capital. It is a fair question that needs an answer. The answer could be as simple as it is my job. I could reply with a grin and state, "I am a sucker for punishment." I might be tempted to give a patriotic answer as well. The answer is a much more complex one that is impacted by my roots in both understanding the importance of the Second Amendment and how it not only protects us but provides so much depth to the very fabric of the lives that embrace it.

I grew up with a mother and grandmother who were adamantly not fans of firearms. I lived in an inner-city suburb in Los Angeles County where gangs were prevalent as they are today. I was also allowed to play all the young boy games from playing

war with army-navy surplus rifle stocks (I so wish I knew what those would be worth one day) in an empty field to pretending we were in the old west with various cap guns.

My grandfather started introducing me to firearms by

taking me to a local mall that had an amusement park type bb gun range where you could hit multiple targets. He established several rules that mirror the 3 safety rules taught by every reputable firearms trainer. His unique rule was that he would pay for me to play until I missed the target and then we were done. I listened and learned and cost my grandfather a couple of dollars twice a month.

That led him to take me north to a ranch in Sonoma where I started using actual .22 rifles and a process of firearms education stretching through scouting to working as a police cadet, sheriff explorer, reserve, military and careers involving firearms. That same pathway also involved hunting and the use of dogs along the entire course of developing my appreciation for all that we derive from the 2nd Amendment.

I serve you, our members in the capital, not for myself but for those who will follow us. I want them to have the same, if not more opportunities that we all had. The oft heard quote from our side of the debate has been for the better part of 25 years is..."death by a thousand cuts". This is not the Taylor Swift song but the idea that while not one single piece of bad legislation is fatal the accumulation of many leads to the loss of everything we hold near and dear to us. In this case that is the second amendment.

The time for us to quit running away to another state is over.





I can list bill after bill that once passed in California ends up in the very states where people fled to from California. When I started working for CRPA so many were moving to Texas (where Austin has become Sacramento), Arizona (Home of the Giffords law center who writes these bad bills) and the list goes on.

Take AB28 that gave us the 11% excise tax a year ago and went into effect this past July. Now the states of Colorado, Vermont, New York, Massachusetts, Washington and New Mexico all are considering similar legislation based on AB28. Any of those states are ill equipped to fight it and are calling CRPA for help in standing up to the onslaught.

The time to understand that any attack on any aspect of the Second Amendment cannot be tolerated is overdue. Look at the evening news and see how quickly governments in Europe alone turn on their unarmed population with a vengeance that makes Orwell's 1984 look like a kindergarten picnic in comparison. We cannot let our house be divided and that is the central battle plan of those who oppose us.

The session closed with an all too familiar roll out of things to come that can look so innocuous at first glance. Your opposition packages legislative language to look like they are helping you. Remember 2016 and Proposition 63 which passed with 63% of the vote and has been ruled to be

unconstitutional by several courts as the battle continues 8 years later.

Prop 63 was sold to Californians under the title "Safety for all Act" and a large swath of the population looked at the title and voted yes because they wanted people to be safe. The act did the opposite by putting law abiding citizens at a severe disadvantage to be able to protect themselves. I will not belabor the point made by others in *Duncan v. Bonta* and *Rhode v. Bonta*. I will point out how this same tactic is being used again.

Hunting has long been an integral part of the firearms debate as it related to the second amendment. The tradition of firearms for hunting purposes is directly tied to the use of military firearms and thus is supported by the very ruling in the *NYSRPA v. Bruen* landmark supreme court decision. Since the American Revolution forward firearms used by the military have become sporting rifles for the taking of game to feed American families. This is a part of our history and our present way of life. Defending the use of these firearms today by many in competitive shooting sports, self-protection, collections and other Second Amendment activities has long been tied to their application in hunting.

The opposition has been trying to devise ways to remove hunters from the landscape by violating their own rules to do so. Some examples recently are as follows:

- a. Game meat is unsafe - Turth is that there is a plethora of evidence as cited by this author in previous articles based on longitudinal studies from prestigious universities such as the University of Wyoming, Purdue, Harvard as well as respected organizations such as the National Institute of Health and others.
  - b. Blaming hunting as the leading cause of wildlife death - An example is the byline of reports such as the March 2023 University of Davis headline, "Humans are the leading source of death for California Mountain Lions." repeated often in social media without the correct title of "Humans are the leading source of death for California Mountain Lions, Despite Hunting Protections." The fact is that hunting is a management tool that doesn't rank in the top ten causes of death for wildlife.
  - c. Pricing people out of their ability to participate - This is done through taxes such as AB 28 the 11% excise tax, Prop 63 increasing the difficulty in obtaining and affording ammunition to train safely and comply with the lead-free ammunition rules in California.
- The fight has taken a turn to remove dogs used in the

world of hunting and separate arguably the very partnership that according to Caltech researcher John Allman the domestication of Wolves by Neanderthals and early Homo Sapiens (us) gave us the advantage in surviving and thriving. Now there are those who actively seek to break that partnership apart as seen in legislation over the past decade removing hounds from Bear hunting (a practice that provided better hunting and a healthier bear population) to trying to ban sporting dogs all together from the state.

The newest attack developing will involve my new labrador pup, Jack, who is resting at my feet. I am training him like the labradors I have had the privilege of sharing my life with before him to hunt waterfowl and upland game birds.

There are those who seek to take that ability away by introducing the idea that it is for their safety that dogs shouldn't hunt the wetlands because of a miniscule possibility they could be hurt by discarded fishing gear. This same group has also claimed that the plastic wads of shotgun shells are a vital threat and the left's battle cry..." if it saves (fill in the blank) or prevents (fill in the blank) then we are morally justified in doing it.

The reality is that this is a three-prong attempt to do the following:

- A. Turn those who hunt and fish on each other. - Not going to happen because we will stand as one.
- B. Remove dogs from the hunt. - Not going to happen because we will stand as one with dog clubs, organizations,

and science proving this is not the rule.

- C. Mobilize public outcry against outdoor sports - We will not let that happen as we know only 3% of the population agrees with this concept. We will stand and fight.

We must all in this election season vote for people who support us into office at all levels of government. We must keep an eye open and listen to those on the front lines. I will continue to fight for every aspect of your rights in the capital. This is our fight, and we are winning, but we all must choose to set the record straight and not give any ground. The line is drawn in the sand and you're either on one side or the other. **CRPA**

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# QUIET EYE & SHOOTING

## WHAT IS QUIET EYE?

**Q**uiet eye (QE) is a neurophysiological phenomenon that describes the momentary fixation of an athlete's visual gaze during the critical milliseconds that precede a decisive physical action, such as the shooting of a basketball, the putting of a golf ball, or the blocking of a slap shot by an ice hockey goalie. First coined in 1996 by then University of Calgary Professor of Kinesiology, Joan N. Vickers, QE plays an important role in determining the outcome of a physical action, not only in sports, but also, in other activities in which the success of an individual participant's or competitor's action depends on hand-eye coordination, reaction time, fine motor coordination and the ability to perform under stress.



### Performing under pressure: Gaze control, decision making and shooting performance of elite and rookie police officers

Joan N. Vickers<sup>a,\*</sup>, William Lewinski<sup>b</sup>

<sup>a</sup>University of Calgary, Canada

<sup>b</sup>Minnesota State University (Mankato), MN, USA

*Illustration 1. Kinesiologist, Joan N. Vickers, Ph.D. and psychologist, William Lewinski, Ph.D. conducted seminal studies on quiet eye and police use of force.*

QE has also been studied in the context of the shooting sports, specifically, competitive pistol, rifle (in biathlon) and shotgun (including trap and skeet), where hitting targets (paper

or otherwise) with speed and accuracy is the goal. QE turns out to be particularly important in tactical shooting. Thus, numerous studies have been conducted to examine QE in live, force-on-force

encounters (using Simunitions®, not live ammo) between highly experienced and rookie law enforcement officers (LEOs) and would-be assailants (typically, experienced LEOs role playing according to a fixed scenario). Research results indicate that where an LEO focuses his or her visual attention in the very brief time (measured to the millisecond) between un-holstering his or her pistol, raising the gun toward a potential assailant, and pulling the trigger can literally mean the difference between life and death—for both the assailant and/or the LEO. A key study by Vickers and Lewinski<sup>1</sup> showed that, in controlled, force-on-force encounters, “a long duration of QE on critical locations prior to a final action is an important factor in the [LEO’s] ability to perform under pressure.” In other words, the duration of the LEO’s gaze on the immediate source of the physical threat—the assailant’s suspected weapon, is a key factor, and perhaps, the determining factor, in whether or not the LEO’s deciding action (to shoot or hold fire) is not only correct (stopping a deadly threat, versus shooting



*Illustration 2. In studies of the quiet eye phenomenon in law enforcement situations, highly experienced police officers performed better than rookies in simulated force-on-force encounters. Experienced officers were better able to direct and hold their gaze on the perceived threat.*

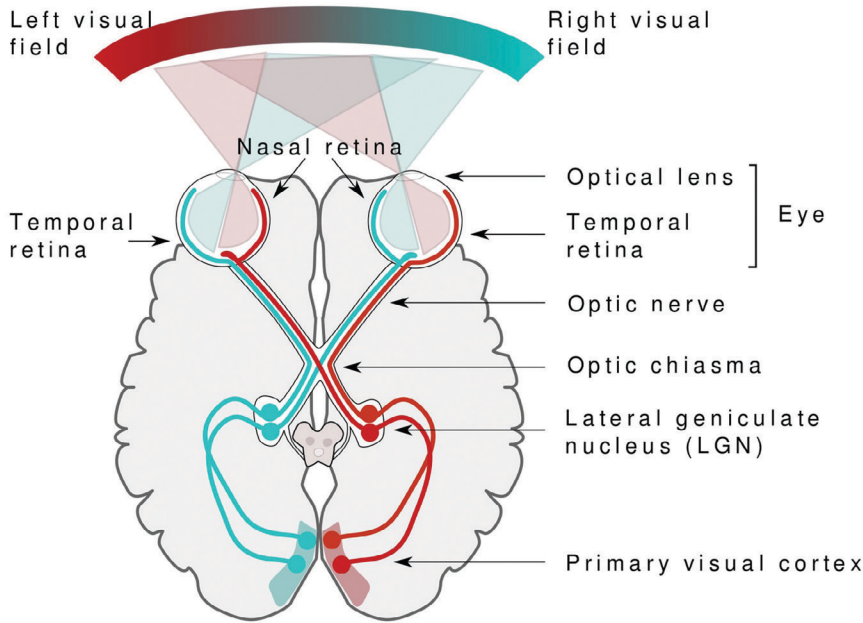
an unarmed suspect), but also, successful (making an accurate shot, versus a poor shot, or a miss).

The neuroscience and physiology of QE are topics worthy of their own discussion, but, for now, let me summarize the basics. The human visual system is a complex assemblage of anatomical, physiological, cellular, and molecular components. On the “input” side, there’s the eyeball itself, the ocular components (cornea, lens, pupil, vitreous, retina, etc.), the photoreceptors (cones, rods), the muscles of the eye and orbit, the optic nerve, the visual tracts, and the neural processing centers of the brain. On the “output” side are afferent neural fibers that lead to the muscles, organ systems and glands that produce a response—a physical action.

During police force-on-force encounters, the visual system has a lot of information to process, and that information has to travel from the threat being observed, to the back of the eye (the retina, where photoreceptors—the cones and rods, are located), up the optic nerve, to the brain, where a decision (shoot/don’t shoot) must be made, and neurologic signals must be sent, first to the spinal cord, and then, out to the muscles of the extremities, including the trigger finger of the police officer. All this neural processing takes time. In the literal blink of an eye, the LEO must decide either to take the shot, or hold fire. If taking the shot, the LEO must attempt to place the shot precisely where it needs to go, not only to neutralize the threat, but also, to avoid harming innocent bystanders.

### **HOW QE IS MEASURED**

QE is physically measured and analyzed with eye tracking hardware and image processing and analysis software. The hardware consists of a digital camera of some sort, mounted on the study subject’s face (as with an eyeglass frame or some other mounting apparatus). The camera follows the position of a particular point on the pupil of the subject’s dominant eye, by which the location of the subject’s gaze is determined and tracked. Software processes the pupil tracking data (position, duration). Importantly, the software detects the small, rapid, finite movements of the eye, known as saccades (from the French, for “jerking”). QE measurements refer specifically to the interval during which the eye is fixated at a particular point, or, in other words, the amount of time that the eye’s



*Illustration 3. Quiet eye is the result of a complex interaction of visual input, sensory processing and neuromuscular response that can be improved with training and experience. Image by Miquel Perello Nieto - Own work, CC BY-SA 4.0, <https://commons.wikimedia.org/w/index.php?curid=37868501>*

gaze is directed at a particular location or object of interest. In the Vickers and Lewinski study, the study subjects' gaze would typically be directed at the potential assailant—his face, his clothing, his arms, elbows, hands, or the possible location of a weapon on the assailant's person or concealed in his clothing. Of course, the entire scene is also captured with digital video cameras, and sound is monitored by microphones. See the referenced publication for the study methodology and a photograph showing how the whole set up worked. There is also a highly informative video of the study arrangement, which makes the study setup perfectly clear.

As a shooting instructor\* I was especially interested to read and contemplate the following comment made by Vickers and

Lewinski in the publication that I cited above. In their paper's Discussion Section, Vickers and Lewinski write: *"...our results suggest that firearms training should change from a process that inadvertently teaches novices to fixate the sights of their own weapon first and target second, to a type of training that establishes the line of gaze on the target from the outset, followed by alignment of the sights of the weapon to the line of the gaze. This change in gaze control would lead to a longer QE duration on the target prior to pulling the trigger and should contribute to better decision making and performance."*

### HOW TO TRAIN FOR QUIET EYE

Training for QE means improving the ability to focus one's visual

attention, or gaze, on what is most critical to the successful performance of a task and directing one's motor response (physical effort) precisely to the point of visual attention. In sports, this would mean, for example, a basketball player spotting the center of the basketball hoop and taking a jump shot while mentally blocking out the waving hands of defenders; an ice hockey goalie zeroing-in on a flying puck as it whizzes toward the net through a swarm of fast-moving skaters; or, in trap and skeet shooting, taking a bead on a clay pigeon and blasting it to dust as it traverses the shooter's field of view. QE training draws on the centering, focusing, and stress reduction techniques of yoga and meditation, on the performance psychology of being "in the zone," and on methods for acquiring and monitoring biofeedback data.

Research on QE in the context of shooting, especially in the context of armed law enforcement and civilian self-defense encounters is not just academic; it concerns matters of life, death, and legality. **CRPA**

\*This article is for informational purposes only and is not intended as instructional advice.

*William L. (Bill) Robbins' interest in the sciences led him to a career in the pharmaceutical, biotech and medical technology industries. An author of several business books and numerous articles on topics including science, shooting and the outdoors, Mr. Robbins is also a NRA Certified Instructor, Pistol and Rifle. see [https://www.youtube.com/watch?v=sWiGfJNFWk&ab\\_channel=CalgaryHerald](https://www.youtube.com/watch?v=sWiGfJNFWk&ab_channel=CalgaryHerald)*

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# CRPA NATIONAL PISTOL TEAM AT CMP PISTOL NATIONALS

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION

**T**he CRPA National Pistol Team made a great run at the top spot at the CMP National Match held at Camp Perry, Ohio in July. Our team of 6 individuals represented the state from Northern California and Los Angeles areas. They fell just short of accomplishing their goal and came in a respectable second place overall. We could not be more proud of all of the team members including Jordan Kramp, Brian Mason, Nesly Kaelin, Mark Fiji, Barbara Crouse, and John Bickar.

John Bickar also won the President's Trophy and is now among an exclusive group of shooters with two back to back championships!

Thank you to all the competitors who shoot in state matches throughout the year and to the ranges that host those matches. CRPA teams are competing at the highest levels of competition and we are proud to show off some of those skills on the national stage.

**CRPA**





# FIREARMS AND SUICIDE PREVENTION

Firearms retailers and range owners are in a unique position to help prevent suicide given their ongoing contact with the firearms-owning community. Suicide prevention training for those who influence a specific community can reduce the suicide risk for that community. Learn more at [afsp.org/firearms](https://afsp.org/firearms).



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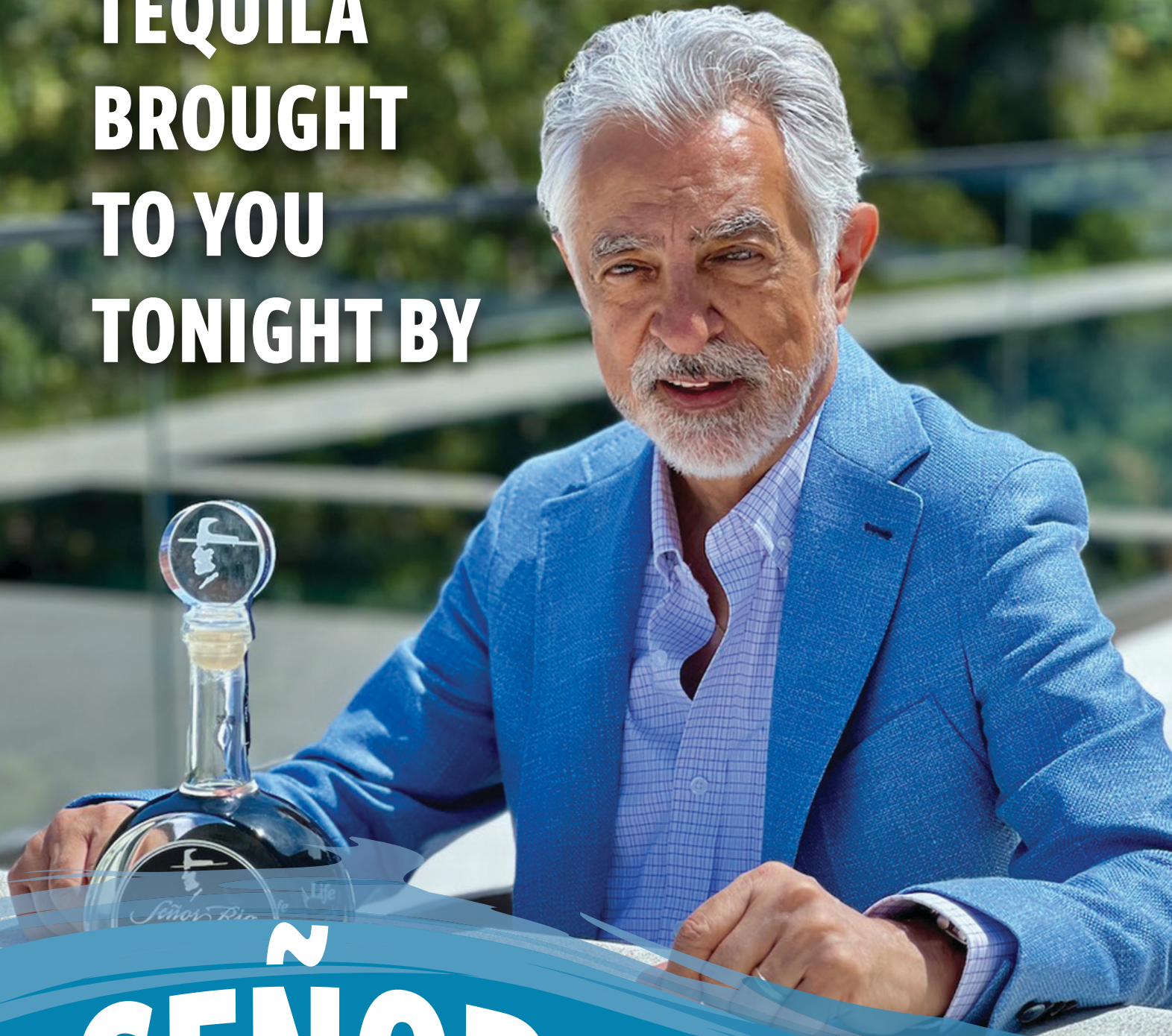
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