

The Courts

Continued . . .

Jackson v. San Francisco – It's no surprise that the City of San Francisco determined that all guns must be locked up, even when someone is home, unless they are physically carrying them on their person...even at night when one is asleep. SF also banned traditional self-defense ammunition that was designed to prevent over penetration in urban environments. We are awaiting a decision by the court as whether it will grant a motion to rehear this case *en banc*.

Parker v. California – This case was filed in response to radical anti-gun leader Senator Kevin de Leon's handgun ammunition registration law, AB 962, which was signed into law by anti-Second Amendment Governor Arnold Schwarzenegger. The district and appellate courts held that the law was unconstitutional and could not be implemented in California. This case is now before the California Supreme Court on its final appeal by the State Attorney General.

Henderson v. U.S. – The issue here is whether a felony conviction, which makes it unlawful for the defendant to possess a firearm, prevents a court (under Rule 41(g) of the Federal Rules of Criminal Procedure or under general equity principles) from ordering that the government (1) transfer non-contraband firearms to an unrelated third party to whom the defendant has sold all his property interests; or (2) sell the firearms for the benefit of the defendant. The

U.S. Supreme Court has decided to hear this case.

Woolard v. Gallagher – This is another case where the issue of "Good Cause" is used as an unconstitutional provision to deny carry licenses. The 4th Circuit Court has ruled that the State of Maryland's *good and substantial reason* requirements to request a CCW are unconstitutional.

Heller III v. DC – This case challenges the government's violation of the legal principles in the original Heller and McDonald decisions. The District of Columbia continues to ignore the fact that the US Supreme Court has invalidated the application of their gun laws.

In 2015, GOC expects to be involved in writing friend of the court briefs in cases challenging California's microstamping law, the 10-Day Waiting period on the purchase of a gun, the California Assault Weapons Act and the California Roster of Safe Handguns!

We expect to have more major victories following on the heels of Heller v Washington DC and McDonald v Chicago. We could not do that without the support of all of our friends and members. Thank you!

Legislative Wrap Up

Continued . . .

carrying a concealed weapon, carry a loaded firearm in a public place, carrying a loaded firearm with the intent to commit a felony, or openly carrying an unloaded firearm in a public place.

SB 577 Anderson (R) - Criminal Law: Deadly Weapons WATCH Spot Bill.

Be sure to keep an eye on our website (www.gunownersca.com) for current updates on what is happening within the walls of the Capitol.



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Our New Frontier...the Courts!

By Sam Paredes, Executive Director

Over the past two years, Gun Owners of California has begun a strategic effort to place a strong emphasis on the courts. In doing so, GOC has become a very significant participant in almost every major Second Amendment-related court case, in both state and federal judicial arenas.

The plain reality is that given the make-up of the California State Legislature, pro-Second Amendment forces are playing a consistently more defensive role fighting legislation sponsored by radical anti-gun Democrats. Even though the liberals can boast domination of the Legislature, GOC has had remarkable success in defeating some of the worst anti-gun bills, and we will continue to fight with intense lobbying efforts. We are, however, working on a multi-pronged approach and are sharpening our focus on the courts, because this is where we have achieved some of our most important successes in recent years.

Let us explain how and why GOC's activities in the judicial process are so important.

When lawsuits regarding challenges against infringements on our Second Amendment rights are filed by one of the pro-gun groups (which includes our sister organization, the Gun Owners Foundation, as well as the National Rifle Association, the Second Amendment Foundation, the California Rifle and Pistol Association, or the CalGuns Foundation), GOC has been able to play an integral role in almost every lawsuit. By filing what are called *Amicus Curiae* or *friend of the court* briefs, which have been written by some of the top pro-gun Attorneys in the country, GOC bolsters and supports these legal efforts, sometimes filling in gaps in the main case, adding a different legal perspective, or bringing up new issues for the courts to consider. This is done in

cooperation with the filer of the original lawsuit to insure that the briefs enhance the main case with critical information.

And, of course, the attorneys do not work for free. Your faithful support for GOC has given us the ability to have a strong impact in this process. This has been and must continue to be a true team effort with strong cooperation and coordination amongst the various organizations.

We are presently engaged in at least 7 very important court cases that challenge infringements on our Second Amendment rights.

GOC has written and funded amicus curiae briefs in the following cases:

Peruta v. San Diego - We have covered this case for over a year now and we are still waiting for a final resolution. Because of the unconstitutional manner in which Police Chiefs and Sheriffs were handling the issuance of Concealed Carry Weapon Permits (CCW) to a majority of residents of California, the 9th Circuit Court ruled that law enforcement officials could not require anything but "self-defense" or "personal protection" as the only constitutionally necessary reason for requesting a CCW. In effect, this made California a "Shall Issue" state. After the ruling by a 3 judge panel, the California Attorney General (AG) attempted to intervene when Sheriff Gore of San Diego County refused to appeal the ruling. The court is still in the process of deciding whether the AG has the right to intervene and one of the members of the 9th Circuit Court has asked for the court to rehear the case *enbanc*, meaning that a new panel made up of the chief justice

and 10 other judges selected at random from the 44 judges that make up the court. We strongly believe that this case, no matter which way it goes, will ultimately go before the U.S. Supreme Court for final resolution.

Fyock v. Sunnyvale – In this case, the City of Sunnyvale CA took the unconstitutional action of banning the possession of so-called High Capacity Magazines, which included those that the State of California deemed legal to possess. The Federal District Judge declared the ordinance by the city as constitutional. On March 5, 2015, Attorney Chuck Michel stated, "An appeal of this decision is already being prepared, in addition to a separate lawsuit on preemption grounds that will be filed against Sunnyvale within the week. This decision, like other recent Second Amendment decisions from the Ninth Circuit, is based on a fundamental misapplication of the Supreme Court's ruling in the Heller case, and it is time for the Supreme Court to emphatically let lower courts know that it meant what it said."

The Courts

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TO: **SENATOR H. L. RICHARDSON, (ret.)**

YES! I want Gun Owners of California, Inc. to continue fighting for our 2nd Amendment rights. I understand the minimum donation of \$35.00 entitles me to full membership benefits.

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See Inside . . .

Senate Republicans Seek Oversight Hearing to Examine Significant Backlog in Attorney General Kamala Harris' Program to Take Guns from Criminals and Mentally Ill

By Senate Minority Leader Bob Huff

SACRAMENTO -Senate Republicans sent a letter to Senate President pro Tem Kevin de León asking for an oversight hearing on why there remains a significant backlog in the seizure of firearms illegally in the possession of criminals and the mentally ill. According to Attorney General Kamala Harris' office, the backlog in the number of prohibited persons who possess firearms has only been reduced by 3,770 thereby allowing 17,479 prohibited individuals to continue to illegally possess over 36,000 firearms despite having spent 40 percent of the funds appropriated in 2013 to eliminate the entire backlog.

In the immediate aftermath of the Sandy Hook tragedy in 2013, the Legislature authorized an audit of the California Attorney General's Armed Prohibited Person System (APPS). APPS is a unique database that cross-references firearm owners in California against domestic violence restraining orders, and mental health and criminal history records to determine persons who have been, or will become, prohibited from

possessing a firearm subsequent to a lawful purchase. The 2013 audit found that there was a backlog of 20,000 armed prohibited persons in California with more than 40,000 firearms.

In response, the Legislature passed Senate Bill 140 authorizing \$24 million to the DOJ, which according to a press release by Attorney General Harris would allow her to hire 36 new agents to reduce the backlog. DOJ now indicates that it only hired 18 additional agents despite claiming that addressing this significant public safety issue was a high priority.

In fact, during a joint hearing of the Assembly and Senate Public Safety Committees on January 29, 2013, DOJ Firearms Bureau Chief Stephen Lindley stated that the APPS was "a priority for Attorney General Kamala Harris," and that the department could "arrest and investigate" its way out of the backlog in a three-year period with "roughly \$8 million per year." Upon further questioning by the Legislature, Chief Lindley agreed that with a \$25 million appropriation in theory it would be possible

to eliminate the backlog in just one year.

In the letter, Senate Republicans ask for a joint oversight hearing by the Senate Public Safety Committee and Senate Budget Subcommittee #5 to review the APPS program and the recent report outlining its lack of significant progress in clearing the APPS backlog. This oversight hearing should investigate:

1. How the Attorney General spent 40 percent of the funds when they didn't hire the needed staff to end the backlog.
2. The Attorney General's plan for future expenditures to actually eliminate the APPS backlog.
3. Why the Attorney General's office omitted information required under SB 140 regarding the breakdown of why each person in the APPS is prohibited from possessing a firearm.

2015 Calendar of Events

Friday, April 24th

Sacramento/Rocklin Crab Feed
Citrus Heights Community Center

Saturday, May 16th

San Diego (First Annual!) Second Amendment Celebration Dinner
San Diego Hall of Champions

Saturday, June 20th

Sporting Clay Shoot
(In Memory of Scott Friesen)
Camanche Hills Hunting Preserve

Friday, June 26th

Oroville Prime Rib Dinner
Southside Oroville Community Center

Just Guns Taking Over the Air Waves

Monday morning commutes across the state have taken a turn, as more and more listeners are tuning in to The Just Guns Radio Show on Money 105.5fm. While the show primarily reaches the greater Sacramento area, gun owners throughout California and beyond are catching the legislative, legal, and industry updates via iHeartRadio and the Just Guns website (www.justgunsradio.com). Every week, Sam Paredes and Josh Deaser discuss the leading firearms related topics and news stories, while providing an inside look into the halls of the State Capitol and the courtrooms. One of the leading pro-gun attorneys in the country, Chuck Michel, also joins in to give insight into the strategies that take place in the battle over the Second Amendment.

If you haven't listened in, why not take a shot? Check it out on Mondays from 8am-9am and again from 6pm-7pm for the Sacramento region on Money 105.5 or on iHeartRadio (search "Money 105.5") or anytime on www.justgunsradio.com!

Let's Get Social!

#anarmedsocietyisasafesociety

If you aren't already following GOC on one of the many social media outlets that we frequent, do us a favor: follow, like, & subscribe! We want to amp up our social media presence and you can help us make a greater impact! We have started to use a hashtag on our instagram (@gunownersca) to promote the FACT that an armed society is a safe society. Will you help us spread the work by hashtagging your pictures and Second Amendment related posts with #anarmedsocietyisasafesociety?!

We want to spread this hashtag and this fact around the state (and beyond!)! Look for it on our Facebook (facebook.com/gunownersca), Twitter (@gunownersca), and instagram (@gunownersca)! Thanks for the help, gun owners!

What Are We Up Against This Legislative Session?

By Mary Barb, Legislative Assistant

As we gear up for spring (wait, isn't it already spring? I mean, look outside!), there have been a total of 22 bills introduced within the Second Amendment realm. That's a lot, but we've had worse, and 11 of the 22 are actually pro-Second Amendment! Several of them are still "spot bills", which are vague in content and serve to hold a number, which enables the author to amend it after the bill introduction deadline passes. Be sure to watch for our updates, because as bills are amended, our positions on many that are currently labeled *watch*, may change to *support* or *oppose*.

AB 144 Mathis (R) - Peace Officers WATCH
Spot Bill.

AB 150 Melendez (R) - Theft: Firearms SUPPORT
Makes the theft of a firearm grand theft in all cases a felony.

AB 225 Melendez (R) - Gun Violence Restraining Orders: Offenses SUPPORT
Makes it a felony to file a false gun violence restraining order (GVRO).

AB 395 Gallagher (R) - Hunting: Nonlead Ammunition SUPPORT
Repeals the restriction against the use of nonlead ammunition for the taking of all wildlife and related provisions.

AB 443 Alejo (D) - Forfeiture WATCH
Subjects property acquired through or as proceeds of criminal profiteering activity to forfeiture. Trafficking in firearms or other deadly weapons and trafficking in endangered species can constitute a criminal profiteering activity.

AB 462 Grove (R) - Firearms: Waiting Period SUPPORT
Spot Bill regarding application of 10 day waiting period laws.

AB 499 Cooley (D) - Archery Season: Concealed Firearms SUPPORT
Allows CCW holders to carry a handgun while engaging in the taking of deer with a bow and arrow as long as he or she does not take or attempt to take a deer with the firearm.

AB 529 Jones-Sawyer (D) - Armed Prohibited Persons: Vehicle Registration WATCH
Requires the DOJ to allow the DMV to access a certain database in connection with the registration of vehicles and the issuance and renewal of driver's licenses.

AB 892 Achadjian (R) - Unsafe Handguns: Peace Officer's State-Issued Handguns SUPPORT
Exempts from prohibition the purchase of a state-issued handgun by the spouse or domestic partner of a peace officer who died in the line of duty.

AB 947 Chavez (R) - Controlled Substances: Firearms SUPPORT
Imposes an enhancement on the sentence of a person who is personally armed with a firearm in the commission of a violation of specified controlled substance offenses, requires the enhancement to be served in state prison.

AB 950 Melendez (R) - Firearms: Gun Violence Restraining Orders (GVRO) SUPPORT
Allows a person who is subject to a GVRO to transfer their firearms or ammunition to a licensed firearms dealer for the duration of the prohibition or surrendered to a law enforcement agency.

AB 1134 Stone (D) - Firearms: Concealed Firearm Licenses WATCH
Provides that the sheriff can enter into an agreement with the chief of a municipal police department to process all applications, renewals and amendments for CCW's.

AB 1154 Gray (D) - Applications for Licenses SUPPORT
Provides that the Public Records Act shall not be construed to require the disclosure of the home addresses and telephone numbers of applicants that are set forth in applications to carry firearms.

AB 1415 Steinorth (R) - Firearms: Felons in Possession of Firearms WATCH
Makes it a felony for a person who has had his or her felony conviction recalled and has been resentenced to a misdemeanor to own, purchase, receive, or have in possession or under custody or control of any firearm.

SB 347 Jackson (D) - Firearms: Prohibited Persons WATCH
Adds to the list of misdemeanors, that will provide loss of gun rights.

SB 452 Galgiani (D) - Theft: Firearms SUPPORT
Makes the theft of a firearm a grand theft in all cases. Makes buying or receiving a stolen firearm a misdemeanor or felony.

SB 456 Block (D) - Criminal Threats: Discharge of a Firearm WATCH
Makes it a crime for any person to maliciously threaten to discharge a firearm on the campus of a university, college, school, or school-sponsored event, and who maliciously causes the report of that threat to be made to law enforcement.

SB 566 Bates (R) - Firearms SUPPORT
Relates to firearms. Exempts honorably discharged members of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States from complying with the firearm safety certificate requirement.

SB 678 Hill (D) - User-Authorized Firearms WATCH
Makes it a misdemeanor for a person to sell, lend, or give a user-authorized firearm that does not meet specified requirements.

SB 707 Wolk (D) - Firearms: Gun-Free School Zone WATCH
Allows a person holding a valid CCW, and a retired peace officer authorized to carry, to carry a firearm in an area that is within specified feet of, but not on the grounds of, a public or private k-12 school. Deletes an exemption regarding possession of a firearm on the campus of a university or college.

SB 714 Nielsen (R) - Firearms WATCH
Imposes an additional and consecutive term in state prison upon a person who was prohibited from possessing a firearm because of a previous felony conviction, and who is convicted of

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