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DOJ Response to Misleading February 2002 *California Gun Owners* Article

An article pertaining to California's firearm safety device law recently appeared in *California Gun Owners* magazine (Paredes, S (2002). SB 510 A Fix that is No Fix. *California Gun Owners*). This article contained many inaccuracies about California's implementation of the firearm safety device statute.

THIS IS THE DEPARTMENT OF JUSTICE (DOJ) RESPONSE TO MISREPRESENTATIONS IN THE ARTICLE

- The article refers to the new law as a "disaster." The fact is that the law does not prevent any law-abiding citizen in California from purchasing any lawful firearm at any time. The law has also directly led to improvements in the technology, reliability, affordability and availability of quality Firearm Safety Devices (FSDs). This law is a success, not a disaster.
- The article states that the DOJ did not release a list of approved FSDs until the last week of December 2001. The fact is that the DOJ released a list of approved FSDs on May 15, 2001, more than six months before the requirement went into effect.
- The article asserts that there was nothing "wrong" with the old FSDs. Prior to this law there were many situations where FSDs were purchased by individuals or given away by charity groups or law enforcement only to find they did not provide much more than a modest amount of protection from intrusion. We found that few prior FSD models would have passed the simple ten-minute intrusion effort using the common household tools standard. The inadequacy of the old FSDs clearly indicate that there was something wrong.
- Finally, the article states that, "...almost no firearm transactions were occurring anywhere in California" and that DOJ's legislation this year is in response to reduced funding from firearm transactions. The truth is that more guns have been sold during the first two months of this year than last, and our effort to amend the law stems from a desire to help gun owners.

We feel the implementation of this law was very well carried out and the industry's concerns were addressed at each and every turn so as not to unfairly impact the sale of firearms. The results are clear - today's approved FSDs are far better and more reliable than their predecessors, resulting in an improvement in the public safety. Firearm sales have increased over the last year, and we see no evidence that this new law has done anything but improve FSD technology and reliability.

SB 510

A Fix that is No Fix!

By Sam Paredes

Assemblymen Jay LaSuer and Dennis Hollingsworth took the lead in the Public Safety Committee and on the Assembly Floor respectively, in stopping SB 510 by Senator Jack Scott dead in its tracks.

A funny thing happened on the way to implement California's new trigger lock law that went into effect January 2002. We knew this law as AB 106, by anti-gun Assembly members Jack Scott and Dion Aroner. It was the so-called "trigger lock law" that now prohibits transfer of ANY firearm unless there is an "approved firearms safety device (FSD)" sold with the gun. It doesn't matter if it is a dealer transaction or a private party transfer. The only exception to this new requirement is if the purchaser can prove, under penalty of perjury, that he has an approved gun safe at home.

Of course the anti-gun proponents in the legislature thought that this was a simple deal and wouldn't cause any



Assemblyman Dennis Hollingsworth of Murrieta, led the fight on the Assembly Floor to defeat SB 510. Hollingsworth is presently running for the 36th Senate District against Assemblywoman Charlene Zettel who voted to ban semi-auto firearms in CA. GOC has endorsed Hollingsworth.

undue hardship or expense to law-abiding gun purchasers. But, as lobbyist for GOC, NRA, and CRPA pointed out during testimony before committee, this law was doomed to be a disaster. And it is.

The legislature failed to define what an approved FSD meant and left it up

to Attorney General Bill Lockyer to develop criteria, definitions and regulations regarding trigger locks. As you can imagine, instead of developing a race horse, the bureaucrats defined a six-legged, triple-bumped camel that doesn't even exist in mythology. The gun folks tried to explain to the legislature that first-of-all, a problem did not exist, secondly that one of the most effective trigger locks available is a simple \$3.00 bi-

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(Continued from page 2)

cycle lock. They would have none of that.

The Attorney General's DOJ Firearms Division developed criteria that said that if a locking device can be disabled within 15 minutes using common household items, it would not qualify to make the approved list. They then took a survey, of who knows how many households, to find out what "common household items" were. You can only imagine what they found. Needless to say, the DOJ ended up developing a list of characteristics that an FSD must have in order to qualify, that basically disqualified almost all existing trigger locks and devices on the market to date.

Certain mainstream lock manufacturers and some enterprising entrepreneurs took it upon themselves to try to fill the market and cash in on the government created demand. But, these folks were no dummies. Many of them developed new designs and submitted samples to DOJ for evaluation. Some of them passed, but there was one major problem, most of them were prototypes and not yet close to production. It seems that the manufacturers were not willing to ramp up production until they knew that they were approved. Transitioning from prototype to production was going to take considerable time.

Here is the rub, DOJ did not release a list of approved FSD until the last week of December 2001. This did not give manufacturers enough time to make the devices nor did it allow dealers enough time to stock or even find any quantities of approved FSD's and they realized that many models of firearms may never have an approved FSD made for them. This created a major problem statewide. Almost no firearms transactions were occurring anywhere in California. Legal firearms transfers were basically banned.

You would think that the anti-gunners won - they banned gun

sales! Well, there is a silver lining to every cloud. You see, with few or no firearms transactions taking place, that meant that no Dealer Record of Sales fees were being collected. Guess what! The DOJ Firearms Division (the gun police) receives a major part of its funding from those fees. They ended up inadvertently cutting off their own life's blood.

Attorney General Lockyer knew he was in trouble because thanks to Governor Gray Davis' squandering of the State surplus, there were no prospects of the AG ever getting back the funding he was losing. His only recourse was to go back to the legislature and request an urgency bill to correct this problem because he couldn't go a whole year with reduced funding. This legislation would go into effect immediately upon receiving the Governor's signature.

Enter the Republicans. Urgency legislation requires a 2/3rds vote so all of a sudden the Republicans were relevant. The anti-gunners needed at least 4 Rep votes.

Senator Jack Scott agreed to amend SB 510 (which was previously another hideous bill requiring "loaded chamber indicators and magazine disconnects" on all semi-auto handguns) to correct the problem affecting AB 106. Scott thought he was cute by offering amendments that in fact wouldn't fix the problem at all, only delay the implementation of the law allowing the DOJ to pressure manufacturers into developing new trigger lock designs.

With the help of a united Republican Caucus, the united pro-gun forces, and a bunch of somewhat moderate Democrats who were embarrassed by Jack Scott's charade, we were able to stop the bill on the Assembly Floor where Scott was only able to garner 34 votes when he needed 54. Senator Scott was shell shocked by this defeat.

Immediately there were calls for

meetings from Scott's office to see where we could agree. These meetings proved to be unfruitful because they were unwilling to meet our basic demands. We said that unless they agreed to exempt any firearm that either did not have a trigger lock available for it or if the dealer could not secure one due to unavailability, with no sunset provisions for these exemptions, we would not consider anything. Our position was that if a firearm is legal to own, then it should be legal to transfer.

The latest offer presented by the DOJ was rejected out of hand because it would subject dealers to undue liability. At this year's SHOT Show held in Las Vegas, we found a representative of the DOJ trying to sell the attending FSD manufacturers on their latest proposals. We made sure that they got the straight scoop from us after the DOJ made their pitch.

SB 510 is not yet technically dead but we will keep an eye on it. In the mean time, we will research the possibility of filing a law-suit to overturn the original law AB 106 because it is unconstitutionally vague, not to mention stupid.

Since his election in 2000, Assemblyman Jay LaSuer of La Mesa, has been one of our stalwart pro-gun leaders in the Assembly. He is Vice Chairman



of the Assembly Public Safety Committee. A retired police officer and having served with the 101st Airborne Division, Assemblyman LaSuer brings a credible and authoritative perspective to the Assembly especially regarding law-enforcement and Second Amendment issues.