



Written by [James Heiser](#) on January 1, 2011

## Californians Face New 2nd Amendment Restrictions

The adoption of AB 962 on October 11, 2009 is one more of the grave betrayals of the rights of Californians to occur under the misguided leadership of [RINO Governor Arnold Schwarzenegger](#), who refused to veto the bill, despite his veto of similar legislation in 2004. Various legal challenges have been raised to provisions of the new law, but unless there is court action before the end of January, the law will go into effect February 1, 2011.



The draconian provisions of AB 962 criminalize the transfer of ammunition in California in the absence of extensive reporting (including obtaining a thumbprint) for every sale. The [Legislative Counsel Digest](#) observes of the bill's provisions:

This bill would, subject to exceptions, commencing February 1, 2011, require handgun ammunition vendors to obtain a thumbprint and other information from ammunition purchasers, as specified. A violation of these provisions would be a misdemeanor.

This bill would provide that a person enjoined from engaging in activity associated with a criminal street gang, as specified, would be prohibited from having under his or her possession, custody, or control, any ammunition. Violation of these provisions would be a misdemeanor.

The bill would prohibit supplying or delivering, as specified, handgun ammunition to prohibited persons, as described, by persons or others who know, or by using reasonable care should know, that the recipient is a person prohibited from possessing ammunition or a minor prohibited from possessing ammunition, as specified. Violation of these provisions is a misdemeanor with specified penalties.

The bill would provide, subject to exceptions, that commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face transaction, with the deliverer or transferor being provided bona fide evidence of identity of the purchaser or other transferee. A violation of these provisions would be a misdemeanor.

By creating new crimes, this bill would impose a state-mandated local program.

Restricting ammunition sales is a relatively new tactic which the Left is using to deprive Americans of their constitutionally guaranteed right of self-defense. Since the Supreme Court has upheld the constitutionally enumerated right of possessing firearms for self-defense, the logical next line of attack for those who are waging war against our civil liberties is to take away the ammunition. The substantial penalties threatened against anyone violating the provisions of AB 962 (up to a year in jail and a \$1000 fine) are enough to give pause to anyone except the criminals the law was purportedly enacted to stop from getting access to ammunition. And, in the minds of legislators, "ammunition" is a stunningly



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variable concept:

For purposes of this subdivision, “ammunition” shall include, but not be limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. “Ammunition” does not include blanks.

Calling a speed loader or a magazine “ammunition” is like referring to an automobile transmission or a spare tire as “gasoline.”

Thus far, the intimidation seems to be working. For example, Cheaperthandirt.com — one of the largest online retailers of ammunition, firearms, and related supplies — filed a [Declaration in Support of a Preliminary Injunction](#) in June which made it clear that the restrictions on “handgun” ammunition functionally banned the company from selling any ammunition to Californians:

Because I do not know what “handgun ammunition” is under California Penal Code sections 12060, 12061, and 12318, CTD, Inc. will cease shipping all types of ammunition that are suitable for use in both handguns and long guns to non-exempt California customers beginning January 1, 2011 to avoid risking criminal prosecution under California Penal Code section 12318.

At present, it appears that the only thing which could halt enactment of AB 962 would be a ruling in the case of Parker et al. v. State of California, et al. [According to the “Daily Bulletin” at AccurateShooter.com:](#)

Right now it looks like “handgun ammunition” will be interpreted broadly, and this could include .223 Rem, 30/30, 7.62×39 — basically anything that has ever been shot in a handgun (even the single-shot variety).

Not surprisingly, the California Department of Justice has not created any regulations to better define what constitutes “handgun ammunition” under AB 962. Currently, the Department of Justice is involved in litigation challenging the constitutionality of AB 962. The case, Parker et al. v. State of California, et al., is expected to go to trial January 18, 2011. The judge has indicated he intends to render a ruling before February 1.

Meanwhile, the California Department of Justice has refused to provide any practical guidance that would better enable industry members to comply with the law’s vaguely worded definition of “handgun ammunition.”

The Justice Department’s nebulousness in defining “handgun ammunition” is another element of the Left’s pattern of intimidation: Law-abiding citizens and frightened merchants will err on the side of caution, knowing that almost any sale might constitute the basis for jail time in the hands of a government which has apparently lost any regard for the rights of the citizens to whom it is supposedly accountable.



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