

NEWSOM'S INITIATIVE IS BAD NEWS FOR PROSECUTORS

Newsom's initiative would ask prosecutors to bring charges against non-criminals, such as:

(For the Ban on Possession of Magazines Over 10 Rounds):

- Other states' peace officers lawfully carrying under HR 218 (LEOSA).
- Retired peace officers.
 - o A court will likely void the exception allowing retired officers to possess such magazines as violating Equal Protection. *See Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002);
 - o The exception doesn't apply to former reserve officers or officers who served for years but who didn't qualify for or didn't take a pension, regardless of the nature of their service because they do not meet the "honorably retired" definition;
 - o Does not allow retired officers to bring back lawfully owned 10+ round magazine to CA.
- Law-abiding people, including fellow prosecutors, who fail to timely surrender their magazines.

(For the Ammunition Purchaser License & Registration Requirements):

- Retired, and non-full time CA and federal peace officers and prosecutors who:
 - o purchase *any* ammunition without: obtaining an "ammunition purchase authorization," processing the transfer through a licensed ammunition vendor, and disclosing personal identifying information, including a **residential** address;
 - o bring any ammunition back into the state that was purchased elsewhere;
 - o sell any amount of ammunition to anyone who is not their spouse, immediate family member, or other specially situated person, without going through a licensed vendor;
 - o give or receive any ammunition via the mail to or from anyone other than their spouse, immediate family member, or other specially situated person.
- Current, full time peace officers are not exempt (except for bringing ammunition back into the state or receiving it via mail) **unless** they obtain written certification from their agency head confirming each purchase is authorized, which will generally not be given due to time demand.
- Law-abiding people who sell small amounts of ammunition, e.g., to a neighbor going hunting.

Newsom's initiative provides prosecutors no new tools against real criminals, especially after Prop 47:

- The penalties for most of these new crimes are infractions, woblettes, or minor misdemeanors, which will be pled away or have no teeth thanks to Prop 47 (which Newsom supported).
- Law-abiding firearm owners will be less willing to frankly cooperate with police and prosecutors as they traditionally have for fear that they are violating some obscure, new gun laws.

(For the Reporting Lost and Stolen Guns Requirement):

- This law cannot be used against real straw purchasers because: (a) they do not technically violate it; and (b) the Fifth Amendment precludes compelling them to report their crime.
- There have been **zero** investigations, arrests, or convictions by cities that have this law in place.
- For more problems with this law for prosecutors and in general see C.D. Michel's article "Gun Theft Reporting Proposal Will Frustrate Prosecutions."

Please help contribute to the fight at: <http://www.stoptheammograb.com/>

**Paid for by Coalition for Civil Liberties,
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