

S A A M I

SPORTING ARMS AND AMMUNITION MANUFACTURERS' INSTITUTE, INC.

LAWRENCE G. KEANE
GENERAL COUNSEL

December 16, 2004

All Members of the California Legislature
California State Capitol Building
Sacramento, CA 95814

Re: Opposition to Proposed California Legislation to Mandate Serialization of Bullets, Cartridge Casings and Packaging

Invitation to Tour an Ammunition Manufacturing Facility

To California Legislature:

The Sporting Arms and Ammunition Manufacturers' Institute (SAAMI) is the nonprofit trade association for the nation's leading manufacturers of sporting firearms and ammunition. Since its formation in 1926 at the request of the federal government, SAAMI has been actively engaged in the development and promulgation of product standards for firearms and ammunition. SAAMI publishes more than 700 voluntary standards related to firearm and ammunition quality and safety. The U.S. military, the Federal Bureau of Investigation, and many other state and local law enforcement agencies frequently require that their suppliers manufacture to SAAMI specifications. SAAMI is an accredited standards developer for the American National Standards Institute ("ANSI").

We are aware of a proposal being considered that would legislatively mandate that all "handgun ammunition" cartridges manufactured, imported, sold at retail or possessed in the state of California have a serial number laser engraved on the bottom of the bullet (projectile) and on the inside of the cartridge casing, that all cartridges contained in a box of "handgun ammunition" would bear the same unique serial number, that the packaging would also bear the serial number for the cartridges contained in that box and that each box of "handgun ammunition" and the cartridges contained therein would have a unique serial number. We also understand that under this proposal licensed retail firearms dealers would be required to record the identity of the purchasers and the serial number of the ammunition to be housed in a government run database.

At the present time, and based on information currently available to us, SAAMI is strongly opposed to this proposal for a number of reasons. SAAMI is proud of its support of law enforcement in its efforts to reduce the criminal misuse of firearms. Like the proposal for "ballistic imaging" recently considered in California, SAAMI believes there are important cost/benefit and public policy questions that must be fully examined and answered before "bullet serialization" of ammunition is imposed upon our industry by the legislature. I have attached for your consideration a partial list of issues and questions we feel are raised by this proposal.

Our paramount problem with this bullet serialization proposal is that, as a practical matter, ammunition manufacturers simply could not comply with the requirements of such a legislative mandate. Modern ammunition production processes and distribution practices are utilized by the ammunition industry

to manufacture and distribute approximately 8 billions of rounds of ammunition each year. Some factories are capable of, and do, manufacture as many as 1 million rounds of ammunition in a single day. To implement the bullet serialization system contemplated by this proposal would require nothing less than manufacturers having to build new factories at the cost of hundreds of millions of dollars. It is far more likely that ammunition manufacturers would abandon the California marketplace rather than incur such costs which they cannot afford to bear.

Any attempt to comply with the proposed requirements would result in a massive slow down in production. A massive reduction in production translates into a massive reduction in sales and profitability. It is not an overstatement to say that complying with the mandate would result in bankruptcy for any ammunition manufacturer that tried. While the proposal may have some initial appeal and sound reasonable, when subjected to closer scrutiny it is completely unrealistic to believe that serialization can be accomplished on the various types of equipment being used by the manufacturers for less than a cost that far outweighs any possible benefit.

It is also absolutely clear that ammunition manufacturers will be unable to guarantee that, within a carton of ammunition, all cartridges will have the identical serial numbers. They will also be unable to guarantee that the bullet and cartridge case serial numbers will be identical, or even present. Once this inevitable consequence of manufacturing reality is admitted as fact in the courts, the whole serialization mandate becomes suspect.

Maintaining integrity in packaging is even more dubious. Despite the best efforts of humans and machines, loaded rounds will be mixed between boxes. Even at the retail/consumer level the loaded rounds can be moved between boxes, deliberately or inadvertently. This reality, when admitted as fact in court, will make the matching of serial numbers on ammunition components to their original box equally suspect.

SAAMI would be pleased to arrange a tour of an ammunition manufacturing factory for members of the Legislature that would be interested in seeing first hand why the proposal is simply impossible for ammunition manufacturers to comply with.

In addition, there are other more generalized public policy considerations. We are unaware of a single study by a criminologist that has examined the question of whether bullet serialization would be an effective means of reducing the criminal misuse of firearms. Similarly, we are unaware of any study that attempts to compare the costs to taxpayers, consumers and industry, of such a system relative to other proven and effective crime reduction strategies. Assuming *arguendo* a manufacturer could somehow comply with the requirements of the proposal, the potential impact on municipal budgets that would result from the necessarily dramatic increase in the cost of ammunition for law enforcement agencies is an appropriate subject for the legislature. There is no *bona fide* reason to exempt law enforcement ammunition from the requirements, as the theory behind this proposal would be equally of assistance in law enforcement involved shootings.

We also believe there needs to be further independent, objective study of the technology and its feasibility. As you may know, the National Academy of Sciences is currently conducting a feasibility study of "ballistics imaging." SAAMI supported federal legislation introduced in the 107th Congress calling for such a study, and we support NAS's study. To our knowledge, the very limited testing of this technology has been done primarily by the company, Ravensforge (www.ravensforge.com)¹, which has a vested financial interest in the outcome of any testing. In conducting what limited testing it did, Ravensforge did not consult with any ammunition manufacturer as to the feasibility, of lack thereof, of incorporating its technology into

¹ Ravensforge primarily manufactures and sells products to eliminate damage caused by skateboards.

the production process and the impact it would have on the manufacturer. The issue of whether the legislature would be creating a monopoly for Ravensforge must also be considered. This appears to be a "sole source" technology.

There are many other issues that should be considered, such as the adverse impact on California firearms dealers and the impact on firearms manufacturers if consumers are unable to purchase ammunition in California. Consumer privacy is also implicated by this proposal.

We welcome the opportunity to participate in this important public policy discussion and to make known our views. If you have any questions, please feel free to contact our legislative advocate, Ms. Kathryn Lynch, at (916) 443-0202 or myself. SAAMI wanted to communicate with the Legislature and the administration before such legislation proceeds

Sincerely,

A handwritten signature in cursive script that reads "Lawrence G. Keane".

Lawrence Keane
General Counsel

Enclosure

cc: The Honorable Arnold Schwarzenegger, Governor of California
The Honorable Members of the California State Legislature
The Honorable Bill Lockyer, Attorney General of California
Ms. Nancy Lake, Executive Director, California State Sheriffs' Association
Mr. John Lovell, Legislative Advocate, California Police Chiefs' Association
Mr. Ron Cottingham, Legislative Advocate, Peace Officers Research Association of California
Ms. Karen Pank, Deputy Legislative Secretary, Office of the Governor