



May 31, 2005

To California Sheriff's

Re: SB 357 (Dunn) Ammunition: serialized handgun ammunition and  
AB 352 (Koretz) Firearms: microstamping

Dear California Sheriff:

This letter is to provide you formal notification that the above depicted organizations are opposed to the enactment of SB 357 (Dunn) Ammunition: serialized handgun ammunition, and to urge that California Sheriffs also oppose it.

The Department of Justice theorizes that such serialization would allow law enforcement to apprehend persons who use handguns illegally through the matching of serial numbers on spent projectiles found at crime scenes to a Department maintained registration list of ammunition buyers. However, the reality of this theory is that it is wishful thinking, at best, to believe that such a scheme would really work in the world of real life application. There are simply too many uncontrollable variables that would make it impractical as a tool for purposes of criminal identification. The issue of survivability of a serial number on bullets is only a small part of the total picture, and is not a factor in the decision to oppose this bill.

DOJ asserts that, except for start up costs which it plans to take from the Wal-Mart Settlement Litigation Deposit Fund, SB 357 is self funding. Perhaps it is relative to the Departments own costs that it has identified to date. However, there are other substantial costs to government not identified by DOJ including the costs associated with the storage and disposition of non-serialized ammunition turned into law enforcement agencies by the public (requires disposal as hazardous waste), the loss of Federal Pittman-Robertson funds now paid to the state which funds Department of Fish and Game Law Enforcement and other DFG programs, the necessary public information campaign about the prohibitions and the felony penalties in SB 357 (not provided for in the bill), lawsuits against the state and local governments for the unconstitutional taking of privately owned property without compensation (non-serialized ammunition), the increased price to law enforcement of serialized ammunition and related record keeping, and the increased incarceration of both intentional and unwitting violators from the three new crimes chargeable as felonies that the bill would create. There would be other costs to government in addition to those listed above.

In addition to costs, there are additional real life variables not considered by DOJ including the fact that ammunition often changes hands, in some cases several times, before it is fired. There is no reliable way to track a single round of serialized ammunition from the point of manufacture to the end user. In fact, it would be impossible. Ammunition is frequently lawfully transferred to another person at such places as estate sales, garage sales, sportsmen`s swap meets, sportsmen`s fund raising events, etc. It is given as gifts, is loaned, and is also stolen during the course of a burglary. There are many other ways it can both lawfully and unlawfully change hands. SB 357 has no provisions to deal with any of these issues. It`s drafting is inadequate to achieve its stated purpose and it would actually cause far more problems than it would solve.

Criminal street gang members and other perpetrators of crime are often under the legal age for buying handguns and ammunition. Yet, they have no trouble getting both from sources other than the retailers who would be DOJ`s only suppliers of registration information upon which the proposed legislation would depend. It would not take long before criminals of all kinds learned not to buy ammunition from retailers. They can easily obtain ammunition from out of state sources or in the underground marketplace in California, etc. They have historically done so. There are also many other non-traceable sources from which criminals can procure ammunition. They do not need to buy serialized ammunition from a retailer, and they will not.

SB 357 depends upon the cooperation of criminals who are expected to foolishly make their ammunition acquisitions from retailers and to register themselves as serialized ammunition buyers. Except for a few anomalies, this will not happen. It is unrealistic to think that it will.

Ammunition manufacturers have pointed out several valid problems with trying to implement SB 357 such as the safety hazards of introducing a laser into a work environment where gun powder and priming compound are also present. Notwithstanding the huge costs and practical engineering problems associated with safely and mechanically implementing SB 357, just the safety hazards alone could cause a dramatic rise in insurance and workers compensation costs for the affected employers. It could even affect their viability as American businesses who employ thousands of workers. If they cannot successfully operate under the conditions that this proposal would impose, who would supply American law enforcement and the military with ammunition? The ammunition manufacturers have clearly stated that the only realistic business decision they could make if SB 357 becomes law would be to simply abandon California as a marketplace for their products. There is no doubt that they would do so. This would include sales to law enforcement.

The undersigned also urge your opposition to the enactment of AB 352 (Koretz) Firearms: microstamping. This proposed legislation would place an unrealistic and inappropriate burden on lawful firearms buyers and the manufacturers of the firearms that they purchase. Manufacturers report that it would add an additional \$50.00 - \$100.00 to the price of a semiautomatic handgun, depending upon the make and model. This would also apply to handguns sold to law enforcement.

Although the technology AB 352 seeks to promote has been shown to work under controlled laboratory conditions, it has not been adequately tested for the actual conditions under which it would be utilized. For example, how many rounds can the mandated markings endure before

being worn off, what about lacquered primers or dirt and debris filling or fouling the characters making them unreadable, what happens when a firing pin breaks and the local gunsmith does not have the expensive micro-engraving equipment necessary to mark the replacement (in such a case would the customer and gunsmith be subject to criminal prosecution?), could this technology be defeated by a criminal using a file, sand paper, or hone, etc? What about a criminal obtaining empty casings from ammunition discharged at a firing range by someone else and then leaving them at a crime scene to send law enforcement off in the wrong direction? Another simple way to evade AB 352 is to avoid leaving microstamped casings behind by using a revolver instead of a semiautomatic. The list of applicable unanswered questions and different ways to circumvent AB 352 is a long one.

How much research has actually been done on the practical application issues that would determine whether this technology could actually work in the field given all of the above listed variables and other factors that exist outside of the laboratory? The answer is that it has been woefully inadequate.

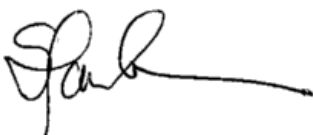
This proposed legislation would be expensive and would be easily defeated by criminals. For example, the majority of handguns used by criminals have been stolen from the person to whom registered. Thus, a microstamped cartridge case found at a crime scene would lead law enforcement to the wrong person most of the time. This would be a costly waste of law enforcement time and resources.

The undersigned organizations are strongly opposed to the enactment of SB 357 and AB 352. They believe that most of the issues of concern to them, and the public whom they represent, are also of concern to law enforcement. Thus, it is urged that California Sheriffs join in opposition to these two bills.

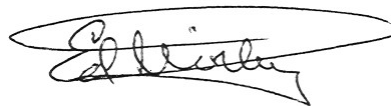
Sincerely,



Gerald H. Upholt, CRPA  
Manager of Governmental Affairs  
(916) 447-2772



Sam Parades, GOC  
Executive Director  
(916) 967-4970



Ed Worley, NRA-ILA  
State Liason  
(916) 446-2455