



Securing the Civil Rights of California Gun Owners

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The Honorable Tom Ammiano
Chairman, Public Safety Committee
California State Assembly
Sacramento, CA 95814

RE: Opposition to SB-249 – Yee, Firearms: assault weapon conversion kits.

Assemblyman Ammiano:

I write to express the Calguns Foundation's opposition to the passage of Senator Yee's SB-249.

SB-249 Attempts to Create a New Crime Where the Underlying Behavior is Already Illegal

SB-249 criminalizes the possession or importation of parts that, on their face, give no obvious warning of their danger of being illegal to possess or import. Those parts, when combined with a semiautomatic centerfire rifle that has a prohibited feature and a magazine locking device like the bullet button, already create the crime of felony manufacture or possession of an "assault weapon" in California. By trying to make the assembly of a firearm that is defined as an assault weapon a "double" crime, all this bill does is add uncertainty to an already very vague body of law.

So Called "Assault Weapons" Laws Already Create Confusion

The Calguns Foundation is suing various law enforcement officers and the California Department of Justice over unwarranted arrests of law abiding gun owners in *Haynie v. Harris*.¹ We contend that either the various law enforcement officers unconstitutionally arrested our members or that the law of so called "assault weapons" is too vague to be constitutionally enforced – especially in light of the fact that the possession of arms like these are protected by the fundamental enumerated right to keep and bear arms.

¹ 3:10-cv-01255 - Northern District of California Federal Court.

So Called “Assault Weapons” Are Common and Thus Protected by the Second Amendment

The AR-15 and nearly identical rifles have become the most popular selling rifles in America. More than 200,000 are registered in California as Registered Assault Weapons alone. Since the registration and ban on some of these firearms in California, the Supreme Court has opined that the types of arms that are protected by the Second Amendment are, “those ‘in common use at this time.’”² It’s important to note that in the *Heller* case, handguns, though not common in the District of Columbia due to the unconstitutional ban on their possession, were found common due to their possession and lawful use in the rest of the 50 states. AR-15’s are exceedingly common in 49 other states, and, much to the regret of those who would limit civil rights, are quite common in California when outfitted with a bullet button or assembled without prohibited features (so that they can take advantage of 20 and 30 round magazine capacities lawfully.)

It is but a matter of time before Federal courts clarify that semiautomatic centerfire rifles with detachable magazines and pistol grips are protected arms referred to in the Second Amendment. SB-249, by adding to the confusion over the law-abiding possession and use of these pistols and rifles, will only hasten that day of reckoning.

But for the fact that we are tired of seeing innocent people hurt by false prosecutions created by those opposed to civil rights³, CGF would otherwise support this bill to hasten the downfall of California’s misguided gun bans. However, we have defended too many innocent men and women who have spent too many nights unjustly in jail to not oppose SB-249 on simple principles of justice.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gene Hoffman, Jr.", with a long horizontal flourish extending to the right.

Gene Hoffman, Jr.
Chairman
The Calguns Foundation

² Dist. of Columbia v. Heller, 554 U.S. 570, 627, 128 S. Ct. 2783, 2817, 171 L. Ed. 2d 637 (2008).

³ This civil right has protected the founders, the abolitionists, the freedmen, and civil rights workers. See e.g. Hill, Lance. *The Deacons for Defense: Armed Resistance and the Civil Rights Movement*. 1st. Chapel Hill: The University of North Carolina Press, 24, 2004.