

File No. 130040

Committee Item No. 1

Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations

Date 02/21/13

Board of Supervisors Meeting

Date March 5, 2013

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
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Completed by: Andrea Ausberry Date 02/14/13
 Completed by: AA Date 2.28.13

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
 The complete document can be found in the file.

1 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition]

2
3 Ordinance amending the Police Code, by adding Section 618, to prohibit the
4 possession or sale of certain ammunition, including Black Talon ammunition and
5 ^{Police Code} ammunition intended exclusively for law enforcement and military purposes.

6 NOTE: Additions are single-underline italics Times New Roman;
7 deletions are ~~strike-through italics Times New Roman~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The San Francisco Police Code is hereby amended by adding Section 618,
12 to read as follows:

13 **SEC. 618. PROHIBITED AMMUNITION.**

14 (a) Definition. For purposes of this Section, "Prohibited Ammunition" shall mean:

15 (1) Ammunition sold under the brand name "Winchester Black Talon," or that has
16 physical properties resulting in ballistics performance identical to ammunition presently or formerly
17 sold under the brand name Winchester Black Talon; or,

18 (2) Ammunition designated by its manufacturer for purchase by law enforcement or
19 military agencies only, unless other ammunition is available to the general public that has physical
20 properties resulting in ballistics performance identical to such ammunition.

21 (b) Possession Prohibited; Exceptions. No person, firm, corporation or other entity may
22 possess Prohibited Ammunition within the City and County of San Francisco, except that this
23 subsection shall not apply to the otherwise-lawful possession of Prohibited Ammunition by the
24 following:

1 (1) Peace officers in possession of Prohibited Ammunition issued to them by their
2 employing agency;

3 (2) Federal law enforcement officers or other federal employees in possession of
4 Prohibited Ammunition issued to them by their employing agency;

5 (3) Members of the armed forces of the United States in possession of Prohibited
6 Ammunition issued to them by the military agency to which they belong;

7 (4) Patrol special police officers, animal control officers or zookeepers, harbor police
8 officers, sheriff's security officers, or police security officers in possession of Prohibited Ammunition
9 issued to them by their employing agencies; or,

10 (5) Businesses licensed as firearms dealers under this Article in possession of
11 Prohibited Ammunition for sale to law enforcement and military agencies. Agencies employing
12 persons listed in subsection (b)(4) are considered law enforcement agencies for purposes of this
13 Section.

14 (c) Sale or Transfer. No business licensed as a firearm dealer under this Article may sell,
15 lease or otherwise transfer Prohibited Ammunition except to law enforcement and military agencies.

16 (d) Police Database. The San Francisco Police Department shall prepare or cause to be
17 prepared a public database of brands and product lines of ammunition meeting the definition of
18 "Prohibited Ammunition" in subsection (a). Failure of the Police Department to create or maintain
19 such a database, or the omission from the database of a particular brand or product line of ammunition
20 otherwise qualifying as "Prohibited Ammunition" under subsection (a), shall not be a defense to or
21 otherwise excuse a violation of this Section.

22 (e) Penalty. Violation of any of the provisions of this Section is a misdemeanor and upon
23 conviction the violator may be punished by a fine not to exceed \$1,000.00 or by imprisonment in the
24 county jail not to exceed six months, or by both.


1 (f) Severability. If any provision, clause or word of this Section 618 or the application thereof
2 to any person or circumstance is held invalid, such invalidity shall not affect any other provision,
3 clause, word or application of this Section which can be given effect without the invalid provision,
4 clause or word, and to this end the provisions of this Section are declared to be severable.

5
6 Section 2. Effective Date. This ordinance shall become effective 30 days from the
7 date of passage.

8
9 Section 3. This section is uncodified. In enacting this Ordinance, the Board intends to
10 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
11 punctuation, charts, diagrams, or any other constituent part of the Police Code that are
12 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
13 Board amendment deletions in accordance with the "Note" that appears under the official title
14 of the legislation.

15
16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19
20 By:


THOMAS J. OWEN
Deputy City Attorney

21
22
23
24 originated at: n:\govern\as2013\1300252\00817412.doc
revised on: 1/14/2013 - n:\govern\as2013\1300252\00817412.doc

LEGISLATIVE DIGEST

[Police Code - Possession or Sale of Law Enforcement or Military Ammunition]

Ordinance amending the San Francisco Police Code by adding Section 618 to prohibit the possession or sale of certain ammunition, including Black Talon ammunition and ammunition intended exclusively for law enforcement and military purposes.

Existing Law

Article 9 of the Police Code prohibits the sale (but not the possession) of "enhanced-lethality ammunition" within the City. "Enhanced-lethality ammunition" is defined in Police Code Section 613.10(g) as firearms ammunition that:

- Serves no sporting purpose;
- Is designed to expand upon impact and utilize the jacket, shot or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target; or
- Is designed to fragment upon impact.

This prohibition does not apply to the sale of conventional hollow-point ammunition with a solid lead core when the purchase is made for official law enforcement purposes and by someone authorized to make such a purchase by the Chief of Police or the Sheriff.

Amendments to Current Law

The proposal is an ordinance that would add a new Section 618 to Article 9 of the Police Code to regulate "Prohibited Ammunition." The ordinance defines "Prohibited Ammunition" as:

- Ammunition sold under the brand name "Winchester Black Talon," or any other ammunition having the same ballistic characteristics; and
- Ammunition designated by its manufacturer for sale to law enforcement or military agencies only, unless other ammunition having the same ballistic characteristics is sold to the general public.

The ordinance would bar any person or business from possessing Prohibited Ammunition within the City. This prohibition would not apply to peace officers, federal law enforcement officers, members of the armed forces, and certain other categories of official security personnel who otherwise lawfully possessed Prohibited Ammunition issued by their employing agency.

The ordinance would prohibit any business licensed as a firearm dealer under Police Code Article 9 from selling, leasing or otherwise transferring Prohibited Ammunition except to law enforcement or military agencies.

Violation of the ordinance would be a misdemeanor, punishable by a fine of up to \$1,000.00 or by imprisonment in the county jail for up to six months, or by both.

The Ordinance would also require the Police Department to create a public database of brands and product lines of ammunition meeting the definition of "Prohibited Ammunition." But the fact that the database had not been prepared, or that a particular brand or product line of ammunition otherwise qualifying as "Prohibited Ammunition" was not included in the database, would not be a defense to or otherwise excuse a violation of the ordinance.

Background Information

"Winchester Black Talon" ammunition is listed as a type of "enhanced-lethality ammunition" in Police Code Section 613.10(g), as part of the category of ammunition "designed to expand upon impact and utilize the jacket, shot or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target." Therefore, the sale of Black Talon ammunition or of other ammunition having the same ballistic characteristics is already prohibited under the Police Code, but possession currently is not.

Robert Green
2994 Pine Street
San Francisco, CA 94115

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB -8 PM 12:31
6

February 8, 2013

Clerk and Members of the Public Safety Committee
Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: File 130040 (Prohibiting possession of certain ammunition)

I write in the hopes that this might be circulated to the Committee members for consideration before the file comes before the committee for action.

Dear Committee Members:

San Francisco is already embroiled in litigation regarding its ordinances prohibiting the sales of certain types of ammunition¹. I would suggest that it might be prudent to wait until that litigation is resolved before moving forward with the next step of prohibiting possession of some types of ammunition.

Even should San Francisco prevail in the litigation and sales of certain types of ammunition would be allowed to be prohibited allowing San Francisco to move forward with prohibiting possession of certain ammunition, I am concerned that the wording of the proposed ordinance referenced above is likely, at the minimum, to lead to a legal battle regarding whether it is unconstitutionally vague. Unlike the ordinances at issue in Jackson v. San Francisco which use clear language to describe the prohibited characteristics,² this proposed ordinance would require a member of the general public to have:

- 1) expert knowledge in ballistics in order to determine whether two rounds of ammunition have "physical properties resulting in ballistics performance identical to"³ otherwise prohibited ammunition
- 2) expert knowledge in the history of all ammunition ever marketed "under the brand name Winchester Black Talon"⁴

¹ Jackson et al v. City and County of San Francisco et al

² Police Code 613.10(g)(2) and (3) prohibit the sale within San Francisco of ammunition that "[i]s designed to expand upon impact and utilize the jacket, shot, or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target; . . . or . . . is designed to fragment upon impact"

³ Proposed ordinance Police Code 618(a)(1) and again in (2)

- 3) expert knowledge in all procurement contracts for ammunition executed by any law enforcement or military agency so that the purchaser may know which ammunition has ever been “designated by its manufacturer for purchase by law enforcement or military agencies only”⁵ so that they may compare it to “ammunition [that] is available to the general public”⁶

While the Police Department is directed by this proposed ordinance to prepare a “public database of brands and product lines of ammunition meeting the definition of 'Prohibited Ammunition'”,⁷ it is not required to do so. Indeed, “[f]ailure of the Police Department to create or maintain such a database, or the omission from the database of a particular brand or product line of ammunition otherwise qualifying as 'Prohibited Ammunition' under [this ordinance] shall not be a defense to or otherwise excuse a violation of this Section.”⁸ This appears to put the burden squarely back on the shoulders of the general public to have expert knowledge in ballistics, the history of Winchester Black Talon ammunition, and all military and law enforcement ammunition procurement contracts.

The stated intent of one of the co-authors is to prohibit possession of “especially lethal forms of ammunition such as hollow-point bullets or any other type restricted to military use”.⁹ As written, however, a “plain language” interpretation of this proposed ordinance would lead one to believe that all ammunition available to the general public—except that which is or was marketed as “Winchester Black Talon” or has “ballistics characteristics identical to” any ammunition so marketed—would be legal for the general public to possess even if it is identical to law enforcement or military ammunition. That interpretation is directly at odds with the stated intent of the co-authors, but it is the only one that can be reached with the wording of the proposed ordinance as available in the legislative file on February 4, 2013.

While expanding and frangible ammunition do cause greater injury than traditional ammunition, they are safer for innocent bystanders. Expanding and frangible ammunition are less likely to pass through the intended target with enough force to cause severe injury to anyone else, and they are generally thought to be safer for an innocent bystander on the other side of a wall, floor, or ceiling beyond the intended target.

⁴ Proposed ordinance Police Code 618(a)(1)

⁵ Proposed ordinance Police Code 618(a)(2)

⁶ *ibid*

⁷ Proposed ordinance Police Code 618(d)

⁸ *ibid*

⁹ Supervisor Malia Cohen, oral remarks during Roll Call for Introduction, San Francisco Board of Supervisors meeting, January 15, 2013

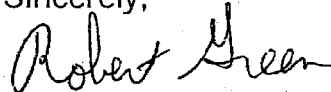
As San Francisco Police Code 613.9.5.4 states, "[T]he Hague Convention of 1899, Declaration III, has for more than a century prohibited the use in warfare of bullets that easily expand or flatten in the body." The U.S. military does not generally use expanding or fragmenting ammunition. Instead, it uses traditional ammunition. If it is truly the intent of the authors to prohibit possession of any ammunition that resembles that which a military has used, then traditional ammunition may be prohibited as well; such an action would leave little available for the general public to use in self-defense.

While there is an exception made in the proposed ordinance for the possession of prohibited ammunition by, among others, zookeepers,¹⁰ there is no exception made for armored vehicle personnel or other civilian jobs which may require the use of otherwise-prohibited ammunition.

There also appears to be no exception provided for persons merely travelling through San Francisco. Someone travelling from Daly City to Sausalito with prohibited ammunition would be forced to travel an additional 60 miles or more to avoid the possibility of being stopped in San Francisco and being found in violation of this ordinance.

I urge due consideration on your part in determining whether to pass this proposed ordinance out of committee.

Sincerely,



Robert Green

¹⁰ Proposed ordinance Police Code 618(b)(4)



POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



EDWIN M. LEE
MAYOR

GREGORY P. SUHR
CHIEF OF POLICE

January 24, 2013

Mr. Derek Evans, Assistant Committee Clerk
Public Safety Committee
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Dear Mr. Evans:

RE: File No. 130040 – Ordinance Prohibiting Possession or Sale of Certain Ammunition

The intent of this letter is to express the full support of the San Francisco Police Department for Ordinance 130040, which seeks to prohibit the possession and sale of certain ammunition, including Black Talon, intended exclusively for law enforcement and military purposes.

Winchester Ammunition began production of the hollow-point ammunition known as Black Talon in 1991, which was intended for use by law enforcement only. The ammunition was manufactured for use in a variety of different caliber weapons including 9 mm, 10 mm, .40 caliber, and .357 and .44 magnum. On July 1, 1993, Gian Luigi Ferri used a TEC-9 loaded with a mix of standard and Black Talon ammunition to carry out a deadly assault at 101 California Street in San Francisco, leaving eight people dead and six others wounded.


Following this incident, California implemented some of the toughest gun laws in the United States. In 1994, led by Senator Dianne Feinstein, the Federal government passed the Violent Crime Control and Law Enforcement Act which, in addition to banning certain types of semi-automatic weapons, banned large-capacity magazines. This ban expired on September 13, 2004.

However, at no time has the manufacture, sale, or possession of hollow-point ammunition intended for use for law enforcement or military purposes been regulated and/or banned. Basically there is no law that prohibits the sale of hollow-point ammunition specifically designed and marked for use by law enforcement to the general public. Although Winchester no longer makes the Black Talon, a similar ammunition that expands on impact is manufactured for sale. And it is a fact that the law enforcement-specific ammunition has been and continues to be used in the commission of criminal acts, including officer involved shootings, due to its capability of piercing body armor worn by sworn peace officers.

It is the opinion of the San Francisco Police Department that passing this Ordinance will provide officers on the street the means to seize this extremely dangerous type of ammunition thereby reducing the possibility for its use by criminals.

If I can be of further assistance, please contact my office.

Sincerely,


GREGORY P. SUHR
Chief of Police

/cf

Public Safety/Cons Clerk
COB, Reg Dep

President, Board of Supervisors
District 3



City and County of San Francisco

DAVID CHIU

邱信福
市參事會主席

TO: Angela Calvillo, Clerk of the Board

FROM: Supervisor David Chiu

DATE: February 14, 2013

RE: Transferring Files Nos. 130039, 130040, and 091225 from Public Safety to CON

David Chiu

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB 14 PM 3:02

Madame Clerk,

Please transfer the following three files from the Public Safety Committee to the City Operations and Neighborhood Services Committee.

- No. 130039 - Ordinance - requiring firearms dealers to report sale of 500 or more rounds of ammunition in a single transaction
- No. 130040 - Ordinance - Possession or sale of certain ammunition
- No. 091225 - Hearing - Violence and public safety incidents associated with entertainment venues

Thank you for your prompt assistance in this matter.

###

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Sheriff Ross Mirkarimi, Sheriff's Department
FROM: Derek Evans, Assistant Committee Clerk
DATE: January 25, 2013
SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Public Safety Committee has received the following proposed legislation, which is being referred to your department for informational purposes.

File No. 130040

Ordinance amending the Police Code, by adding Section 618, to prohibit the possession or sale of certain ammunition, including black talon ammunition and ammunition intended exclusively for law enforcement and military purposes.

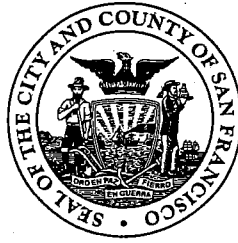
If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

This item is tentatively scheduled to appear on the February 21, 2013, Regular Meeting of the Public Safety Committee.

Attached is a copy of the legislation for your review.

cc: Ellen Brin, Sheriff's Department
Paul Miyamoto, Sheriff's Department

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Chief Greg Suhr, Police Department
FROM: Derek Evans, Assistant Committee Clerk
DATE: January 18, 2013
SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Public Safety Committee has received the following proposed legislation, which is being referred to your department for informational purposes.

File No. 130040

Ordinance amending the Police Code, by adding Section 618, to prohibit the possession or sale of certain ammunition, including black talon ammunition and ammunition intended exclusively for law enforcement and military purposes.

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

This item is tentatively scheduled to appear on the February 21, 2013, Regular Meeting of the Public Safety Committee.

Attached is a copy of the legislation for your review.

cc: Christine Fountain, Police Department
Insp. John Monroe, Police Department

OFFICE OF THE MAYOR
SAN FRANCISCO



RECEIVED
EDWIN M. LEE
BOARD OF SUPERVISORS
SAN FRANCISCO
MAYOR

2013 JAN 15 PM 2:33

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: *EL* Mayor Edwin M. Lee *EL*
RE: Police Code - Possession or Sale of Law Enforcement or Military
Ammunition
DATE: January 15, 2013

Attached for introduction to the Board of Supervisors is the Ordinance amending the San Francisco Police Code by adding Section 618 to prohibit the possession or sale of certain ammunition, including Black Talon ammunition and ammunition intended exclusively for law enforcement and military purposes.

Please note this item is cosponsored by Supervisor Cohen.

I request that this item be calendared in Public Safety Committee on February 21, 2013.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

cc. Supervisor Malia Cohen

130240

Evans, Derek

From: Board of Supervisors
Sent: Friday, February 22, 2013 1:22 PM
To: BOS-Supervisors; Evans, Derek
Subject: Files 130039 & 130040: FLAWED GUN LEGISLATIVE PROPOSALS -- Do Not Enact

From: Julie Burns [<mailto:julieburns@sealrock.com>]
Sent: Wednesday, February 20, 2013 1:32 PM
To: Mar, Eric (BOS)
Cc: hknight@sfchronicle.com; Avalos, John; Campos, David; Chiu, David; Cohen, Malia; Board of Supervisors; Elsbernd, Sean; Farrell, Mark; Kim, Jane; 'Andrew Hayes'; Chu, Carmen; David Burns; Raymondsnf@aol.com; Jason Jungreis; Campos, David; Yee, Norman (BOS); Raymondsnf@aol.com
Subject: FLAWED GUN LEGISLATIVE PROPOSALS -- Do Not Enact

Eric and others:

I am a woman shooter and a San Francisco resident and voter. I shoot a 9mm semiautomatic weapon for recreation – an activity that improves my mind, coordination, focus and skill.

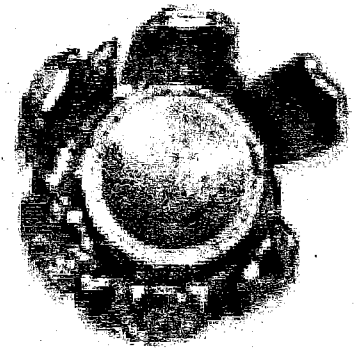
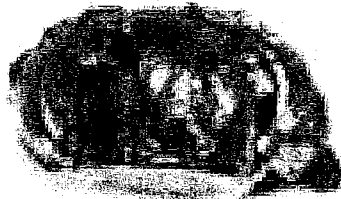
We all can agree on the goal of reducing gun violence and the illegal circulation of weapons. But these flawed initiatives will do nothing to address either of those goals. Here's why:

- File 130040 would ban " the possession and sale of certain ammunition, including black talon ammunition and ammunition intended exclusively for law enforcement and military purposes." San Francisco law already prohibits the sale of the ammunition listed in File 130040. And in fact, Winchester stopped manufacturing Black Talon ammunition in 2000. The description of "ammunition intended exclusively for law enforcement and military purposes" is vague and establishes no objective criterion. As a shooter, I don't know what the ordinance intends. How do I know if I possess or might come into possession of ammunition?
- File 130039 requires the reporting of ammunition sales of 500 or more rounds. This unfairly penalizes competitive and recreational shooters – like myself, my husband, and my cousin – because we need to purchase ammunition in bulk for practice and to maintain our skills. For those who don't shoot, 500 rounds may sound like a lot. To those who practice, it might represent only a few practice sessions at the range.

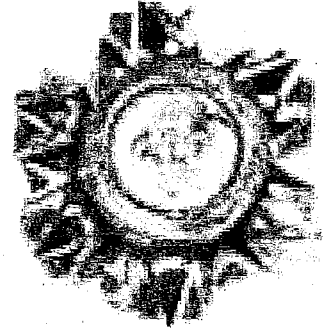
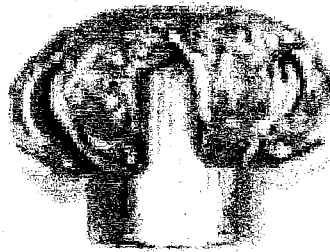
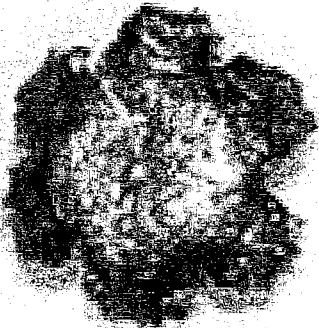
Some of you know my efforts as a Director of the Planning Association for the Richmond (PAR), co-founder of Friends of Lands End (FOLE), and work with other neighborhood groups in the Richmond. If I thought the proposed ordinances would truly benefit our City, I would urge you to enact these initiatives. But it will not.

I urge you to WITHDRAW this proposed legislation.

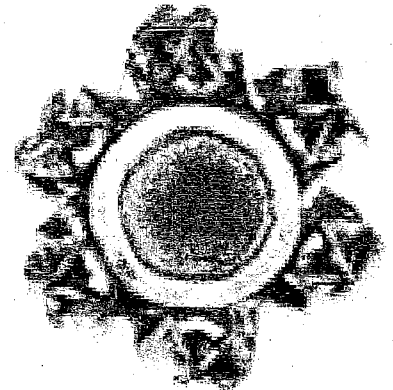
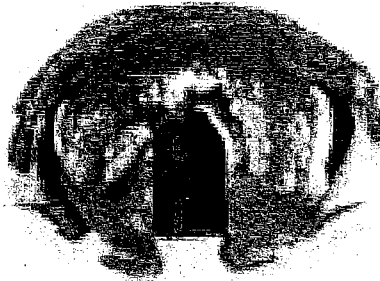
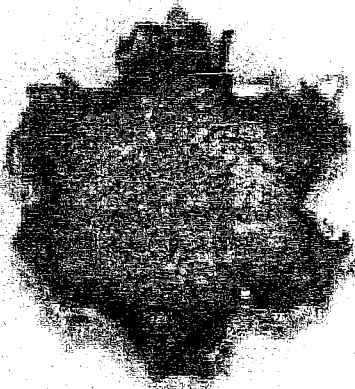
Julie Burns, Ph.D.
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julieburns@sealrock.com



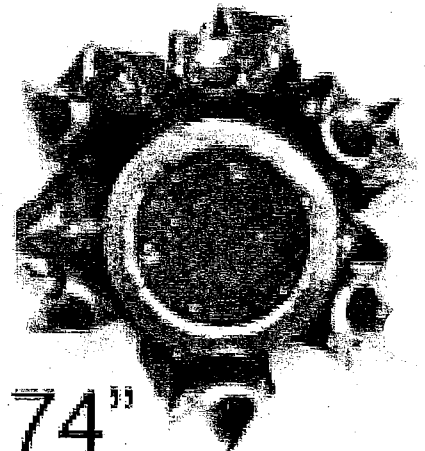
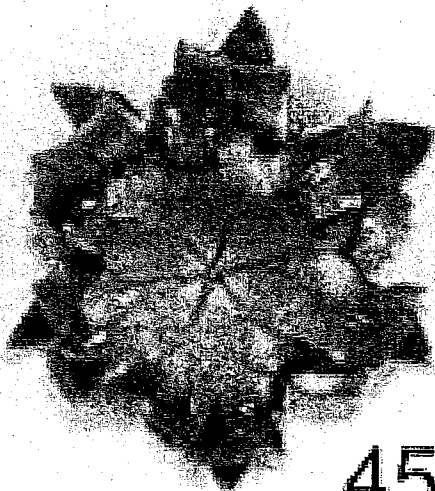
357 Sig 125 gr = 0.63"



9 mm 147 gr = 0.62"



.40 S&W 180 gr = 0.68"



.45 ACP 230 gr = 0.74"

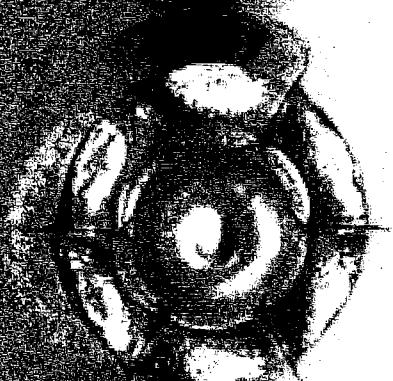




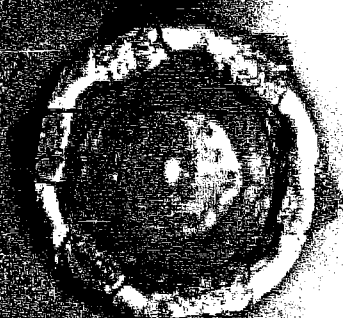
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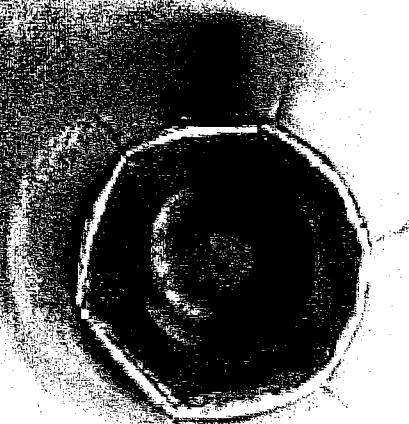
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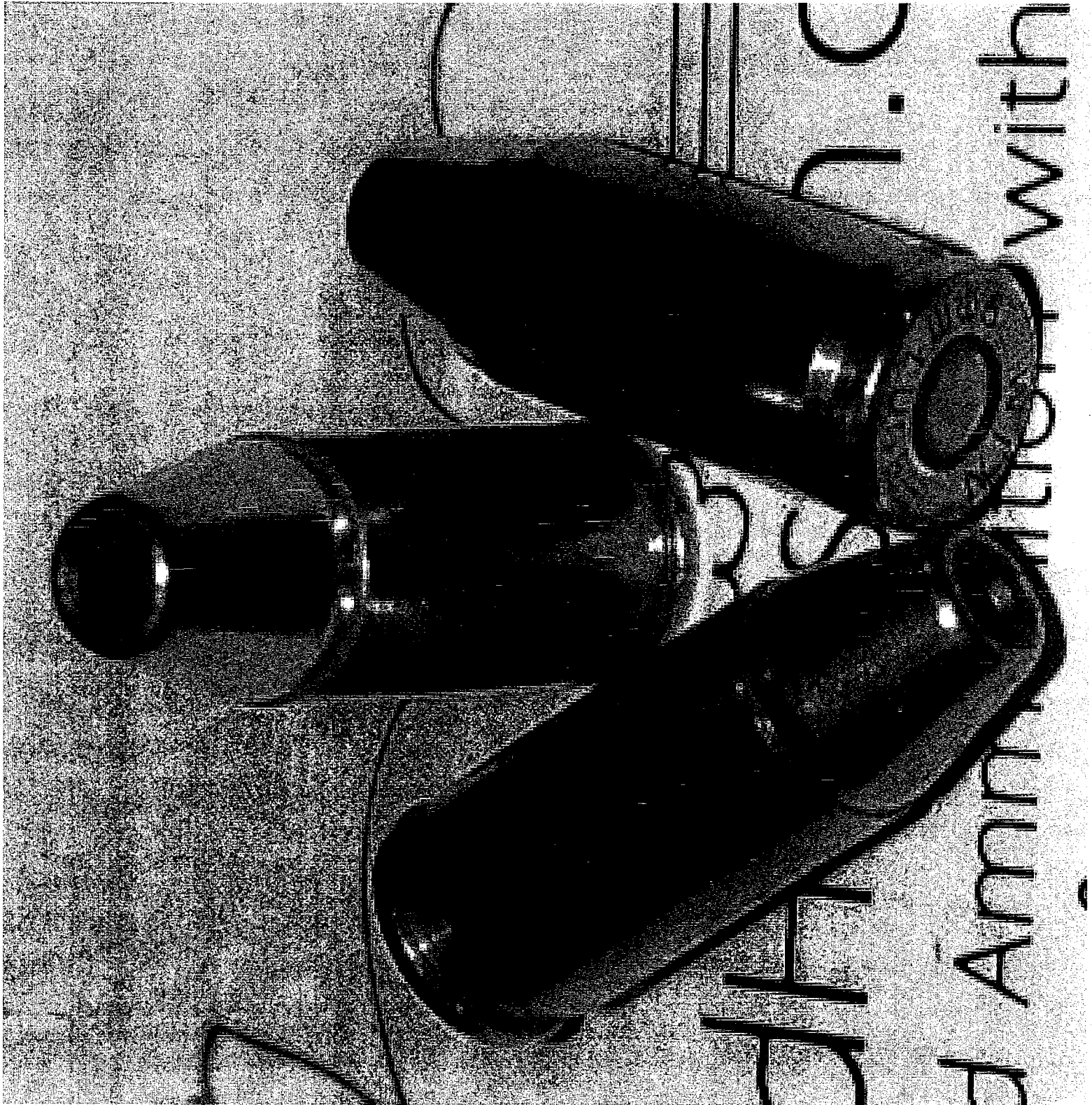
Gold Dot



Hydra-Shok



(c) Motion





NATIONAL SHOOTING SPORTS FOUNDATION, INC.

11 Mile Hill Road • Newtown, CT 06470-2359 • Tel. (203) 426-1320 • Fax (203) 426-7182 • www.nssf.org

LAWRENCE G. KEANE
SENIOR VICE PRESIDENT
& GENERAL COUNSEL

February 25, 2013

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Position: OPPOSE

Re: Police Code - Possession or Sale of Law Enforcement or Military Ammunition and Police Code - Reporting Ammunition Sales of 500 or More Rounds

Dear Board of Supervisors:

The National Shooting Sports Foundation ("NSSF") is the trade association for America's firearms, ammunition, hunting and shooting sports industry. Our members make and sell the tools used by law-abiding California hunters, target shooters, sportsmen, gun owners, the U.S. military and law enforcement agencies throughout California. This letter is to express our opposition to the proposed amendments to the San Francisco Police Code that would ban hollow-point ammunition and force reporting of ammunition sales of 500 or more rounds.

Hollow-point ammunition is prevalent in the U.S. market. According to a recent NSSF survey of ammunition retailers and manufacturers, hollow-point ammunition comprises about 40 percent of their ammunition sales and production. There have been many unfortunate misconceptions about hollow-point ammunition perpetuated over the years. However, a ban on this type of ammunition would do nothing to reduce crime and could in fact put the general public in a less safe situation.

The primary reason law enforcement officers use hollow-point ammunition is to reduce the risk of bystanders being hit by over-penetrating or ricocheting bullets. Whether the application is for law enforcement or the legal use of the firearm for self defense, the requirement is the same, to quickly neutralize an aggressor to prevent further loss of life, or where it is desirable for the bullet to remain inside the target to prevent collateral damage e.g. Air Marshall on an aircraft, or in private dwelling, an appropriate expanding bullet such as the hollow point is considered the safest to use. Further, the body armor that law enforcement officers are required to wear is much less likely to be penetrated by hollow-point ammunition than by ammunition with a regular full metal jacket.

A ban on hollow-point ammunition would not only impact those that may discharge a firearm to defend themselves or another from a threat of deadly force, but also sportsmen. In fact, hollow-point ammunition was developed in response to the growing interest in handgun and rifle small game/varmint hunting in the 1960s. The rapid expanding characteristic engineered into hollow point rifle bullets insured that the bullet would break up on contact with these very small light skinned animals insuring a humane kill and little to no chance of the bullet exiting the animal, or in the case of a miss, ricocheting off the ground or rock to possibly hit a nearby building or livestock.

There are, of course, exemptions for law enforcement officers, zoo-keepers and others in the ordinance, which begs the question, are ordinary citizens worthy of less protection than government employees? Banning this type of

common ammunition would limit the choices of firearms owners without any evidence the ban would reduce crime. Banning commonly owned ammunition and firearms also raises important Second Amendment issues.

Likewise, a reporting requirement for ammunition sales over a certain threshold is an ineffective policy proposal and would lead to a bureaucratic nightmare. Every year there are about 10 billion rounds of ammunition sold in the United States. Approximately 70 percent of all ammunition purchased is used for legal, recreational target and sport shooting, where the consumption of 1,000 rounds or more is often routine for a weekend trip to the range. Reporting each sale over 500 rounds would overwhelm the police for no useful purpose. The most commonly used and inexpensive target shooting ammunition, .22 caliber rimfire, is frequently sold in packages of 500 cartridges, which would require a retailer to submit a report to the police for each package sold. What exactly would we realistically expect the police to do with each one of these reports of a perfectly normal and lawful retail transaction? There is no benefit to outweigh the onerous implementation challenges of requiring retailers within the city or remote sellers delivering to an address in the city to report such a sale to the police within 24 hours.

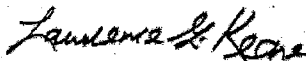
In fact, evidence shows that keeping records of ammunition sales is an ineffective law enforcement tool. In 1986, Congress repealed the 1960s-era ban on mail order sales that also required licenses to sell ammunition and the keeping of voluminous detailed purchase logs by licensed dealers. During congressional hearings on the issue, the director of the Bureau of Alcohol, Tobacco and Firearms (ATF) provided a statement that, "The Bureau and Department have recognized that current recordkeeping requirements for ammunition have no substantial law enforcement value. In addition, their elimination would remove an unnecessary recordkeeping burden from licensees."

These facts have not changed with the passage of time. As recently as July 2012 at the United Nations Conference on the Arms Trade Treaty, Assistant Secretary of State Thomas Countryman discouraged treaty negotiators from including ammunition, warning of "significant burdens associated with licensing, authorizations, and recordkeeping." He continued, "Our own experience in regulating domestic transfers has shown that there is little utility for law enforcement in imposing the same controls on ammunition transfers as we do on arms. Accordingly, the United States largely eliminated most controls on domestic transfers of ammunition."

In seeking means to reduce violence, we should not expand existing policies that experience shows do not reduce crime. Current federal law already makes it illegal for felons to possess ammunition. People with ill-intentions will find ways to acquire ammunition. Further, despite the fear tactics of the anti-gun lobby regarding criminals stockpiling ammunition for misuse, the empirical evidence demonstrates that criminal shootings involve less than four rounds, on average.

The firearms industry and law-abiding gun owners in California continue to be the most heavily regulated population in the nation. The financial burden that is created with each new measure makes it increasingly more difficult for law-abiding retailers to earn their livelihood and create jobs and tax revenue for the state. The National Shooting Sports Foundation opposes these proposals because they will only serve to increase the regulatory burden on law-abiding licensed firearms retailers and their law-abiding customers who exercise their Second Amendment rights, impose undue cost on the taxpayer, and divert law enforcement resources, all without improving public safety.

Sincerely,



Lawrence G. Keane