

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JAMES MILLER, *et al.*,

Plaintiffs–Appellees,

vs.

ROB BONTA, in his official capacity as
Attorney General of the State of California, *et al.*,

Defendants–Appellants.

On Appeal from the United States District Court
for the Southern District of California
Hon. Roger T. Benitez
Case No. 3:19-cv-01537-BEN-JLB

**DECLARATION OF JOHN W. DILLON IN SUPPORT OF APPELLEES’
OPPOSITION TO APPELLANTS’ EMERGENCY MOTION UNDER
CIRCUIT RULE 27-3 TO STAY JUDGMENT PENDING APPEAL**

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June 15, 2021

Counsel for Plaintiffs–Appellees

DECLARATION OF JOHN W. DILLON

I, John W. Dillon, declare as follows:

1. I am an attorney licensed in California. I am counsel for Plaintiffs James Miller *et al.*, in the above-captioned action. I make this declaration in support of Appellees' Opposition to Appellants' Emergency Motion Under Circuit Rule 27-3 to Stay Judgment Pending Appeal (Opposition).

2. Except as otherwise stated, I have personal knowledge of the facts set forth in my declaration, and if called upon as a witness, I would testify competently as to those facts.

3. Attached hereto are true and correct copies of the following exhibits that were admitted at trial and specifically referenced in Appellees' Opposition:

- **Exhibit 1:** 2018 Standard Catalog of Firearms, the Collector's Price and Reference Guide, 28th Edition, which was marked as Defendants' Exhibit BH.
- **Exhibit 2:** Declaration of Yvette Glover, which was marked as Defendants' Exhibit CZ.
- **Exhibit 3:** Excerpts of United States District Court, Southern District of California, Evidentiary Hearing Transcript October 19, 2020 (Day 1).
- **Exhibit 4:** 103d Congress, 2d Session, House of Representatives Report, Public Safety and Recreational Firearms Use Protection Act, which is marked as Defendants' Exhibit J.

- **Exhibit 5:** Gius, Mark, “The Impact of State and Federal Assault Weapons Bans on Public Mass Shootings,” which is marked as Defendants’ Exhibit BM.
- **Exhibit 6:** Buchanan, Larry, “How They Got Their Guns,” which is marked as Defendants’ Exhibit CW.
- **Exhibit 7:** Follman, Mark, “More Guns, More Mass Shootings – Coincidence?,” Mother Jones, which is marked as Defendants’ Exhibit CG.
- **Exhibit 8:** Excerpts from Deposition Transcript of Dr. Margulies (Dec. 18, 2020).
- **Exhibit 9:** Excerpt of DiMaio, Vincent J.M., “GunShot Wounds: Practical Aspects of Firearms, Ballistics, and Forensic Techniques,” Third Edition, which is marked as Defendants’ Exhibit AL.
- **Exhibit 10:** Excerpt of U.S. Department of Justice, National Institute of Justice “Guide Body Armor: Selection & Application Guide 0101.06 to Ballistic-Resistant Body Armor,” which is marked as Defendants’ Exhibit AY.
- **Exhibit 11:** Koper, Christopher, “Assessing the potential to Reduce Deaths and Injuries From Mass Shootings Through Restrictions on Assault Weapons and Other High-Capacity Semiautomatic Firearms,” which is marked as Defendants’ Exhibit BL.
- **Exhibit 12:** Lankford, Adam, “Why Have Public Mass Shootings Become More Deadly?” which is marked as Defendants’ Exhibit AC.
- **Exhibit 13:** Yablon, Alex, “Bans on High-Capacity Magazines, Not Assault Rifles, Most Likely to Limit Mass Shooting Carnage,” which is marked as Defendants’ Exhibit CE.
- **Exhibit 14:** Excerpts from Deposition Transcript of Dr. John R. Lott Jr. (January 22, 2021).
- **Exhibit 15:** Declaration of Allen Youngman, which is marked as Plaintiffs’ Exhibit 009.

- **Exhibit 16:** Excerpts of Deposition Transcript of Allen Youngman (January 2021).
- **Exhibit 17:** Declaration of Emmanuel Kapelsohn (excluding exhibits), which is marked as Plaintiffs Exhibit 001.
- **Exhibit 18:** Guns & Ammo Magazine, which is marked as Defendants' Exhibit BA.
- **Exhibit 19:** Declaration of Ashley Hlebinsky (excluding exhibits), which is marked as Plaintiffs' Exhibit 002.
- **Exhibit 20:** Declaration of Wendy Hauffen, which is marked as Plaintiffs' Exhibit 014.
- **Exhibit 21:** Excerpts of Deposition Transcript of Emmanuel Kapelsohn (January 8, 2021).
- **Exhibit 22:** Declaration of Adam Kraut, which is marked as Plaintiffs' Exhibit 011.
- **Exhibit 23:** Excerpts of United States District Court, Southern District of California, Evidentiary Hearing Transcript October 22, 2020 (Day 3).
- **Exhibit 24:** State of California, Budget Change Proposal (Budget Request Name 0820-004-BCP-2017-GB) Senate Bill 880 and Assembly Bill 1135 – Assault Weapons, which is marked as Plaintiffs' Exhibit 024.
- **Exhibit 25:** Declaration of Prof. George Mocsary (excluding exhibits), which is marked as Plaintiffs' Exhibit 003.

I declare under penalty of perjury that the foregoing is true and correct.

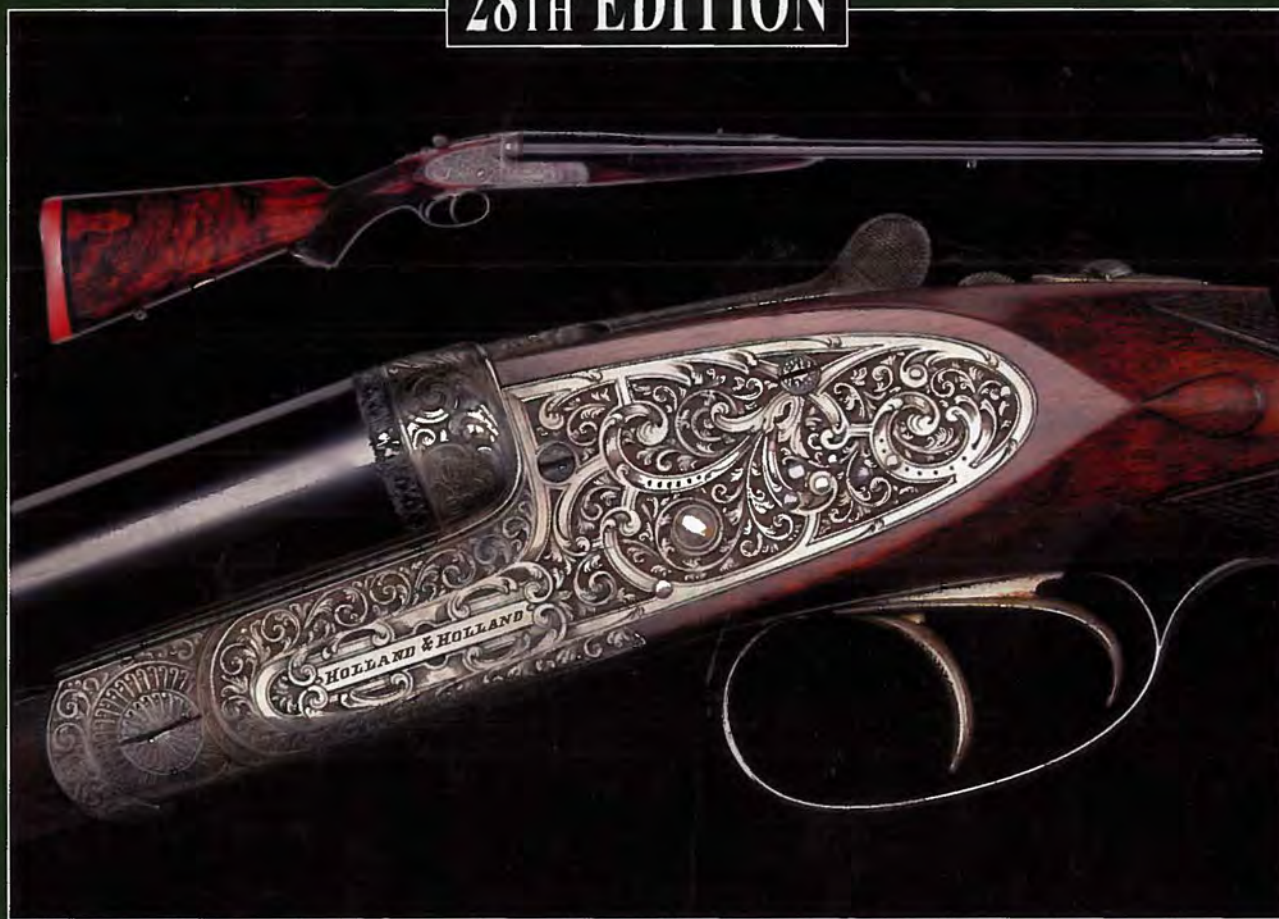
Executed within the United States on June 14, 2021.

By: s/ John W. Dillon
John W. Dillon

Exhibit 1

2018 Standard Catalog of[®]
FIREARMS
THE COLLECTOR'S PRICE & REFERENCE GUIDE

28TH EDITION



EDITED BY
JERRY LEE

7,500 IMAGES | 110,000 PRICES | 6 CONDITION GRADES

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#3467

name. Original company formed in mid 1950s, developed AR-10, which in turn led to the development of M-16 series of service rifles, still in use today. All current models are produced at Geneseo, Illinois, facility.

AR-24 Pistol

15-shot, 9mm, double-action, semi-automatic pistol. Steel frame, fixed or adjustable sights. Compact version available. Introduced 2006. Pricing is for full-size pistol, with adjustable sights. **NOTE:** Deduct 15 percent for fixed sight versions.



NIB	Exc.	V.G.	Good	Fair	Poor
595	450	325	275	200	125

AR-24 Tactical Custom

Similar to above, with tactical refinements including stippled front and back straps, 3-dot luminous sights, etc. Also available in compact version (shown).



NIB	Exc.	V.G.	Good	Fair	Poor
630	475	350	300	225	150

AR-17 Shotgun

Gas-operated semi-automatic 12-gauge shotgun, with 24" barrel and interchangeable choke tubes. Receiver and barrel are made of an aluminum alloy, with an anodized black or gold finish. Stock and forearm are of plastic. Approximately 2,000 manufactured during 1964 and 1965. **NOTE:** Add 10 percent for gold finish.

NIB	Exc.	V.G.	Good	Fair	Poor
750	625	400	300	225	100

AR-7 Explorer Rifle

.22 LR semi-automatic carbine, with 16" barrel. Receiver and barrel partially made of an alloy. Most noteworthy feature of this model is it can be disassembled and component parts stored in the plastic stock. Manufactured between 1959 and 1973. Reintroduced in 1999.

NIB	Exc.	V.G.	Good	Fair	Poor
375	300	200	150	100	85

AR-7 Custom

As above, with walnut cheekpiece stock. Manufactured between 1964 and 1970.

NIB	Exc.	V.G.	Good	Fair	Poor
475	400	300	250	200	185

AR-180

Gas-operated semi-automatic rifle chambered for .223 or 5.56mm cartridge. AR-180 is civilian version of AR18, which is fully automatic. Simple and efficient rifle that was tested by various governments and found to have potential. Rifle was also manufactured by Howa Machinery Ltd. and Sterling Armament Co. of England. Most common version is manufactured by Sterling. Those built by Armalite and Howa bring a small premium.

Howa

NIB	Exc.	V.G.	Good	Fair	Poor
1500	1250	900	700	450	200

Sterling

NIB	Exc.	V.G.	Good	Fair	Poor
1150	900	700	500	350	175

AR-180B

Similar to original AR-180. Chambered for .223 cartridge. Fitted with 19.8" barrel and integral muzzle-brake. Lower receiver is polymer while upper receiver is sheet steel. Trigger group is standard M15. Accepts standard M15 magazines. Weight about 6 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
750	625	500	400	300	125

AR-10A4 Rifle

Introduced in 1995. Features 20" stainless steel heavy barrel. Chambered for .308 Win. or .243 Win. cartridge. Has a flattop receiver, optional two-stage trigger, detachable carry handle and scope mount. Equipped with two 10-round magazines. Weight about 9.6 lbs. **NOTE:** Add \$100 for stainless steel barrel.



NIB	Exc.	V.G.	Good	Fair	Poor
1500	1250	900	700	500	200

AR-10A4 Carbine

Similar to above. Chambered for .308 Win. cartridge. Fitted with 16" barrel. Flattop receiver. Sold with two 10-round magazines. Weight about 9 lbs. **NOTE:** Add \$100 for stainless steel barrel.

NIB	Exc.	V.G.	Good	Fair	Poor
1500	1250	900	700	500	200

AR-10A2 Rifle

Model has 20" heavy barrel. Chambered for .308 cartridge, without removable carry handle. Weight about 9.8 lbs. **NOTE:** Add \$100 for stainless steel barrel.



NIB	Exc.	V.G.	Good	Fair	Poor
1500	1250	900	700	500	200

AR-10A2 Carbine

Similar to above, with 16" barrel. Weight about 9 lbs. **NOTE:** Add \$100 for stainless steel barrel.



NIB	Exc.	V.G.	Good	Fair	Poor
1500	1250	900	700	500	200

AR-10B

Chambered for .308 cartridge. Fitted with 20" barrel. Trigger is single-stage or optional two-stage match type. Model has several early M16 features such as tapered hand guard, pistol-grips and short buttstock in original brown color. Fitted with early charging handle. Limited production. Weight about 9.5 lbs. Introduced in 1999.



NIB	Exc.	V.G.	Good	Fair	Poor
1600	1250	900	700	500	200

AR-10(T) Rifle

Features 24" heavy barrel, with two-stage trigger. Front sight and carry handle are removable. Hand guard is fiberglass. Weight about 10.4 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1850	1400	875	600	450	225

AR-10(T) Carbine

Similar to AR-10T, with 16.25" target weight barrel. Weight about 8.5 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1850	1400	875	600	450	225

AR-10(T) Ultra

Chambered for .300 Remington Ultra Short Action Magnum cartridge. Barrel length 24". Two-stage National Match trigger. Offered in choice of green or black stock. Sold with 5-round magazine.

NIB	Exc.	V.G.	Good	Fair	Poor
1850	1400	875	600	450	225

AR-10 SOF

Introduced in 2003. Features M4-style fixed stock. Flattop receiver. Chambered for .308 cartridge. Offered in both A2 and A4 configurations.

NIB	Exc.	V.G.	Good	Fair	Poor
1850	1400	875	600	450	225

AR-10 SUPER SASS

Chambered in 7.62 NATO. Flattop upper receiver with Picatinny rail, 20" barrel with A2 flash suppressor, fully adjustable sniper stock, two-stage

trigger and other accessories. Comes with one 10- and more 20-round magazine and hard case.

NIB	Exc.	V.G.	Good	Fair	Poor
2500	2100	1500	1100	500	300

AR-10 .338 Federal

Similar to AR-10. Chambered in .338 Federal.



NIB	Exc.	V.G.	Good	Fair	Poor
1650	1400	1250	900	500	250

M15 SOF

Chambered for .223 cartridge. Fitted with flattop receiver and M4-style fixed stock. Introduced in 2003. Offered in both A2 and A4 configurations.

NIB	Exc.	V.G.	Good	Fair	Poor
1150	925	675	475	300	150

M15A2 HBAR

Introduced in 1995. Features 20" heavy barrel chambered for .223 cartridge. A2-style forward assist, recoil check brake. Formerly sold with 10-round magazine. Weight about 8.2 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1100	850	600	500	375	125

M15A2 National Match

Chambered for .223 cartridge. Variation features 20" stainless steel match barrel, with two-stage trigger, A2-style forward assist and hard coated anodized receiver. Equipped with 10-round magazine. Weight about 9 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1475	1200	850	600	375	200

M15A2-M4A1C Carbine

Similar to M15A2 heavy barrel, with 16" heavy barrel. Flattop receiver, with detachable carry handle. Introduced in 1995. **NOTE:** Add \$100 for Match trigger.



NIB	Exc.	V.G.	Good	Fair	Poor
1100	900	700	500	300	125

M15A2-M4C Carbine

Similar to M4A1C Carbine, with flattop receiver and detachable carry handle.



NIB	Exc.	V.G.	Good	Fair	Poor
1000	850	600	500	300	125

M15A4(T) Eagle Eye

Chambered for .223 cartridge. Fitted with 24" stainless steel heavy weight barrel. Has National Match two-stage trigger, Picatinny rail and NM fiberglass hand guard tube. Sold with 7-round magazine and 4-section cleaning rod with brass tip, sling, owner's manual and lifetime warranty.



NIB	Exc.	V.G.	Good	Fair	Poor
1500	1100	800	600	350	150

M15A4 Special Purpose Rifle (SPR)

Fitted with 20" heavy barrel, detachable front sight and carry handle, NM sights and Picatinny rail. Weight about 7.8 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	900	750	600	375	175

M15A4 Action Master

Variation features 20" stainless steel heavy barrel, with two-stage trigger, Picatinny rail and fiberglass hand guard tube. Weight about 9 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1450	1000	850	600	375	175

M15A4 Eagle Spirit

Similar to Action Master above, with 16" stainless steel barrel. Weight about 7.6 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1450	1000	850	600	375	175

M15A4 Carbine 6.8 & 7.62x39

Shorty carbine version of AR-15. Chambered in 6.8 Remington and 7.62x39. 16" chrome-lined barrel with flash suppressor, front and rear Picatinny rails for mounting optics and two-stage tactical trigger. Ten-round magazine. Anodized aluminum/phosphate finish. Overall length 36.6"; weight: 7 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
950	800	650	500	350	200

M15-22

This model was made in 2011 in .22 Long Rifle caliber on a .223 lower receiver, with most standard AR-style features.

NIB	Exc.	V.G.	Good	Fair	Poor
600	500	400	350	250	150

AR-30M

Chambered for .338 Lapua, .300 Win. Magnum or .308 Winchester cartridges. Barrel length 26" with muzzle-brake. Adjustable buttstock. Weight about 12 lbs. Reduced version of AR-50. **NOTE:** Add \$150 for .338 Lapua.



NIB	Exc.	V.G.	Good	Fair	Poor
2000	1700	1300	1000	500	195

AR-30A1 Standard

Introduced in 2013. This is an upgraded version of bolt-action AR-30M. Improvements include better ergonomics and versatility. Chambered in .300 Win. Magnum or .338 Lapua. **NOTE:** Add \$125 for .338 Lapua caliber; \$200 for target version with an adjustable fixed stock.

NIB	Exc.	V.G.	Good	Fair	Poor
3000	2400	1800	1250	700	350

AR-31

This target model in .308 Winchester has an 18" or 24" barrel, stock that's adjustable for length-of-pull and comb height, bipod, muzzle-brake and single-stage trigger. It accepts Armalite AR-10B double-stack magazines up to 25-round capacity.

NIB	Exc.	V.G.	Good	Fair	Poor
3200	2600	2000	1500	800	400

AR-50

Introduced in 2000. Chambered for .50 BMG or .416 Barrett. Fitted with 31" tapered barrel threaded for recoil check (muzzle-brake). Trigger is single-stage. Stock is 3-section type with extruded fore-end. Adjustable Pachmayr buttplate. Picatinny rail. Finish is magnesium phosphated steel and hard anodized aluminum. Bipod. Single shot. Weight about 33 lbs. **NOTE:** Add \$400 for National Match Model.



NIB	Exc.	V.G.	Good	Fair	Poor
3400	2650	2000	1500	750	300

PRE-BAN MODELS

Golden Eagle

Fitted with 20" stainless extra-heavy barrel, with NM two-stage trigger and NM sights. Sold with 30-round magazine. Weight about 9.4 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1500	1200	950	800	400	200

HBAR

Pre-ban rifle has 20" heavy barrel, 30-round magazine and sling. Weight about 8 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1300	1000	850	700	350	175

M4C Carbine

Pre-ban variation fitted with 16" heavy barrel, collapsible stock and fixed flash suppressor. Weight about 6.2 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1300	1000	850	700	350	175

ARMAS DE FUEGO

Guernica, Spain

See—Alkartasuna Fabrica de Armas

ARMERO ESPECIALISTAS

Eibar, Spain

Alfa

"Alfa" was a trademark given a number of revolvers based upon both Colt and Smith & Wesson designs. In calibers ranging from .22- to .44-calibers. NOTE: Add 50 percent for S&W N-frame copies.

NIB	Exc.	V.G.	Good	Fair	Poor
—	250	200	100	75	50

Omega

Semi-automatic 6.35 or 7.65mm pistol marked "Omega" on slide and grips.

NIB	Exc.	V.G.	Good	Fair	Poor
—	225	175	100	75	50

ARMES DE CHASSE

Chadds Ford, Pennsylvania

Importer of firearms manufactured by Franchi, P. Beretta and other arms manufactured in Germany.

Model EJ

Over/under Anson & Deeley action 12-gauge shotgun, with double triggers as well as automatic ejectors. Blued barrels, silver finished receiver and checkered walnut stock. Manufactured in Germany. Introduced in 1989.

NIB	Exc.	V.G.	Good	Fair	Poor
1500	1250	900	650	500	250

Model EU

As above, with ventilated rib barrel. Non-selective single trigger. Introduced in 1989.

NIB	Exc.	V.G.	Good	Fair	Poor
1600	1300	850	650	500	250

Highlander

Side-by-side double-barrel 20-gauge shotgun, with boxlock action. Available in various barrel lengths and choke combinations, with double triggers and manual extractors. Blued, with checkered walnut stock. Manufactured in Italy. Introduced in 1989.

NIB	Exc.	V.G.	Good	Fair	Poor
1350	800	650	350	250	125

Chesapeake

As above chambered for 3.5" 12-gauge shell. Bores are chrome-lined and suitable for steel shot. Fitted with automatic ejectors and double triggers. Manufactured in Italy. Introduced in 1989.

NIB	Exc.	V.G.	Good	Fair	Poor
1450	995	700	475	400	200

Balmoral

English-style straight-grip 12-, 16- or 20-gauge boxlock shotgun. Fitted with false side plates. Receiver and side plates case-hardened. Barrels blued. Fitted with single trigger and automatic ejectors. Manufactured in Italy. Introduced in 1989.

NIB	Exc.	V.G.	Good	Fair	Poor
1200	925	725	500	400	200

Model 70E

A 12-, 16- or 20-gauge side-by-side shotgun. Fitted with 27" or 28" barrels. Action based upon Anson & Deeley design, with Greener crossbolt. Receiver case-hardened. Barrels blued. Walnut stock checkered. Manufactured in Germany. Introduced in 1989.

NIB	Exc.	V.G.	Good	Fair	Poor
1225	925	725	500	400	200

Model 74E

As above, with game scene engraving. More fully figured walnut stock. Introduced in 1989.

NIB	Exc.	V.G.	Good	Fair	Poor
1475	1050	900	650	500	250

NIB	Exc.	V.G.	Good	Fair	Poor
—	—	3500	1250	500	250

4th Model

Differs from others in it features a hinged breech that permits simpler loading of odd-shaped Burnside percussion cartridge. Frame marked "Burnside's Patent/Model of 1864". Other features similar to 3rd Model. Approximately 50,000 manufactured between 1862 and 1865.



Courtesy Milwaukee Public Museum, Milwaukee, Wisconsin

NIB	Exc.	V.G.	Good	Fair	Poor
—	—	4000	2000	800	400

BUSHMASTER FIREARMS INTERNATIONAL

Huntsville, Alabama

In 2006, Bushmaster was purchased by Freedom Group, parent company of Remington, Marlin/H&R, DPMS, Para USA and Dakota Arms. In 2011, Bushmaster plant in Maine was closed and production moved to Remington facility in Ilion, New York and later to Huntsville, Alabama.

ACR (Adaptive Combat Rifle)

Series of fully modular AR-15 pattern rifles in 5.56 NATO/.223 Rem., with all major components configurable to user preference, including barrel, stock and hand guard. Features include adjustable gas piston-driven system, ambidextrous controls, 16.5" barrel, A2 birdcage flash hider and 30-round magazine. Made in several variations beginning in 2010. Prices shown are for Basic Folder configuration.

NIB	Exc.	V.G.	Good	Fair	Poor
2100	1800	1250	800	500	300

ACR Enhanced

Semi-automatic Adaptive Combat Rifle chambered in 5.56 NATO. Barrel is quickly interchangeable and available in 10.5", 14.5", 16.5" and 18.5". AAC Blackout 51T flash hider, 3-rail enhanced hand guard, with 7-position folding/telescoping stock. A-TACs model has fixed A-frame composite camo stock, with rubber butt pad and sling mounts. Introduced in 2013.



NIB	Exc.	V.G.	Good	Fair	Poor
1950	1700	1300	900	500	300

XM15-E2S Target Model

Furnished with 20" heavy barrel and A-2 stock. Weight 8.35 lbs. **NOTE:** Add \$10 for 24" barrel; \$20 for 26" barrel; \$75 for A3 carry handle.



NIB	Exc.	V.G.	Good	Fair	Poor
800	675	550	400	300	200

XM15-E2S V-Match Competition Rifle

Specially designed competition rifle, with 20", 24" or 26" barrel lengths. Fitted with black anodized aluminum hand guard. Weight about 8.1 lbs. **NOTE:** Add \$75 for A3 carry handle.



NIB	Exc.	V.G.	Good	Fair	Poor
950	800	700	450	350	250

XM15-E2S V-Match Carbine

As above, with 16" barrel. Weight about 6.9 lbs. **NOTE:** Add \$75 for A3 carry handle.



NIB	Exc.	V.G.	Good	Fair	Poor
900	700	575	450	350	250

XM15 3-Gun Enhanced Carbine

Designed for 3-Gun competition, with crimson anodized upper and lower receiver, 16" mid-length stainless barrel, 15" carbon fiber free-float tube, Rolling Thunder compensator and Timney trigger. Other features include Boron nitride bolt carrier group, Bravo Company charging handle, ambidextrous selector switch, Magpul MIAD grip and MOE stock. Introduced in 2014.

NIB	Exc.	V.G.	Good	Fair	Poor
1485	1225	1000	750	500	250

XM15-E2S Shorty Carbine

This "post-ban" model M16 is a gas-operated semi-automatic rifle. Chambered for .223 Remington cartridge. Fitted with heavy 16" barrel and 30-round magazine. Overall length 35"; empty weight 6.72 lbs. **NOTE:** Add \$50 for fluted barrel; \$75 for A3-type carry handle.



NIB	Exc.	V.G.	Good	Fair	Poor
—	675	550	450	300	200

XM15-E2S Dissipator

Similar to above model, with 16" barrel. Fitted with longer plastic hand guard to give a longer sight radius. Weight 7.2 lbs. **NOTE:** Add \$75 for A3 carry handle.



NIB	Exc.	V.G.	Good	Fair	Poor
950	775	600	450	300	200

XM15 Patrolman's Pistol

This law-enforcement-only model has a 7" or 10.5" barrel, with flash hider, A2 pistol-grip and knurled free-float hand guard. Enhanced model has Barnes Precision free-float lightweight quad rail, Magpul MOE pistol-grip and trigger guard. **NOTE:** Add \$200 for enhanced model.



NIB	Exc.	V.G.	Good	Fair	Poor
825	750	600	500	400	250

M4 Post-Ban Carbine

Introduced in 2001. Features 14.5" barrel, with permanently attached Mini Y Comp muzzle-brake (total length 16") and pinned fixed-length Tele-style stock. Chambered for .223-caliber. M16A2 rear sight. Supplied with 10-round magazine. Weight about 6.6 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1050	900	750	450	300	200

M4A3 Post-Ban Carbine

Same as above, with removable carry handle. Introduced in 2001.

NIB	Exc.	V.G.	Good	Fair	Poor
1125	975	825	500	400	300

MOE Series

Features Magpul Original Equipment (MOE) accessories, including rifle-length hand guard, adjustable stock, grip and 30-shot magazine. Chambered for .223 (5.56) or .308. **NOTE:** Add \$400 for .308.

NIB	Exc.	V.G.	Good	Fair	Poor
900	800	675	500	300	200

DCM Competition Rifle

Features 20" extra heavy barrel, with free floating fore-end. Competition sights and trigger. Supplied with buttstock weight, 10-round magazine and hard carrying case.



NIB	Exc.	V.G.	Good	Fair	Poor
1350	1075	800	600	500	350

11.5" Barrel Carbine

AR-style carbine chambered in 5.56/.223. Features include 11.5" chrome-lined barrel, with permanently attached BATF-approved 5.5"

flash suppressor, fixed or removable carry handle, optional optics rail, 30-round magazine. Overall length 31.625". Weight 6.46 or 6.81 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
900	775	600	450	300	200

Heavy-Barreled Carbine

AR-style semi-automatic carbine chambered in 5.56/.223. Features include chrome-lined heavy profile 16" vanadium steel barrel, fixed or removable carry handle, six-position telescopic stock. Overall length 32.5". Weight 6.93 lbs. to 7.28 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1000	850	700	550	300	200

Modular Carbine

AR-style carbine chambered in 5.56/.223. Features include 16" chrome-lined chrome-moly vanadium steel barrel, skeleton stock or six-position telescopic, clamp-on front sight and detachable flip-up dual aperture rear and 30-round magazine. Overall length 36.25". Weight 7.3 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1450	1200	1000	750	400	250

M17S Bullpup

Gas-operated semi-automatic rifle in bull-pup design. Chambered for .223 cartridge. Fitted with 21.5" barrel. Weight 8.2 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
800	675	500	400	300	200

Gas Piston Rifle

Semi-automatic AR-style rifle chambered in .223. Features include 16" barrel, telescoping stock, carry handle, 30-round magazine and piston assembly rather than direct gas impingement. Overall length 32.5". Weight 7.46 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1750	1375	1050	800	650	300

6.8 SPC Carbine

AR-style semi-automatic rifle chambered in 6.8 SPC. Features include 16" M4 profile barrel, with Izzy muzzle-brake, 26-round magazine, six-position telescopic. Available in A2 (fixed carry handle) or A3 (removable carry handle) configuration. Overall length 32.75". Weight 6.57 lbs. Also chambered in 7.62x39mm.

NIB	Exc.	V.G.	Good	Fair	Poor
1200	1150	950	800	650	300

Carbon 15 9mm Carbine

Semi-automatic carbine chambered in 9mm Parabellum. Carbon fiber frame, 16" steel barrel, six-position telescoping stock, 30-round detachable magazine. Introduced 2006.



NIB	Exc.	V.G.	Good	Fair	Poor
1000	850	700	550	475	300

Carbon 15 Top Loading Rifle

Semi-automatic rifle chambered in .223. Carbon fiber frame, 16" steel barrel, retractable stock, Picatinny rail, 10-round fixed magazine. Based on AR-15. Introduced 2006.



NIB	Exc.	V.G.	Good	Fair	Poor
1000	850	700	550	475	300

Carbon 15 Quad Rail Flattop

Semi-automatic AR-style in 5.56 NATO. M4 contour 16.5" barrel, with A2 flash hider, fixed front sight bases and bayonet lug. Flattop upper receiver, with Mission First tactical pommel quad rail and four rail covers. Six-position adjustable stock. New in 2013.

NIB	Exc.	V.G.	Good	Fair	Poor
800	700	600	—	—	—

Predator

Semi-automatic rifle chambered in .223. 20" DCM-type barrel, fixed composite buttstock, 2-stage competition trigger, Picatinny rail, .500" scope risers. Based on AR-15. Introduced 2006.



NIB	Exc.	V.G.	Good	Fair	Poor
1100	900	750	600	525	325

Carbon 15 .22 Rimfire Rifle

Similar to Shorty carbine. Chambered in .22 LR. Blowback, with 10-round magazine.



NIB	Exc.	V.G.	Good	Fair	Poor
625	495	350	275	200	150

.308 Hunter

Designed for the hunter. Chambered in .308 Winchester, with 20" heavy-fluted barrel. Chrome lined bore and chamber. Features include 5-round magazine, mid-length gas system, two .75" mini risers for optics mounting, Hogue rubberized pistol-grip, standard A2 stock. Vista Hunter has A2 grip. Weight about 8.5 lbs. **NOTE:** Add \$100 for Vista Hunter if NIB.

NIB	Exc.	V.G.	Good	Fair	Poor
1400	1100	925	775	500	300

ORC Series

Optics Ready Carbine series for shooters who wish to add various optical holograph, red dot or scope sights. Chambered in .223/5.56, with magazine capacity of 30 rounds or .308 with 20-round magazine. Gas

piston system taps gas from barrel much like AK and FAL designs. Provides a cleaner operation with less recoil. Detented plug in gas block allows for easy cleaning. Barrel length 16"; weight 6.6 lbs. (.223) to 7.75 lbs. (.308). **NOTE:** Add \$200 for .308 chambering.

NIB	Exc.	V.G.	Good	Fair	Poor
1125	965	825	700	500	300

Quick Response Carbine

This model equipped with detachable red dot sight, 16" barrel, 10-shot magazine and six-position collapsible stock.

NIB	Exc.	V.G.	Good	Fair	Poor
600	500	425	350	250	200

.450 Carbine

Chambered for .450 Bushmaster cartridge providing big-bore power in AR platform. Developed with Hornady Mfg., cartridge propels a 250-grain bullet at 2200 fps, ideal for most North American big game. Barrel length 16" or 20", A3 flattop receiver with Picatinny rail. Weight about 8.5 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1200	1025	900	750	550	350

Bushmaster AK Carbine

AR-type rifle, with AK-type muzzle-brake and permanently pinned suppressor. 5.56 NATO caliber.

NIB	Exc.	V.G.	Good	Fair	Poor
1100	950	800	650	300	200

Bushmaster .300 AAC Blackout

AR-type rifle chambered for .300 AAC cartridge. Developed by Advanced Armament Corporation, which is now part of Freedom Group that owns Bushmaster. Round's ballistics are similar to 7.62x39 and .300 Whisper wildcat. .300 AAC is factory loaded by Remington, including a sub-sonic load. Compatible with AR-15 magazines.

NIB	Exc.	V.G.	Good	Fair	Poor
1300	1050	875	700	300	200

BA50 .50 BMG Rifle and Carbine

Bolt-action 10-round repeater intended for long-range target shooting. 30" barrel, muzzle-brake. Carbine has 20" barrel.



NIB	Exc.	V.G.	Good	Fair	Poor
5000	4200	3700	3000	—	—

Carbon 15 .223 Pistol

AR-style semi-automatic pistol chambered in 5.56/.223. Features include 7.5" stainless steel barrel, carbon composite receiver, shortened hand guard, full-length optics rail, A2-type front sight with dual-aperture flip-up rear. 30-round magazine. Overall length 20". Weight 2.88 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
800	700	550	400	300	200

Carbon 15 9mm Pistol

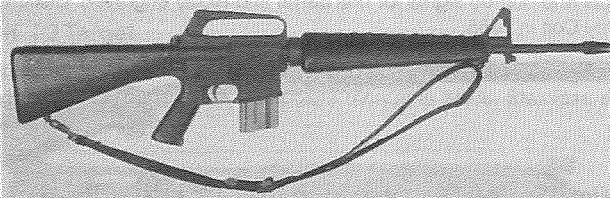
Operating controls similar to AR-type rifles, 30 round capacity. Weight with loaded magazine 5.5 lbs. Carbon fiber receiver, fore-end and grip, with Chrome Moly steel barrel. Full length Picatinny rail.

COLT AR-15 & SPORTER RIFLES

PRICING NOTICE: It is estimated the value of pre-ban AR-15s declined 10-15 percent, since 1994-2004 Assault Weapons ban has lapsed, but market has once again spiked due to demand. Pricing status of AR-15 is still volatile.

**COLT AR-15 PRE-BAN PRODUCTION
1964 TO 1989****AR-15 Sporter (Model #6000)**

Semi-automatic rifle firing from a closed bolt. Introduced into Colt product line in 1964. Similar in appearance and function to military version M-16. Chambered for .223 cartridge. Fitted with standard 20" barrel, no forward assist, no case deflector, but with a bayonet lug. Weight about 7.5 lbs. Dropped from production in 1985.



NIB	Exc.	V.G.	Good	Fair	Poor
2150	1800	1600	1500	600	400

AR-15 Sporter w/Collapsible Stock (Model #6001)

Same as above, fitted with 16" barrel and folding stock. Weight about 5.8 lbs. Introduced in 1978; discontinued in 1985.

NIB	Exc.	V.G.	Good	Fair	Poor
2750	2450	2100	1800	600	400

AR-15 Carbine (Model #6420)

Introduced in 1985. Has 16" standard weight barrel. All other features same as previous discontinued AR-15 models. Version dropped from Colt product line in 1987.

NIB	Exc.	V.G.	Good	Fair	Poor
2200	1900	1700	1600	600	400

AR-15 9mm Carbine (Model #6450)

Same as above. Chambered for 9mm cartridge. Weight 6.3 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
2250	1950	1750	1650	700	400

AR-15A2 Sporter II (Model #6500)

Introduced in 1984. An updated version, with heavier barrel and forward assist. AR sight still utilized. Weight about 7.8 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1850	1500	1300	1050	550	400

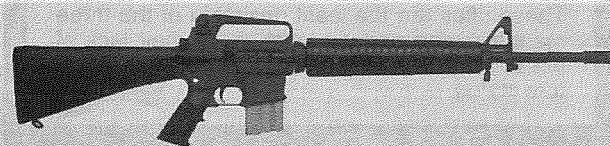
AR-15A2 Government Model Carbine (Model #6520)

Added to Colt line in 1988, this 16" standard barrel carbine featured for the first time a case deflector and improved A2 rear sight. Fitted with 4-position telescoping buttstock. Weight about 5.8 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
2300	2000	1750	1650	700	400

AR-15A2 Government Model (Model #6550)

Introduced in 1988. Rifle equivalent to the Carbine. Features 20" A2 barrel, forward assist, case deflector, but still retains the bayonet lug. Weight about 7.5 lbs. Discontinued in 1990. USMC model.



NIB	Exc.	V.G.	Good	Fair	Poor
2300	2000	1750	1650	700	400

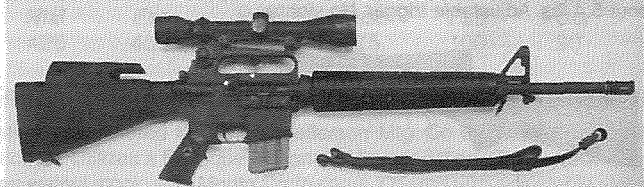
AR-15A2 H-BAR (Model #6600)

Introduced in 1986. This version features special 20" heavy barrel. All other features the same as A2 series of AR15s. Discontinued in 1991. Weight about 8 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1950	1750	1500	950	700	500

AR-15A2 Delta H-BAR (Model #6600DH)

Same as above. Fitted with 3x9 scope and detachable cheekpiece. Dropped from Colt line in 1990. Weight about 10 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
2350	2100	1800	1650	850	600

**COLT AR-15 PRE-BAN PRODUCTION
1989 TO 1994****Sporter Lightweight Rifle**

Lightweight model has 16" barrel and finished in matte black. Available in: .223 Rem. caliber (Model #6530) weight 6.7 lbs.; 9mm caliber (Model #6430) weight 7.1 lbs.; 7.65x39mm (Model #6830) weight 7.3 lbs. All furnished with two 5-round box magazines. Cleaning kit and sling are also supplied with each new rifle. Buttstock and pistol-grip are made of durable nylon. Hand guard is reinforced fiberglass and aluminum lined. Rear sight is adjustable for windage and elevation. Newer models are referred to simply as Sporters. Not fitted with a bayonet lug and receiver block. Has different size pins. **NOTE:** Model 6830 will bring about \$25 less than these prices.



NIB	Exc.	V.G.	Good	Fair	Poor
1650	1500	1100	850	750	600

Sporter Target Model Rifle (Model #6551)

This 1991 model is a full size version of Lightweight Rifle. Weight 7.5 lbs. Has a 20" barrel. Offered in .223 Rem. caliber only, with target sights adjustable to 800 meters. New rifles furnished with two 5-round box magazines, sling and cleaning kit. **NOTE:** Deduct 30 percent for post-9/94 guns.

NIB	Exc.	V.G.	Good	Fair	Poor
1700	1400	1100	650	400	300

Sporter Match H-BAR (Model #6601)

This 1991 variation of AR-15 is similar to Target Model. Has 20" heavy barrel, target type sights adjustable out to 800 meters and chambered

for .223-caliber. Supplied with two 5-round box magazines, sling and cleaning kit. Weight 8 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1700	1400	1100	650	400	300

AR-15 (XM16E1)

Rifle made upon request for foreign contracts. Very rare. Proceed with caution. Variation will command a premium price over standard AR-15 rifle. Secure an appraisal before purchase.



Courtesy Richard M. Kumor, Sr.

Sporter Match Delta H-BAR (Model #6601 DH)

Same as above, but supplied with a 3x9 scope. Weight about 10 lbs. Discontinued in 1992.

NIB	Exc.	V.G.	Good	Fair	Poor
2300	1900	1600	1300	600	400

Match Target H-BAR Compensated (Model #6601C)

Same as regular Sporter H-BAR, with addition of a compensator.



NIB	Exc.	V.G.	Good	Fair	Poor
2200	1900	1600	1300	600	400

Colt Match Target M4

Similar to above, with carbine-length barrel.

NIB	Exc.	V.G.	Good	Fair	Poor
2200	1900	1600	1300	600	400

Sporter Competition H-BAR (Model #6700)

Introduced in 1992. Competition H-BAR available in .223-caliber, with 20" heavy barrel counterbored for accuracy. Carry handle is detachable, with target sights. With carry handle removed the upper receiver is dovetailed and grooved for Weaver-style scope rings. New rifles furnished with two 5-round box magazines, sling and cleaning kit. Weight about 8.5 lbs. **NOTE:** Deduct 35 percent for post-9/94 guns.



NIB	Exc.	V.G.	Good	Fair	Poor
1800	1500	1300	1000	500	350

Sporter Competition H-BAR Select w/scope (Model #6700CH)

This variation identical to Sporter Competition, with addition of factory mounted scope. Rifle has also been selected for accuracy. Comes complete with 3-9X rubber armored variable scope, scope mount, carry handle with iron sights and nylon carrying case.



NIB	Exc.	V.G.	Good	Fair	Poor
2000	1800	1400	1000	600	400

Match Target Competition H-BAR Compensated (Model #6700C)

Same as Match Target, with compensator.

NIB	Exc.	V.G.	Good	Fair	Poor
2000	1800	1400	1000	600	400

AR-15 Carbine Flat-top Heavyweight/Match Target Competition (Model #6731)

This variation in Sporter series features heavyweight 16" barrel, with flat-top receiver. Chambered for .223 cartridge. Equipped with a fixed buttstock. Weight about 7.1 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1200	1000	800	600	400	300

AR-15 Tactical Carbine (Model #6721)

Similar to above model, with exception of buttstock which is telescoping and adjusts to 4 positions. Chambered for .223 cartridge. Weight about 7 lbs. Majority of these guns were for law enforcement only. Only 134 rifles are pre-ban. **NOTE:** Add 100 percent premium if serial number is below BD000135.

NIB	Exc.	V.G.	Good	Fair	Poor
1400	1200	1000	800	600	400

Sporter H-BAR Elite/Accurized Rifle (Model #6724)

Introduced in 1996. Features a free floating 24" stainless steel match barrel, with an 11 degree target crown and special Teflon coated trigger group. Hand guard is all-aluminum, with twin swivel studs. Weight about 9.26 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1500	1250	900	550	400	300

COLT AR-15 POST-BAN PRODUCTION 1994 TO PRESENT

Colt SP6920

Sporter version of classic Colt M4 carbine. Chambered for .223 Remington. Chrome-lined bore with 6 grooves, 1" to 7" right hand twist. Four-position collapsible stock. Flattop receiver with removable carry handle. Matte black finish. Introduced in 2011. Discontinued.



NIB	Exc.	V.G.	Good	Fair	Poor
975	850	725	600	400	200

Colt SP6940

Same gun as SP6920, with one-piece upper receiver. Fully floated barrel, which allows easier mounting of optical, laser or light accessories. No carry handle. Matte black finish. Introduced in 2011. Discontinued.



NIB	Exc.	V.G.	Good	Fair	Poor
1275	1075	900	700	500	300

Match Target Competition H-BAR (Model 6700)

This 5.56 NATO model has a flattop upper receiver grooved for Weaver scope mounts, 20" heavy barrel, detachable carry handle with 600 meter rear sight system. Weight 8.5 lbs. Introduced in 1992; discontinued 2013.

NIB	Exc.	V.G.	Good	Fair	Poor
1000	850	700	500	400	325

Match Target Lightweight

Chambered in 5.56 NATO, 7.62x39 or 9mm. Has 16" barrel and hand guard, with adjustable rear sight. Weight 7 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
900	800	650	475	400	325

Match Target M4 Carbine

Chambered in 5.56 NATO/.223 Rem., with 16.1" barrel, fixed tube buttstock and detachable carrying handle. This model is a semi-automatic version of the one currently issued to U.S. armed forces. Introduced in 2002; discontinued 2013.

NIB	Exc.	V.G.	Good	Fair	Poor
1000	850	700	500	400	325

Match Target H-BAR Rifle

Similar to Match Target M4 Carbine, but with 20" heavy barrel. Introduced in 1986; discontinued 2010.

NIB	Exc.	V.G.	Good	Fair	Poor
1100	950	800	550	450	350

Colt Carbine

Chambered in 9mm with 32-shot magazine, 16.1" barrel with flash suppressor. Muddy Girl or matte black finish. **NOTE:** Deduct \$300 for matte black finish.

NIB	Exc.	V.G.	Good	Fair	Poor
1400	1200	900	750	600	450

M.A.R.C. 901

This family of modular AR carbines are chambered in .308 Winchester caliber, with 16.1" heavy barrels. Adapter kit available to allow mounting of .223/5.56 NATO upper receiver. Picatinny rail-mounted accessories for .223 models can be used. LE901 has one-piece upper receiver with BUIS, bayonet lug and flash hider, ambidextrous controls, VLTOR buttstock. AR901 has tubular handguard, B5 Bravo buttstock. Introduced in 2015.

LE901

NIB	Exc.	V.G.	Good	Fair	Poor
1850	1700	1600	—	—	—

AR901



NIB	Exc.	V.G.	Good	Fair	Poor
1300	1200	1100	—	—	—

LE6920

Colt's basic version of Modern Sporting Rifle. Features Magpul MOE SL hand guards, MOE SL carbine stock and pistol-grip, and MOE back up sight. Offered in several variations, all with 16.1" barrel, 5.56 NATO chambering, chromed 6-groove barrel and direct gas operating system. Introduced in 2015.

NIB	Exc.	V.G.	Good	Fair	Poor
900	800	700	—	—	—

LE6940

Similar to LE6920 with free floating barrel, fixed four-position rail system, 30-round magazine, MBUS Gen 2 rear sight. Introduced in 2015.

NIB	Exc.	V.G.	Good	Fair	Poor
1300	1200	1100	—	—	—

LE6960

This model also known as the Combat Unit Carbine. Has 16" barrel, direct gas impingement system, Magpul MOE SL buttstock and pistol-grip. Optics ready. Mid length gas system. Black anodized finish. Introduced 2017.

NIB	Exc.	V.G.	Good	Fair	Poor
1000	850	700	—	—	—

Expanse M4

Entry-level AR-15 style rifle, with standard features including a 16" barrel chambered for .223/5.56 NATO. Mil Spec grip, trigger and collapsible stock, direct impingement gas operation and 30-round magazine. Introduced in 2016.

NIB	Exc.	V.G.	Good	Fair	Poor
625	550	485	400	325	250

COLT CUSTOM SHOP

Colt Custom Shop offers various customizing, upgrading and engraving services on current catalog models. For information, contact Colt at www.colt.com or 800-962-2658. Shown here is a sampling of previously customized models.

Special Combat Government Model (Competition)

Competition ready model. Chambered for .45 ACP. Fitted with skeletonized trigger, upswept grip safety, custom tuned action, polished feed ramp, throated barrel, flared ejection port, cutout commander hammer, two 8-round magazines, hard chromed slide and receiver, extended thumb safety, Bomar rear sight, Clark dovetail front sight and flared magazine funnel. Pistol has been accurized and shipped with a certified target.

NIB	Exc.	V.G.	Good	Fair	Poor
1750	1200	800	500	300	200

Special Combat Government Model (Carry)

Has all the same features as competition model, except it has a royal blue finish, special bar-dot night sights, ambidextrous safety. Also been accurized and shipped with a certified target.

NIB	Exc.	V.G.	Good	Fair	Poor
1550	1000	700	400	300	200

Gold Cup Commander

Chambered for .45 ACP. Features heavy-duty adjustable target sights, beveled magazine well, serrated front strap, checkered mainspring housing, wide grip safety, Palo Alto wood grips and stainless steel or royal blue finish.

NIB	Exc.	V.G.	Good	Fair	Poor
1400	875	650	600	500	375

U.S. Shooting Team Gold Cup

Limited edition Gold Cup .45 ACP, with special blue, sights, grips. U.S. Shooting Team logo rolled on the slide. Limited to 500 pistols and built for Lew Horton..

DPMS

St. Cloud, Minnesota

Panther Bull A-15

AR-15 type rifle chambered for .223 cartridge. Fitted with 20" stainless steel bull barrel. A-2 style buttstock. No sights. Barrel has 1:9 twist. Flat-top receiver. Hand guard is aluminum free float tube. Upper and lower receivers are hard coated black. Weight about 9.5 lbs. Each rifle comes standard with two 7-round magazines, sling and cleaning kit.



NIB	Exc.	V.G.	Good	Fair	Poor
900	700	550	400	275	125

Panther Bull 24

Similar to model above. Fitted with 24" bull barrel. Flattop receiver. Weight about 10 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
950	750	600	400	275	125

Panther Deluxe Bull 24 Special

Fitted with 24" stainless steel fluted bull barrel. Adjustable A-2 style buttstock. Flattop receiver. Adjustable sniper pistol-grip. Weight about 10 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1150	900	750	400	275	125

Panther Extreme Super Bull 24

Fitted with 24" stainless steel extra heavy bull barrel (1.150" dia.). Skel-etonized stock. Flattop receiver. Weight about 11.75 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	800	650	400	275	125

Panther Bulldog

Fitted with 20" stainless steel fluted bull barrel. Black synthetic A-2-style buttstock. Flattop receiver. Adjustable trigger. Weight about 10 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	975	800	400	275	125

Panther Bull Sweet 16

Fitted with 16" stainless steel bull barrel. Flattop receiver. Weight about 7.75 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1100	900	550	400	275	125

Panther Bull SST 16

Similar to model above, with stainless steel lower receiver. Weight about 9 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1300	975	650	400	275	125

Panther Bull Classic

Fitted with 20" 4150 steel bull barrel. Square front post sight, adjustable A-2 rear sight. Weight about 9.75 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1075	850	700	400	275	125

Panther Classic

Fitted with 20" 4150 steel heavy barrel. Square front post sight and A-2 rear sight. A-2 round hand guard. Weight about 9.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	800	650	400	275	125

TAC 2/TAC 20

This model in 5.56 NATO, with 16" barrel, Magpul ACS stock with MOE pistol-grip and A2 front and rear sights. Weight about 8.5 lbs. TAC 20 model similar, but in .308 Winchester with 20" heavy barrel. Introduced in 2012.

NIB	Exc.	V.G.	Good	Fair	Poor
1100	950	800	600	400	300

GII AP4

Chambered in .308 Win., with 16" lightweight chrome-lined barrel. M4 6-position collapsible stock, A2 pistol-grip, carbine-length Glacier Guard hand guard, Magpul Gen 2 rear sight, anodized and Teflon-coated upper and lower receivers.

NIB	Exc.	V.G.	Good	Fair	Poor
1300	1100	925	700	400	250

GII Hunter

Chambered in .243 Win., .260 Rem., .308 Win. or .338 Federal. Has 20" stainless steel barrel with no sights, Magpul MOE stock with pistol-grip and a free-float tube hand guard. Compact model identical except with 18" barrel. Introduced in 2014.

NIB	Exc.	V.G.	Good	Fair	Poor
1400	1250	1000	750	450	325

Panther Arctic

Similar to Bull Classic, with 20" fluted bull barrel and flattop receiver. Black A-2 style buttstock, with white coat finish on receiver and hand guard. Black Teflon finish on barrel. Weight about 8.25 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
800	600	500	400	275	125

Panther DCM

Similar to model above, with 20" stainless steel heavy barrel and NM rear sight. DCM free-float hand guard. Adjustable trigger. Weight about 9.5 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
950	750	600	400	275	125

Panther Classic 16 Post Ban

Fitted with 1" 4150 steel heavy barrel. A-2 style sights. Round hand guard. Weight about 7.25 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
775	600	500	400	275	125

Panther Free Float 16 Post Ban

Similar to model above, with 16" barrel. Fitted with ventilated free-floated barrel and tube hand guard. Weight about 7.25 lbs.

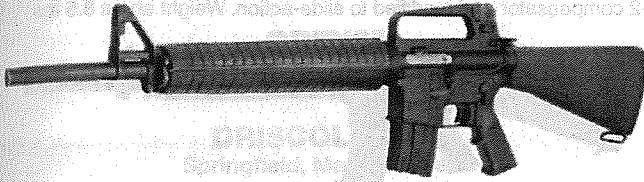


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NIB	Exc.	V.G.	Good	Fair	Poor
825	650	550	400	275	125

Panther Southpaw Post Ban

Fitted with 20" 4150 steel heavy barrel. A-2 style sights. Upper receiver modified for left-hand ejection. Weight about 9.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
875	700	600	400	275	125

Panther Race Gun

Similar to Panther Bull, with 24" fluted bull barrel. Sights: JP Micro adjustable rear, JP front sight adjustable for height. Includes Lyman globe and Shaver inserts.



NIB	Exc.	V.G.	Good	Fair	Poor
1875	1500	800	500	275	125

Panther Tuber

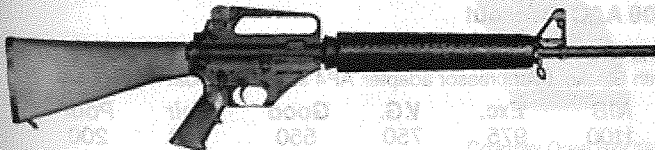
Similar to Panther Bull 24, with 16" barrel and cylindrical aluminum shroud.



NIB	Exc.	V.G.	Good	Fair	Poor
700	600	500	400	275	125

Single Shot Rifle

AR-15 style single-shot rifle, with manually-operated bolt. No magazine.



NIB	Exc.	V.G.	Good	Fair	Poor
775	500	400	275	125	100

Panther Pardus

Similar to Panther Post Ban, with 16" bull barrel, telescoping buttstock and tan Teflon finish. Introduced 2006.

NIB	Exc.	V.G.	Good	Fair	Poor
1200	850	700	400	275	200

Panther 20th Anniversary Rifle

Similar to Panther Post-ban, with 20" bull barrel and engraved chrome-plated lower receiver. Introduced 2006.

NIB	Exc.	V.G.	Good	Fair	Poor
2500	2000	1550	800	500	300

Panther 6.8 Rifle

Similar to Panther DCM, with 20" chrome-moly barrel. Chambered for 6.8x43 Remington SPC. Introduced 2006.

NIB	Exc.	V.G.	Good	Fair	Poor
1000	850	700	400	275	125

Panther Mark 12

Similar to other Panthers, with flash hider and other refinements. Introduced 2007.



NIB	Exc.	V.G.	Good	Fair	Poor
1300	850	700	400	275	125

Panther SDM-R

Similar to other Panthers, with stainless steel barrel and Harris bipod. Introduced 2007.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	850	700	400	275	125

LRT-SASS

Semi-automatic rifle based on AR-15 design. Chambered in .308 Win., 18" stainless steel barrel with flash hider. Collapsible Vitor Clubfoot carbine stock and 19-round detachable magazine. Introduced 2006.

NIB	Exc.	V.G.	Good	Fair	Poor
1900	1600	1475	1000	600	350

LR-260

Similar to LRT-SASS, with 24" stainless steel barrel. Chambered in .260 Remington. Also available with 20" chrome-moly barrel as LR-260H. Introduced 2006.

NIB	Exc.	V.G.	Good	Fair	Poor
1300	1000	900	800	500	300

LR-243

Similar to LR-260, with 20" chrome-moly barrel. Chambered in .243 Win. Introduced 2006.

NIB	Exc.	V.G.	Good	Fair	Poor
1150	950	800	650	500	300

LR-204

Similar to LRT-260. Chambered in .204 Ruger. Introduced 2006.

NIB	Exc.	V.G.	Good	Fair	Poor
1000	800	650	500	400	300

Panther Arms 5.56 Oracle

Semi-automatic AR-style rifle chambered in 5.56 NATO. Features include 16" 4140 chrome-moly 1:9 barrel; phosphated steel bolt; oval Glacier Guard hand guard; flattop upper with Picatinny rail; aluminum lower; two 30-round magazines; Pardus 6-position telescoping stock. Also available on larger platform in .308 Winchester/7.62 NATO.

NIB	Exc.	V.G.	Good	Fair	Poor
700	575	500	400	300	200

Panther 3G1

Semi-automatic AR-style rifle chambered in 5.56 NATO. Features include 18" 416 stainless 1:9 barrel; phosphated steel bolt; VTAC modular hand guard; flattop upper with Picatinny rail; aluminum lower; two 30-round magazines; Magpul CTR adjustable stock.

NIB	Exc.	V.G.	Good	Fair	Poor
1000	850	700	600	400	300

Prairie Panther

Semi-automatic AR-style rifle chambered in 5.56 NATO. Features include 20" 416 stainless fluted heavy 1:8 barrel; phosphated steel bolt; free-floated carbon fiber hand guard; flattop upper with Picatinny rail; aluminum lower; two 30-round magazines; skeletonized Zytel stock; finished in King Desert Shadow camo overall.

NIB	Exc.	V.G.	Good	Fair	Poor
1150	1000	850	700	450	300

Panther RAPTR

Semi-automatic AR-style rifle chambered in 5.56 NATO. Features include 16" 4140 chrome-moly 1:9 barrel; phosphated steel bolt; ERGO Z-Rail 4-rail hand guard; front vertical grip; standard A-2 sights; aluminum lower; four 30-round magazines. Discontinued 2012.

NIB	Exc.	V.G.	Good	Fair	Poor
1350	1025	800	625	350	250

Panther REPR

Semi-automatic AR-style rifle chambered in .308 Win./7.62 NATO. Features include 18" 416 stainless steel 1:10 barrel; phosphated steel bolt; 4-rail free-floated hand guard; no sights; aluminum lower; two 19-round magazines; Coyote Brown camo finish overall.

NIB	Exc.	V.G.	Good	Fair	Poor
2100	1850	1400	1000	650	350

Panther 308 Mk12

Semi-automatic AR-style rifle chambered in .308 Win./7.62 NATO. Features include 16" 4140 chrome-moly heavy 1:10 barrel; phosphated steel bolt; 4-rail free-floated hand guard; flip-up front and rear sights; aluminum lower; two 19-round magazines; matte black finish overall; Magpul

CTR adjustable stock.

NIB	Exc.	V.G.	Good	Fair	Poor
1500	1100	850	700	450	300

Panther A-15 Pump Rifle

Model has 20" 4150 steel heavy barrel, with A-2 style sights. Fitted with A-2 compensator and modified to slide-action. Weight about 8.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1400	1050	700	600	500	300

Panther A-15 Pump Pistol

Same as above. Fitted with 10.5" barrel. Weight about 5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1450	1100	750	575	450	300

Panther DCM .22 LR

Rimfire version of Panther series, with 20" fluted stainless H-Bar barrel, A-2 upper receiver, National Match sights. Also available with 16" barrel (Panther AP4) and flattop receiver. **NOTE:** Deduct \$75 for AP4 model

NIB	Exc.	V.G.	Good	Fair	Poor
850	750	600	450	300	150

Panther Lite 308/338

Chambered for .308 Win. or .338 Federal. A-3 flattop design, with 20" free-floated barrel and hand guard. Various options offered.

NIB	Exc.	V.G.	Good	Fair	Poor
1350	1200	900	650	400	200

Panther 6.5

Basic Panther model chambered for 6.5 Creedmoor. Stainless steel free-floated 24" barrel, A-3 flattop upper, mil-spec stock.

NIB	Exc.	V.G.	Good	Fair	Poor
1100	975	750	550	350	200

6.8 SPCII Hunter

Chambered for Remington 6.8 SPC cartridge, with 18" barrel and Micleuk compensator. A-3 flattop design with forward assist. Skeletonized stock.

NIB	Exc.	V.G.	Good	Fair	Poor
1150	1025	800	600	400	250

300 AAC Blackout

Chambered for .300 AAC cartridge. Chrome-lined 16" heavy barrel comes with Blackout suppressor adapter. AP4 stock, free-float hand guard.

NIB	Exc.	V.G.	Good	Fair	Poor
1100	975	750	550	350	200

Left Wheeler

A Colt Police Positive copy in .32- or .38-caliber. Last revolver HDH manufactured.

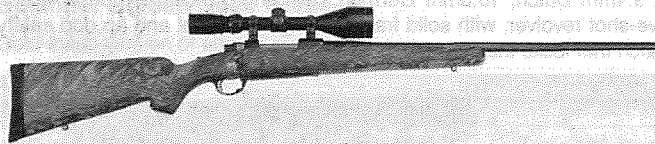
NIB	Exc.	V.G.	Good	Fair	Poor
—	200	150	125	100	75

HEAVY EXPRESS INC. Colorado Springs, Colorado

This company custom-built rifles, using its proprietary nonbelted cartridges from .260 Heavy Express Magnum to .416 Heavy Express Magnum. Company's rifles were built on Ruger Model 77 Mark II and Winchester Model 70 Classic actions. Barrels are 4140 chrome-moly blue and 416R stainless steel. Stocks include factory walnut, laminated or composite designs. Prices listed are for basic guns. Options are not included and will affect price.

Heavy Express Premier—Ruger M77 Mk II

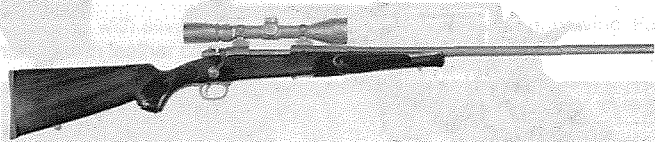
Chambered for .260 HE Magnum, .284 HE Magnum or .300 HE Magnum. Choice of walnut, laminated or composite stocks. **NOTE:** Add \$200 for stainless steel.



NIB	Exc.	V.G.	Good	Fair	Poor
1500	1150	800	600	350	175

Heavy Express Monarch—Winchester M70 Classic

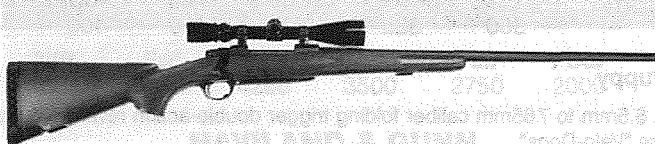
Same as above. Built on Winchester M70 Classic action. Choice of stocks. **NOTE:** Add \$200 for stainless steel.



NIB	Exc.	V.G.	Good	Fair	Poor
1775	1400	1000	750	500	250

Heavy Express Monarch—Ruger 77 MK II

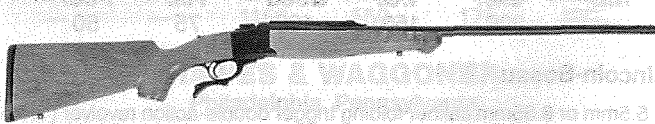
Built on Ruger M77 action. Chambered for .338, .350, .375, .416 and .460 HE Magnum cartridges. Choice of stocks. **NOTE:** Add \$200 for stainless steel.



NIB	Exc.	V.G.	Good	Fair	Poor
1775	1400	1000	750	500	250

Heavy Express Single-Shot—Ruger #1

Chambered in .300, .338, .350 and .416 HE Magnum cartridges. Choice of stocks. **NOTE:** Add \$200 for stainless steel.



NIB	Exc.	V.G.	Good	Fair	Poor
1775	1400	1000	750	500	250

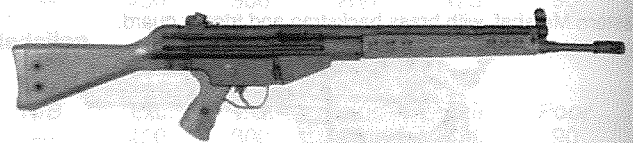
HECKLER & KOCH

Oberndorf/Neckar, Germany

End of WWII, the French dismantled Mauser factory as part of their reparations; buildings remained idle until 1949, when firearms production was again allowed in Germany. Heckler & Koch was formed as a machine tool enterprise and occupied vacant Mauser plant. In early 1950s, Edmund Heckler and Theodor Koch began to produce G3 automatic rifle based on Spanish CETME design and progressed to machine guns and sub-machine guns, eventually to production of commercial civilian rifles and pistols. In 1990, company got into financial difficulties because of a failed contract bid. In December 1990, French state consortium GIAT announced the purchase of Heckler and Koch, but a little more than a year later contract was canceled. Later in 1991, company was purchased by Royal Ordnance of Britain. In 2002, company was sold to a combined group of European investors and long-time company managers.

Model 91 A2

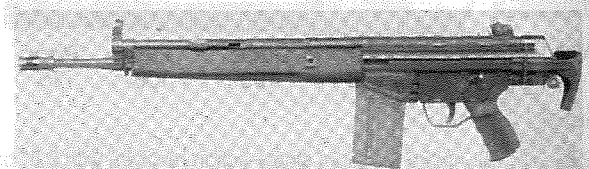
Recoil-operated rifle, with delayed-roller lock bolt. Chambered for .308 Winchester cartridge. Has 17.7" barrel, with military style aperture sights. Furnished with 20-round detachable magazine. Finished in matte black, with black plastic stock. Some areas of the country have made its ownership illegal.



NIB	Exc.	V.G.	Good	Fair	Poor
2800	2400	2000	1500	1150	800

Model 91 A3

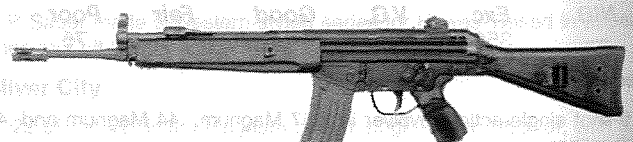
Simply Model 91, with retractable metal stock.



NIB	Exc.	V.G.	Good	Fair	Poor
3100	2700	2250	1700	1350	900

Model 93 A2

Similar to Model 91, except chambered for .223 cartridge with 16.4" barrel. Magazine holds 25 rounds. Specifications same as Model 91.



NIB	Exc.	V.G.	Good	Fair	Poor
3000	2500	2000	1500	1150	800

Model 93 A3

Model 93 with retractable metal stock.



NIB	Exc.	V.G.	Good	Fair	Poor
3250	2650	2250	1700	1350	900

Model 94 A2

Carbine version chambered for 9mm Parabellum cartridge, with 16.5" barrel. Smaller-scaled weapon, with 15-shot magazine.



NIB	Exc.	V.G.	Good	Fair	Poor
4000	3750	3500	3100	2500	1250

Model 94 A3

Variation of Model 94, with addition of retractable metal stock.



NIB	Exc.	V.G.	Good	Fair	Poor
4200	3950	3750	3300	2700	1000

Model 270

Chambered for .22 LR cartridge. Sporting-styled rifle, with 16.5" barrel. Furnished with 5- or 20-round magazine. Blued, with checkered walnut stock. Discontinued in 1985.

NIB	Exc.	V.G.	Good	Fair	Poor
1000	800	600	350	250	150

Model 300

Similar to Model 270, except chambered for .22 rimfire Magnum cartridge. Not imported after 1988.



NIB	Exc.	V.G.	Good	Fair	Poor
1300	1000	750	350	250	150

Model 630

Chambered for .223. Features same roller-delayed semi-automatic action as found on paramilitary-type weapons. Sporting-style rifle with polished blue finish and checkered walnut stock. Barrel 17.7" long. Magazines offered hold 4- or 10-rounds. Importation discontinued in 1986.



NIB	Exc.	V.G.	Good	Fair	Poor
1795	1350	900	650	450	300

Model 770

Similar to Model 630 except chambered for .308 Winchester cartridge and 19.7" barrel. Not imported after 1986.



NIB	Exc.	V.G.	Good	Fair	Poor
2000	1650	1100	650	450	300

Model 940

Essentially same as Model 770 except chambered for .30-06 cartridge, with 21" barrel. Not imported after 1986.

NIB	Exc.	V.G.	Good	Fair	Poor
2000	1600	1000	600	400	300

Model SL6

Heckler & Koch's current sporting rifle chambered for .223 cartridge, with 17.7" barrel. Features same basic action as military versions. Matte black finish, walnut stock, with ventilated walnut hand guard. Magazine holds 4 rounds.

NIB	Exc.	V.G.	Good	Fair	Poor
1600	1300	950	650	350	300

Model SL7

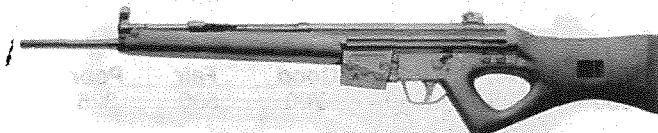
Similar to SL6 except chambered for .308 Winchester cartridge and 3-round magazine.



NIB	Exc.	V.G.	Good	Fair	Poor
1600	1300	950	650	350	300

Model SR9

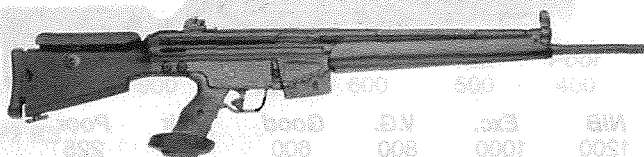
Introduced into U.S. market after the federal government prohibited importation of H&K's other semi-automatic rifles. SR9 similar to HK91, but certified by BATF as a sporting rifle. Features special thumbhole stock made of Kevlar reinforced fiberglass. Action is a delayed-roller locked bolt semi-automatic design chambered for .308 Winchester cartridge. Barrel 19.7" in length and features adjustable rear sight, with hooded front sight. Weight 10.9 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
2900	2400	2000	1400	700	500

Model SR9 (T) Target

Similar to standard model SR9, with addition of special MSG90 adjustable buttstock, PSG-1 trigger group and PSG-1 contoured hand grip. Weight 10.6 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
3000	2500	2200	1650	950	600

Model SR9 (TC) Target Competition

Similar to Model SR9 (T), with addition of PSG-1 adjustable buttstock. Weight 10.9 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
3300	3000	2300	1950	1100	700

BASR Model

Bolt-action rifle chambered for various popular calibers. Stainless steel barrel. Essentially custom built to customer's specifications. Stock is of Kevlar. Quite rare. Only 100 manufactured in 1968.

NIB	Exc.	V.G.	Good	Fair	Poor
—	4000	3600	2750	1300	800

PSG-1

High precision sniping rifle. Features delayed-roller semi-automatic action. Chambered for .308 Winchester cartridge and 5-shot magazine. Barrel length 25.6". Furnished with complete array of accessories including 6x42-power illuminated Hensoldt scope. Weight 17.8 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
14500	12500	9000	7500	6000	4000

Model SL8-1

New generation .223 rifle modeled after military Model G36. Introduced in 2000. Built of carbon fiber polymer and gas operated. Thumbhole stock with cheekpiece. Barrel length 20.8". Magazine capacity 10 rounds. Adjustable sights. Weight about 8.6 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1800	1625	1050	700	500	325

SLB 2000

Introduced in 2001. Gas-operated semi-automatic rifle chambered for .30-06 cartridge. Receiver built of lightweight alloy. Barrel 16.7" in length and will accept interchangeable barrels, at some future date. Oil-finished walnut stock. Open sights, with both barrel and receiver drilled and tapped for scope mounts. Magazine capacity 2, 5 or 10 rounds. Weight about 7.25 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	1000	800	600	400	225

Model USC

Introduced in 2000. Semi-automatic blowback carbine derived from H&K's UMP sub-machine gun. Chambered for .45 ACP cartridge. Fitted with 16" barrel. Skeletonized stock. Accessory rail on top of receiver. Adjustable sights. Magazine capacity 10 rounds. Weight about 6 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1700	1275	1000	750	400	200

Model MP5 A5

Semi-automatic .22 LR replica of famous MP5.9mm submachine gun. Magazine capacity 25 rounds (10 were required). Barrel length 16.1", with compensator. Adjustable sights, retractable stock with pistol-grip. Made by Walther and imported by Umarex.

NIB	Exc.	V.G.	Good	Fair	Poor
425	385	325	300	225	175

Model MR556A1

Direct descendant of HK416. Semi-automatic gas-piston operating system. Free floating rail hand guard system, with four Picatinny rails for mounting of optical or lighting accessories. Two-stage trigger. Retractable butt-stock can be locked in any position to suit individual requirements. Chambered for 5.56x45mm NATO round. Magazine capacities: 10, 20 or 30 rounds.



NIB	Exc.	V.G.	Good	Fair	Poor
2900	2475	2100	1300	650	300

MR762A1 Carbine

Similar to MR556A1, except 7.62x51mm chambering, 10- or 20-shot magazine, upper and lower accessory rails. Also made in LRP (Long Rifle Package), with Leupold 3-9x40mm VXR Patrol scope, LaRue Tactical BRM-6 bipod, collapsible stock with adjustable cheekpiece. NOTE: Add \$2500 for LRP model.

NIB	Exc.	V.G.	Good	Fair	Poor
3500	2900	2200	1750	1000	500

PISTOLS**HK4**

Blowback-operated semi-automatic pistol based on Mauser HSc design. Chambered for .22 LR, .25 ACP, .32 ACP and .380. These calibers easily converted by switching barrels, recoil springs and magazines. Rim-fire model could be changed by rotating breechface. Conversion kits available for all calibers. Barrel 3" long; finish blued, with molded plastic thumb rest grips. Pistol sold from 1968-1973 as Harrington & Richardson HK4 and so marked. Discontinued in 1984.

.22 Caliber or .380 Caliber

Weathermaster

Introduced in 2003. Semi-automatic features weather-resistant black synthetic stock and matte nickel-plated receiver, barrel and magazine. Barrel length 22", with iron sights. Chambered for .30-06 or .270 Win. cartridges. Weight about 7.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
650	525	400	300	200	100

Carbine

Same as above, with 18.5" barrel. Chambered for .30-06 cartridge.

NIB	Exc.	V.G.	Good	Fair	Poor
550	400	300	200	150	100

Special Purpose

Same configuration as standard Model 7400. Equipped with special finish on both the wood and metal that is non-effective. First offered in 1993.



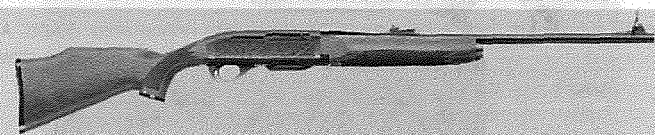
NIB	Exc.	V.G.	Good	Fair	Poor
450	350	300	250	200	100

Buckmasters ADF (American Deer Foundation)

Introduced in 1997. Built only in that year as a limited model. Chambered for .30-06 cartridge. Fitted with 22" barrel. Special fine line engraving and polished blue finish. American walnut stock, with Monte Carlo and cut checkering. Weight is 7.5 lbs.



Close-up detail on engraving for Model 7400 Buckmasters ADF



NIB	Exc.	V.G.	Good	Fair	Poor
600	500	400	300	200	100

Model 7400 Custom Grade

Custom Shop model available in three levels of engraving, gold inlay, wood grade and finish, metal work finish, recoil pad/buttplate and dimensions. Each gun should be individually appraised prior to sale.

F Grade

NIB	Exc.	V.G.	Good	Fair	Poor
—	9000	6000	4500	1700	550

F Grade with Gold Inlay

NIB	Exc.	V.G.	Good	Fair	Poor
—	10000	7000	5250	2200	750

Model 750 Woodsmaster

This model replaced the 7400 family of semi-automatic rifles in 2006. Features include an improved gas-operating system and lower profile. Standard model has walnut stock; rifle version has 22" barrel; carbine has 18.5" barrel. Discontinued in 2017.



NIB	Exc.	V.G.	Good	Fair	Poor
875	725	600	450	300	200

Model 750 Synthetic

Similar to Model 750 Woodsmaster, with black synthetic stock and fore-end. Introduced in 2007.



NIB	Exc.	V.G.	Good	Fair	Poor
625	550	400	300	225	125

Model R-15 VTR Predator Rifle

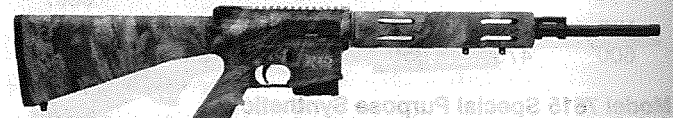
AR-style rifle chambered for .223 Rem. or .204 Ruger. Supplied with one 5-shot magazine, but accepts AR-style higher-cap magazines. 22" fluted barrel; fixed stock. Finish: Advantage MAX-12 HD overall.



NIB	Exc.	V.G.	Good	Fair	Poor
1100	900	695	500	250	125

Model R-15 VTR Predator Carbine

Similar to above, with 18" barrel.



NIB	Exc.	V.G.	Good	Fair	Poor
1100	900	695	500	250	125

Model R-15CS VTR Predator Carbine

Similar to above, with collapsible buttstock.



NIB	Exc.	V.G.	Good	Fair	Poor
1145	950	750	550	275	150

Model R-15 Hunter

Similar to R-15 in .30 Rem. AR or .450 Bushmaster, 22" barrel, Realtree AP HD camo.

NIB	Exc.	V.G.	Good	Fair	Poor
1200	975	750	550	275	150

Model R-15 VTR Byron South Edition

.223, 18" barrel, Advantage MAX-1 HD camo.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	975	750	550	275	150

Model R-15 VTR SS Varmint

As above, with 24" stainless steel barrel.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	975	750	550	275	150

Model R-15 VTR Thumbhole

Similar to R-15 Hunter, with thumbhole stock.



NIB	Exc.	V.G.	Good	Fair	Poor
1300	1075	850	595	295	150

Model R-15 MOE

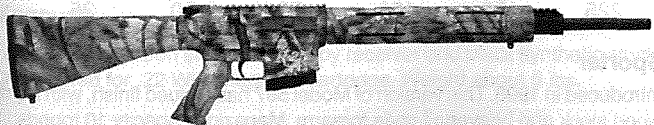
Semi-automatic .223 (AR-15 type), with AAC 51 Tooth Brakeout flash hider, Magpul Grip and trigger guard, competition two-stage trigger finished in Mossy Oak Brush camo. Available with: 16" barrel with collapsible stock and mid-length fore-end; 18" carbine with fixed stock and Dissipator fore-end; 18" barrel carbine with collapsible stock and Dissipator fore-end; 22" barrel rifle with fixed stock and Dissipator fore-end. Introduced 2013.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	1050	800	700	—	—

Model R-25 Modular Repeating Rifle

Enhanced AR-style semi-automatic rifle. Chambered in .243, 7mm-08 and .308 Win. Features include 20" chrome-moly barrel, single-stage trigger, four-round magazine, aluminum alloy upper and lower Mossy Oak Treestand camo finish overall. Overall length 38.25"; weight 7.75 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1500	1250	900	700	300	200

Model R-25 GII

The next generation R-25. Features include a downsized but stronger rifle with a matched pair of forged anodized Teflon-coated upper and lower receivers. Also, a lighter bolt carrier and improved extractor/ejec-

tor system, free-floated barrel and Hogue rubber pistol-grip. Introduced in 2015.

NIB	Exc.	V.G.	Good	Fair	Poor
1550	1300	950	—	—	—

REMINGTON'S "NYLON SERIES" .22 RIFLES**Model 10 Nylon**

Bolt-action single-shot. Approximately 10,700 (approx. 2000 smoothbore and only 200 of those with 24" barrel) produced from 1962-1964. Mohawk brown nylon stock, with white accents, chrome spoon style bolt handle, safety engages upon cocking, .22 Short, Long and LR. Available in both rifled and smoothbore versions (smoothbore barrels are marked "smoothbore") and barrel lengths of 19.5" and 24". **NOTE:** Add 100 percent+ for 24" versions; 100 percent+ for NIB.



Courtesy Remington Arms

10 (model)

NIB	Exc.	V.G.	Good	Fair	Poor
—	700	600	500	300	200

10 (SB)

NIB	Exc.	V.G.	Good	Fair	Poor
—	1000	800	700	500	450

Model 11 Nylon

Bolt-action repeater, 6- or 10-round metal box magazine. Approximately 22,500 produced from 1962-1964. Mohawk brown nylon stock, with white accents, chrome spoon style bolt handle, manual right side safety. .22 Short, Long or LR. Barrel lengths 19.5" and 24". **NOTE:** Add 100 percent for 24" version.



NIB	Exc.	V.G.	Good	Fair	Poor
—	475	375	300	275	175

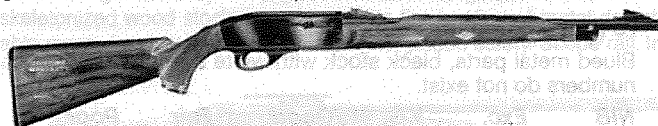
Model 12 Nylon

Bolt-action repeater, 14-round external tubular magazine under the barrel. Approximately 27,600 produced from 1962-1964. Mohawk brown nylon stock, with white accents, chrome spoon-style bolt handle, manual right side safety. .22 Short, Long or LR. Barrel lengths 19.5" and 24". **NOTE:** Add 100 percent for 24" version.

NIB	Exc.	V.G.	Good	Fair	Poor
—	475	375	300	275	175

Model 66 Nylon

Semi-automatic, 19.5" barrel, 14-round tubular magazine fed through buttplate. In excess of 1,000,000 produced from 1959-1987. Seven different variations of style and color were sold. Non-serialized prior to 1968 gun control act of 1968. An "A" prefix was added to serialization in 1977.

**66 (MB) "Mohawk" Brown**

Blued metal parts, dark chocolate brown stock with white accents, .22 LR ONLY. 1959-1987. Approx. 678,000.

NIB	Exc.	V.G.	Good	Fair	Poor
400	350	300	150	125	100



NIB	Exc.	V.G.	Good	Fair	Poor
1925	1450	1200	800	575	300

Limited Police Competition 9mm

9mm model features 5" slide, with double serrations. Three position rear sight and dovetail front. Checkered front strap. Deluxe blued finish and grips. Many other special features. Introduced in 2005. **NOTE:** Add \$200 for Black "T" finish.



NIB	Exc.	V.G.	Good	Fair	Poor
2310	1750	1150	800	575	350

Unlimited Police Competition 9mm

Similar to above, with additional special features such as 6" slide. Introduced in 2005. **NOTE:** Add \$200 for Black "T" finish.



NIB	Exc.	V.G.	Good	Fair	Poor
2310	1750	1150	800	575	350

1911 Poly

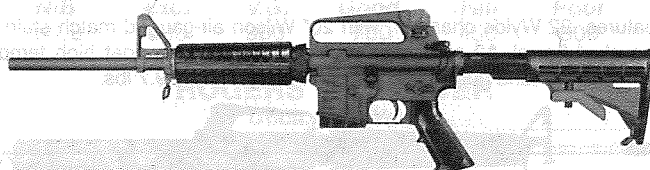
Polymer-frame version of full-size 1911 pistol, with steel slide, Parkerized finish, Commander-style hammer, skeletonized trigger, fixed sights. Includes two magazines and polymer holster.

NIB	Exc.	V.G.	Good	Fair	Poor
825	725	500	400	300	200

RIFLES

CAR A2

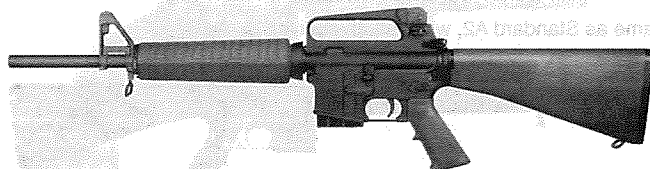
These are AR-15-style rifles. Chambered for .223 cartridge. Fitted with 16" barrel, with CAR hand guards. Two stage trigger. Choice of A2 or non-collapsible buttstock and black or green furniture. Weight about 7 lbs. **NOTE:** Add \$25 for non-collapsible buttstock.



NIB	Exc.	V.G.	Good	Fair	Poor
925	750	600	500	375	200

CAR A2M

Same as above, with mid-length hand guard. **NOTE:** Add \$25 for non-collapsible buttstock.



NIB	Exc.	V.G.	Good	Fair	Poor
925	750	600	500	375	200

CAR A4

Similar to models above, with flattop receiver and CAR hand guard. **NOTE:** Add \$25 for non-collapsible buttstock.



NIB	Exc.	V.G.	Good	Fair	Poor
925	750	600	500	375	200

CAR A4M

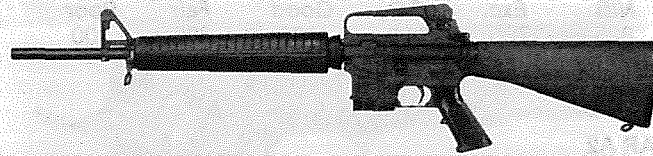
Flattop receiver with mid-length hand guard. **NOTE:** Add \$25 for non-collapsible buttstock.



NIB	Exc.	V.G.	Good	Fair	Poor
925	750	600	500	375	200

Standard A2

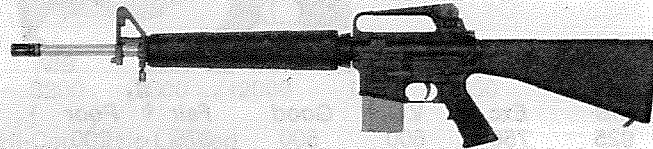
AR-15-style rifle fitted with 20" barrel. Chambered for .223 cartridge. Two stage trigger. Fixed stock and full-length hand guard. Weight about 8.2 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
925	750	600	500	375	200

National Match A2

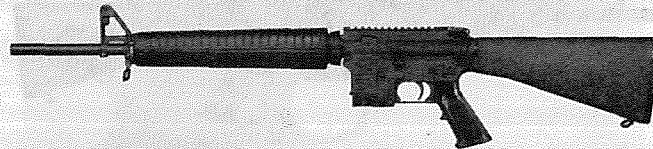
Features .22 Wylde chamber, with 20" Wilson air-gauged match stainless steel barrel. A2 receiver. Two stage trigger. Free-float high temp thermo mold hand guard. Match sights. Weight about 9.7 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1265	950	800	650	500	300

Standard A4 Flattop

Same as Standard A2, with flattop receiver.



NIB	Exc.	V.G.	Good	Fair	Poor
925	750	600	500	375	200

Varmint Rifle

Flattop model fitted with 24" stainless steel barrel, without sights. Chambered for .223 cartridge. Fixed stock. Two-stage trigger. Weight about 9.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1050	875	600	475	375	200

Varmint EOP (Elevated Optical Platform)

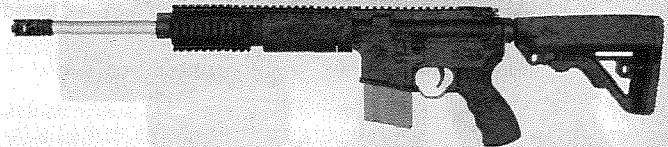
Chambered for .223 Wylde. Fitted with Wilson air-gauged bull stainless steel barrel. Choice of 16", 18", 20" and 24" barrel lengths. Free-float aluminum hand guard. National Match two stage trigger. Weight about: 8.2 lbs with 16" barrel; 10 lbs with 24" barrel. NOTE: Add \$10 for each barrel length over 16".



NIB	Exc.	V.G.	Good	Fair	Poor
1050	875	600	475	375	200

Advanced Tactical Hunter

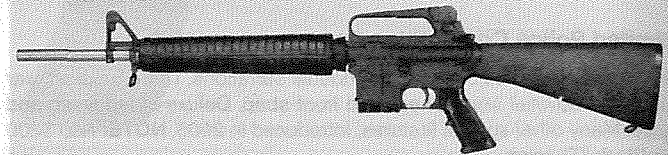
Chambered for 5.56/.223 Rem. Carbine-style adjustable stock, 18" cryogenically treated stainless steel barrel with tactical muzzle-brake. Half-quad free-floating mid-length hand guard, winter designed trigger guard, two-stage trigger. Numerous options. Introduced in 2011.



NIB	Exc.	V.G.	Good	Fair	Poor
1100	1000	850	700	400	250

NM A2-DCM Legal

Fitted with 20" stainless steel barrel. National Match sleeve and specially selected upper and lower to ensure tight fit. Special high temp hand guards. Two-stage trigger. National Match sights. Weight about 9 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	1000	825	600	450	200

Government Model

Chambered for .223 cartridge. Fitted with 16" Wilson chrome barrel with A2 flash hider. National Match two-stage trigger. A4 upper receiver. Flip-up rear sight. EOTech M951 light system. Surefire M73 Quad Rail hand guard, and 6 position tactical CAR stock. Weight about 8.2 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
2310	1750	1150	800	575	350

Tactical CAR A4

.223-caliber rifle has 16" Wilson chrome barrel, with A2 flash hider. A4 upper receiver, with detachable carry handle. Two-stage National Match trigger. R-4 hand guard. Six position tactical CAR stock. Weight about 7.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
950	800	650	500	350	200

Elite CAR A4

As above, with mid-length hand guard. Weight about 7.7 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
950	800	650	500	350	200

Tactical CAR UTE (Universal Tactical Entry) 2

.223-caliber rifle has 16" Wilson chrome barrel, with A2 flash hider. R-2 hand guard. Upper receiver UTE2, with standard A4 rail height. Two-stage trigger and 6 position CAR tactical stock. Weight about 7.5 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
950	800	650	500	350	200

Elite CAR UTE 2

As above, with mid-length hand guard. Weight about 7.7 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
950	800	650	500	350	200

Entry Tactical

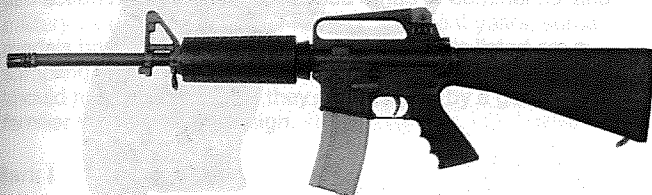
.223 model features 16" Wilson chrome barrel, with R-4 profile. A4 upper receiver, with detachable carry handle. National Match two-stage trigger. Six position tactical CAR stock. R-4 hand guard. Weight about 7.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
950	800	650	500	350	200

TASC Rifle

Features 16" Wilson chrome barrel, with A2 flash hider. A2 upper receiver, with windage and elevation rear sight. R-4 hand guard. A2 buttstock. Weight about 7.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
925	750	600	500	375	200

LAR-15 Lightweight

Features a chrome moly 16" lightweight barrel, with carbon fiber hand guard in several variants, 6-position tactical stock, low profile gas block. In 5.56 NATO/.223. Weight 5.6 to 6 lbs. Introduced in 2015.

NIB	Exc.	V.G.	Good	Fair	Poor
1100	950	800	550	350	250

LAR-15 X-1 Rifle

Featuring .223 Wylde chamber, a hybrid chamber designed to better accept both 5.56 NATO and .223 Rem. ammo. Forged upper and lower receivers, 18" fluted stainless barrel with Rock River Beast or Hunter muzzle-brake and low profile gas block are other features. Buttstock is RRA A2 or CAR, with Hogue Rubber pistol-grip and RRA's TRO-XL extended length free-float rail hand guard. The X-1 Rifle is available in other variations and chamberings, including 6.5 SPCII, .458 Socom and 7.62 NATO.

X-1 .223 Wylde

NIB	Exc.	V.G.	Good	Fair	Poor
1250	1000	700	550	350	200

X-1 6.8 SPCII, .300 AAC or .458 Socom

NIB	Exc.	V.G.	Good	Fair	Poor
1350	1150	900	650	400	300

X-1 7.62 NATO

NIB	Exc.	V.G.	Good	Fair	Poor
1500	1300	1050	800	450	200

Texas Rifle

In 5.56 NATO or .223 Rem. Wylde chamber. Rock River Texas XL free-float hand guard in Magpul FDE, Barret Bronze or Burnt Bronze finish. Two-stage trigger, winter trigger guard, directionally tuned and ported muzzle-brake. Has a mid-length gas system and low-profile gas block. Hand guard has full-length rail with 2.5" rail at 3, 6 and 9 o'clock. A2 or CAR stock, Hogue pistol-grip. Introduced in 2015.

NIB	Exc.	V.G.	Good	Fair	Poor
1500	1250	1000	—	—	—

LAR 47 X-1

Chambered for 7.62x39mm cartridge. This model has an 18" fluted barrel, muzzle-brake, extended free-floating rail, Operator A2 or CAR stock, with Hogue pistol-grip. Introduced in 2015.

NIB	Exc.	V.G.	Good	Fair	Poor
1400	1200	900	700	450	300

ROGERS & SPENCER

Utica, New York

Army Revolver

.44-caliber 6-shot percussion revolver, with 7.5" octagonal barrel. Barrel marked "Rogers & Spencer/Utica, N.Y." Blued case-hardened hammer, with walnut grips bearing inspector's mark "RPB". Approximately 5,800 made between 1863 and 1865.



Courtesy Milwaukee Public Museum, Milwaukee, Wisconsin

NIB	Exc.	V.G.	Good	Fair	Poor
—	—	3500	2500	1000	550

ROGUE RIFLE COMPANY

Prospect, Oregon

See—Chipmunk Rifles

ROGUE RIVER RIFLEWORKS

Paso Robles, California

Boxlock Double Rifle

These rifles are custom fitted and available in any barrel length or caliber from .22 Hornet to .577 NE. Anson & Deeley boxlocks. Choice of finish, fore-end, engraving, wood and various other options. Each rifle should be appraised individually before a sale. Prices listed are for basic rifle, with no extras.



NIB	Exc.	V.G.	Good	Fair	Poor
17500	15000	12000	9500	5000	900

Level I

Base model with no bipod or scope, but with carrying case.

NIB	Exc.	V.G.	Good	Fair	Poor
2550	2000	1600	1350	950	600

Level II

At this level a Leupold Vari-X III 3.5-10x40mm Duplex scope and Harris bipod, with carrying case.

NIB	Exc.	V.G.	Good	Fair	Poor
3500	2750	2300	1700	1200	600

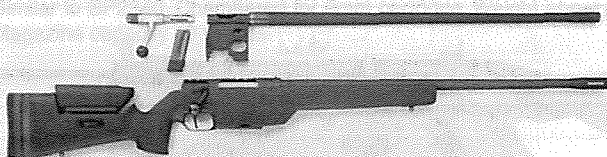
Level III

Supplied with Leupold Mark 4 M1-10x40mm Mil-Dot Scope, with Harris bipod and carrying case.

NIB	Exc.	V.G.	Good	Fair	Poor
4500	3500	2700	2400	1500	700

Conversion Kit—.22 LR

In 2001, a .22-caliber conversion was offered for SSG 3000 rifle. Kit includes a heavy contoured barrel bolt and 5-round magazine.



NIB	Exc.	V.G.	Good	Fair	Poor
750	—	—	—	—	—

Model SHR 970

Introduced in 1998. Bolt-action rifle chambered for .25-06 Rem., .270, .280 Rem., .30-06 or .308 cartridges. Has a 22" barrel. Receiver drilled and tapped for scope mounts. Detachable box magazine. Stock black synthetic or walnut. Barrels are interchangeable. Weight about 7.2 lbs.

NOTE: Add \$30 for walnut stock.



NIB	Exc.	V.G.	Good	Fair	Poor
725	650	575	400	300	200

Model SHR 970 Magnum

Same as above, but chambered for 7mm Rem. Magnum or .300 Win. Magnum. Barrel length 24". Weight about 7.4 lbs. **NOTE:** Add \$30 for walnut stock.

NIB	Exc.	V.G.	Good	Fair	Poor
775	725	625	450	350	250

Model SHR 970 Tactical

Introduced in 2000. Features a McMillan stock, non-reflective metal coating, heavy fluted contoured barrel, integral muzzle-brake. Chambered for .308 Win. or .300 Win. Magnum cartridges. Receiver drilled and tapped for scope mount. Stock has a fitted rubber recoil pad.



NIB	Exc.	V.G.	Good	Fair	Poor
1400	1200	1000	775	600	400

Model 202 Standard

Bolt-action rifle features synthetic or Turkish walnut stock. Bolt is jeweled. Detachable 3-round box magazine. Offered in standard calibers from .22-250 to .30-06 and Magnum calibers from 7mm Rem. Magnum

to .375 H&H Magnum. Barrel length 24" for standard calibers; 26" for Magnum calibers. Weight about 7.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1650	1200	975	750	600	400

Model 202 Lightweight

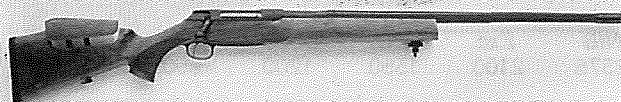
Features a black synthetic stock, fluted barrel. Chambered for .22-250, .243, .25-06, .270 or .30-05 calibers. Barrel length 24". Magazine capacity 3 rounds. Alloy receiver and quick change barrel system are standard. Weight about 6.5 lbs. Introduced in 2001.



NIB	Exc.	V.G.	Good	Fair	Poor
1600	1150	925	700	550	350

Model 202 Varmint

Chambered for .22-250, .243 or .25-06 cartridge. Fitted with 26" fluted bull barrel. Stock Turkish walnut, with adjustable cheekpiece. Three-round detachable box magazine. Quick change barrel system. Weight about 9.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
1600	1150	925	700	550	350

Model 202 Supreme

Bolt-action model chambered for .243, .25-06, 6.5x55 Swedish, .270 Win., .308 Win. or .30-06. Fitted with 24" barrel. Synthetic or walnut stock. Magazine capacity 3 rounds. Weight about 7.7 lbs. No sights. **NOTE:** Add \$50 for walnut stock.



NIB	Exc.	V.G.	Good	Fair	Poor
1800	1650	1400	1100	800	400

Model 202 Supreme Magnum

As above, but chambered for 7mm Rem. Magnum, .300 Win. Magnum, .300 Wby. Magnum or .375 H&H Magnum. Magazine capacity 3 rounds. Synthetic or walnut stock. Weight about 8.4 lbs. **NOTE:** Add \$50 for walnut stock.

NIB	Exc.	V.G.	Good	Fair	Poor
1875	1725	1475	1150	850	450

SIG 556

Generally similar to SIG 556, but made in USA. Chambered in 5.56 NATO. Collapsible stock, 16" mil-spec barrel, Picatinny rail and all the trendy tactical goodies. Introduced 2006.



NIB	Exc.	V.G.	Good	Fair	Poor
1200	1000	850	750	500	400

SIG 556 SWAT

Features a 16" military grade cold hammer forged barrel. Chambered in 5.56mm NATO, with a twist rate of 1 in 7". High performance flash suppressor, vented tactical quad rail forearm machined from aircraft grade aluminum alloy and hard coat anodized for durability, quad rail with four Picatinny rails, Picatinny equipped receiver. Rifle comes standard with flip-up combat front and rear sight system. Trigger housing machined from an aircraft grade aluminum alloy forging, with a hard-coat anodized finish designed to survive extreme conditions. Rifle comes equipped with a smooth two-stage trigger, ambidextrous safety and designed to accept standard AR magazines.



NIB	Exc.	V.G.	Good	Fair	Poor
1500	1300	1100	950	875	600

SIG 556 HOLO

Similar to above, with holographic sight. Without quad rail and other features.

NIB	Exc.	V.G.	Good	Fair	Poor
1550	1350	1100	900	800	400

SIG 556 DMR

Sniper version of SIG 556 SWAT, with bipod and other accurizing features.

NIB	Exc.	V.G.	Good	Fair	Poor
1650	1500	1350	1000	850	500

SIG516 Gas Piston Rifle

AR-style rifle chambered in 5.56 NATO. Features include 14.5", 16", 18" or 20" chrome-lined barrel; free-floating aluminum quad rail fore-end with four M1913 Picatinny rails; threaded muzzle with standard (0.5x28TPI) pattern; aluminum upper and lower receiver is machined; black anodized finish; 30-round magazine; flattop upper; various configurations available.

NIB	Exc.	V.G.	Good	Fair	Poor
1100	950	800	650	500	300

SIG716 Tactical Patrol Rifle

AR-10 type rifle chambered in 7.62 NATO/.308 Win. Features include gas-piston operation with 3 round-position (4-position optional) gas valve; 16", 18" or 20" chrome-lined barrel with threaded muzzle and nitride finish; free-floating aluminum quad rail fore-end with four M1913 Picatinny rails; telescoping buttstock; lower receiver machined from 7075-T6 aircraft grade aluminum forging; upper receiver machined from 7075-T6 aircraft grade aluminum with integral M1913 Picatinny rail.

NIB	Exc.	V.G.	Good	Fair	Poor
1900	1750	1500	1250	900	450

SIG M400

A true AR platform tactical rifle with 16" Nitride treated barrel, 7075-T6 aircraft grade aluminum forged lower receiver and direct-impingement operating system with rotating locking bolt. Offered in a wide range of variations, with many options. Values shown are for standard (Classic) model.

**SIG MCX**

AR-15 variant in 5.56 NATO, 7.62x39 or .300 AAC Blackout. Has a SIG SAS folding stock, SIG grip, mil-spec AR trigger, aluminum KeyMod hand guard and 16" barrel. Modular design allows easy caliber interchangeability. Also offered in pistol version. Introduced in 2015.



NIB	Exc.	V.G.	Good	Fair	Poor
1750	1350	1000	800	400	250

Sauer SSG 3000

Imported by SIG-Sauer from 2000 to 2012. A 5-round bolt-action sniper rifle chambered in .308 Win. Heavy-contoured hammer forged barrel fitted with flash suppressor/muzzle-brake to provide greater accuracy, with reduced muzzle signature. Both barrel and receiver feature black oxide finish to eliminate glare. Short, smooth 60 degree bolt throw allows for rapid operation. Like safety release bolt action is quiet. Massive six-lug lockup system used to give greater strength and accuracy. Pistol-grip and fully adjustable stock give shooter a custom fit. Trigger adjustable for trigger position, trigger take up, let-off point and trigger pull weight. Receiver features dovetail that will accept a wide range of sighting systems, including factory available M1913 rail. Price include Leupold Vari-X III 3.5-10x40 scope.



NIB	Exc.	V.G.	Good	Fair	Poor
4000	3550	2700	2000	1200	600

SIG 50

Bolt-action tactical rifle chambered for .50 BMG cartridge. Designed for ultra long-range tactical applications. Match-grade trigger set for 3.5 lbs. Stock has adjustable cheekpiece, pistol-grip and length of pull. Barrel 29" heavy fluted with muzzle-brake. Full length machined rails allow mounting of accessories. Fluted bolt, heavy duty steel bipod, Duracoat coating. Weight 23.5 lbs. Introduced in 2011.



NIB	Exc.	V.G.	Good	Fair	Poor
8300	7400	6350	—	—	—

SILMA
Italy

STANDARD MODELS**Model 70 EJ**

Over/under chambered for 12- or 20-gauge shell, with 28" ventilated rib barrels and choke tubes. Single-selective trigger and auto ejectors.

.243 Win., .25-06 Rem., .270 Win., 7mm Rem. Magnum, .308 Win., .30-06 and .300 Win. Magnum. Offered in several variations with blue or stainless receiver, plain or checkered wood stock (Deluxe model). Barrel lengths 22", except 24" for Magnum calibers. Heavy barrel varmint version was available. Model 1700 Classic Hunter was similar, except for a removable magazine and schnabel fore-end. **NOTE:** Add 10 percent for Deluxe or Varmint model; 15 percent for Model 1700.

NIB	Exc.	V.G.	Good	Fair	Poor
450	400	350	300	250	150

I-Bolt Rifle

Bolt-action hunting rifle made in the U.S.A. by S&W, from 2008 to 2009. Calibers .25-06, .270 Win., .30-06, 7mm Rem. Magnum and .300 Win. Magnum. Offered with wood, synthetic or camo stock. Blue or stainless finish. Integral Picatinny rail. **NOTE:** Add 10 percent for camo stock.

NIB	Exc.	V.G.	Good	Fair	Poor
475	425	365	300	250	150

M&P 15 Military and Police Tactical Rifle

Gas-operated semi-automatic built along lines of AR-15. Caliber 5.56mm NATO. Magazine capacity 30. Barrel 16" 1:9. Stock 6-position telescoping composite. Weight 6.74 lbs. unloaded. Sights adjustable front and rear. Variants: M&P15A & M&P15T (no carry handle; folding battle sight). Introduced 2006.

NIB	Exc.	V.G.	Good	Fair	Poor
1200	950	800	675	450	200

M&P 15 PC

Generally similar to M&P rifle, with accurized tubular floated barrel, 2-stage match trigger, 20" matte stainless barrel. No sights. Introduced 2007.

NIB	Exc.	V.G.	Good	Fair	Poor
1750	1300	950	800	550	250

M&P 15 Sport

More economical addition to M&P rifle line. Chambered for 5.56 NATO, with black anodized upper and lower receiver of 7075 T6 aluminum. Polymer hand guard, 16" 4140 steel barrel. Adjustable sights, single-stage trigger, chrome-lined gas key and bolt carrier. Flash suppressor compensator. Introduced in 2011.

NIB	Exc.	V.G.	Good	Fair	Poor
665	550	475	400	300	150

M&P 15PC Camo

AR-style semi-automatic rifle chambered for .223 Rem./5.56 NATO. A2 configuration, 10-round magazine. No sights, but integral front and rear optics rails. Two-stage trigger, aluminum lower, stainless 20" barrel with 1:8 twist. Finished in Realtree Advantage Max-1 camo. Overall length 38.5"; weight 8.2 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
1500	1075	875	750	500	275

M&P 15VTAC Viking Tactics

AR-style semi-automatic rifle chambered in .223 Rem./5.56 NATO. Six-position CAR stock. 16" barrel. Surefire flash-hider and G2 light with VTAC light mount; VTAC/JP hand guard; JP single-stage match trigger and speed hammer; three adjustable Picatinny rails; VTAC padded two-point adjustable sling. Overall length 35" extended; 32" collapsed. Weight 6.5 lbs. 30-round magazine.

NIB	Exc.	V.G.	Good	Fair	Poor
1750	1300	950	800	550	250

M&P 15 Piston Rifle

Similar to AR-derived M&P15, with gas piston. Chambered in 5.56 NATO. Features adjustable gas port, optional Troy quad mount hand guard, chromed bore/gas key/bolt carrier/chamber, 6-position telescoping or MagPul MOE stock, flattop or folding MBUS sights, aluminum re-

ceiver, alloy upper and lower, black anodized finish, 30-round magazine, 16" barrel with birdcage. Suggested Retail Price: \$1531 (standard hand guard); \$1692 (Troy quad mount hand guard).

M&P 15 300 Whisper

Chambered for .300 Whisper cartridge. Comes with/without suppressor. Stock and fore-end in Realtree APG camo.

NIB	Exc.	V.G.	Good	Fair	Poor
950	850	700	500	400	300

M&P 15R

This variation chambered for Russian 5.45x39mm cartridge. Made from 2008 to 2011.

NIB	Exc.	V.G.	Good	Fair	Poor
900	800	750	500	300	200

M&P 15-22

.22 LR rimfire version of AR-derived M&P tactical autoloader. Features include blowback action, 15.5" or 16" barrel, 6-position telescoping or fixed stock, quad mount Picatinny rails, plain barrel or compensator, alloy upper and lower, matte black finish, 10- or 25-round magazine.

NIB	Exc.	V.G.	Good	Fair	Poor
450	400	350	250	200	175

M&P 10

AR-style rifle chambered for 7.62 NATO/.308 Win., with 18" barrel. Features ambidextrous safety, magazine catch and gas block with integral Picatinny accessory rail.

NIB	Exc.	V.G.	Good	Fair	Poor
1375	1125	950	700	400	250

Model 916

Series of slide-action shotguns made in U.S.A. by S&W, from 1972 to 1981. Made in 12-, 16- and 20-gauge in various barrel lengths, with Fixed chokes. Ventilated rib or plain barrel. Offered in both solid-frame and take-down versions. **NOTE:** Add 10 percent for ventilated rib; 10 percent for take-down model.

NIB	Exc.	V.G.	Good	Fair	Poor
200	180	150	120	100	75

Model 3000

Slide-action shotgun made in Japan by Howa, for S&W. Imported from 1982 to about 1989. In 12- or 20-gauge, with 3" chamber, checkered wood stock and fore-end. Fixed chokes or choke tubes. Standard barrel lengths 26", 28" or 30". Also offered in 18" or 20" in police model; 22" in a slug gun with rifle sights. **NOTE:** Add 10 percent for choke tubes.

NIB	Exc.	V.G.	Good	Fair	Poor
350	320	280	225	180	100

Model 1000

Series of gas-operated semi-automatic shotguns patterned after Rem. Model 1100. Offered in 12- or 20-gauge, with barrel lengths from 22" to 30" with Fixed chokes or interchangeable tubes. Checkered walnut stock and fore-end. Engraved aluminum receiver. Available in several variations including waterfowl, trap and skeet models. **NOTE:** Add 25 percent for waterfowl; 50 percent for trap.

NIB	Exc.	V.G.	Good	Fair	Poor
400	350	285	220	150	100

Model 1012/1020

Series of gas-operated semi-automatics imported by S&W from Turkey, from 2007 to 2009. Available in 12-gauge (1012) or 20-gauge (1020), with barrel lengths from 24" to 30" and five choke tubes. Stock adjustable for length and drop. Satin finished walnut or black synthetic stock or total camo coverage. **NOTE:** Add 20 percent for camo coverage; 30 percent for 3.5" 12-gauge model.

NIB	Exc.	V.G.	Good	Fair	Poor
—	—	6000	4250	1650	500

Double-Barrel Shotguns

Springfield Arms Co. was bought by Stevens, who used the Springfield brand name on many good quality single-/double-barrel shotguns. Values range from \$100 to \$1,600 depending on model, gauge and condition. See also Stevens.

SQUIBBMAN

SEE—Squires Bingham Mfg. Co., Inc.

SQUIRES BINGHAM MFG. CO., INC. Rizal, Philippine Islands

Firearms produced by this company are marketed under the trademark Squibbman.

Model 100D

A .38 Special caliber double-action swingout cylinder revolver, with 3", 4" or 6" ventilated rib barrel, adjustable sights, matte black finish and walnut grips.

NIB	Exc.	V.G.	Good	Fair	Poor
—	175	100	80	60	40

Model 100DC

As above, without ventilated rib.

NIB	Exc.	V.G.	Good	Fair	Poor
—	200	100	80	60	40

Model 100

As above, with tapered barrel and uncheckered walnut grips.

NIB	Exc.	V.G.	Good	Fair	Poor
—	200	100	80	60	40

Thunder Chief

As above in .22 or .22 Magnum caliber with heavier ventilated rib barrel, shrouded ejector and ebony grips.

NIB	Exc.	V.G.	Good	Fair	Poor
—	225	125	100	80	60

SSK INDUSTRIES Bloomington, Ohio

SSK-Contender

Custom-made pistol available in 74 different calibers from .178 Bee to .588 JDJ. Built on Thompson/Center action.

NIB	Exc.	V.G.	Good	Fair	Poor
1250	1050	875	600	550	300

SSK-XP100

Custom-made pistol utilizing Rem. XP100 action. Available in a variety of calibers and sight configurations.

NIB	Exc.	V.G.	Good	Fair	Poor
1400	1225	900	625	575	400

.50 Caliber XP100

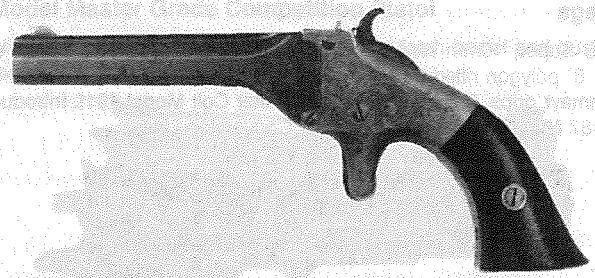
As above, with integral muzzle-brake and reinforced composition stock.

NIB	Exc.	V.G.	Good	Fair	Poor
1750	1500	1250	1000	750	450

STAFFORD, T. J. New Haven, Connecticut

Pocket Pistol

A .22-caliber single-shot spur trigger pistol, with 3.5" octagonal barrel marked "T.J. Stafford New Haven Ct.". Silver-plated brass frame. Walnut or rosewood grips.



Courtesy W.P. Hallstein III and son Chip

NIB	Exc.	V.G.	Good	Fair	Poor
—	—	775	600	250	100

Large Frame Model

As above in .38 rimfire caliber, with 6" barrel.

NIB	Exc.	V.G.	Good	Fair	Poor
—	—	1050	850	400	200

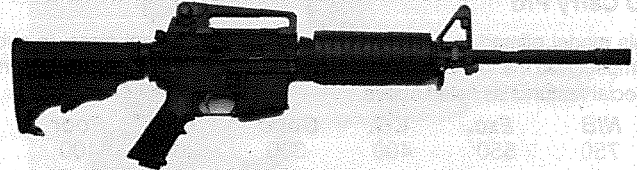
STAG ARMS

New Britain, Connecticut

NOTE: All Stag rifles are available in left-hand configuration. Prices are approximately \$25 - \$40 higher than right-handed models listed here.

Stag-15 Model 1

Basic M-4 Carbine pattern. Cal. 5.56mm/.223. 16" M-4 barrel, with flash hider and bayonet lug. A2 upper receiver, with adjustable rear sight. Six-position collapsible buttstock.



NIB	Exc.	V.G.	Good	Fair	Poor
950	800	675	500	350	200

Stag-15 Model 2

As above, with flattop upper receiver. Includes MI ERS flip type rear sight assembly.



NIB	Exc.	V.G.	Good	Fair	Poor
950	800	675	500	350	200

Stag-15 Model 2 T

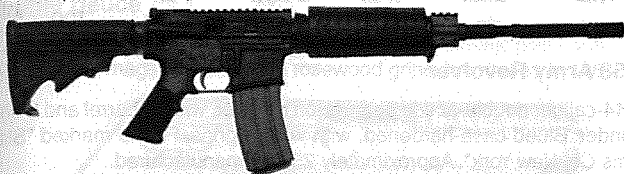
As above, with A.R.M.S. sight system and Samson MRFS-C four sided hand guard.



NIB	Exc.	V.G.	Good	Fair	Poor
1050	900	775	600	400	250

Stag-15 Model 3

M-4 type carbine featuring flattop receiver and gas block, with Picatinny rails. Six-position collapsible buttstock.



NIB	Exc.	V.G.	Good	Fair	Poor
950	800	675	500	350	200

Stag-15 Model 4

A-2 type rifle featuring 20" barrel. Flash hider and bayonet lug.



NIB	Exc.	V.G.	Good	Fair	Poor
950	800	675	500	350	200

Stag 6.8 Model 5

Cal. 6.8 SPC. 16" barrel. Flattop receiver, with Picatinny rail. Six-position collapsible buttstock. 25-round magazine.



NIB	Exc.	V.G.	Good	Fair	Poor
1050	900	775	600	400	250

Stag-15 Model 6 Super Varminter

24" heavy barrel. No flash hider. Flattop receiver, with Picatinny rail. Two-stage trigger. Free-float round hand guard. A2 type fixed stock.



NIB	Exc.	V.G.	Good	Fair	Poor
1050	900	775	600	400	250

Stag-8T

AR/M4-style in .223 Rem./5.56 NATO, with 16" chrome-lined barrel. Adjustable gas piston action, synthetic pistol-grip, Diamondhead VRS-T aluminum hand guard and flip-up front and rear sights.



NIB	Exc.	V.G.	Good	Fair	Poor
1000	900	800	500	400	300

Stag 15 Pistol

Features 7.5" 5.56 barrel, with QPQ finish and Low Pro Gas Block. Magazine capacity 30 rounds (10 where required). Features include 4" free-float hand guard, Magpul MOE pistol-grip and trigger guard, compensator and pistol length buffer tube, with 3" foam cover. Length 22.5"; weight 4.8 lbs.

NIB	Exc.	V.G.	Good	Fair	Poor
850	700	500	400	250	175

STALCAP, ALEXANDER T.F.M.

Nashville, Tennessee

First in business during 1850s, Stalcap received a contract in 1862, to modify sporting arms for military use. Overall length 50.875" to 51.75"; octagonal barrels 35.25" - 36" turned round at muzzle for socket bayonets; .54-caliber. Rifles assembled with sporting locks, new stocks and brass furniture. At least 102 rifles were delivered in 1862. These arms are unmarked.

NIB	Exc.	V.G.	Good	Fair	Poor
—	—	6500	4250	2000	1000

STANDARD ARMS CO.

Wilmington, Delaware

Model G

Chambered for .25 Rem., .30 Rem. and .35 Rem., with 22" barrel. Open sights. Integral box magazine and closable gas port that allowed rifle to be used as a slide action. Blued, with walnut stock. Produced in limited quantities, circa 1910. A notorious jammatic. Bronze alloy buttplate and fore-end.

NIB	Exc.	V.G.	Good	Fair	Poor
—	750	600	450	250	150

Model M

Manually-operated pump-only version of Model G.

NIB	Exc.	V.G.	Good	Fair	Poor
—	900	725	550	300	150

STAR, BONIFACIO ECHEVERRIA

Elbar, Spain

SEE—Echeverria

STARR, EBAN T.

New York, New York

Single-Shot Derringer

A .41-caliber single-shot pistol, with pivoted 2.75" round barrel. Hammer mounted on right side of frame. Trigger formed in the shape of a button located at front of the frame. Frame marked "Starr's Pat's May 10, 1864". Brass frame silver-plated. Barrel blued or silver-plated, with checkered walnut grips. Manufactured from 1864 to 1869.



Courtesy Milwaukee Public Museum, Milwaukee, Wisconsin

Mini-14 Target

Accurized version of Mini-14, with matte stainless barrel and receiver, black laminated thumbhole stock, adjustable harmonic dampener. No sights. Also available with non-thumbhole synthetic stock. Introduced in 2007.



NIB	Exc.	V.G.	Good	Fair	Poor
1025	900	775	600	400	250

Mini-14 Ranch

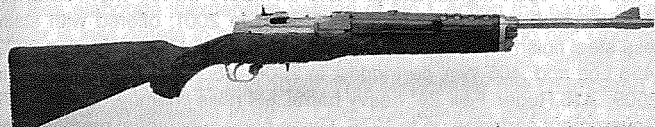
Similar to standard Mini-14, with folding rear sight and receiver milled to accept Ruger scope-ring system. Rings are supplied with rifle. 6.8 Rem. chambering also available. **NOTE:** Models chambered in .222-caliber will bring a premium.



NIB	Exc.	V.G.	Good	Fair	Poor
750	625	500	375	225	175

Mini-14 Stainless All-Weather Ranch

Introduced in 1999. Has all the features of stainless steel Ranch, with addition of black polymer stock. Weight about 6.5 lbs.



NIB	Exc.	V.G.	Good	Fair	Poor
810	600	450	300	200	150

Mini-14 NRA

Ruger Mini-14 NRA, with two 20-round magazines, gold-tone medallion in grip cap and special serial number sequence (NRA8XXXXX). Produced in 2008 only. Also available with 5-round magazine.

NIB	Exc.	V.G.	Good	Fair	Poor
1000	700	575	—	—	—

Mini-14 ATI Stock

Tactical version of Mini-14, with 6-position collapsible stock or folding stock, grooved pistol-grip, multiple Picatinny optics/accessories rails. Suggested retail price: \$872.



NIB	Exc.	V.G.	Good	Fair	Poor
675	550	425	300	200	150

Mini-14 Tactical

Similar to Mini-14, with 16.12" barrel with flash hider, black synthetic stock, adjustable sights. Also chambered for .300 Blackout.



NIB	Exc.	V.G.	Good	Fair	Poor
850	700	600	450	325	250

SR-556

AR-style semi-automatic chambered in 5.56 NATO. Feature include two-stage piston; quad rail hand guard; Troy Industries sights; black synthetic fixed or telescoping buttstock; 16.12" 1:9 steel barrel with birdcage; 10- or 30-round detachable box magazine; black matte finish overall. The 6.8 PPC was added in 2010, but discontinued after one year.



NIB	Exc.	V.G.	Good	Fair	Poor
1850	1550	1250	900	600	250

AR-556

An M4-style direct-impingement Modern Sporting Rifle. It's American-made and affordable. Features include forged 7075-T6 aluminum upper and lower receivers, cold hammer-forged chrome-moly steel barrel, telescoping 6-position stock, enlarged trigger guard, milled F-height gas block with post front sight and 30-round Magpul magazine. Introduced in 2015.



NIB	Exc.	V.G.	Good	Fair	Poor
650	500	400	300	225	150

SR-762

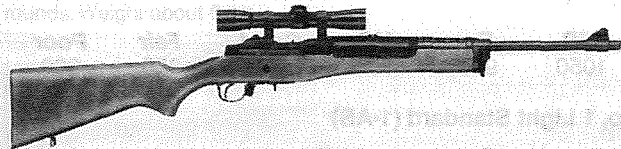
Same basic AR-style design of SR-556, but modified to handle 7.62 NATO (.308 Win.) cartridge.



NIB	Exc.	V.G.	Good	Fair	Poor
1900	1550	1300	900	500	250

Mini-Thirty

Brought out by Ruger in 1987. Similar in appearance to standard Mini-14. Supplied with Ruger scope rings. Chambered in 7.63x39; 6.8mm added in 2007.



NIB	Exc.	V.G.	Good	Fair	Poor
550	450	300	250	200	150

Exhibit 2

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10 *Attorneys for Defendants*

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
14
15

16 **JAMES MILLER, et al.,**

17 Plaintiffs,

18 v.

19
20 **CALIFORNIA ATTORNEY
GENERAL XAVIER BECERRA,
21 et al.,**

22 Defendants.
23
24
25
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28

19-cv-1537 BEN-JLB

**DECLARATION OF YVETTE
GLOVER**

DECLARATION OF YVETTE GLOVER

I, Yvette Glover, declare as follows:

1. I make this declaration of my own personal knowledge, and if called upon as a witness to testify in this matter, I could and would testify competently to the matters stated herein.

2. I have been employed by the California Department of Justice, Bureau of Firearms since 2010, in the following positions: Criminal Identification Specialist II, Staff Services Analyst, and Associate Governmental Program Analyst.

3. Since 2016, my job responsibilities have included tasks involving the issuance and renewal of dangerous weapons permits (i.e., assault weapons, destructive devices, machine guns, short-barreled rifles/shotguns), maintenance and creation of assault weapon registrations, responding to public inquiries regarding dangerous weapons and assault weapon permits, providing education to the general public and law enforcement agencies regarding obtaining dangerous weapons permits and the acquisition or disposal of assault weapons.

4. The California Department of Justice maintains data on assault weapons registered in California. The Assault Weapon Registration (AWR) application portal is an internal application (non-public/access limited only to Department of Justice staff) used to manage assault weapon registration data and reports on assault weapon registrations. The AWR application portal enables entry, modification and deletion of assault weapon registration data as well as generating reports and letters.

5. On December 3, 2020, I requested our IT manager to query the AWR application portal to obtain registration data for assault weapons. I reviewed the query results and, from those results, obtained the following information:

6. There are approximately 200,039 assault weapons currently registered with the California Department of Justice, of which approximately 180,142 are rifles, 16,419 are pistols, and 3,478 are shotguns.

9. Registered assault weapons may be de-registered for various reasons listed in Code of Regulations, title 11, section 5478, or other reasons including the death of the registrant, or the registrant becoming prohibited from possessing the weapon.

Little Flower

Declaration of Yvette Glover (19-cv-1537 BEN-JLB)

Exhibit 3

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
Before The Honorable ROGER T. BENITEZ, District Court Judge

JAMES MILLER, et al.,)	
)	
Plaintiff,)	CASE NO.
VS.)	3:19-cv-1537-BEN-JLB
)	
XAVIER BECERRA, et al.,)	
)	
Defendants.)	

San Diego, California
Monday, October 19, 2020

EVIDENTIARY HEARING - DAY 1

APPEARANCES:

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Reported by: Ellen L. Simone, RMR, CRR, CSR No. 14261
Official Court Reporter

INDEX TO WITNESSES

FOR THE PLAINTIFFS:

EMANUEL KAPELSOHN	9
ASHLEY HLEBINSKY50
JAMES CURCURUTO61
GEORGE MOCSARY72
GENERAL ALLEN YOUNGMAN77

FOR THE DEFENSE:

LOUIS KLAREVAS	102
BLAKE GRAHAM	127
LUCY ALLEN	150

1 and it certainly sounds like he's, you know, qualified as an
2 expert, and I'm going to take whatever it is he says as an
3 expert.

4 So anyway. So I don't really have any other questions
5 of this gentleman. He certainly seems qualified. But if you
6 have any other questions, things that are not covered in your
7 declaration that you think it would be wise for the Court to
8 know, I'll give you a shot at it. Go ahead.

9 MR. LEE: Okay. If I could have a -- this could help
10 curtail things substantially.

11 So if I could just have the Court's indulgence for a
12 moment and see what we can cut to the chase on and see what
13 might be supplementary.

14 (Pause in the proceedings)

15 BY MR. LEE:

16 Q. Mr. Kapelsohn, in your opinion, what is the most -- the
17 biggest advantage that an AR-15-type rifle has over other
18 semi-automatic firearms from a defensive shooting perspective?

19 A. It's far easier for almost everyone to shoot it accurately
20 than it is for them to shoot a handgun accurately.

21 Handguns are the hardest firearms for anyone to shoot
22 with good accuracy. They're short, they're not very well
23 supported.

24 For instance, an AR, or any rifle, is supported by
25 one's shoulder and one's cheek and both hands, whereas a

1 handgun is out there at the end of one arm or perhaps held in
2 two hands. It doesn't have that support.

3 The AR has a long sight radius, the distance between
4 the front and rear sight, which allows it to be aligned more
5 accurately. That's an advantage over any handgun over a
6 handgun, which has a very short sight radius, and so aiming
7 error is very common with handguns.

8 Handguns require fairly frequent practice. We say, as
9 firearms instructors, that one's ability to shoot a handgun is
10 very much a perishable skill. That's why police are retrained
11 and requalified several times a year, you know, at the least.

12 So if we take the average person and give them an
13 AR-15 and give them 20 or 30 minutes of training with it, not
14 that that's what I would consider sufficient, but for my answer
15 I'd say, if we give them 20 or 30 minutes of training with it,
16 they will easily be hitting something the size of a paper plate
17 at 50 yards.

18 we can train people, including police officers, for
19 the rest of their careers, and they won't develop that degree
20 of accuracy, most of them will not, with a handgun.

21 The rifle is light in weight, and it has very good
22 ergonomics. It was designed that way by Gene Stoner, who
23 designed it.

24 And because of its light weight and good ergonomics,
25 it's an excellent firearm for use by people of all statures and

1 varying levels of strength.

2 So my wife, who is 5 foot 2 can use the same AR-15
3 that I use, and I'm close to 6 feet tall, and I weigh twice as
4 much as she does.

5 whereas, the 12-Gauge shotgun that has 25- or 30-foot
6 pounds of free recoil is punishing because of its recoil to
7 many shooters, especially smaller statured shooters, female
8 shooters, and the like.

9 The AR-15 is pleasant to shoot, training is easily
10 accomplished, a good degree of competence and safety are easily
11 accomplished.

12 If we take even my deputy sheriffs in the Sheriff's
13 Department I'm with out to shoot shotgun, we try to have them
14 fire very few rounds in that day of shotgun training because
15 they start to complain, it hurts their shoulder, the recoil,
16 et cetera, and the result is they get relatively little shotgun
17 training.

18 The true -- same is true when you're training
19 civilians. But you go out with an AR-15 rifle, they can easily
20 fire 100 rounds in a few hours of training, so a good level of
21 accuracy and skill and safety, because they become very
22 familiar with the mechanism, and competence are accomplished
23 by it.

24 And accuracy is very important for self-defense
25 because, unlike a criminal using a firearm, the civilian or the

1 police officer, either one is accountable for every round they
2 fire. And any round that misses the attacker, who is attacking
3 the civilian or the police officer, if it doesn't hit what they
4 intended to hit, the attacker, then by definition it hits
5 something they didn't intend to hit. That may be an innocent
6 bystander.

7 So the accomplishment of a good level of accuracy is
8 paramount in civilian self-defense training with firearms, and
9 the AR-15 permits that.

10 THE COURT: All right. So let me ask a question.

11 I think it's in one of the declarations, and I can't
12 recall whose, but there's mention of the fact that the
13 adjustable stock is beneficial because a female, a woman who is
14 not as strong, doesn't have -- their arms are not as long, that
15 that adjustable stock works to their advantage, as opposed to a
16 man like yourself, for example; is that true?

17 THE WITNESS: Absolutely true. And the most commonly
18 available telescoping stocks for the AR-15 rifles today have
19 between three and six different positions of adjustment.

20 They adjust by pulling out, and a spring-loaded
21 plunger going into a little hole and snaps into place. And
22 there are anywhere from three to as many as six different
23 little hole positions.

24 So I can use the rifle with the stock fully extended.
25 My wife, who is a foot shorter than I am, almost, will use it

1 in the shortest position or the second to shortest position.

2 It's also true, at least in my part of the country,
3 Pennsylvania, in the wintertime, when we're wearing heavy coats
4 and outer clothing, you'd adjust the stock to be a little
5 shorter because you're wearing several inches of clothing on
6 yourself.

7 Tactile team, police officers, get the same advantage
8 when they wear a heavy vest with equipment or rifle plates in
9 it, or something like that. They adjust the stocks to be
10 shorter. So that's a big advantage of that kind of stock.

11 THE COURT: Just out of curiosity, how does that -- I
12 mean, other than the fact that it may be more concealable if
13 you have a shortened stock as opposed to a longer stock, how
14 does that make the weapon any more lethal, if you will, than,
15 say, a Mini -- a Ruger Mini-14?

16 THE WITNESS: Doesn't make it any more lethal. And
17 the fact is, only somewhere between 1 and 2 percent of the
18 crimes committed with firearms are committed with rifles of all
19 types altogether.

20 So that's lever-action rifles, bolt-action rifles,
21 pump-action rifles, single-shot rifles altogether amount to
22 something like, I think, by the federal statistics -- and I
23 cited some of them in my declaration -- something like 1.4 or
24 1.6 percent of all firearms crimes.

25 These are not concealable, even when the stock is in

1 well, it shows that the line of the boar is directly in line
2 with the shoulder stock.

3 And we know from Newton's Law that for every action
4 there is an equal and opposite reaction.

5 So the bullet goes out the end of the boar, the end of
6 the barrel, and the axis of recoil is exactly that same line
7 coming back rearward. So that's the axis of recoil.

8 In a traditional sporting rifle or sporting shotgun
9 design where the stock drops down, it angles down to the butt
10 stock from the line of the boar, you then have muzzle rise
11 because the point of support on your shoulder is below the line
12 of the boar. So there's an axis -- a momentum of leverage
13 there.

14 So the straight-line design of the AR allows recoil to
15 be controlled easily. Even though the .223 cartridge has
16 relatively little recoil, it still allows the rifle to come
17 straight back into the shoulder rather than the muzzle tending
18 to rise.

19 That's the reason that AR-15s have to have the sights
20 put up high on structures that put them up to one's eye because
21 the stock and the barrel are down near one's shoulder, whereas,
22 with the sporting rifle, the barrel is up near one's eye.

23 That's also the reason that you need a pistol grip in
24 order to have good ergonomics on a straight-line design rifle.
25 Because the stock is straight behind the boar, the pistol grip

1 has to come down so that there is an ergonomically comfortable
2 and effective place to put one's firing hand.

3 Q. Thank you.

4 Mr. Kapelsohn, I do want to address a few other things
5 that are not specifically those features that we've talked
6 about.

7 The California Assault Weapon Law prohibits firearms
8 with an overall length of less than 30 inches.

9 Do you know what the federal limit is on the length of
10 a firearm?

11 A. Well, length of a rifle, I think you mean?

12 Q. Length of a rifle.

13 A. And that's 26 inches.

14 Q. All right. So if a rifle has less than an overall length
15 of 26 inches, it would be considered a short-barrel rifle under
16 federal law?

17 A. Yes.

18 Q. So let's focus on rifles that may be between 26 and
19 30 inches in length.

20 Can you tell us what the defensive advantage would be
21 to a shooter to have a firearm that's shorter than 30 inches?

22 A. Yes. For a homeowner or a business owner who has an AR-15
23 as a self-defense weapon in their home or place of business, it
24 makes it more maneuverable going through doorways, moving
25 around corners in hallways, and so forth, as well as making it

1 protection, hunting, target shooting, collecting.

2 Q. Of those 17 -- the 17-million figure that you've cited to
3 the Court, how prevalent is the pistol grip on modern sporting
4 rifles of that 17-million figure?

5 A. I believe that's pretty standard on just about all modern
6 sporting rifles, pistol grips.

7 Q. What are the most common calibers for modern sporting
8 rifles?

9 A. The most common are .223/.556, 7.62, .22 caliber, .308
10 caliber.

11 Q. Have you had a chance to review the declaration of
12 Professor Donohue submitted by the defense in this matter?

13 A. I have.

14 Q. In particular, Professor Donohue says that your opinions
15 about the numbers are not applicable or flawed because they
16 don't account for firearms that would be considered as assault
17 weapons in California, because modern sporting rifles may be
18 rimfire rifles. Do you recall that criticism?

19 A. Yes, sir.

20 Q. First of all, can you tell the Court what a rimfire rifle
21 is?

22 THE COURT: I know what it is. I'll save you some
23 time.

24 BY MR. LEE:

25 Q. Okay. What is the most common chambering of a modern

1 technical knowledge. It's not hard -- if you had some other
2 weapons, you probably would have to develop a supply chain for
3 replacement parts or repair parts. Those things already exist
4 for the AR-15.

5 Q. What are some of the features that are common to the AR-15
6 that make it suitable for militia service?

7 A. First of all, it's lightweight. It -- particularly the
8 adjustable stock, which is mostly common with the AR-15 family
9 today.

10 THE COURT: Let me ask you this, since you've actually
11 been in combat.

12 THE WITNESS: Yes, sir.

13 THE COURT: Let me ask you this. What difference does
14 it make if you have an adjustable stock?

15 THE WITNESS: Your Honor, during Vietnam, most of us
16 did not wear body armor, for example, and we were all male, and
17 so one size could, arguably, fit all.

18 Today, we wear body armor. Today, we have a lot of
19 female soldiers. Being able to adjust the length of the stock
20 to get a proper alignment is key to accuracy.

21 THE COURT: Okay. Thank you.

22 BY MR. DILLON:

23 Q. And the commonality of magazines that fit into an AR-15,
24 how does that play into your opinion about the usefulness for
25 militia service?

1 would be an assault shotgun and one would be an assault pistol,
2 something in that range, sir.

3 THE COURT: Okay. Somewhere in your declaration
4 you -- well, let me find it. Give me just a minute. I want to
5 find what it is you said. It might take me a minute here.

6 (Pause in the proceedings)

7 THE COURT: So I think in your declaration, at
8 paragraph 16, you talk about semi-automatic rifles that qualify
9 as assault weapons. And you said, "The most common feature of
10 prohibited assault weapons is likely the pistol grip." Is that
11 your experience?

12 THE WITNESS: Yes, sir.

13 THE COURT: All right. So a lot of the weapons that
14 you have encountered in your investigation over the years have
15 involved pistol grips, right?

16 THE WITNESS: Yes, sir.

17 THE COURT: And then it says, "Most -- the next most
18 common feature is the telescoping stock and flash suppressors,"
19 right?

20 THE WITNESS: Correct. Yes, sir.

21 THE COURT: So out of those eight out of ten weapons
22 that you've been involved in since 2002, eight of them are
23 rifles, the most common feature prohibited for those weapons is
24 the pistol grip, followed by the telescoping stock and the
25 flash suppressors, correct?

1 right?

2 THE WITNESS: Correct.

3 THE COURT: And much easier to perhaps acquire a
4 target with?

5 THE WITNESS: Possibly, depending on the house and the
6 layout.

7 THE COURT: Less likely, as I said somewhat jokingly,
8 that you're going to hit your spouse on the head with the
9 barrel of the gun, right?

10 THE WITNESS: I would assume so, with less chance of
11 bumping into things you didn't want it to bump into.

12 THE COURT: Right. Okay. Now, let me ask another
13 question. I think I saw this in your declaration, if I'm not
14 mistaken.

15 A self-defense weapon; do you want it to be more
16 accurate or less accurate?

17 THE WITNESS: Accuracy -- if you're firing a weapon
18 for self-defense, accuracy would be ideal.

19 THE COURT: At page 14 of your declaration you said
20 the following -- and I'm really puzzled by this -- "In some
21 cases, military or police forces might issue semi-automatic
22 rifles that are functionally the same as defined California
23 assault weapons in terms of rate of fire or capacity for fire
24 power."

25 what did you mean by that?

1 Is that what you're talking about is that the Armed
2 Forces is now issuing -- as opposed to, say, during the Vietnam
3 war -- they're now issuing weapons that have selective firing
4 capabilities that essentially can operate as a semi-automatic
5 weapon? Is that what you're referring to?

6 THE WITNESS: Sir, I'm aware of other branches having
7 full-auto, and also the possibility of the burst option.

8 And, again, I don't recall where I've heard this, but
9 they were looking at semi-auto only variance potentially being
10 issued to the military.

11 I don't have personal knowledge of which branch or if
12 they did assign those out. My experience would be towards the
13 law enforcement side.

14 THE COURT: Okay.

15 THE WITNESS: I know that the majority of law
16 enforcement is semi-auto in California, sir.

17 THE COURT: I can't argue with that.

18 So you triggered my curiosity, because at page 15 of
19 your declaration you have what I believe is a photograph of
20 the -- no, in fact, I know it because it says it in your
21 declaration -- you have the Sturm Ruger Mini-14 Ranch Rifle.

22 You're familiar with that rifle, right?

23 THE WITNESS: Yes, sir.

24 THE COURT: And that's a rifle that has a detachable
25 magazine?

1 THE WITNESS: Yes, sir.

2 THE COURT: And it's a semi-automatic rifle?

3 THE WITNESS: Yes.

4 THE COURT: It does not have a collapsable stock,
5 meaning that it's adjustable. So if you have one in the
6 family, whether it's the husband or the wife that's using it,
7 they have to use the same stock, right?

8 THE WITNESS: Correct. The photo I think you're
9 referencing is the top photo of the two photos on that page?

10 THE COURT: Yes, that's correct.

11 THE WITNESS: Yes. And traditionally, whoever wanted
12 to shoot the weapon would have to deal with whatever stock was
13 attached.

14 THE COURT: Okay. Now, the second weapon that is at
15 page 15 appears to be, if I'm not mistaken, a very similar
16 weapon, the difference being that, instead of having a -- what
17 I'll call a traditional stock, it seems to have a completely
18 collapsable stock, a pistol grip, and I think it has a flash
19 suppressor on it, right? Maybe a larger --

20 THE WITNESS: Yes, sir.

21 THE COURT: -- a larger magazine.

22 But otherwise, otherwise, it is a Sturm Ruger Mini-14
23 Ranch Rifle, right?

24 THE WITNESS: Yes. I believe that's probably the
25 government model derivative. That's the ones I've seen here in

1 California. That's what it was marked as.

2 THE COURT: Under the assault weapons law that I'm
3 being asked to decide, the weapon on the bottom would be
4 unlawful to possess, the weapon at the top would not; is that a
5 fair statement?

6 THE WITNESS: The weapon on the bottom could be
7 lawfully possessed if the person had registered it during the
8 appropriate registration window in the early 2000s, basically
9 between 1/1/2000 and 12/31/2000. If they registered it then,
10 and they received our approval letter, they could still possess
11 that weapon today, unless it became prohibited.

12 THE COURT: So if it is prohibited now -- if you can't
13 buy it because it's an assault weapon under the current
14 statutes because it's got a detachable magazine, holds more
15 than ten rounds, has a pistol grip, has a collapsible stock,
16 and has a flash suppressor, you would not be able to buy that
17 weapon, right?

18 THE WITNESS: Correct. Not legally at this time.

19 THE COURT: Haha. Okay. So you could buy it
20 illegally. You could buy anything illegally -- right? --
21 including an M16, I suppose.

22 THE WITNESS: There's a good chance --

23 THE COURT: Yeah. Go ahead.

24 THE WITNESS: I'm sorry. I cut you off, sir.

25 THE COURT: No. Go ahead.

1 THE WITNESS: I was going to say, there's a
2 good chance that many weapons are sold illegally up and down
3 the state, various -- whether it be a revolver or, in this
4 case, an assault rifle.

5 THE COURT: Yeah, I agree with that.

6 But the top weapon, that would be perfectly legal to
7 purchase under current law, right?

8 THE WITNESS: Correct. Yeah, those are available in
9 many gun stores up and down California.

10 THE COURT: Just out of curiosity, has little to do
11 with this case, although it does have tangential effect.

12 Do you happen to know how many people on the
13 prohibited persons list in the state of California still remain
14 outstanding without having been charged or prosecuted?

15 THE WITNESS: I mean, there are probably over 20,000
16 people that we are monitoring, attempting to locate, attempting
17 to investigate. And in some cases, we have already
18 investigated them, and we're still tracking the weapon itself,
19 even after we've contacted the person face-to-face.

20 But your question is pretty broad, so I don't want to
21 minimize my answer, sir.

22 THE COURT: Okay. Sometimes I have a hard time
23 reading my own writing, so forgive me.

24 (Pause in the proceedings)

25 THE COURT: Your declaration, at page 21, line G, you

Exhibit 4

103D CONGRESS 2d Session	HOUSE OF REPRESENTATIVES	REPORT 103-489
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**PUBLIC SAFETY AND RECREATIONAL FIREARMS USE
PROTECTION ACT**

MAY 2, 1994.—Committed to the Committee of the Whole House on the State of the
Union and ordered to be printed

Mr. BROOKS, from the Committee on the Judiciary,
submitted the following

REPORT

together with

SUPPLEMENTAL AND DISSENTING VIEWS

[To accompany H.R. 4296]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4296) to make unlawful the transfer or possession of assault weapons, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety and Recreational Firearms Use Protection Act".

SEC. 2. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMI-AUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

"(2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed on the date of the enactment of this subsection.

"(3) Paragraph (1) shall not apply to—

79-006

AG00012649

"(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

"(B) any firearm that—

"(i) is manually operated by bolt, pump, lever, or slide action;

"(ii) has been rendered permanently inoperable; or

"(iii) is an antique firearm;

"(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

"(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.

The fact that a firearm is not listed in Appendix A shall not be construed to mean that paragraph (1) applies to such firearm. No firearm exempted by this subsection may be deleted from Appendix A so long as this Act is in effect.

"(4) Paragraph (1) shall not apply to—

"(A) the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State;

"(B) the transfer of a semiautomatic assault weapon by a licensed manufacturer, licensed importer, or licensed dealer to an entity referred to in subparagraph (A) or to a law enforcement officer authorized by such an entity to purchase firearms for official use;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault weapon transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary."

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of such title is amended by adding at the end the following:

"(30) The term 'semiautomatic assault weapon' means—

"(A) any of the firearms, or copies or duplicates of the firearms, known as—

"(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

"(ii) Action Arms Israeli Military Industries UZI and Galil;

"(iii) Beretta Ar70 (SC-70);

"(iv) Colt AR-15;

"(v) Fabrique National FN/FAL, FN/LAR, and FNC;

"(vi) SWD M-10, M-11, M-11/9, and M-12;

"(vii) Steyr AUG;

"(viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

"(ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

"(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a bayonet mount;

"(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

"(v) a grenade launcher;

"(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

"(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

"(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

"(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

"(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

"(v) a semiautomatic version of an automatic firearm; and

"(D) a semiautomatic shotgun that has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

- "(iii) a fixed magazine capacity in excess of 5 rounds; and
- "(iv) an ability to accept a detachable magazine."

(c) **PENALTIES.—**

- (1) **VIOLATION OF SECTION 922(V).—**Section 924(a)(1)(B) of such title is amended by striking "or (q) of section 922" and inserting "(r), or (v) of section 922".
- (2) **USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—**Section 924(c)(1) of such title is amended in the first sentence by inserting "or semiautomatic assault weapon," after "short-barreled shotgun,".
- (d) **IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—**Section 923(i) of such title is amended by adding at the end the following: "The serial number of any semiautomatic assault weapon manufactured after the date of the enactment of this sentence shall clearly show the date on which the weapon was manufactured."

SEC. 3. RECORDKEEPING REQUIREMENTS FOR TRANSFERS OF GRANDFATHERED FIREARMS.

- (a) **OFFENSE.—**Section 922 of title 18, United States Code, as amended by section 2(a) of this Act, is amended by adding at the end the following:

"(w)(1) It shall be unlawful for a person to sell, ship, or deliver a semiautomatic assault weapon to a person who has not completed a form 4473 in connection with the transfer of the semiautomatic assault weapon.

"(2) It shall be unlawful for a person to receive a semiautomatic assault weapon unless the person has completed a form 4473 in connection with the transfer of the semiautomatic assault weapon.

"(3) If a person receives a semiautomatic assault weapon from anyone other than a licensed dealer, both the person and the transferor shall retain a copy of the form 4473 completed in connection with the transfer.

"(4) Within 90 days after the date of the enactment of this subsection, the Secretary shall prescribe regulations ensuring the availability of form 4473 to owners of semiautomatic assault weapons.

"(5) As used in this subsection, the term 'form 4473' means—

"(A) the form which, as of the date of the enactment of this subsection, is designated by the Secretary as form 4473; or

"(B) any other form which—

"(i) is required by the Secretary, in lieu of the form described in subparagraph (A), to be completed in connection with the transfer of a semiautomatic assault weapon; and

"(ii) when completed, contains, at a minimum, the information that, as of the date of the enactment of this subsection, is required to be provided on the form described in subparagraph (A)."

- (b) **PENALTY.—**Section 924(a) of such title is amended by adding at the end the following:

"(6) A person who knowingly violates section 922(w) shall be fined not more than \$1,000, imprisoned not more than 6 months, or both. Section 3571 shall not apply to any offense under this paragraph."

SEC. 4. BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

- (a) **PROHIBITION.—**Section 922 of title 18, United States Code, as amended by sections 2 and 3 of this Act, is amended by adding at the end the following:

"(x)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

"(2) Paragraph (1) shall not apply to the possession or transfer of any large capacity ammunition feeding device otherwise lawfully possessed on the date of the enactment of this subsection.

"(3) This subsection shall not apply to—

"(A) the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State;

"(B) the transfer of a large capacity ammunition feeding device by a licensed manufacturer, licensed importer, or licensed dealer to an entity referred to in subparagraph (A) or to a law enforcement officer authorized by such an entity to purchase large capacity ammunition feeding devices for official use;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary."

(b) **DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.**—Section 921(a) of such title, as amended by section 2(b) of this Act, is amended by adding at the end the following:

“(31) The term ‘large capacity ammunition feeding device’—

“(A) means—

“(i) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

“(ii) any combination of parts from which a device described in clause (i) can be assembled; but

“(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.”.

(c) **LARGE CAPACITY AMMUNITION FEEDING DEVICES TREATED AS FIREARMS.**—Section 921(a)(3) of such title is amended in the first sentence by striking “or (D) any destructive device.” and inserting “(D) any destructive device; or (E) any large capacity ammunition feeding device.”.

(d) **PENALTY.**—Section 924(a)(1)(B) of such title, as amended by section 2(c) of this Act, is amended by striking “or (v)” and inserting “(v), or (x)”.

(e) **IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.**—Section 923(i) of such title, as amended by section 2(d) of this Act, is amended by adding at the end the following: “A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe.”.

SEC. 5. STUDY BY ATTORNEY GENERAL.

(a) **STUDY.**—The Attorney General shall investigate and study the effect of this Act and the amendments made by this Act, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 12 months after the date of enactment of this Act.

(b) **REPORT.**—Not later than 30 months after the date of enactment of this Act, the Attorney General shall prepare and submit to the Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act—

(1) shall take effect on the date of the enactment of this Act; and

(2) are repealed effective as of the date that is 10 years after that date.

SEC. 7. APPENDIX A TO SECTION 922 OF TITLE 18.

Section 922 of title 18, United States Code, is amended by adding at the end the following appendix:

“APPENDIX A

Centerfire Rifles—Autoloaders

Browning BAR Mark II Safari Semi-Auto Rifle
Browning BAR Mark II Safari Magnum Rifle
Browning High-Power Rifle
Heckler & Koch Model 300 Rifle
Iver Johnson M-1 Carbine
Iver Johnson 50th Anniversary M-1 Carbine
Marlin Model 9 Camp Carbine
Marlin Model 45 Carbine
Remington Nylon 66 Auto-Loading Rifle
Remington Model 7400 Auto Rifle
Remington Model 7400 Rifle
Remington Model 7400 Special Purpose Auto Rifle
Ruger Mini-14 Autoloading Rifle (w/o folding stock)
Ruger Mini Thirty Rifle

Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle
Browning Model 81 Long Action BLR
Browning Model 1886 Lever-Action Carbine
Browning Model 1886 High Grade Carbine
Cimarron 1860 Henry Replica
Cimarron 1866 Winchester Replicas
Cimarron 1873 Short Rifle
Cimarron 1873 Sporting Rifle
Cimarron 1873 30" Express Rifle
Dixie Engraved 1873 Rifle
E.M.F. 1866 Yellowboy Lever Actions

E.M.F. 1860 Henry Rifle
 E.M.F. Model 73 Lever-Action Rifle
 Marlin Model 336CS Lever-Action Carbine
 Marlin Model 30AS Lever-Action Carbine
 Marlin Model 444SS Lever-Action Sporter
 Marlin Model 1894S Lever-Action Carbine
 Marlin Model 1894CS Carbine
 Marlin Model 1894CL Classic
 Marlin Model 1895SS Lever-Action Rifle
 Mitchell 1868 Henry Replica
 Mitchell 1866 Winchester Replica
 Mitchell 1873 Winchester Replica
 Navy Arms Military Henry Rifle
 Navy Arms Henry Trapper
 Navy Arms Iron Frame Henry
 Navy Arms Henry Carbine
 Navy Arms 1866 Yellowboy Rifle
 Navy Arms 1873 Winchester-Style Rifle
 Navy Arms 1873 Sporting Rifle
 Remington 7600 Slide Action
 Remington Model 7600 Special Purpose Slide Action
 Rossi M92 SRC Saddle-Ring Carbine
 Rossi M92 SRS Short Carbine
 Savage 99C Lever-Action Rifle
 Uberti Henry Rifle
 Uberti 1866 Sporting Rifle
 Uberti 1873 Sporting Rifle
 Winchester Model 94 Side Eject Lever-Action Rifle
 Winchester Model 94 Trapper Side Eject
 Winchester Model 94 Big Bore Side Eject
 Winchester Model 94 Ranger Side Eject Lever-Action Rifle
 Winchester Model 94 Wrangler Side Eject

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle
 A-Square Caesar Bolt-Action Rifle
 A-Square Hannibal Bolt-Action Rifle
 Anschutz 1700D Classic Rifles
 Anschutz 1700D Custom Rifles
 Anschutz 1700D Bavarian Bolt-Action Rifle
 Anschutz 1733D Mannlicher Rifle
 Barret Model 90 Bolt-Action Rifle
 Beeman/HW 60J Bolt-Action Rifle
 Blaser R84 Bolt-Action Rifle
 BRNO 537 Sporter Bolt-Action Rifle
 BRNO ZKB 527 Fox Bolt-Action Rifle
 BRNO ZKK 600, 601, 602 Bolt-Action Rifles
 Browning A-Bolt Rifle
 Browning A-Bolt Stainless Stalker
 Browning A-Bolt Left Hand
 Browning A-Bolt Short Action
 Browning Euro-Bolt Rifle
 Browning A-Bolt Gold Medallion
 Browning A-Bolt Micro Medallion
 Century Centurion 14 Sporter
 Century Enfield Sporter #4
 Century Swedish Sporter #38
 Century Mauser 98 Sporter
 Cooper Model 38 Centerfire Sporter
 Dakota 22 Sporter Bolt-Action Rifle
 Dakota 76 Classic Bolt-Action Rifle
 Dakota 76 Short Action Rifles
 Dakota 76 Safari Bolt-Action Rifle
 Dakota 416 Rigby African
 E.A.A./Sabatti Rover 870 Bolt-Action Rifle
 Auguste Francotte Bolt-Action Rifles
 Carl Gustaf 2000 Bolt-Action Rifle
 Heym Magnum Express Series Rifle
 Howa Lightning Bolt-Action Rifle
 Howa Realtree Camo Rifle
 Interarms Mark X Viscount Bolt-Action Rifle
 Interarms Mini-Mark X Rifle
 Interarms Mark X Whitworth Bolt-Action Rifle
 Interarms Whitworth Express Rifle
 Iver Johnson Model 5100A1 Long-Range Rifle
 KDF K15 American Bolt-Action Rifle
 Krico Model 600 Bolt-Action Rifle
 Krico Model 700 Bolt-Action Rifles
 Mauser Model 66 Bolt-Action Rifle
 Mauser Model 99 Bolt-Action Rifle
 McMillan Signature Classic Sporter
 McMillan Signature Super Varminter
 McMillan Signature Alaskan
 McMillan Signature Titanium Mountain Rifle
 McMillan Classic Stainless Sporter
 McMillan Talon Safari Rifle
 McMillan Talon Sporter Rifle
 Midland 1500S Survivor Rifle
 Navy Arms TU-33/40 Carbine
 Parker-Hale Model 81 Classic Rifle

AG00012653

Parker-Hale Model 81 Classic African Rifle
 Parker-Hale Model 1000 Rifle
 Parker-Hale Model 1100M African Magnum
 Parker-Hale Model 1100 Lightweight Rifle
 Parker-Hale Model 1200 Super Rifle
 Parker-Hale Model 1200 Super Clip Rifle
 Parker-Hale Model 1300C Scout Rifle
 Parker-Hale Model 2100 Midland Rifle
 Parker-Hale Model 2700 Lightweight Rifle
 Parker-Hale Model 2800 Midland Rifle
 Remington Model Seven Bolt-Action Rifle
 Remington Model Seven Youth Rifle
 Remington Model Seven Custom KS
 Remington Model Seven Custom MS Rifle
 Remington 700 ADL Bolt-Action Rifle
 Remington 700 BDL Bolt-Action Rifle
 Remington 700 BDL Varmint Special
 Remington 700 BDL European Bolt-Action Rifle
 Remington 700 Varmint Synthetic Rifle
 Remington 700 BDL SS Rifle
 Remington 700 Stainless Synthetic Rifle
 Remington 700 MTRSS Rifle
 Remington 700 BDL Left Hand
 Remington 700 Camo Synthetic Rifle
 Remington 700 Safari
 Remington 700 Mountain Rifle
 Remington 700 Custom KS Mountain Rifle
 Remington 700 Classic Rifle
 Ruger M77 Mark II Rifle
 Ruger M77 Mark II Magnum Rifle
 Ruger M77RL Ultra Light
 Ruger M77 Mark II All-Weather Stainless Rifle
 Ruger M77 RSI International Carbine
 Ruger M77 Mark II Express Rifle
 Ruger M77VT Target Rifle
 Sako Hunter Rifle
 Sako Fiberclass Sporter
 Sako Safari Grade Bolt Action
 Sako Hunter Left-Hand Rifle
 Sako Classic Bolt Action
 Sako Hunter LS Rifle
 Sako Deluxe Lightweight
 Sako Super Deluxe Sporter
 Sako Mannlicher-Style Carbine
 Sako Varmint Heavy Barrel
 Sako TRG-S Bolt-Action Rifle
 Sauer 90 Bolt-Action Rifle
 Savage 110G Bolt-Action Rifle
 Savage 110CY Youth/Ladies Rifle
 Savage 110WLE One of One Thousand Limited Edition Rifle
 Savage 110GXP3 Bolt-Action Rifle
 Savage 110F Bolt-Action Rifle
 Savage 110FXP3 Bolt-Action Rifle
 Savage 110GV Varmint Rifle
 Savage 112FV Varmint Rifle
 Savage Model 112FVS Varmint Rifle
 Savage Model 112BV Heavy Barrel Varmint Rifle
 Savage 116FSS Bolt-Action Rifle
 Savage Model 116FSK Kodiak Rifle
 Savage 110FP Police Rifle
 Steyr-Mannlicher Sporter Models SL, L, M, S, S/T
 Steyr-Mannlicher Luxus Model L, M, S
 Steyr-Mannlicher Model M Professional Rifle
 Tikka Bolt-Action Rifle
 Tikka Premium Grade Rifles
 Tikka Varmint/Continental Rifle
 Tikka Whitetail/Battue Rifle
 Ultra Light Arms Model 20 Rifle
 Ultra Light Arms Model 28, Model 40 Rifles
 Voere VEC 91 Lightning Bolt-Action Rifle
 Voere Model 2165 Bolt-Action Rifle
 Voere Model 2155, 2150 Bolt-Action Rifles
 Weatherby Mark V Deluxe Bolt-Action Rifle
 Weatherby Lasermark V Rifle
 Weatherby Mark V Crown Custom Rifles
 Weatherby Mark V Sporter Rifle
 Weatherby Mark V Safari Grade Custom Rifles
 Weatherby Weathermark Rifle
 Weatherby Weathermark Alaskan Rifle
 Weatherby Classicmark No. 1 Rifle
 Weatherby Weatherguard Alaskan Rifle
 Weatherby Vanguard VGX Deluxe Rifle
 Weatherby Vanguard Classic Rifle
 Weatherby Vanguard Classic No. 1 Rifle
 Weatherby Vanguard Weatherguard Rifle
 Wichita Classic Rifle
 Wichita Varmint Rifle
 Winchester Model 70 Sporter
 Winchester Model 70 Sporter WinTuff
 Winchester Model 70 SM Sporter

AG00012654

Winchester Model 70 Stainless Rifle
 Winchester Model 70 Varmint
 Winchester Model 70 Synthetic Heavy Varmint Rifle
 Winchester Model 70 DBM Rifle
 Winchester Model 70 DBM-S Rifle
 Winchester Model 70 Featherweight
 Winchester Model 70 Featherweight WinTuff
 Winchester Model 70 Featherweight Classic
 Winchester Model 70 Lightweight Rifle
 Winchester Ranger Rifle
 Winchester Model 70 Super Express Magnum
 Winchester Model 70 Super Grade
 Winchester Model 70 Custom Sharpshooter
 Winchester Model 70 Custom Sporting Sharpshooter Rifle

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine
 Brown Model One Single Shot Rifle
 Browning Model 1885 Single Shot Rifle
 Dakota Single Shot Rifle
 Desert Industries G-90 Single Shot Rifle
 Harrington & Richardson Ultra Varmint Rifle
 Model 1885 High Wall Rifle
 Navy Arms Rolling Block Buffalo Rifle
 Navy Arms #2 Creedmoor Rifle
 Navy Arms Sharps Cavalry Carbine
 Navy Arms Sharps Plains Rifle
 New England Firearms Handi-Rifle
 Red Willow Armory Ballard No. 5 Pacific
 Red Willow Armory Ballard No. 1.5 Hunting Rifle
 Red Willow Armory Ballard No. 8 Union Hill Rifle
 Red Willow Armory Ballard No. 4.5 Target Rifle
 Remington-Style Rolling Block Carbine
 Ruger No. 1B Single Shot
 Ruger No. 1A Light Sporter
 Ruger No. 1H Tropical Rifle
 Ruger No. 1S Medium Sporter
 Ruger No. 1 RSI International
 Ruger No. 1V Special Varminter
 C. Sharps Arms New Model 1874 Old Reliable
 C. Sharps Arms New Model 1875 Rifle
 C. Sharps Arms 1875 Classic Sharps
 C. Sharps Arms New Model 1875 Target & Long Range
 Shiloh Sharps 1874 Long Range Express
 Shiloh Sharps 1874 Montana Roughrider
 Shiloh Sharps 1874 Military Carbine
 Shiloh Sharps 1874 Business Rifle
 Shiloh Sharps 1874 Military Rifle
 Sharps 1874 Old Reliable
 Thompson/Center Contender Carbine
 Thompson/Center Stainless Contender Carbine
 Thompson/Center Contender Carbine Survival System
 Thompson/Center Contender Carbine Youth Model
 Thompson/Center TCR '87 Single Shot Rifle
 Uberti Rolling Block Baby Carbine

Drillings, Combination Guns, Double Rifles

Baretta Express SSO O/U Double Rifles
 Baretta Model 455 SxS Express Rifle
 Chapuis RG Express Double Rifle
 Auguste Francotte Sidelock Double Rifles
 Auguste Francotte Boxlock Double Rifle
 Heym Model 55B O/U Double Rifle
 Heym Model 55FW O/U Combo Gun
 Heym Model 88b Side-by-Side Double Rifle
 Kodiak Mk. IV Double Rifle
 Kreighoff Teck O/U Combination Gun
 Kreighoff Trumpf Drilling
 Merkel Over/Under Combination Guns
 Merkel Drillings
 Merkel Model 160 Side-by-Side Double Rifles
 Merkel Over/Under Double Rifles
 Savage 24F O/U Combination Gun
 Savage 24F-12T Turkey Gun
 Springfield Inc. M6 Scout Rifle/Shotgun
 Tikka Model 412a Combination Gun
 Tikka Model 412S Double Fire
 A. Zoli Rifle-Shotgun O/U Combo

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle
 AMT Lightning Small-Game Hunting Rifle II
 AMT Magnum Hunter Auto Rifle
 Anschutz 525 Deluxe Auto
 Armscor Model 20P Auto Rifle
 Browning Auto-22 Rifle
 Browning Auto-22 Grade VI
 Krico Model 260 Auto Rifle

AG00012655

Lakefield Arms Model 64B Auto Rifle
 Marlin Model 60 Self-Loading Rifle
 Marlin Model 60sa Self-Loading Rifle
 Marlin Model 70 HC Auto
 Marlin Model 9901 Self-Loading Rifle
 Marlin Model 70P Papoose
 Marlin Model 922 Magnum Self-Loading Rifle
 Marlin Model 995 Self-Loading Rifle
 Norinco Model 22 ATD Rifle
 Remington Model 522 Viper Autoloading Rifle
 Remington 552BDL Speedmaster Rifle
 Ruger 10/22 Autoloading Carbine (w/o folding stock)
 Survival Arms AR-7 Explorer Rifle
 Texas Remington Revolving Carbine
 Voere Model 2115 Auto Rifle

Rimfire Rifles—Lever & Slide Action

Browning BL-22 Lever-Action Rifle
 Marlin 39TDS Carbine
 Marlin Model 39AS Golden Lever-Action Rifle
 Remington 572BDL Fieldmaster Pump Rifle
 Norinco EM-321 Pump Rifle
 Rossi Model 62 SA Pump Rifle
 Rossi Model 62 SAC Carbine
 Winchester Model 9422 Lever-Action Rifle
 Winchester Model 9422 Magnum Lever-Action Rifle

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle
 Anschutz 1416D/1516D Classic Rifles
 Anschutz 1418D/1518D Mannlicher Rifles
 Anschutz 1700D Classic Rifles
 Anschutz 1700D Custom Rifles
 Anschutz 1700 FWT Bolt-Action Rifle
 Anschutz 1700D Graphite Custom Rifle
 Anschutz 1700D Bavarian Bolt-Action Rifle
 Armscor Model 14P Bolt-Action Rifle
 Armscor Model 1500 Rifle
 BRNO ZKM-452 Deluxe Bolt-Action Rifle
 BRNO ZKM 452 Deluxe
 Beeman/HW 60-J-ST Bolt-Action Rifle
 Browning A-Bolt 22 Bolt-Action Rifle
 Browning A-Bolt Gold Medallion
 Cabanas Phaser Rifle
 Cabanas Master Bolt-Action Rifle
 Cabanas Espronceda IV Bolt-Action Rifle
 Cabanas Leyre Bolt-Action Rifle
 Chipmunk Single Shot Rifle
 Cooper Arms Model 36S Sporter Rifle
 Dakota 22 Sporter Bolt-Action Rifle
 Krico Model 300 Bolt-Action Rifles
 Lakefield Arms Mark II Bolt-Action Rifle
 Lakefield Arms Mark I Bolt-Action Rifle
 Magtech Model MT-22C Bolt-Action Rifle
 Marlin Model 880 Bolt-Action Rifle
 Marlin Model 881 Bolt-Action Rifle
 Marlin Model 882 Bolt-Action Rifle
 Marlin Model 883 Bolt-Action Rifle
 Marlin Model 883SS Bolt-Action Rifle
 Marlin Model 25MN Bolt-Action Rifle
 Marlin Model 25N Bolt-Action Repeater
 Marlin Model 15YN "Little Buckaroo"
 Mauser Model 107 Bolt-Action Rifle
 Mauser Model 201 Bolt-Action Rifle
 Navy Arms TU-KKW Training Rifle
 Navy Arms TU-33/40 Carbine
 Navy Arms TU-KKW Sniper Trainer
 Norinco JW-27 Bolt-Action Rifle
 Norinco JW-15 Bolt-Action Rifle
 Remington 541-T
 Remington 40-XR Rimfire Custom sporter
 Remington 541-T HB Bolt-Action Rifle
 Remington 581-S Sportsman Rifle
 Ruger 77/22 Rimfire Bolt-Action Rifle
 Ruger K77/22 Varmint Rifle
 Ultra Light Arms Model 20 RF Bolt-Action Rifle
 Winchester Model 52B Sporting Rifle

Competition Rifles—Centerfire & Rimfire

Anschutz 64-MS Left Silhouette
 Anschutz 1808D RT Super Match 54 Target
 Anschutz 1827B Biathlon Rifle
 Anschutz 1903D Match Rifle
 Anschutz 1803D Intermediate Match
 Anschutz 1911 Match Rifle
 Anschutz 54.18MS REP Deluxe Silhouette Rifle
 Anschutz 1913 Super Match Rifle
 Anschutz 1907 Match Rifle

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Anschutz 1910 Super Match II
 Anschutz 54.184S Silhouette Rifle
 Anschutz Super Match 54 Target Model 2013
 Anschutz Super Match 54 Target Model 2007
 Beeman/Feinwerkbau 2600 Target Rifle
 Cooper Arms Model TRP-1 ISU Standard Rifle
 E.A.A./Weihrauch HW 60 Target Rifle
 E.A.A./HW 660 Match Rifle
 Fenniah Lion Standard Target Rifle
 Krico Model 360 S2 Biathlon Rifle
 Krico Model 400 Match Rifle
 Krico Model 360S Biathlon Rifle
 Krico Model 500 Kricotronic Match Rifle
 Krico Model 600 Sniper Rifle
 Krico Model 600 Match Rifle
 Lakefield Arms Model 90B Target Rifle
 Lakefield Arms Model 91T Target Rifle
 Lakefield Arms Model 92S Silhouette Rifle
 Marlin Model 2000 Target Rifle
 Mauser Model 86-SR Specialty Rifle
 McMillan M-86 Sniper Rifle
 McMillan Combo M-87/M-88 50-Caliber Rifle
 McMillan 300 Phoenix Long Range Rifle
 McMillan M-89 Sniper Rifle
 McMillan National Match Rifle
 McMillan Long Range Rifle
 Parker-Hale M-87 Target Rifle
 Parker-Hale M-85 Sniper Rifle
 Remington 40-XB Rangemaster Target Centerfire
 Remington 40-XR KS Rimfire Position Rifle
 Remington 40-XBRR KS
 Remington 40-XC KS National Match Course Rifle
 Sako TRG-21 Bolt-Action Rifle
 Steyr-Mannlicher Match SPG-UTT Rifle
 Steyr-Mannlicher SSG P-I Rifle
 Steyr-Mannlicher SSG P-III Rifle
 Steyr-Mannlicher SSG P-IV Rifle
 Tanner Standard UIT Rifle
 Tanner 50 Meter Free Rifle
 Tanner 300 Meter Free Rifle
 Wichita Silhouette Rifle

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL
 Benelli Super Black Eagle Shotgun
 Benelli Super Black Eagle Slug Gun
 Benelli M1 Super 90 Field Auto Shotgun
 Benelli Montefeltro Super 90 20-Gauge Shotgun
 Benelli Montefeltro Super 90 Shotgun
 Benelli M1 Sporting Special Auto Shotgun
 Benelli Black Eagle Competition Auto Shotgun
 Beretta A-303 Auto Shotgun
 Beretta 390 Field Auto Shotgun
 Beretta 390 Super Trap, Super Skeet Shotguns
 Beretta Vittoria Auto Shotgun
 Beretta Model 1201F Auto Shotgun
 Browning BSA 10 Auto Shotgun
 Browning Bea 10 Stalker Auto Shotgun
 Browning A-500R Auto Shotgun
 Browning A-500G Auto Shotgun
 Browning A-500G Sporting Clays
 Browning Auto-5 Light 12 and 20
 Browning Auto-5 Stalker
 Browning Auto-5 Magnum 20
 Browning Auto-5 Magnum 12
 Churchill Turkey Automatic Shotgun
 Cosmi Automatic Shotgun
 Maverick Model 60 Auto Shotgun
 Mossberg Model 5500 Shotgun
 Mossberg Model 9200 Regal Semi-Auto Shotgun
 Mossberg Model 9200 USST Auto Shotgun
 Mossberg Model 9200 Camo Shotgun
 Mossberg Model 6000 Auto Shotgun
 Remington Model 1100 Shotgun
 Remington 11-87 Premier shotgun
 Remington 11-87 Sporting Clays
 Remington 11-87 Premier Skeet
 Remington 11-87 Premier Trap
 Remington 11-87 Special Purpose Magnum
 Remington 11-87 SPS-T Camo Auto Shotgun
 Remington 11-87 Special Purpose Deer Gun
 Remington 11-87 SPS-BG-Camo Deer/Turkey Shotgun
 Remington 11-87 SPS-Deer Shotgun
 Remington 11-87 Special Purpose Synthetic Camo
 Remington SP-10 Magnum-Camo Auto Shotgun
 Remington SP-10 Magnum Auto Shotgun
 Remington SP-10 Magnum Turkey Combo
 Remington 1100 LT-20 Auto
 Remington 1100 Special Field
 Remington 1100 20-Gauge Deer Gun

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Remington 1100 LT-20 Tournament Skeet
Winchester Model 1400 Semi-Auto Shotgun

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun
Browning BPS Pump Shotgun
Browning BPS Stalker Pump Shotgun
Browning BPS Pigeon Grade Pump Shotgun
Browning BPS Pump Shotgun (Ladies and Youth Model)
Browning BPS Game Gun Turkey Special
Browning BPS Game Gun Deer Special
Ithaca Model 87 Supreme Pump Shotgun
Ithaca Model 87 Deerslayer Shotgun
Ithaca Deerslayer II Rifled Shotgun
Ithaca Model 87 Turkey Gun
Ithaca Model 87 Deluxe Pump Shotgun
Magtech Model 586-VR Pump Shotgun
Maverick Models 88, 91 Pump Shotguns
Mossberg Model 500 Sporting Pump
Mossberg Model 500 Camo Pump
Mossberg Model 500 Muzzleloader Combo
Mossberg Model 500 Trophy Slugster
Mossberg Turkey Model 500 Pump
Mossberg Model 500 Bantam Pump
Mossberg Field Grade Model 835 Pump Shotgun
Mossberg Model 835 Regal Ulti-Mag Pump
Remington 870 Wingmaster
Remington 870 Special Purpose Deer Gun
Remington 870 SPS-BG-Camo Deer/Turkey Shotgun
Remington 870 SPS-Deer Shotgun
Remington 870 Marine Magnum
Remington 870 TC Trap
Remington 870 Special Purpose Synthetic Camo
Remington 870 Wingmaster Small Gauges
Remington 870 Express Rifle Sighted Deer Gun
Remington 879 SPS Special Purpose Magnum
Remington 870 SPS-T Camo Pump Shotgun
Remington 870 Special Field
Remington 870 Express Turkey
Remington 870 High Grades
Remington 870 Express
Remington Model 870 Express Youth Gun
Winchester Model 12 Pump Shotgun
Winchester Model 42 High Grade Shotgun
Winchester Model 1300 Walnut Pump
Winchester Model 1300 Slug Hunter Deer Gun
Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun
Winchester Model 1300 Turkey Gun
Winchester Model 1300 Ranger Pump Gun

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U
American Arms Silver I O/U
American Arms Silver II Shotgun
American Arms Silver Skeet O/U
American Arms/Franchi Sporting 2000 O/U
American Arms Silver Sporting O/U
American Arms Silver Trap O/U
American Arms WS/OU 12, TS/OU 12 Shotguns
American Arms WT/OU 10 Shotgun
Armsport 2700 O/U Goose Gun
Armsport 2700 Series O/U
Armsport 2900 Tri-Barrel Shotgun
Baby Breton Over/Under Shotgun
Beretta Model 686 Ultralight O/U
Beretta ASE 90 Competition O/U Shotgun
Beretta Over/Under Field Shotguns
Beretta Onyx Hunter Sport O/U Shotgun
Beretta Model SO6, SO8, SO9 Shotguns
Beretta Sporting Clay Shotguns
Beretta 687EL Sporting O/U
Beretta 682 Super Sporting O/U
Beretta Series 682 Competition Over/Unders
Browning Citori O/U Shotgun
Browning Superlight Citori Over/Under
Browning Lightning Sporting Clays
Browning Micro Citori Lightning
Browning Citori Plus Trap Combo
Browning Citori Plus Trap Gun
Browning Citori O/U Skeet Models
Browning Citori O/U Trap Models
Browning Special Sporting Clays
Browning Citori GTI Sporting Clays
Browning 325 Sporting Clays
Centurion Over/Under Shotgun
Chapuis Over/Under Shotgun
Connecticut Valley Classics Classic Sporter O/U
Connecticut Valley Classics Classic Field Waterfowler
Charles Daly Field Grade O/U

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Charles Daly Lux Over/Under
 E.A.A./Sabatti Sporting Clays Pro-Gold O/U
 E.A.A./Sabatti Falcon-Mon Over/Under
 Kasanar Grade I O/U Shotgun
 Krieghoff K-80 Sporting Clays O/U
 Krieghoff K-80 Skeet Shotgun
 Krieghoff K-80 International Skeet
 Krieghoff K-80 Four-Barrel Skeet Set
 Krieghoff K-80/RT Shotguns
 Krieghoff K-80 O/U Trap Shotgun
 Laurona Silhouette 300 Sporting Clays
 Laurona Silhouette 300 Trap
 Laurona Super Model Over/Unders
 Ljutic LM-6 Deluxe O/U Shotgun
 Marocchi Conquista Over/Under Shotgun
 Marocchi Avanza O/U Shotgun
 Merkel Model 200E O/U Shotgun
 Merkel Model 200E Skeet, Trap Over/Unders
 Merkel Model 203E, 303E Over/Under Shotguns
 Perazzi Mirage Special Sporting O/U
 Perazzi Mirage Special Four-Gauge Skeet
 Perazzi Sporting Classic O/U
 Perazzi MX7 Over/Under Shotguns
 Perazzi Mirage Special Skeet Over/Under
 Perazzi MX8/MX8 Special Trap, Skeet
 Perazzi MX8/20 Over/Under Shotgun
 Perazzi MX9 Single Over/Under Shotguns
 Perazzi MX12 Hunting Over/Under
 Perazzi MX28, MX410 Game O/U Shotguns
 Perazzi MX20 Hunting Over/Under
 Piotti Boss Over/Under Shotgun
 Remington Peerless Over/Under Shotgun
 Ruger Red Label O/U Shotgun
 Ruger Sporting Clays O/U Shotgun
 San Marco 12-Ga. Wildflower Shotgun
 San Marco Field Special O/U Shotgun
 San Marco 10-Ga. O/U Shotgun
 SKB Model 505 Deluxe Over/Under Shotgun
 SKB Model 685 Over/Under Shotgun
 SKB Model 885 Over/Under Trap, Skeet, Sporting Clays
 Stoenner/IGA Condor I O/U Shotgun
 Stoenner/IGA ERA 2000 Over/Under Shotgun
 Techni-Mec Model 610 Over/Under
 Tikka Model 412S Field Grade Over/Under
 Weatherby Athena Grade IV O/U Shotguns
 Weatherby Athena Grade V Classic Field O/U
 Weatherby Orion O/U Shotguns
 Weatherby II, III Classic Field O/Us
 Weatherby Orion II Classic Sporting Clays O/U
 Weatherby Orion II Sporting Clays O/U
 Winchester Model 1001 O/U Shotgun
 Winchester Model 1001 Sporting Clays O/U
 Pietro Zanoletti Model 2000 Field O/U

Shotguns—Side by Sides

American Arms Brittany Shotgun
 American Arms Gentry Double Shotgun
 American Arms Derby Side-by-Side
 American Arms Grulla #2 Double Shotgun
 American Arms WS/SS 10
 American Arms TS/SS 10 Double Shotgun
 American Arms TS/SS 12 Side-by-Side
 Arrieta Sidelock Double Shotguns
 Armsport 1050 Series Double Shotguns
 Arizaga Model 31 Double Shotgun
 AYA Boxlock Shotguns
 AYA Sidelock Double Shotguns
 Beretta Model 452 Sidelock Shotgun
 Beretta Side-by-Side Field Shotguns
 Crucelegui Hermanos Model 150 Double
 Chapuis Side-by-Side Shotgun
 E.A.A./Sabatti Saba-Mon Double Shotgun
 Charles Daly Model Dsa Double
 Ferlib Model F VII Double Shotgun
 Auguste Francotte Boxlock Shotgun
 Auguste Francotte Sidelock Shotgun
 Garbi Model 100 Double
 Garbi Model 101 Side-by-Side
 Garbi Model 103A, B Side-by-Side
 Garbi Model 200 Side-by-Side
 Bill Hanus Birdgun Doubles
 Hatfield Uplander Shotgun
 Merkel Model 8, 47E Side-by-Side Shotguns
 Merkel Model 47LSC Sporting Clays Double
 Merkel Model 47S, 147S Side-by-Sides
 Parker Reproductions Side-by-Side
 Piotti King No. 1 Side-by-Side
 Piotti Lunik Side-by-Side
 Piotti King Extra Side-by-Side
 Piotti Puma Side-by-Side

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Precision Sports Model 600 Series Doubles
Rizzini Boxlock Side-by-Side
Rizzini Sidelock Side-by-Side
Stoeger/IGA Uplander Side-by-Side Shotgun
Ugartechea 10-Ga. Magnum Shotgun

Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun
Browning BT-99 Competition Trap Special
Browning BT-99 Plus Trap Gun
Browning BT-99 Plus Micro
Browning Recoilless Trap Shotgun
Browning Micro Recoilless Trap Shotgun
Desert Industries Big Twenty Shotgun
Harrington & Richardson Topper Model 098
Harrington & Richardson Topper Classic Youth Shotgun
Harrington & Richardson N.W.T.F. Turkey Mag
Harrington & Richardson Topper Deluxe Model 098
Krieghoff KS-5 Trap Gun
Krieghoff KS-5 Special
Krieghoff K-80 Single Barrel Trap Gun
Ljutic Mono Gun Single Barrel
Ljutic LTX Super Deluxe Mono Gun
Ljutic Recoilless Space Gun Shotgun
Marlin Model 55 Goose Gun Bolt Action
New England Firearms Turkey and Goose Gun
New England Firearms N.W.T.F. Shotgun
New England Firearms Tracker Slug Gun
New England Firearms Standard Pardner
New England Firearms Survival Gun
Perazzi TM1 Special Single Trap
Remington 90-T Super Single Shotgun
Snake Charmer II Shotgun
Stoeger/IGA Reuna Single Barrel Shotgun
Thompson/Center TCR '87 Hunter Shotgun."

SUMMARY AND PURPOSE

The purpose of this bill is to create criminal penalties for the manufacture, transfer, or possession of certain firearms within the category of firearms known as "semiautomatic assault weapons." It also creates such penalties for certain ammunition feeding devices, as well as any combination of parts from which such a device can be assembled.

In reporting legislation banning certain assault weapons last Congress, the Committee on the Judiciary said:

The threat posed by criminals and mentally deranged individuals armed with semi-automatic assault weapons has been tragically widespread.¹

Since then, the use of semiautomatic assault weapons by criminal gangs, drug-traffickers, and mentally deranged persons continues to grow.²

H.R. 4296 will restrict the availability of such weapons in the future. The bill protects the rights of persons who lawfully own such weapons on its date of enactment by a universal "grandfathering" clause and specifically exempts certain firearms traditionally used for hunting and other legitimate support. It contains no confiscation or registration provisions; however, it does establish record-keeping requirements for transfers involving grandfathered semiautomatic assault weapons. Such record-keeping is not required for transfers of grandfathered ammunition feeding devices

¹"Omnibus Crime Control Act of 1991," Report of the Committee on the Judiciary, House of Representatives, on H.R. 3371, 102d Cong., 1st Sess., Rept. 102-242, October 7, 1991, at 202.

²See, e.g., Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 Firearms; Chief Sylvester Daughtry, President, International Association of Chiefs of Police; Mr. John Pitta, National Executive Director, Federal Law Enforcement Officers Association).

(or their component parts.) H.R. 4296 expires ("sunsets") on its own terms after 10 years.

BACKGROUND

A series of hearings over the last five years on the subject of semiautomatic assault weapons has demonstrated that they are a growing menace to our society of proportion to their numbers:³ As this Committee said in its report to the last Congress:

The carnage inflicted on the American people by criminals and mentally deranged people armed with Rambo-style, semi-automatic assault weapons has been overwhelming and continuing. Police and law enforcement groups all over the nation have joined together to support legislation that would help keep these weapons out of the hands of criminals.⁴

Since then, evidence continues to mount that these semiautomatic assault weapons are the weapons of choice among drug dealers, criminal gangs, hate groups, and mentally deranged persons bent on mass murder.

Use in Crimes. On April 25, 1994, the Director of the Federal Bureau of Alcohol, Tobacco and Firearms testified that the percentage of semiautomatic assault weapons among guns traced because of their use in crime is increasing:

In 1990, 5.9 percent of firearms traced were assault weapons. In 1993, that percentage rose to 8.1 percent. Since Justice Department studies have shown that assault weapons make up only about 1 percent of the firearms in circulation, these percentages strongly suggest that they are proportionately more often used in crimes.⁵

Law enforcement officials confirm this statistical evidence in accounts of the rising level of lethality they face from assault weapons on the street. For example, the representative of a national police officers' organization testified:

In the past, we used to face criminals armed with a cheap Saturday Night Special that could fire off six rounds before loading. Now it is not at all unusual for a cop to look down the barrel of a TEC-9 with a 32 round clip. The ready availability of and easy access to assault weapons by criminals has increased so dramatically that police forces across the country are being required to upgrade their service weapons merely as a matter of self-defense and

³ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994; Hearing on Semiautomatic Assault Weapons, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, June 12, 1991; Hearing on Semiautomatic Assault Weapons, Part II, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, July 25, 1991; Hearing on H.R. 1190, Semiautomatic Assault Weapons Act of 1989, and related bills, House of Representatives, Committee on the Judiciary, Subcommittee on Crime, April 5 and 6, 1989.

⁴ "Omnibus Crime Control Act of 1991," Report of the Committee on the Judiciary, House of Representatives, on H.R. 3371, 102d Cong., 1st Sess., Rept. 102-242, October 7, 1991, at 203.

⁵ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statement of Hon. John Magaw, Director, Bureau of Alcohol, Tobacco and Firearms).

preservation. The six-shot .38 caliber service revolver, standard law enforcement issue for years, it just no match against a criminal armed with a semi-automatic assault weapon.⁶

A representative of federal law enforcement officers testified that semiautomatic assault weapons “dramatically escalate the firepower of the user” and “have become the weapon of choice for drug runners, hate groups and the mentally unstable.”⁷

The TEC-9 assault pistol is the undisputed favorite of drug traffickers, gang members and violent criminals. Cities across the country confiscate more TEC-9s than any other assault pistol. The prototype for the TEC-9 was originally designed as a submachine gun for the South African government. Now it comes standard with an ammunition magazine holding 36 rounds of 9 mm cartridges. It also has a threaded barrel to accept a silencer, and a barrel shroud to cool the barrel during rapid fire. To any real sportsman or collector, this firearm is a piece of junk, yet is very popular among criminals.⁸

The Secretary of Housing and Urban Development testified that criminal gangs in Chicago routinely use semiautomatic assault weapons to intimidate not only residents but also security guards, forcing the latter to remove metal detectors installed to detect weapons.⁹

Use in Mass Killings and Killings of Law Enforcement Officers. Public concern about semiautomatic assault weapons has grown because of shootings in which large numbers of innocent people have been killed and wounded, and in which law enforcement officers have been murdered.

On April 25, 1994, the Subcommittee on Crime and Criminal Justice heard testimony about several incidents representative of such killings.

On February 22, 1994, Los Angeles (CA) Police Department rookie officer Christy Lynn Hamilton was ambushed and killed by a

⁶ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statement of Tony Loizzo, executive vice president, National Association of Police Organizations). See also, Hearing on Semiautomatic Assault Weapons, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, June 12, 1991 (Statement of Dewey R. Stokes, National President, Fraternal Order of Police) (assault weapons “pose a grave and immediate threat to the lives of those sworn to uphold our laws”); Hearing on H.R. 1190, Semiautomatic Assault Weapons Act of 1989, and related bills, House of Representatives, Committee on the Judiciary, Subcommittee on Crime, April 5, 1989 (Testimony of Daniel M. Hartnett, associate director, law enforcement, Bureau of Alcohol, Tobacco and Firearms) (“Fifteen years ago, police rarely encountered armed drug dealers. Today, firearms, especially certain types of semiautomatic weapons, are status symbols and tools of the trade for this country’s most vicious criminals.”)

⁷ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statement of John Pitta, executive vice president, Federal Law Enforcement Officers Association).

⁸ Hearing on H.R. 4296 and H.R. 3527, Public Safety and recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statement of John Pitta, executive vice president, Federal Law Enforcement Officers Association).

⁹ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statement of Hon. Henry Cisneros, Secretary, Department of Housing and Urban Development).

drug-abusing teenager using a Colt AR-15. The round that killed Officer Hamilton penetrated a car door, skirted the armhole of her protective vest, and lodged in her chest. The teenager also killed his father, who had given him the gun, and took his own life as well. Officer Hamilton had been voted the most inspirational officer in her graduating class only weeks before her murder. Officer Hamilton's surviving brother testified about the impact of this murder.¹⁰

On December 7, 1993, a deranged gunman walked through a Long Island Railroad commuter train, shooting commuters. Six died and 19 were wounded. The gunman used a Ruger semiautomatic pistol. Although the pistol itself would not be classified as an assault weapon under this bill, its 15 round ammunition magazine ("clip") would be banned. The gunman had several of these high capacity 15 round magazines and reloaded several times, firing between 30 to 50 rounds before he was overpowered while trying to reload yet again. The parents of one of the murdered victims, Amy Locicero Federici, testified about the impact of this murder.¹¹

On February 28, 1993, 4 special agents of the Bureau of Alcohol, Tobacco and Firearms were killed and 15 were wounded while trying to serve federal search and arrest warrants at the Branch Davidian compound in Waco, Texas. The Branch Davidian arsenal included hundreds of assault weapons, including AR-15s, AK-47s, Street Sweepers, MAC10s and MAC-11s, along with extremely high capacity magazines (up to 260 rounds).¹²

Finally, on July 1, 1993, gunman Gian Luigi Ferri Killed 8 people and wounded 6 others in a San Francisco high rise office building. Ferri—who took his own life—used two TEC DC9 assault pistols with 50 round magazines, purchased from a gun dealer in Las Vegas, Nevada. Two witnesses, both of whom lost spouses in the slaughter, and one of whom was herself seriously injured, testified about this incident.¹³

Numerous other notorious incidents involving semiautomatic assault weapons have occurred. They include the January 25, 1993, slaying of 2 CIA employees and wounding of 3 others at McLean, VA, (AK-47), and the January 17, 1989 murder in a Stockton, CA, schoolyard of 5 small children, and wounding of 29 others (AK-47 and 75 round magazine, firing 106 rounds in less than 2 minutes).

Several witnesses who were victims themselves during such incidents testified in opposition to H.R. 4296/H.R. 3527, and in opposition to the banning of any semiautomatic assault weapons or ammunition feeding devices.

Dr. Suzanna Gratia witnessed the brutal murder, in Luby's cafeteria located in Killeen, Texas, of both of her parents who had just

¹⁰ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statement of Ken Brondell, Jr.).

¹¹ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statements of Jacob Locicero and Arlene Locicero).

¹² Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statement of John Pitta, executive vice president, Federal Law Enforcement Officers Association).

¹³ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statements of Michelle Scully and Steve Sposato).

celebrated their 47 wedding anniversary. Just a few days before, she had removed her gun from her purse and left it in her car to comply with a Texas law which does not allow concealed carrying of a firearm. Dr. Gratia testified:

I am mad at my legislators for legislating me out of a right to protect myself and my family. I would much rather be sitting in jail with a felony offense on my head and have my parents alive. As far as these so-called assault weapons, you say that they don't have any defense use. You tell that to the guy that I saw on a videotape of the Los Angeles riots standing on his rooftop protecting his property and his life from an entire mob with one of these so-called assault weapons. Tell me that he didn't have a legitimate self-defense use.¹⁴

Ms. Jacquie Miller was shot several times with a semiautomatic assault weapon and left for dead at her place of employment with the Standard Gravure Printing Company in Louisville, Kentucky, when a fellow employee went on a killing spree. Now permanently disabled, Ms. Miller testified:

It completely enrages me that my tragedy is being used against me to deny me and all the law abiding citizens of this country to the right of the firearm of our choosing. I refuse in return to use my tragedy for retribution against innocent people just to make myself feel better for having this misfortune. Enforce the laws against criminals already on the books. After all, there are already over 20,000 of them.¹⁵ More won't do a thing for crime control * * * You cannot ban everything in the world that could be used as a weapon because you fear it, don't understand it, or don't agree with it.

This is America, not Lithuania or China. Our most cherished possession is our Constitution and Bill of Rights. Let's not sell those down the river or we could one day find ourselves in a boat without a paddle against the criminals who think we are easy pickings.¹⁶

Mr. Phillip Murphy used his lawfully-possessed Colt AR-15 H-BAR Sporter semiautomatic rifle—a gun which would be specifically banned by H.R. 4296—to capture one of Tucson, Arizona's most wanted criminals who was attempting to burglarize the home of Mr. Murphy's parents. The 19-year old criminal he captured was

¹⁴Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (State of Dr. Suzanna Gratia, Copperas Cove, Texas)

¹⁵The Committee notes that, under the Gun Control Act of 1968 as amended in 1986, it is a Federal felony for a convicted felon to be in possession of any firearm, including an assault weapon, under 18 U.S.C. 922(g)(1). Violations carry up to five years imprisonment and a \$250,000 fine. If a criminal—whether previously convicted or not—is carrying an assault weapon and is involved in a drug trafficking crime, that criminal is subject to a mandatory minimum of 5 years imprisonment and a \$250,000 fine under 18 U.S.C. 924(c)(1). Any criminal who has three prior violent felony and/or serious drug offenses convictions and is in possession of a firearm is subject to a mandatory minimum of 15 years imprisonment and a \$250,000 fine under 18 U.S.C. 924(e)(1).

¹⁶Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statement of Ms. Jacquie Miller, Louisville, Kentucky).

a three-time loser with 34 prior convictions who was violating his third adult State parole for a knife assault. Mr. Murphy testified:

I respectfully urge this Committee and the Congress of the United States to restrain themselves from forcing tens of millions of law-abiding Americans like me to choose between the law and their lives.¹⁷

The Characteristics of Military-Style Semiautomatic Assault Weapons. The question of what constitutes an assault weapon has been studied by the Congress and the executive branch as the role of these guns in criminal violence has grown.

A Bureau of Alcohol, Tobacco and Firearms working group formed under the Bush administration to consider banning foreign imports of such semiautomatic assault weapons conducted the most recent comprehensive study of military assault weapons and the civilian firearms that are modelled after them.¹⁸ The working group formulated a definition of the civilian version, and a list of the assault weapon characteristics that distinguish them from sporting guns. That technical work has to a large extent been incorporated into H.R. 4296.¹⁹

The working group settled on the term "semiautomatic assault" for the civilian firearms at issue. That term distinguishes the civilian firearms from the fully automatic military weapons (machine-guns)²⁰ after which they are modelled and often simply adapted by eliminating the automatic fire feature. The group determined that "semiautomatic assault rifles * * * represent a distinctive type of rifle distinguished by certain general characteristics which are common to the modern military assault rifle."²¹

The group elaborated on the nature of those characteristics as follows:

The modern military assault rifle, such as the U.S. M16, German G3, Belgian FN/FAL, and Soviet AK-47, is a weapon designed for killing or disabling the enemy and * * * has characteristics designed to accomplish this purpose.

We found that the modern military assault rifle contains a variety of physical features and characteristics designed

¹⁷ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statement of Mr. Phillip Murphy, Tucson, Arizona).

¹⁸ U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, "Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles," July, 1989.

¹⁹ The ultimate question of law upon which the working group was advising the Secretary of the Treasury was whether these import firearms met a "sporting purpose" test under 18 U.S.C. Code section 925(d). He held that they did not. Although that legal question is not directly posed by this bill, the working group's research and analysis on assault weapons is relevant on the questions of the purposes underlying the design of assault weapons, the characteristics that distinguish them from sporting guns, and the reasons underlying each of the distinguishing features.

²⁰ An automatic gun fires a continuous stream as long as the trigger is held down, until it has fired all of the cartridges ("rounds" or "bullets") in its magazine (or "clip"). Automatic firearms are also known as machineguns. A semi-automatic gun fires one round, then loads a new round, each time the trigger is pulled until its magazine is exhausted. Manually operated guns require the shooter to manually operate a bolt, slide, pump, or lever action to extract the fired round and load a new round before pulling the trigger.

²¹ U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, "Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles," July, 1989, p. 6.

for military applications which distinguishes it from traditional sporting rifles. These military features and characteristics (other than selective fire) are carried over to the semiautomatic versions of the original military rifle.²²

The "selective fire" feature to which the working group referred is the ability of the military versions to switch from fully automatic to semiautomatic fire at the option of the user. Since Congress has already banned certain civilian transfer or possession of machineguns,²³ the civilian models of these guns are produced with semiautomatic fire capability only. However, testimony was received by the Subcommittee on Crime and Criminal Justice that it is a relatively simple task to convert²⁴ a semiautomatic weapon to automatic fire²⁵ and that semiautomatic weapons can be fired at rates of 300 to 500 rounds per minute, making them virtually indistinguishable in practical effect from machineguns.²⁶

The 1989 Report's analysis of assault characteristics which distinguish such firearms from sporting guns was further explained by an ATF representative at a 1991 hearing before the Subcommittee on Crime and Criminal Justice:

We found that the banned rifles represented a distinctive type of rifle characterized by certain military features which differentiated them from the traditional sporting rifles. These include the ability to accept large capacity detachable magazines, bayonets, folding or telescoping stocks, pistol grips, flash suppressors, bipods, grenade launchers and night sights, and the fact that they are semiautomatic versions of military machineguns.²⁷

Proponents of these military style semiautomatic assault weapons often dismiss these combat-designed features as merely "cosmetic." The Subcommittee received testimony that, even if these characteristics were merely "cosmetic" in effect, it is precisely those cosmetics that contribute to their usefulness as tools of intimidation by criminals.²⁸

However, the expert evidence is that the features that characterize a semiautomatic weapon as an assault weapon are not merely cosmetic, but do serve specific, combat-functional ends. By facilitat-

²² U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, "Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles," July, 1989, p. 6.

²³ 18 U.S. Code, section 922(o).

²⁴ The Committee notes that such conversion is a Federal felony that carries penalties of up to 10 years imprisonment and a \$250,000 fine under 26 U.S.C. 5861.

²⁵ Hearing on Semiautomatic Assault Weapons, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, June 12, 1991 (Statement of Dewey R. Stokes, National President, Fraternal order of Police).

²⁶ Hearing on Semiautomatic Assault Weapons, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, June 12, 1991 (Statement of Dewey R. Stokes, National President, Fraternal order of police).

²⁷ Hearing on Semiautomatic Assault Weapons, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, June 12, 1991 (Statement of Richard Cook, Chief, Firearms Divisions, Bureau of Alcohol, Tobacco and Firearms) at 268.

²⁸ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms, Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statements of Hon. Henry Cisneros, Secretary, Department of Housing and Urban Development and John Pitta, National Executive Vice President, Federal Law Enforcement Officers Association); Hearing on Semiautomatic Assault Weapons, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, June 12, 1991 (Statement of Paul J. McNulty, Principal Deputy Director, Office of Policy development, Department of Justice) at 288.

ing the deadly “spray fire” of the weapon or enhancing its portability—a useful attribute in combat but one which serves to enhance the ability to conceal the gun in civilian life.²⁹

High-capacity magazine, for example, make it possible to fire a large number of rounds without re-loading, then to reload quickly when those rounds are spent.³⁰ Most of the weapons covered by the proposed legislation come equipped with magazines that hold 30 rounds. Even these magazines, however, can be replaced with magazines that hold 50 or even 100 rounds. Furthermore, expended magazines can be quickly replaced, so that a single person with a single assault weapon can easily fire literally hundreds of rounds within minutes. As noted above, tests demonstrate that semiautomatic guns can be fired at very high rates of fire. In contrast, hunting rifles and shotguns typically have much smaller magazine capabilities—from 3 to 5.

Because of the greater enhanced lethality—numbers of rounds that can be fired quickly without reloading—H.R. 4296 also contains a ban on ammunition magazines which hold more than 10 rounds, as well as any combination of parts from which such a magazine can be assembled.

Barrel shrouds also serve a combat-functional purpose.³¹ Gun barrels become very hot when multiple rounds are fired through them quickly. The barrel shroud cools the barrel so that it will not overheat, and provides the shooter with a convenient grip especially suitable for spray-firing.

Similar military combat purposes are served by flash suppressors (designed to help conceal the point of fire in night combat), bayonet mounts, grenade launchers, and pistol grips engrafted on long guns.³²

The net effect of these military combat features is a capability for lethality—more wounds, more serious, in more victims—far beyond

²⁹Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statements and testimony of John McGaw, Director, Bureau of Alcohol, Tobacco and Firearms, and John Pitta, National Executive Vice President, Federal Law Enforcement Officers Association); Hearing on Semiautomatic Assault Weapons, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, June 12, 1991 (Statement of Richard Cook, Chief, Firearms Division, Bureau of Alcohol, Tobacco and Firearms); U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, “Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles,” July, 1989, p. 6.

³⁰U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, “Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles,” July, 1989, p. 6.

³¹Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statements and testimony of John McGaw, Director, Bureau of Alcohol, Tobacco and Firearms, and John Pitta, National Executive Vice President, Federal Law Enforcement Officers Association); U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, “Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles,” July, 1989, p. 6.

³²Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statements and testimony of John McGaw, Director, Bureau of Alcohol, Tobacco and Firearms, and John Pitta, National Executive Vice President, Federal Law Enforcement Officers Association); U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, “Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles,” July, 1989, p. 6.

that of other firearms in general, including other semiautomatic guns.³³

BRIEF EXPLANATION OF H.R. 4296

H.R. 4296 combines two approaches which have been followed in the past in legislation proposed to control semiautomatic assault weapons—the so-called “list” approach and the “characteristics” approach.

The bill does not ban any semiautomatic assault weapons nor large capacity ammunition feeding device (or component parts) otherwise lawfully possessed on the date of enactment. However, records must be kept by both the transferor and the transferee involved in any transfer of these weapons, but not of the feeding devices (or combination of parts).

The bill explicitly exempts all guns with other than semiautomatic actions—i.e., bolt, slide, pump, and lever actions. In addition, it specifically exempts by make and model 661 long guns most commonly used in hunting and recreational sports,³⁴ making clear that these semiautomatic assault weapons are not and cannot be subject to any ban.

Section 2(z) of the bill lists 19 specific semiautomatic assault weapons—such as the AK-47, M-10, TEC-9, Uzi, etc.—that are banned.³⁵ It also defines other assault weapons by specifically enumerating combat style characteristics and bans those semiautomatic assault weapons that have 2 or more of those characteristics.³⁶

The bill makes clear that the list of exempted guns is not exclusive. The fact that a gun is not on the exempted list may not be construed to mean that it is banned. Thus, a gun that is not on the list of guns specifically banned by name would only be banned if it met the specific characteristics set out in the characteristics test. No gun may be removed from the exempted list.

H.R. 4296 also bans large capacity ammunition feeding devices—clips that accept more than 10 rounds of ammunition—as well as

³³ Hearing on H.R. 4296 and H.R. 3527, Public Safety and Recreational Firearms Use Protection Act, House of Representatives, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, April 25, 1994 (Statement and testimony of Dr. David Milzman, Associate Director, Trauma Services, Georgetown University Medical Center, Washington, DC); U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, “Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles,” July, 1989, p. 6.

³⁴ See H.R. 4296, Appendix A, for the list.

³⁵ H.R. 4296 bans the following semiautomatic assault weapons by name (as well as any copies or duplicates, in any caliber): All AK-47 type; Beretta AR-70; Colt AR-15; DC9, 22; FNC; FN-FAL/LAR; Galil; MAC 10, MAC 11-type; Steyr AUG; Street Sweeper; Striker 12; TEC-9; Uzi.

³⁶ While noting that its list is not all-inclusive, the Bureau of Alcohol, Tobacco, and Firearms has listed the following semi-automatic firearms that would be banned based on their general characteristics:

1. Semi-automatic Rifles: AA Arms AR9 semi-automatic rifle; AMT Lightning 25 rifle; Auto Ordnance Thompson Model 1927 carbines (finned barrel versions); Calico M100 carbine; Colt Sporter Rifle (all variations); Federal XC900 carbine; Federal XC450 carbine; Grendel R31 carbine; Iver Johnson M1 carbine (version w/collapsible stock and bayonet mount); Springfield M1A rifle.

2. Pistols: AA Arms AP9 pistol; Australian Automatic Arms pistol; Auto Ordnance Model 1927A5 pistol; American Arms Spectra pistol; Calico Model M950 pistol; Calico Model 110 pistol; All Claridge Hi-Tec pistol; D Max auto pistol; Grendel P-31 pistol; Heckler & Koch SP89 pistol; Wilkinson Linda pistol.

3. Shotguns: Benelli M1 Super 90 Defense shotgun; Benelli M3 Super 90 shotgun; Franchi LAW 12 shotgun; Franchi SPAS 12 shotgun; USAS 12 shotgun.

any combination of parts from which such a device can be assembled.

The bill exempts all semiautomatic assault weapons and large capacity ammunition feeding devices (as well as any combination of parts) that are lawfully possessed on date of enactment. Owners of such semiautomatic assault weapons need do nothing under the bill unless they wish to transfer the semiautomatic assault weapon.

H.R. 4296 differs significantly from previously-proposed legislation—it is designed to be more tightly focused and more carefully crafted to clearly exempt legitimate sporting guns. Most significantly, the ban in the 1991 proposed bill gave the Bureau of Alcohol, Tobacco, and Firearms authority to ban any weapon which “embodies the same configuration” as the named list of guns. The current bill, H.R. 4296 does not contain any such general authority. Instead, it contains a set of specific characteristics that must be present in order to ban any additional semiautomatic assault weapons.

102D CONGRESS

The Subcommittee on Crime and Criminal Justice held hearings on semiautomatic assault weapons on June 12 and July 25, 1991. A ban on certain semiautomatic assault weapons was included as Subtitle A of Title XX in H.R. 3371, the Omnibus Crime Control Act of 1991. A ban on large capacity ammunition feeding devices was included in the same bill. The bill was reported out of the Judiciary Committee on October 7, 1991. The provisions dealing with semiautomatic assault weapons and large capacity ammunition feeding devices were struck by the House of Representatives by a vote of 247–177 on October 17, 1991.

103D CONGRESS

The Subcommittee on Crime and Criminal Justice held hearings on H.R. 4296 and its predecessor, H.R. 3527, which ban semiautomatic assault weapons, on April 25, 1994. The Subcommittee reported favorably on an amendment in the nature of a substitute to H.R. 4296 on April 26, 1994, by a recorded vote of 8–5.

COMMITTEE ACTION

The Committee on the Judiciary met on April 28, 1994 to consider H.R. 4296, as amended. Two amendments were adopted during the Committee’s consideration.

An amendment was offered to provide that the absence of a firearm from the list of guns specifically exempted from the ban may not be construed as evidence that the semiautomatic assault weapon is banned, and that no gun may be removed from the exempt list so long as the Act is in effect. This amendment was adopted by voice vote.

An amendment was offered to delete a provision that barred from owning any firearms those persons convicted of violating the recordkeeping requirements relating to grandfathered weapons. This amendment was adopted by voice vote.

A reporting quorum being present, the Committee on the Judiciary, by a roll call vote of 20 to 15, ordered H.R. 4296, as amended, favorably reported to the House.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

This section provides that the Act may be cited as the “Public Safety and Recreational Firearms Use Protection Act”.

SECTION 2—RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS

Subsection 2(a) makes it unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon (including any “copies or duplicates.”)

The ban on transfer and possession does not apply to (1) weapons otherwise lawfully possessed on the date of enactment; (2) any of the firearms (or their replicas or duplicates) listed in Appendix A; (3) any manually operated (bolt, pump, slide, lever action), permanently inoperable, or antique firearms; (4) semiautomatic rifles that cannot accept a detachable magazine that holds more than 5 rounds; or, a semiautomatic shotgun that cannot hold more than 5 rounds in a fixed or detachable magazine.

The fact that a gun is not listed in Appendix A may not be construed to mean that it is banned. No gun listed in Appendix A may be removed from that exempted list so long as the Act is in effect.

Federal departments and agencies and those of States and their subdivisions are exempted. Law enforcement officers authorized to purchase firearms for official use are exempted, as are such officers presented with covered weapons upon retirement who are not otherwise prohibited from receiving such a weapon. Finally, weapons made, transferred, possessed, or imported for the purposes of testing or experiments authorized by the Secretary of the Treasury are exempted.

Subsection 2(b) defines semiautomatic assault weapons, both by name and by characteristics. It lists by name specific firearms, including “copies or duplicates” of such firearms.³⁷ Characteristics of covered semiautomatic rifles, pistols, and shotguns are defined by separate subsections applicable to each. In the case of rifles and pistols, in addition to being semiautomatic, a gun must be able to accept a detachable magazine and have at least 2 listed characteristics.

In the case of rifles, those characteristics are: (1) folding or telescoping stock; (2) a pistol grip that protrudes conspicuously beneath the action of the weapon; (3) a bayonet mount; (4) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and (5) a grenade launcher.

In the case of pistols, the characteristics are: (1) a magazine that attaches to the pistol outside of the pistol grip; (2) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer; (3) a barrel shroud that permits the

³⁷ H.R. 4296 bans the following semiautomatic assault weapons by name (as well as any copies or duplicates, in any caliber): All AK-47 type; Beretta AR-70; Colt AR-15; DC9, 22; FNC; FN-FAL/LAR; Galil; MAC 10, MAC 11-type; Steyr AUG; Street Sweeper; Striker 12; TEC-9; Uzi

shooter to hold the firearm without being burned; (4) an unloaded manufactured weight of 50 ounces or more; and (5) a semiautomatic version of an automatic firearm.

In the case of shotguns, covered weapons must have at least 2 of the following four features: (1) a folding or telescoping stock; (2) a pistol grip that protrudes conspicuously beneath the action of the weapon; (3) a fixed magazine capacity in excess of 5 rounds; and (4) an ability to accept a detachable magazine.

The section provides a fine of not more than \$5,000, imprisonment for not more than 5 years, or both, for knowingly violating the ban on manufacture, transfer and possession. It also adds use of a semiautomatic assault weapon to the crimes covered by the mandatory minimum of 5 years under 18 USC Section 924(c)(1) for use in a federal crime of violence or drug trafficking crime.

Finally, the section requires that semiautomatic assault weapons manufactured after the date of enactment must clearly show the date on which the weapon was manufactured.

SECTION 3—RECORDKEEPING REQUIREMENTS FOR TRANSFERS OF GRANDFATHERED FIREARMS

This section makes it unlawful to transfer a grandfathered semiautomatic assault weapon unless both the transferor and the transferee complete and retain a copy of federal form 4473 (or its successor). Within 90 days of enactment, the Secretary of the Treasury must issue regulations ensuring the availability of the form to owners of semiautomatic assault weapons. The Committee expects the Secretary to make such forms easily and readily available to such gun owners. The Committee further expects the Secretary to maintain the confidentiality of the requester and to ensure the destruction of any and all information pertaining to any request for such forms immediately upon complying with the request. The Committee does not expect the Secretary to release any such information to any other Department of the Federal, State or local Governments or to use the information in any way other than to comply with the requests for the form. The Committee would consider failure to comply with these expectations a very serious breach.

A person who knowingly violates the recordkeeping requirement shall be fined not more than \$1,000, imprisoned for not more than 6 months or both.

SECTION 4—BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES

Subsection 4(a) makes it unlawful for a person to transfer or possess a large capacity ammunition feeding device (which is defined to include any combination of parts from which such a device can be assembled.)

The ban on transfer and possession does not apply to (1) devices (or component parts) otherwise lawfully possessed on the date of enactment; (2) Federal departments and agencies and those of States and their subdivisions; (3) law enforcement officers authorized to purchase ammunition feeding devices for official use; devices transferred to such officers upon retirement who are not otherwise prohibited from receiving them; and (3) devices (or combination of parts) made, transferred, possessed, or imported for the pur-

pose of testing or experiments authorized by the Secretary of the Treasury are exempted.

Subsection 4(b) defines large capacity ammunition feeding device to mean a magazine, belt, drum, feed strip, or similar device that has a capacity of more than 10 rounds, or can be readily restored or converted to accept more than 10 rounds. It includes any combination of parts from which such a device can be assembled. It exempts an attached tubular device designed to accept and capable of operating only with .22 caliber rimfire ammunition.

Subsection 4(c) adds large capacity ammunition feeding devices to the definition of "firearm" under 18 US Code section 921(a)(3).

Subsection 4(d) provides a fine of not more than \$5,000, imprisonment for not more than 5 years, or both, for knowingly violating the ban.

Subsection 4(e) requires that large capacity ammunition feeding devices manufactured after the date of enactment be identified by a serial number that clearly shows the device was manufactured after the date or imported after the date of enactment, and such other identification as the Secretary of the Treasury may by regulation prescribe.

SECTION 5—STUDY BY ATTORNEY GENERAL

This section requires the Attorney General to study and report to the Congress no later than 30 months after its enactment the effects of the Act, particularly with regard to its impact—if any—on violent and drug-trafficking crime.

The study shall be conducted over a period of 18 months, commencing 12 months after the date of enactment.

SECTION 6—EFFECTIVE DATE

The Act and the amendment made by the Act take effect on the date of enactment and are repealed effective as of the date that is 10 years after that date.

SECTION 7—APPENDIX A TO SECTION 922 OF TITLE 18

This section adds, as Appendix A, a list of firearms that are specifically exempted from the ban on semiautomatic assault weapons.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT OPERATIONS OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Operations were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 4296 will have no significant inflationary impact on prices and costs in the national economy.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill H.R. 4296, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE.
Washington, DC, May 2, 1994.

Hon. JACK BROOKS,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4296, the Public Safety and Recreational Firearms Use Protection Act, as ordered reported by the House Committee on the Judiciary on April 28, 1994. We estimate that enactment of the bill would result in costs to the federal government over the 1995–1999 period of less than \$500,000 from appropriated amounts. In addition, we estimate that enactment of H.R. 4296 would lead to increases in receipts of less than \$10 million a year from new criminal fines. Such receipts would be deposited in the Crime Victims Fund and spent in the following year. Because the bill could affect direct spending and receipts, pay-as-you-go procedures would apply. The bill would not affect the budgets of state or local governments.

H.R. 4296 would ban the manufacture, transfer, and possession of certain semiautomatic assault weapons not lawfully possessed as of the date of the bill's enactment. The bill also would ban the transfer and possession of certain large-capacity ammunition feeding devices not lawfully possessed as of the date of enactment. In addition, H.R. 4296 would establish recordkeeping requirements for transfers of grandfathered weapons and would direct the Attorney General to conduct a study of the bill's impact. Finally, the bill would create new federal crimes and associated penalties—prison sentences and criminal fines—for violation of its provisions.

The new recordkeeping requirements and the impact study would increase costs to the Department of the Treasury and the Department of Justice, respectively, but we estimate that these costs would be less than \$500,000 over the next several years from appropriated amounts. The imposition of new criminal fines in H.R. 4296 could cause governmental receipts to increase through greater

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penalty collections. We estimate that any such increase would be less than \$10 million annually. Criminal fines would be deposited in the Crime Victims Fund and would be spent in the following year. Thus, direct spending from the fund would match the increase in revenues with a one-year lag.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER, *Director*.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHAPTER 44 OF TITLE 18, UNITED STATES CODE

* * * * *

CHAPTER 44—FIREARMS

§ 921. Definitions

(a) As used in this chapter—

(1) * * *

* * * * *

(3) The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; [or (D) any destructive device.] *(D) any destructive device; or (E) any large capacity ammunition feeding device.* Such term does not include an antique firearm.

* * * * *

(30) The term “semiautomatic assault weapon” means—

(A) any of the firearms, or copies or duplicates of the firearms, known as—

(i) Norinco, Mitchell, and Poly Technologies Automat Kalashnikovs (all models);

(ii) Action Arms Israeli Military Industries UZI and Galil;

(iii) Beretta Ar70 (SC-70);

(iv) Colt AR-15;

(v) Fabrique National FN/FAL, FN/LAR, and FNC;

(vi) SWD M-10, M-11, M-11/9, and M-12;

(vii) Steyr AUG;

(viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

(ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

(i) a folding or telescoping stock;

- (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
 - (iii) a bayonet mount;
 - (iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and
 - (v) a grenade launcher;
 - (C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—
 - (i) an ammunition magazine that attaches to the pistol outside of the pistol grip;
 - (ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;
 - (iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;
 - (iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and
 - (v) a semiautomatic version of an automatic firearm; and
 - (D) a semiautomatic shotgun that has at least 2 of—
 - (i) a folding or telescoping stock;
 - (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
 - (iii) a fixed magazine capacity in excess of 5 rounds; and
 - (iv) an ability to accept a detachable magazine.
- (31) The term “large capacity ammunition feeding device”—
- (A) means—
 - (i) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and
 - (ii) any combination of parts from which a device described in clause (i) can be assembled; but
 - (B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

§ 922. Unlawful acts

- (a) It shall be unlawful—

- * * * * *
- (v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.
 - (2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed on the date of the enactment of this subsection.
 - (3) Paragraph (1) shall not apply to—
 - (A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;
 - (B) any firearm that—
 - (i) is manually operated by bolt, pump, lever, or slide action;
 - (ii) has been rendered permanently inoperable; or

(iii) is an antique firearm;

(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.

The fact that a firearm is not listed in Appendix A shall not be construed to mean that paragraph (1) applies to such firearm. No firearm exempted by this subsection may be deleted from Appendix A so long as this Act is in effect.

(4) Paragraph (1) shall not apply to—

(A) the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State;

(B) the transfer of a semiautomatic assault weapon by a licensed manufacturer, licensed importer, or licensed dealer to an entity referred to in subparagraph (A) or to a law enforcement officer authorized by such an entity to purchase firearms for official use;

(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault weapon transferred to the individual by the agency upon such retirement; or

(D) the manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.

(w)(1) It shall be unlawful for a person to sell, ship, or deliver a semiautomatic assault weapon to a person who has not completed a form 4473 in connection with the transfer of the semiautomatic assault weapon.

(2) It shall be unlawful for a person to receive a semiautomatic assault weapon unless the person has completed a form 4473 in connection with the transfer of the semiautomatic assault weapon.

(3) If a person receives a semiautomatic assault weapon from anyone other than a licensed dealer, both the person and the transferor shall retain a copy of the form 4473 completed in connection with the transfer.

(4) Within 90 days after the date of the enactment of this subsection, the Secretary shall prescribe regulations ensuring the availability of form 4473 to owners of semiautomatic assault weapons.

(5) As used in this subsection, the term "form 4473" means—

(A) the form which, as of the date of the enactment of this subsection, is designated by the Secretary as form 4473; or

(B) any other form which—

(i) is required by the Secretary, in lieu of the form described in subparagraph (A), to be completed in connection with the transfer of a semiautomatic assault weapon; and

(ii) when completed, contains, at a minimum, the information that, as of the date of the enactment of this subsection, is required to be provided on the form described in subparagraph (A).

(x)(1) *Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.*

(2) *Paragraph (1) shall not apply to the possession or transfer of any large capacity ammunition feeding device otherwise lawfully possessed on the date of the enactment of this subsection.*

(3) *This subsection shall not apply to—*

(A) the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State;

(B) the transfer of a large capacity ammunition feeding device by a licensed manufacturer, licensed importer, or licensed dealer to an entity referred to in subparagraph (A) or to a law enforcement officer authorized by such an entity to purchase large capacity ammunition feeding devices for official use;

(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon such retirement; or

(D) the manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.

APPENDIX A

Centerfire Rifles—Autoloaders

*Browning BAR Mark II Safari Semi-Auto Rifle
Browning BAR Mark II Safari Magnum Rifle
Browning High-Power Rifle
Heckler & Koch Model 300 Rifle
Iver Johnson M-1 Carbine
Iver Johnson 50th Anniversary M-1 Carbine
Marlin Model 9 Camp Carbine
Marlin Model 45 Carbine
Remington Nylon 66 Auto-Loading Rifle
Remington Model 7400 Auto Rifle
Remington Model 7400 Rifle
Remington Model 7400 Special Purpose Auto Rifle
Ruger Mini-14 Autoloading Rifle (w/o folding stock)
Ruger Mini Thirty Rifle*

Centerfire Rifles—Lever & Slide

*Browning Model 81 BLR Lever-Action Rifle
Browning Model 81 Long Action B.L.R.
Browning Model 1886 Lever-Action Carbine
Browning Model 1886 High Grade Carbine
Cimarron 1860 Henry Replica
Cimarron 1866 Winchester Replicas
Cimarron 1873 Short Rifle
Cimarron 1873 Sporting Rifle
Cimarron 1873 30" Express Rifle
Dixie Engraved 1873 Rifle
E.M.F. 1866 Yellowboy Lever Actions
E.M.F. 1860 Henry Rifle
E.M.F. Model 73 Lever-Action Rifle
Marlin Model 336CS Lever-Action Carbine
Marlin Model 30AS Lever-Action Carbine
Marlin Model 444SS Lever-Action Sporter
Marlin Model 1894S Lever-Action Carbine
Marlin Model 1894CS Carbine*

AG00012677

Marlin Model 1894CL Classic
Marlin Model 1895SS Lever-Action Rifle
Mitchell 1858 Henry Replica
Mitchell 1866 Winchester Replica
Mitchell 1873 Winchester Replica
Navy Arms Military Henry Rifle
Navy Arms Henry Trapper
Navy Arms Iron Frame Henry
Navy Arms Henry Carbine
Navy Arms 1866 Yellowboy Rifle
Navy Arms 1873 Winchester-Style Rifle
Navy Arms 1873 Sporting Rifle
Remington 7600 Slide Action
Remington Model 7600 Special Purpose Slide Action
Rossi M92 SRC Saddle-Ring Carbine
Rossi M92 SRS Short Carbine
Savage 99C Lever-Action Rifle
Uberti Henry Rifle
Uberti 1866 Sporting Rifle
Uberti 1873 Sporting Rifle
Winchester Model 94 Side Eject Lever-Action Rifle
Winchester Model 94 Trapper Side Eject
Winchester Model 94 Big Bore Side Eject
Winchester Model 94 Ranger Side Eject Lever-Action Rifle
Winchester Model 94 Wrangler Side Eject

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle
A-Square Caesar Bolt-Action Rifle
A-Square Hannibal Bolt-Action Rifle
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700D Bavarian Bolt-Action Rifle
Anschutz 1733D Mannlicher Rifle
Barret Model 90 Bolt-Action Rifle
Beman/HW 60J Bolt-Action Rifle
Blaser R84 Bolt-Action Rifle
BRNO 537 Sporter Bolt-Action Rifle
BRNO ZKB 527 Fox Bolt-Action Rifle
BRNO ZKK 600, 601, 602 Bolt-Action Rifles
Browning A-Bolt Rifle
Browning A-Bolt Stainless Stalker
Browning A-Bolt Left Hand
Browning A-Bolt Short Action
Browning Euro-Bolt Rifle
Browning A-Bolt Gold Medallion
Browning A-Bolt Micro Medallion
Century Centurion 14 Sporter
Century Enfield Sporter #4
Century Swedish Sporter #38
Century Mauser 98 Sporter
Cooper Model 38 Centerfire Sporter
Dakota 22 Sporter Bolt-Action Rifle
Dakota 76 Classic Bolt-Action Rifle
Dakota 76 Short Action Rifles
Dakota 76 Safari Bolt-Action Rifle
Dakota 416 Rigby African
E.A.A./Sabatti Rover 870 Bolt-Action Rifle
Auguste Francotte Bolt-Action Rifles
Carl Gustaf 2000 Bolt-Action Rifle
Heym Magnum Express Series Rifle
Howa Lightning Bolt-Action Rifle
Howa Realtree Camo Rifle
Interarms Mark X Viscount Bolt-Action Rifle
Interarms Mini-Mark X Rifle
Interarms Mark X Whitworth Bolt-Action Rifle
Interarms Whitworth Express Rifle
Iver Johnson Model 5100A1 Long-Range Rifle

AG00012678

Red Willow Armory Ballard No. 4.5 Target Rifle
Remington-Style Rolling Block Carbine
Ruger No. 1B Single Shot
Ruger No. 1A Light Sporter
Ruger No. 1H Tropical Rifle
Ruger No. 1S Medium Sporter
Ruger No. 1 RSI International
Ruger No. 1V Special Varminter
C. Sharps Arms New Model 1874 Old Reliable
C. Sharps Arms New Model 1875 Rifle
C. Sharps Arms 1875 Classic Sharps
C. Sharps Arms New Model 1875 Target & Long Range
Shiloh Sharps 1874 Long Range Express
Shiloh Sharps 1874 Montana Roughrider
Shiloh Sharps 1874 Military Carbine
Shiloh Sharps 1874 Business Rifle
Shiloh Sharps 1874 Military Rifle
Sharps 1874 Old Reliable
Thompson/Center Contender Carbine
Thompson/Center Stainless Contender Carbine
Thompson/Center Contender Carbine Survival System
Thompson/Center Contender Carbine Youth Model
Thompson/Center TCR '87 Single Shot Rifle
Uberti Rolling Block Baby Carbine

Drillings, Combination Guns, Double Rifles

Baretta Express SSO O/U Double Rifles
Baretta Model 455 SxS Express Rifle
Chapuis RGExpress Double Rifle
Auguste Francotte Sidelock Double Rifles
Auguste Francotte Boxlock Double Rifle
Heym Model 55B O/U Double Rifle
Heym Model 55FW O/U Combo Gun
Heym Model 88b Side-by-Side Double Rifle
Kodiak Mk. IV Double Rifle
Kreighoff Teck O/U Combination Gun
Kreighoff Trumpf Drilling
Merkel Over/Under Combination Guns
Merkel Drillings
Merkel Model 160 Side-by-Side Double Rifles
Merkel Over/Under Double Rifles
Savage 24F O/U Combination Gun
Savage 24F-12T Turkey Gun
Springfield Inc. M6 Scout Rifle/Shotgun
Tikka Model 412s Combination Gun
Tikka Model 412S Double Fire
A. Zoli Rifle-Shotgun O/U Combo

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle
AMT Lightning Small-Game Hunting Rifle II
AMT Magnum Hunter Auto Rifle
Anschutz 525 Deluxe Auto
Armstrong Model 20P Auto Rifle
Browning Auto-22 Rifle
Browning Auto-22 Grade VI
Krico Model 260 Auto Rifle
Lakefield Arms Model 64B Auto Rifle
Marlin Model 60 Self-Loading Rifle
Marlin Model 60ss Self-Loading Rifle
Marlin Model 70 HC Auto
Marlin Model 990I Self-Loading Rifle
Marlin Model 70P Papoose
Marlin Model 922 Magnum Self-Loading Rifle
Marlin Model 995 Self-Loading Rifle
Norinco Model 22 ATD Rifle
Remington Model 522 Viper Autoloading Rifle

Remington 552BDL Speedmaster Rifle
Ruger 10/22 Autoloading Carbine (w/o folding stock)
Survival Arms AR-7 Explorer Rifle
Texas Remington Revolving Carbine
Voere Model 2115 Auto Rifle

Rimfire Rifles—Lever & Slide Action

Browning BL-22 Lever-Action Rifle
Marlin 39TDS Carbine
Marlin Model 39AS Golden Lever-Action Rifle
Remington 572BDL Fieldmaster Pump Rifle
Norinco EM-321 Pump Rifle
Rossi Model 62 SA Pump Rifle
Rossi Model 62 SAC Carbine
Winchester Model 9422 Lever-Action Rifle
Winchester Model 9422 Magnum Lever-Action Rifle

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle
Anschutz 1416D/1516D Classic Rifles
Anschutz 1418D/1518D Mannlicher Rifles
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700 FWT Bolt-Action Rifle
Anschutz 1700D Graphite Custom Rifle
Anschutz 1700D Bavarian Bolt-Action Rifle
Armscor Model 14P Bolt-Action Rifle
Armscor Model 1500 Rifle
BRNO ZKM-452 Deluxe Bolt-Action Rifle
BRNO ZKM 452 Deluxe
Beeman/HW 60-J-ST Bolt-Action Rifle
Browning A-Bolt 22 Bolt-Action Rifle
Browning A-Bolt Gold Medallion
Cabanas Phaser Rifle
Cabanas Master Bolt-Action Rifle
Cabanas Espronceda IV Bolt-Action Rifle
Cabanas Leyre Bolt-Action Rifle
Chipmunk Single Shot Rifle
Cooper Arms Model 36S Sporter Rifle
Dakota 22 Sporter Bolt-Action Rifle
Krico Model 300 Bolt-Action Rifles
Lakefield Arms Mark II Bolt-Action Rifle
Lakefield Arms Mark I Bolt-Action Rifle
Magtech Model MT-22C Bolt-Action Rifle
Marlin Model 880 Bolt-Action Rifle
Marlin Model 881 Bolt-Action Rifle
Marlin Model 882 Bolt-Action Rifle
Marlin Model 883 Bolt-Action Rifle
Marlin Model 883SS Bolt-Action Rifle
Marlin Model 25MN Bolt-Action Rifle
Marlin Model 25N Bolt-Action Repeater
Marlin Model 15YN "Little Buckaroo"
Mausser Model 107 Bolt-Action Rifle
Mausser Model 201 Bolt-Action Rifle
Navy Arms TU-KKW Training Rifle
Navy Arms TU-33/40 Carbine
Navy Arms TU-KKW Sniper Trainer
Norinco JW-27 Bolt-Action Rifle
Norinco JW-15 Bolt-Action Rifle
Remington 541-T
Remington 40-XR Rimfire Custom Sporter
Remington 541-T HB Bolt-Action Rifle
Remington 581-S Sportsman Rifle
Ruger 77/22 Rimfire Bolt-Action Rifle
Ruger K77/22 Varmint Rifle
Ultra Light Arms Model 20 RF Bolt-Action Rifle
Winchester Model 52B Sporting Rifle

KDF K15 American Bolt-Action Rifle
Krico Model 600 Bolt-Action Rifle
Krico Model 700 Bolt-Action Rifles
Mausser Model 66 Bolt-Action Rifle
Mausser Model 99 Bolt-Action Rifle
McMillan Signature Classic Sporter
McMillan Signature Super Varminter
McMillan Signature Alaskan
McMillan Signature Titanium Mountain Rifle
McMillan Classic Stainless Sporter
McMillan Talon Safari Rifle
McMillan Talon Sporter Rifle
Midland 1500S Survivor Rifle
Navy Arms TU-33/40 Carbine
Parker-Hale Model 81 Classic Rifle
Parker-Hale Model 81 Classic African Rifle
Parker-Hale Model 1000 Rifle
Parker-Hale Model 1100M African Magnum
Parker-Hale Model 1100 Lightweight Rifle
Parker-Hale Model 1200 Super Rifle
Parker-Hale Model 1200 Super Clip Rifle
Parker-Hale Model 1300C Scout Rifle
Parker-Hale Model 2100 Midland Rifle
Parker-Hale Model 2700 Lightweight Rifle
Parker-Hale Model 2800 Midland Rifle
Remington Model Seven Bolt-Action Rifle
Remington Model Seven Youth Rifle
Remington Model Seven Custom KS
Remington Model Seven Custom MS Rifle
Remington 700 ADL Bolt-Action Rifle
Remington 700 BDL Bolt-Action Rifle
Remington 700 BDL Varmint Special
Remington 700 BDL European Bolt-Action Rifle
Remington 700 Varmint Synthetic Rifle
Remington 700 BDL SS Rifle
Remington 700 Stainless Synthetic Rifle
Remington 700 MTRSS Rifle
Remington 700 BDL Left Hand
Remington 700 Camo Synthetic Rifle
Remington 700 Safari
Remington 700 Mountain Rifle
Remington 700 Custom KS Mountain Rifle
Remington 700 Classic Rifle
Ruger M77 Mark II Rifle
Ruger M77 Mark II Magnum Rifle
Ruger M77RL Ultra Light
Ruger M77 Mark II All-Weather Stainless Rifle
Ruger M77 RSI International Carbine
Ruger M77 Mark II Express Rifle
Ruger M77VT Target Rifle
Sako Hunter Rifle
Sako Fiberclass Sporter
Sako Safari Grade Bolt Action
Sako Hunter Left-Hand Rifle
Sako Classic Bolt Action
Sako Hunter LS Rifle
Sako Deluxe Lightweight
Sako Super Deluxe Sporter
Sako Mannlicher-Style Carbine
Sako Varmint Heavy Barrel
Sako TRG-S Bolt-Action Rifle
Sauer 90 Bolt-Action Rifle
Savage 110G Bolt-Action Rifle
Savage 110CY Youth / Ladies Rifle
Savage 110WLE One of One Thousand Limited Edition Rifle
Savage 110GXP3 Bolt-Action Rifle
Savage 110F Bolt-Action Rifle
Savage 110FXP3 Bolt-Action Rifle

Savage 110GV Varmint Rifle
Savage 112FV Varmint Rifle
Savage Model 112FVS Varmint Rifle
Savage Model 112BV Heavy Barrel Varmint Rifle
Savage 116FSS Bolt-Action Rifle
Savage Model 116FSK Kodiak Rifle
Savage 110FP Police Rifle
Steyr-Mannlicher Sporter Models SL, L, M, S, S/T
Steyr-Mannlicher Luxus Model L, M, S
Steyr-Mannlicher Model M Professional Rifle
Tikka Bolt-Action Rifle
Tikka Premium Grade Rifles
Tikka Varmint/Continental Rifle
Tikka Whitetail/Battue Rifle
Ultra Light Arms Model 20 Rifle
Ultra Light Arms Model 28, Model 40 Rifles
Voere VEC 91 Lightning Bolt-Action Rifle
Voere Model 2165 Bolt-Action Rifle
Voere Model 2155, 2150 Bolt-Action Rifles
Weatherby Mark V Deluxe Bolt-Action Rifle
Weatherby Lasermark V Rifle
Weatherby Mark V Crown Custom Rifles
Weatherby Mark V Sporter Rifle
Weatherby Mark V Safari Grade Custom Rifles
Weatherby Weathermark Rifle
Weatherby Weathermark Alaskan Rifle
Weatherby Classicmark No. 1 Rifle
Weatherby Weatherguard Alaskan Rifle
Weatherby Vanguard VGX Deluxe Rifle
Weatherby Vanguard Classic Rifle
Weatherby Vanguard Classic No. 1 Rifle
Weatherby Vanguard Weatherguard Rifle
Wichita Classic Rifle
Wichita Varmint Rifle
Winchester Model 70 Sporter
Winchester Model 70 Sporter WinTuff
Winchester Model 70 SM Sporter
Winchester Model 70 Stainless Rifle
Winchester Model 70 Varmint
Winchester Model 70 Synthetic Heavy Varmint Rifle
Winchester Model 70 DBM Rifle
Winchester Model 70 DBM-S Rifle
Winchester Model 70 Featherweight
Winchester Model 70 Featherweight WinTuff
Winchester Model 70 Featherweight Classic
Winchester Model 70 Lightweight Rifle
Winchester Ranger Rifle
Winchester Model 70 Super Express Magnum
Winchester Model 70 Super Grade
Winchester Model 70 Custom Sharpshooter
Winchester Model 70 Custom Sporting Sharpshooter Rifle

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine
Brown Model One Single Shot Rifle
Browning Model 1885 Single Shot Rifle
Dakota Single Shot Rifle
Desert Industries G-90 Single Shot Rifle
Harrington & Richardson Ultra Varmint Rifle
Model 1885 High Wall Rifle
Navy Arms Rolling Block Buffalo Rifle
Navy Arms #2 Creedmoor Rifle
Navy Arms Sharps Cavalry Carbine
Navy Arms Sharps Plains Rifle
New England Firearms Handi-Rifle
Red Willow Armory Ballard No. 5 Pacific
Red Willow Armory Ballard No. 1.5 Hunting Rifle
Red Willow Armory Ballard No. 8 Union Hill Rifle

Competition Rifles—Centerfire & Rimfire

Anschutz 64-MS Left Silhouette
Anschutz 1808D RT Super Match 54 Target
Anschutz 1827B Biathlon Rifle
Anschutz 1903D Match Rifle
Anschutz 1803D Intermediate Match
Anschutz 1911 Match Rifle
Anschutz 54.18MS REP Deluxe Silhouette Rifle
Anschutz 1913 Super Match Rifle
Anschutz 1907 Match Rifle
Anschutz 1910 Super Match II
Anschutz 54.18MS Silhouette Rifle
Anschutz Super Match 54 Target Model 2013
Anschutz Super Match 54 Target Model 2007
Beeman/Feinwerkbau 2600 Target Rifle
Cooper Arms Model TRP-1 ISU Standard Rifle
E.A.A./Weihrauch HW 60 Target Rifle
E.A.A./HW 660 Match Rifle
Finnish Lion Standard Target Rifle
Krico Model 360 S2 Biathlon Rifle
Krico Model 400 Match Rifle
Krico Model 360S Biathlon Rifle
Krico Model 500 Kricotronic Match Rifle
Krico Model 600 Sniper Rifle
Krico Model 600 Match Rifle
Lakefield Arms Model 90B Target Rifle
Lakefield Arms Model 91T Target Rifle
Lakefield Arms Model 92S Silhouette Rifle
Marlin Model 2000 Target Rifle
Mauser Model 86-SR Specialty Rifle
McMillan M-86 Sniper Rifle
McMillan Combo M-87/M-88 50-Caliber Rifle
McMillan 300 Phoenix Long Range Rifle
McMillan M-89 Sniper Rifle
McMillan National Match Rifle
McMillan Long Range Rifle
Parker-Hale M-87 Target Rifle
Parker-Hale M-85 Sniper Rifle
Remington 40-XB Rangemaster Target Centerfire
Remington 40-XR KS Rimfire Position Rifle
Remington 40-XBBR KS
Remington 40-XC KS National Match Course Rifle
Sako TRG-21 Bolt-Action Rifle
Steyr-Mannlicher Match SPG-UIT Rifle
Steyr-Mannlicher SSG P-I Rifle
Steyr-Mannlicher SSG P-III Rifle
Steyr-Mannlicher SSG P-IV Rifle
Tanner Standard UIT Rifle
Tanner 50 Meter Free Rifle
Tanner 300 Meter Free Rifle
Wichita Silhouette Rifle

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL
Benelli Super Black Eagle Shotgun
Benelli Super Black Eagle Slug Gun
Benelli M1 Super 90 Field Auto Shotgun
Benelli Montefeltro Super 90 20-Gauge Shotgun
Benelli Montefeltro Super 90 Shotgun
Benelli M1 Sporting Special Auto Shotgun
Benelli Black Eagle Competition Auto Shotgun
Beretta A-303 Auto Shotgun
Beretta 390 Field Auto Shotgun
Beretta 390 Super Trap, Super Skeet Shotguns
Beretta Vittoria Auto Shotgun
Beretta Model 1201F Auto Shotgun
Browning BSA 10 Auto Shotgun

Browning Bsa 10 Stalker Auto Shotgun
Browning A-500R Auto Shotgun
Browning A-500G Auto Shotgun
Browning A-500G Sporting Clays
Browning Auto-5 Light 12 and 20
Browning Auto-5 Stalker
Browning Auto-5 Magnum 20
Browning Auto-5 Magnum 12
Churchill Turkey Automatic Shotgun
Cosmi Automatic Shotgun
Maverick Model 60 Auto Shotgun
Mossberg Model 5500 Shotgun
Mossberg Model 9200 Regal Semi-Auto Shotgun
Mossberg Model 9200 USST Auto Shotgun
Mossberg Model 9200 Camo Shotgun
Mossberg Model 6000 Auto Shotgun
Remington Model 1100 Shotgun
Remington 11-87 Premier Shotgun
Remington 11-87 Sporting Clays
Remington 11-87 Premier Skeet
Remington 11-87 Premier Trap
Remington 11-87 Special Purpose Magnum
Remington 11-87 SPS-T Camo Auto Shotgun
Remington 11-87 Special Purpose Deer Gun
Remington 11-87 SPS-BG-Camo Deer/Turkey Shotgun
Remington 11-87 SPS-Deer Shotgun
Remington 11-87 Special Purpose Synthetic Camo
Remington SP-10 Magnum-Camo Auto Shotgun
Remington SP-10 Magnum Auto Shotgun
Remington SP-10 Magnum Turkey Combo
Remington 1100 LT-20 Auto
Remington 1100 Special Field
Remington 1100 20-Gauge Deer Gun
Remington 1100 LT-20 Tournament Skeet
Winchester Model 1400 Semi-Auto Shotgun

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun
Browning BPS Pump Shotgun
Browning BPS Stalker Pump Shotgun
Browning BPS Pigeon Grade Pump Shotgun
Browning BPS Pump Shotgun (Ladies and Youth Model)
Browning BPS Game Gun Turkey Special
Browning BPS Game Gun Deer Special
Ithaca Model 87 Supreme Pump Shotgun
Ithaca Model 87 Deerslayer Shotgun
Ithaca Deerslayer II Rifled Shotgun
Ithaca Model 87 Turkey Gun
Ithaca Model 87 Deluxe Pump Shotgun
Magtech Model 586-VR Pump Shotgun
Maverick Models 88, 91 Pump Shotguns
Mossberg Model 500 Sporting Pump
Mossberg Model 500 Camo Pump
Mossberg Model 500 Muzzleloader Combo
Mossberg Model 500 Trophy Slugster
Mossberg Turkey Model 500 Pump
Mossberg Model 500 Bantam Pump
Mossberg Field Grade Model 835 Pump Shotgun
Mossberg Model 835 Regal Ulti-Mag Pump
Remington 870 Wingmaster
Remington 870 Special Purpose Deer Gun
Remington 870 SPS-BG-Camo Deer/Turkey Shotgun
Remington 870 SPS-Deer Shotgun
Remington 870 Marine Magnum
Remington 870 TC Trap
Remington 870 Special Purpose Synthetic Camo
Remington 870 Wingmaster Small Gauges
Remington 870 Express Rifle Sighted Deer Gun

Remington 879 SPS Special Purpose Magnum
Remington 870 SPS-T Camo Pump Shotgun
Remington 870 Special Field
Remington 870 Express Turkey
Remington 870 High Grades
Remington 870 Express
Remington Model 870 Express Youth Gun
Winchester Model 12 Pump Shotgun
Winchester Model 42 High Grade Shotgun
Winchester Model 1300 Walnut Pump
Winchester Model 1300 Slug Hunter Deer Gun
Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun
Winchester Model 1300 Turkey Gun
Winchester Model 1300 Ranger Pump Gun

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U
American Arms Silver I O/U
American Arms Silver II Shotgun
American Arms Silver Skeet O/U
American Arms/Franchi Sporting 2000 O/U
American Arms Silver Sporting O/U
American Arms Silver Trap O/U
American Arms WS/OU 12, TS/OU 12 Shotguns
American Arms WT/OU 10 Shotgun
Armsport 2700 O/U Goose Gun
Armsport 2700 Series O/U
Armsport 2900 Tri-Barrel Shotgun
Baby Bretton Over/Under Shotgun
Beretta Model 686 Ultralight O/U
Beretta ASE 90 Competition O/U Shotgun
Beretta Over/Under Field Shotguns
Beretta Onyx Hunter Sport O/U Shotgun
Beretta Model SO5, SO6, SO9 Shotguns
Beretta Sporting Clay Shotguns
Beretta 687EL Sporting O/U
Beretta 682 Super Sporting O/U
Beretta Series 682 Competition Over/Unders
Browning Citori O/U Shotgun
Browning Superlight Citori Over/Under
Browning Lightning Sporting Clays
Browning Micro Citori Lightning
Browning Citori Plus Trap Combo
Browning Citori Plus Trap Gun
Browning Citori O/U Skeet Models
Browning Citori O/U Trap Models
Browning Special Sporting Clays
Browning Citori GTI Sporting Clays
Browning 325 Sporting Clays
Centurion Over/Under Shotgun
Chapuis Over/Under Shotgun
Connecticut Valley Classics Classic Sporter O/U
Connecticut Valley Classics Classic Field Waterfowler
Charles Daly Field Grade O/U
Charles Daly Lux Over/Under
E.A.A./Sabatti Sporting Clays Pro-Gold O/U
E.A.A./Sabatti Falcon-Mon Over/Under
Kassar Grade I O/U Shotgun
Krieghoff K-80 Sporting Clays O/U
Krieghoff K-80 Skeet Shotgun
Krieghoff K-80 International Skeet
Krieghoff K-80 Four-Barrel Skeet Set
Krieghoff K-80/RT Shotguns
Krieghoff K-80 O/U Trap Shotgun
Laurona Silhouette 300 Sporting Clays
Laurona Silhouette 300 Trap
Laurona Super Model Over/Unders
Ljutic LM-6 Deluxe O/U Shotgun

AG00012685

Marocchi Conquista Over/Under Shotgun
 Marocchi Avanza O/U Shotgun
 Merkel Model 200E O/U Shotgun
 Merkel Model 200E Skeet, Trap Over/Unders
 Merkel Model 203E, 303E Over/Under Shotguns
 Perazzi Mirage Special Sporting O/U
 Perazzi Mirage Special Four-Gauge Skeet
 Perazzi Sporting Classic O/U
 Perazzi MX7 Over/Under Shotguns
 Perazzi Mirage Special Skeet Over/Under
 Perazzi MX8/MX8 Special Trap, Skeet
 Perazzi MX8/20 Over/Under Shotgun
 Perazzi MX9 Single Over/Under Shotguns
 Perazzi MX12 Hunting Over/Under
 Perazzi MX28, MX410 Game O/U Shotguns
 Perazzi MX20 Hunting Over/Under
 Piotti Boss Over/Under Shotgun
 Remington Peerless Over/Under Shotgun
 Ruger Red Label O/U Shotgun
 Ruger Sporting Clays O/U Shotgun
 San Marco 12-Ga. Wildflower Shotgun
 San Marco Field Special O/U Shotgun
 San Marco 10-Ga. O/U Shotgun
 SKB Model 505 Deluxe Over/Under Shotgun
 SKB Model 685 Over/Under Shotgun
 SKB Model 885 Over/Under Trap, Skeet, Sporting Clays
 Stoeger/IGA Condor I O/U Shotgun
 Stoeger/IGA ERA 2000 Over/Under Shotgun
 Techni-Mec Model 610 Over/Under
 Tikka Model 412S Field Grade Over/Under
 Weatherby Athena Grade IV O/U Shotguns
 Weatherby Athena Grade V Classic Field O/U
 Weatherby Orion O/U Shotguns
 Weatherby II, III Classic Field O/Us
 Weatherby Orion II Classic Sporting Clays O/U
 Weatherby Orion II Sporting Clays O/U
 Winchester Model 1001 O/U Shotgun
 Winchester Model 1001 Sporting Clays O/U
 Pietro Zanoletti Model 2000 Field O/U

Shotguns—Side by Sides

American Arms Brittany Shotgun
 American Arms Gentry Double Shotgun
 American Arms Derby Side-by-Side
 American Arms Grulla #2 Double Shotgun
 American Arms WS/SS 10
 American Arms TS/SS 10 Double Shotgun
 American Arms TS/SS 12 Side-by-Side
 Arrieta Sidelock Double Shotguns
 Armsport 1050 Series Double Shotguns
 Arizaga Model 31 Double Shotgun
 AYA Boxlock Shotguns
 AYA Sidelock Double Shotguns
 Beretta Model 452 Sidelock Shotgun
 Beretta Side-by-Side Field Shotguns
 Crucelegui Hermanos Model 150 Double
 Chapuis Side-by-Side Shotgun
 E.A.A./Sabatti Saba-Mon Double Shotgun
 Charles Daly Model Dss Double
 Ferlib Model F VII Double Shotgun
 Auguste Francotte Boxlock Shotgun
 Auguste Francotte Sidelock Shotgun
 Garbi Model 100 Double
 Garbi Model 101 Side-by-Side
 Garbi Model 103A, B Side-by-Side
 Garbi Model 200 Side-by-Side
 Bill Hanus Birdgun Doubles
 Hatfield Uplander Shotgun

Merkell Model 8, 47E Side-by-Side Shotguns
Merkel Model 47LSC Sporting Clays Double
Merkel Model 47S, 147S Side-by-Sides
Parker Reproductions Side-by-Side
Piotti King No. 1 Side-by-Side
Piotti Lunik Side-by-Side
Piotti King Extra Side-by-Side
Piotti Puma Side-by-Side
Precision Sports Model 600 Series Doubles
Rizzini Boxlock Side-by-Side
Rizzini Sidelock Side-by-Side
Stoeger/IGA Uplander Side-by-Side Shotgun
Ugartechea 10-Ga. Magnum Shotgun

Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun
Browning BT-99 Competition Trap Special
Browning BT-99 Plus Trap Gun
Browning BT-99 Plus Micro
Browning Recoilless Trap Shotgun
Browning Micro Recoilless Trap Shotgun
Desert Industries Big Twenty Shotgun
Harrington & Richardson Topper Model 098
Harrington & Richardson Topper Classic Youth Shotgun
Harrington & Richardson N.W.T.F. Turkey Mag
Harrington & Richardson Topper Deluxe Model 098
Krieghoff KS-5 Trap Gun
Krieghoff KS-5 Special
Krieghoff K-80 Single Barrel Trap Gun
Ljutic Mono Gun Single Barrel
Ljutic LTX Super Deluxe Mono Gun
Ljutic Recoilless Space Gun Shotgun
Marlin Model 55 Goose Gun Bolt Action
New England Firearms Turkey and Goose Gun
New England Firearms N.W.T.F. Shotgun
New England Firearms Tracker Slug Gun
New England Firearms Standard Pardner
New England Firearms Survival Gun
Perazzi TM1 Special Single Trap
Remington 90-T Super Single Shotgun
Snake Charmer II Shotgun
Stoeger/IGA Reuna Single Barrel Shotgun
Thompson/Center TCR '87 Hunter Shotgun.

§ 923. Licensing

(a) * * *

* * * * *

(i) Licensed importers and licensed manufacturers shall identify by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer. *The serial number of any semiautomatic assault weapon manufactured after the date of the enactment of this sentence shall clearly show the date on which the weapon was manufactured. A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe.*

§ 924. Penalties

(a)(1) Except as otherwise provided in this subsection, subsection (b), (c), or (f) of this section, or in section 929, whoever—

(A) knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or exemption or relief from disability under the provisions of this chapter;

(B) knowingly violates subsection (a)(4), (a)(6), (f), (k), [or (q) of section 922] (r), (v), or (x) of section 922;

* * * * *

(6) A person who knowingly violates section 922(w) shall be fined not more than \$1,000, imprisoned not more than 6 months, or both. Section 3571 shall not apply to any offense under this paragraph.

* * * * *

(c)(1) Whoever, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime, be sentenced to imprisonment for five years, and if the firearm is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, to imprisonment for ten years, and if the firearm is a machinegun, or a destructive device, or is equipped with a firearm silencer or firearm muffler, to imprisonment for thirty years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for twenty years, and if the firearm is a machinegun, or a destructive device, or is equipped with a firearm silencer or firearm muffler, to life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.

* * * * *

SUPPLEMENTAL VIEWS OF HON. DAN GLICKMAN

I supported this bill because it is a narrowly crafted bill focused on specific weapons that have no business being on our streets. It is aimed at rapid fire weapons that have the sole purpose of killing people, and it is aimed at weapons that are more suited for the battlefield than the target range.

I believe that violence in our nation is getting out of hand. It is devastating to read that a student killed a student with a semi-automatic weapon. But it is equally devastating to hear of students killing students with anyone. What we really need to focus on is why students are engaging in violence in the first place. For this reason, I think this legislation must be viewed as part of the effort to reduce crime—in conjunction with the comprehensive crime bill that increases penalties, calls for tougher sentencing, provides for more jails and police officers, and provides for prevention programs.

But we must not abrogate the Second Amendment rights that are provided for in the Constitution. We must be extremely careful that in this legislation and in any legislation in the future, that we are not taking away guns that truly are used for sports, hunting, or self-defense.

I don't believe that this bill is the first step in a long road to banning guns. However, some of my constituents have expressed their fear that the Congress is moving slowly toward banning all guns for all people. We must be absolutely clear that this narrowly crafted legislation is not that first step and is not just a precursor to further, broader federal gun control and federal gun bans. Sport shooters and hunters tell me that they don't want assault weapons on the streets and in the hands of gang members any more than anyone else. But what they don't want is for Congress to take the short step to saying that the hunting rifles are being used on the streets, and should be taken away. And then the handguns are being used on the streets and should be taken away.

I want to make sure that what we are doing has a purpose—that it gets at the weapons that are being used by gang members and others in killing sprees or other random violence. I want to be able to assure the hunters, sport shooters and folks who want to be prepared for self-defense that we're not going to turn around and tell these gun owners that their sporting guns are illegal. This is a good bill, but let's tread very carefully before going any further.

Finally, because I want to make sure that there is no mistake about which guns are banned and which are exempt, especially guns that will be developed in the future, I offered an amendment during Committee markup that was accepted by the Committee. This amendment clarifies that simply because a gun is not on the list of specifically exempted guns, does not mean that that firearm is banned. A firearm must meet the specific criteria set out in the

(41)

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bill, or be specifically named as a banned gun before it can be banned. In other words, the exempted gun list is not exhaustive.

Furthermore, my amendment makes clear that no gun may be taken off the list of specifically exempted guns as long as the act is in effect. In this way, it is absolutely clear that the intent of Congress is that exempted guns remain exempted.

DISSENTING VIEWS OF HON. F. JAMES SENSENBRENNER, JR., HON. GEORGE GEKAS, HON. LAMAR S. SMITH, HON. BILL MCCOLLUM, HON. HOWARD COBLE, HON. STEVE SCHIFF, AND HON. BOB GOODLATTE

We strongly oppose H.R. 4296 which would ban a variety of guns. The primary problem with this bill is that it targets law abiding citizens. If this bill passes, simply possessing a shotgun or rifle could land you in jail. You don't have to shoot anybody. You don't have to threaten anyone, just leaving it in the hall closet is enough to land you in jail. Even if you use the gun for self-defense, you can go to jail.

It is already a federal crime for convicted criminals to possess these weapons, or any other gun for that matter. The laws aimed at these criminals should be fully enforced before we start going into the homes of law-abiding citizens and arresting them.

Another problem with this legislation is that simple, cosmetic changes to certain guns would turn those guns from being illegal to, all of a sudden being legal. For example, simply by removing a pistol grip, or a bayonet mount from a rifle saves the owner from going to jail, but leaves the gun's performance unaffected.

Finally, the problem of these guns has been greatly exaggerated. Although semiautomatic weapons are used in the most high profile killings that make it on the nightly news, in fact, more than 99 percent of killers eschew assault rifles and use more prosaic devices. According to statistics from the Justice Department and reports from local law enforcement, five times as many people are kicked or beaten to death than are killed with assault rifles.

Passing this legislation is an excuse to avoid the real issues of violent crime, and threatens the rights of law-abiding citizens. Therefore, we oppose H.R. 4296.

F. JAMES SENSENBRENNER, Jr.
GEORGE W. GEKAS.
LAMAR SMITH.
BILL MCCOLLUM.
HOWARD COBLE.
STEVE SCHIFF.
BOB GOODLATTE.

DISSENTING VIEWS OF HON. JACK BROOKS

I am strongly opposed to H.R. 4296, the Public Safety and Recreational Firearms Use Protection Act, because it misidentifies the causes of violent crime in the United States; diverts national priorities away from meaningful solutions to the problem of violent crime; punishes honest American gun owners who buy and use firearms for legitimate, lawful purposes such as, but not necessarily limited to, self-defense, target shooting, hunting, and firearms collection; fails to focus the punitive powers of government upon criminals. Most fundamentally, a prohibition on firearms violates the right of individual Americans to keep and bear arms, protected by the Second Amendment to the Constitution of the United States—a stark fact of constitutional life that the proponents of H.R. 4296 conveniently overlook in their zeal to abridge the rights of law-abiding citizens.

Reasons claimed to justify a prohibition on the firearms that would be affected by H.R. 4296 include the assertion that those particular firearms are used often in the commission of violent crimes. Data on the use of the firearms H.R. 4296 labels as “assault weapons” is not comprehensive, but such data as do exist consistently show that “assault weapons” are involved in a small percentage of violent crimes.

Most of the firearms labelled as “assault weapons” in H.R. 4296 are rifles—yet rifles are the general category of firearms used least often in the commission of violent crimes. The FBI Uniform Crime Reports, 1992, the most recent comprehensive data available, shows that rifles of any description are used in 3.1 percent of homicides, for example, while knives are used in 14.5 percent, fists and feet are used in 5 percent, and blunt objects are used in another 5 percent.

Professor Gary Kleck, of Florida State University, the 1993 recipient of the American Society of Criminology’s Hindelang Award, estimates that one-half of 1 percent of violent crimes are committed with “assault weapons.” University of Texas criminologist Sheldon Ekland-Olson estimates that one-quarter of rifle-related homicides may involve rifles chambered for military cartridges, which would include not only so-called “assault” type semi-automatic rifles, but non-semiautomatic rifles as well.

Since 1980, rifle-related homicides have declined by more than a third. According to the Metropolitan Police of Washington, D.C., the city which has the highest per capita rate of homicides of any major city in the United States, between 1980–1993 there occurred only 4 rifle-related homicides out of a total of more than 4,200 homicides in the period. The last rifle homicide during the period was recorded in 1984. Other data from D.C. police show that rifles are used in about one-tenth of 1 percent of robberies and assaults.

(44)

AG00012692

The California Department of Justice surveyed law enforcement agencies in the state in 1990, as the state's legislature addressed "assault weapon" ban legislation there. The California Department of Justice found that only 3.7 percent of the firearms that are used in homicides and assaults were "assault weapons," defined there to include even more firearms than are defined as "assault weapons" in H.R. 4296.

Connecticut State Police report that less than 2 percent of firearms seized by police in the state are "assault weapons"; the Massachusetts State Police report that "assault" type rifles were used in one-half of 1 percent of homicides between 1985-1991.

I believe the proponents of H.R. 4296 are in error in claiming that the Bureau of Alcohol, Tobacco and Firearms (BATF) has traced a large number of "assault weapons" to crime. This claim has been effectively contradicted by both the BATF itself and the Congressional Research Service's (CRS) report on the BATF firearms tracing system. The BATF has stated that it "does not always know if a firearm being traced has been used in a crime." For instance, sometimes a firearm is traced simply to determine the rightful owner after it is found by a law enforcement officer.

Each year, the BATF traces about 50,000 firearms, yet only about 1 percent of these traces relate to "assault weapons" that have been seized by police in the course of investigations of violent crimes. Most "assault weapons" traced relate not to violent crime but to property violations, such as stolen guns being traced so that they may be returned to their lawful owners, violations of the Gun Control Act, and other non-violent circumstances.

As noted by BATF and by CRS in its report to Congress entitled "Assault Weapons: Military-Style Semiautomatic Firearms Facts and Issues" (1992) that firearms traces are not intended to "trace guns to crime," that few "assault weapons" traced relative to violent crime investigations, and that available state and local law enforcement agency data shows relatively little use of "assault weapons" are used frequently in violent crimes.

"Assault weapons" function in the same manner as any other semi-automatic firearm. They fire once with each pull of the trigger, like most firearms. They use the same ammunition as other firearms, both semi-automatic and not. Therefore, "assault weapons" are useful for target shooting, self-defense, hunting, and other legitimate purposes, just as other firearms are.

H.R. 4296 would prohibit rifles that are commonly used for competitive shooting, such as the Springfield N1A and the Colt "AR-15."

Accessories found on some models of "assault weapons," such as folding stocks, flash suppressors, pistol grips, bayonet lugs, and detachable magazines may look menacing to persons unfamiliar with firearms, but there is absolutely no evidence that any of these accessories provide any advantage to a criminal. As has been demonstrated on many occasions, firearms which H.R. 4296 specifically exempts from its prohibition, firearms not equipped with those accessories, can be fired at the same rate, with the same accuracy, and with the same power as "assault weapons."

Time and again, supporters of H.R. 4296 have claimed that "assault weapons" can be "spray-fired from the hip"; but this is simply

not true. The firearms targeted in H.R. 4296 are not machineguns. Machineguns are restricted under the National Firearms Act of 1934. H.R. 4296's guns are semi-automatic, and fire only one shot at a time.

H.R. 4296's limitation on the capacity of ammunition feeding devices would do nothing to reduce the number of rounds available to a criminal. It has been demonstrated frequently that such devices can be switched in less than a second, so a criminal determined to have available a number of rounds greater than H.R. 4296 would permit in a single magazine would need only to possess additional smaller magazines. However, police have reportedly consistently that when criminals fire shots, they rarely discharge more than 2-5 rounds, well below the number of rounds H.R. 4296 would permit in a single magazine.

Most fundamentally, to impinge upon the constitutionally-protected rights of honest, law-abiding Americans on the basis of myth, misinformation, and newspaper headlines is a crime in and of itself. To protect against such a mockery of our Constitution and the infliction of such harm upon our citizens, I intend to oppose H.R. 4296 vigorously on the House floor in the hope that careful reflection will permit cooler heads and the light of reason to prevail.

○

AG00012694

Exhibit 5

The impact of state and federal assault weapons bans on public mass shootings

Mark Gius

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The purpose of the present study is to determine the effects of federal and state assault weapons bans on public mass shootings. Using a Poisson effect model and data for the period 1982 to 2011, it was found that both state and federal assault weapons bans have statistically significant and negative effects on mass shooting fatalities but that only the federal assault weapons ban had a negative effect on mass shooting injuries. This study is one of the first studies that looks solely at the effects of assault weapons bans on public mass shootings.

Keywords: assault weapons ban; mass shootings

JEL Classification: K14; I12

1. Introduction

According to a recent report prepared by the Congressional Research Service (Bjelopera *et al.*, 2013), a public mass shooting has four distinct attributes:

- (1) Occurred in a relatively public place.
- (2) Involved four or more deaths – not including the shooter.
- (3) Victims were selected randomly.
- (4) Shooting was not a means to a criminal end, such as robbery or terrorism.

Examples of high-profile public mass shootings that fit this definition are Sandy Hook, Aurora, Fort Hood, Virginia Tech and Columbine. Many of the perpetrators in these mass shootings used multiple types of firearms. Contrary to popular belief,

however, assault rifles were not the predominant type of weapon used in these types of crimes. In fact, according to a recent study, handguns were the most commonly used type of firearm in mass shootings (32.99% of mass shootings); rifles were used in only 8.25% of mass shootings (Huff-Corzine *et al.*, 2014). All data used in Huff-Corzine *et al.* (2014) is for the period 2001–2010.

Even though rifles are used in less than 10% of public mass shootings, one of the first pieces of legislation that comes up for consideration whenever there is a mass shooting is an assault weapons ban. For example, after the Sandy Hook shooting, there was a call for a revival of the 1994 federal assault weapons ban. This firearms ban was part of the Violent Crime Control and Law Enforcement Act of 1994 and outlawed semi-automatic weapons that had certain distinguishing features, such as pistol

grips, flash hiders and folding stocks (Koper, 2004). The ban was very narrow; only 118 gun models were banned under this law. In addition to banning certain types of guns, the 1994 law also prohibited large-capacity magazines, which held more than 10 rounds of ammunition. This prohibition affected many more types of guns than the assault weapons ban primarily because many semi-automatic weapons, including handguns, are capable of using large-capacity magazines.

The 1994 law had several loopholes and exemptions. All assault weapons and large-capacity magazines manufactured prior to the effective date of the ban were legal to own and transfer. In addition, only exact copies of the banned assault weapon models were banned; models without certain characteristics were still legal even though the rate of fire was the same. Finally, there was no prohibition against new, legal assault weapons being able to accept older, grandfathered large-capacity magazines. Hence, most new, legal models of assault rifles could use pre-ban large-capacity magazines. Given the above, the federal law was limited in its ability to affect firearm availability or crime.

Regarding state-level assault weapons bans, California was the first state to enact such a law in 1989. Several other states followed California's lead and enacted their own bans shortly thereafter (Connecticut, Hawaii and New Jersey), and then, in 1994, the federal ban was enacted. After the federal ban expired in 2004, all of the states that had bans prior to 1994 opted to continue with them.

Even though there have been numerous calls for assault weapons bans, both at the state and at the federal level, very little research has been conducted on the effects of these laws on mass shootings. Gius (2014), looking at data for the period 1980 to 2009, found that state-level assault weapons bans had no significant effects on gun-related murder rates, but that the federal assault weapons ban was associated with a 19% increase in gun-related murders. Chapman *et al.* (2006) examined the effects of Australia's 1996 gun law reforms on firearm-related homicides, including mass shootings, and found that, after enactment of the laws, there were declines in firearm-related homicides and suicides but no significant decrease in unintentional firearm deaths. It was also noted that there were 13 mass shooting incidents in Australia in the 18 years prior to the enactment of the stricter gun control measures but no mass shootings after passage of the

laws. Koper (2004) looked at trends and correlations and concluded that the federal assault weapons ban's effect on gun-related violence was minimal at best. Duwe *et al.* (2002) examined the effects of right-to-carry laws on mass shootings. Using data for the period 1977 to 1999, the authors employed both Poisson and negative binomial models and found that right-to-carry laws had no statistically-significant effects on mass shootings. Finally, Lott and Landes (2000) looked at mass shooting incidents also for the period 1977 to 1997 and found that states that enacted right-to-carry laws had fewer mass shootings than states that did not enact such laws.

The purpose of the present study is to determine the effects of the federal and state assault weapons bans on public mass shootings. Using a Poisson, fixed-effect model and data for the period 1982 to 2011, it was found that both state and federal assault weapons bans had statistically significant and negative effects on mass shooting fatalities but that only the federal assault weapons ban had a negative effect on mass shooting injuries. This study is one of the first studies that looks solely at the effects of assault weapons bans on public mass shootings. Most prior studies examined the effects of other types of gun control measures on mass shootings (Lott and Landes, 2000; Duwe *et al.*, 2002; Chapman *et al.*, 2006) or the effects of assault weapons bans on much broader categories of crime (Koper, 2004; Gius, 2014).

II. Empirical Technique and Data

In order to determine whether assault weapons bans have any effects on public mass shootings, the following equation is estimated in the present study:

$$\begin{aligned}
 Y = & \alpha_0 + \alpha_1 \text{ state assault weapons ban} \\
 & + \alpha_2 \text{ federal assault weapons ban} \\
 & + \alpha_3 \text{ control variables} \\
 & + \alpha_4 \text{ state fixed effects} \\
 & + \alpha_5 \text{ year fixed effects}
 \end{aligned} \tag{1}$$

where Y is the number of deaths or injuries due to mass shootings. Control variables include the following: percentage of population that is black; population density; percentage of population that has a 4-year college degree; per capita median income; annual unemployment rate; percentage of population that is aged 18–24;

percentage of population that is aged 25–34 and per capita prison population. The state assault weapons ban variable is expressed as a dummy variable that equals one if the state has an assault weapons ban and zero otherwise. The federal assault weapons ban dummy variable equals one for the years 1995–2004.

All data are state level and were collected for the years 1982–2011. Socio-economic data were obtained from the *Statistical Abstract of the United States* and other relevant Census Bureau documents. Information on state-level assault weapons bans were obtained from Ludwig and Cook (2003), the Legal Community against Violence, the National Rifle Association and the US Bureau of Alcohol, Tobacco, Firearms and Explosives.

Data on mass shootings were obtained from the Mother Jones website and the *Supplementary Homicide Reports*, US Department of Justice. According to this data, there were 57 public mass shooting incidents from 1982 to 2011. For the assault weapons ban period (which includes the federal ban years and the years when states that had their own assault weapons bans), there were 24 public mass shootings; for the nonban period, there were 33 incidents. The average number of fatalities per mass shooting during the assault ban period was 7.5; during the nonban period, the average number of fatalities was 8.6.

III. Results and Concluding Remarks

A Poisson, two-way fixed-effect model, controlling for both state-specific and year-specific effects, was

used to estimate the effects of state and federal assault weapons bans on public mass shootings. All observations were weighted by state population. Results are presented on Table 1.

These results indicate that fatalities due to mass shootings were lower during both the federal and state assault weapons ban periods. Although some prior research has shown either that assault weapons bans did not reduce crime or that they actually increased gun-related murder rates (Gius, 2014), the present study's focus on mass shootings shows the effectiveness of these gun control measures in reducing murders due to mass shootings. Regarding the injury regression, state-level assault weapons bans had no statistically-significant effects, but the federal ban had a significant and negative effect on mass shooting injuries.

It is important to note that these results are not unexpected. In 2012, for example, there were 72 fatalities due to mass public shootings. Of those 72, at least 30 were committed using a rifle. In the same year, there were 12 765 murders, of which only 322 were committed using a rifle. Rifles (assault weapons) are used much more frequently in mass shootings than they are in murders in general. Hence, any law that restricts access to rifles is likely to be much more effective in reducing mass shootings than it is in reducing murders in general.

Finally, it is important to note that mass shooting fatalities are a very small percentage of overall murders. Hence, even if a certain type of gun control measure was found to completely eliminate mass shootings (which assault weapons bans do not), the overall murder rate would decline by a very small

Table 1. Poisson fixed-effects regression results

Variable	Mass shooting deaths	Mass shooting injuries
State assault weapons ban	−0.59202 (−2.28)**	0.298 (1.16)
Federal assault weapons ban	−1.079 (−7.04)***	−1.733 (−10.10)***
Proportion of population that is black	65.66 (5.33)***	87.05 (6.20)***
Population density	−0.0177 (−2.73)***	−0.0542 (−7.18)***
Real per capita median income	0.000029 (0.48)	0.00021 (3.53)***
Proportion of population with college degree	1.66 (0.70)	−4.72 (−2.21)**
Unemployment rate	−0.0698 (−0.02)	−3.51 (−1.06)
Proportion of population >18 and <25	−55.21 (−5.94)***	−84.27 (−7.81)***
Proportion of population >24 and <35	−39.20 (−5.09)***	−20.59 (−2.65)***
Per capita prison population	−0.00362 (−4.62)***	−0.00067 (−0.85)
Log-likelihood	−1846.48	−2860.63

Notes: ** 1% < *p*-value < 5%; *** *p*-value < 1%.

Test statistics are in parentheses.

State and year fixed effects are not reported.

amount. Therefore, although the results of the present study indicate that assault weapons bans are effective in reducing mass shooting fatalities, their effects on the overall murder rate are probably minimal at best.

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Exhibit 6

BREAKING NEWS The F.B.I. raided the office of President Trump's personal lawyer, seizing records on many topics, including payments to Stormy Daniels 1:04 PM

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11.8

B. LARRY BUCHANAN, JOSH KELLER, RICHARD A. ORRIS, JR., and DANIEL VICTOR, *University of Texas at Dallas* 1000000 FEB 14 2004problems that did not prevent them from obtaining their weapons. [RELATED ARTICLE](#)

FEB 14 2018

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FEBRUARY 2017

Mr. Cruz legally bought the AR-15-style rifle at Sunrise Tactical Supply in Florida.

2017

Mr. Cruz was expelled from Marjory Stoneman Douglas High School for disciplinary reasons. He was described as a "troubled kid" who enjoyed showing off his firearms and bragged about killing animals.

JANUARY 2018

A person close to Mr. Cruz warned the F.B.I. that Mr. Cruz had the potential to conduct a school shooting and a "desire to kill people, erratic behavior, and disturbing social media posts." The F.B.I. said it failed to act on the tip.

FEB 14 2018

Mr. Cruz killed 17 people at Marjory Stoneman Douglas High School.



NDV 5, 2017

RELATED ARTICLES

2012

Mr. Kelley, who was in the Air Force, was convicted of assaulting his wife and breaking his infant stepson's skull. An airman first class, he was

2014

Mr. Kelley received a "bad conduct" discharge.

2016 - 2017

Mr. Kelley purchased two firearms — one in 2016 and one in 2017 — from two Academy Sports & Outdoors stores in San

NOV. 5, 2017

Twenty-six people were killed and at least 20 more were wounded at the church shooting in Sutherland Springs. Mr. Kelley was later found dead in his

NOV 8 2017

The Air Force admitted that it had failed to enter Mr. Kelley's domestic violence conviction into federal databases, which could have blocked him from

sentenced to 12 months' confinement and a reduction to the lowest possible rank, E-1.

from the Air Force.

Antonio. He passed a federal background check in both cases, according to a statement released by the store.

vehicle. The police recovered two additional handguns from the car.

buying the rifle he used in the massacre.



OCT. 1, 2017

Fifty-eight people were killed and more than 500 were wounded when Stephen Paddock, from a perch high in a hotel, opened fire onto a crowd of concertgoers at an outdoor music festival in Las Vegas. Authorities recovered an arsenal of weapons — at least 23 from his hotel room — including AR-15-style rifles.

RELATED ARTICLE

SINCE 1982

Mr. Paddock started buying firearms in 1982, said Jill Snyder, a special agent in charge at the Bureau of Alcohol, Tobacco, Firearms and Explosives.

WITHIN A YEAR OF THE SHOOTING

Mr. Paddock legally purchased 33 firearms from Oct. 2016 to Sept. 2017, Ms. Snyder said. Most of those guns were rifles. Such purchases do not prompt reports to the bureau because there is no federal law requiring a seller to alert the bureau when a person buys multiple rifles.

OCT. 1

Fifty-eight people were killed when Mr. Paddock fired onto the crowd of more than 22,000 from his hotel room at the Mandalay Bay Resort and Casino in Las Vegas. He used at least one semiautomatic rifle modified to fire like an automatic weapon by attaching a "bump stock," not shown above.

AFTER THE SHOOTING

Authorities retrieved 47 guns from the hotel room and Mr. Paddock's homes in Mesquite and Verdi, Nev. The bureau found Mr. Paddock purchased most of the guns in Nevada, Utah, California and Texas. Twelve of the rifles recovered from the hotel were each outfitted with a bump stock.



JUNE 12, 2016

Forty-nine people were killed and 53 wounded when Omar Mateen opened fire at a crowded gay nightclub in Orlando, Fla. He used two guns: a Sig Sauer AR-15-style assault rifle and a Glock handgun.

RELATED ARTICLE



2013

The F.B.I. learned that Mr. Mateen had made comments to co-workers alleging possible terrorist ties, an official said. The next year, the F.B.I. investigated him again for possible ties to an American who went to Syria to fight for an extremist group, but authorities concluded that he "did not constitute a substantive threat at that time."

A FEW DAYS BEFORE THE SHOOTING

Mr. Mateen legally bought two guns, a federal official said. "He is not a prohibited person, so he can legally walk into a gun dealership and acquire and purchase firearms," said Trevor Velinor, an agent at the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JUNE 12, 2016

Forty-nine people were killed and 53 more were wounded in the crowded nightclub. Mr. Mateen was killed inside the club by the police.



DEC. 2, 2015

Syed Rizwan Farook and Tashfeen Malik, husband and wife, killed 14 people at a holiday office party in San Bernardino, Calif. Four guns were recovered: a Smith & Wesson M&P assault rifle, a DPMS Panther Arms assault rifle, a Smith & Wesson handgun and a Llama handgun.

RELATED ARTICLE



BEFORE THE SHOOTING

"We believe that both subjects were radicalized and for quite some time," said David Bowdich, the F.B.I. assistant director. The attackers are not known to have had previous contact with law enforcement.

BETWEEN 2007 AND 2013

Mr. Farook **bought the two handguns legally** in California, federal officials said. The guns were purchased at Annie's Get Your Gun, a gun store in Corona, Calif., The Los Angeles Times reported.

BETWEEN 2007 AND 2013

Enrique Marquez, a former neighbor of Mr. Farook's family, bought the two assault rifles in California, officials said. Mr. Marquez was later charged with lying about the rifle purchases and supplying the assault weapons to the attackers.

DEC. 2, 2015

The couple killed 14 people at a holiday party. Moments before the attack began, Ms. Malik posted an oath of allegiance to the Islamic State on Facebook.



OCT. 1, 2015

Christopher Harper-Mercer, 26, killed nine people at Umpqua Community College in Oregon, where he was a student. He was armed with six guns, including a Glock pistol, a Smith & Wesson pistol, a Taurus pistol and a Del-Ton assault rifle, according to The Associated Press.

RELATED ARTICLE

2008

Mr. Harper-Mercer was in the Army for one month, but was discharged before completing basic training.

2009

He graduated from the Switzer Learning Center in Torrance, Calif., which teaches students with learning disabilities and emotional issues.

BEFORE SHOOTING

In all, Mr. Harper-Mercer owned 14 firearms, **all of which were bought legally through a federally licensed firearms dealer**, a federal official said. Some were bought by Mr. Harper-Mercer, and some by members of his family.

OCT. 1, 2015

He killed nine people in Roseburg, Ore.

AUG. 26, 2015

Vester Lee Flanagan II, 41, shot and killed a Roanoke, Va., television reporter and a cameraman with a Glock handgun while they were reporting a story live.

RELATED ARTICLE



2000

Mr. Flanagan filed a lawsuit against a TV station in Tallahassee, Fla., that had fired him. *Afterward he was the victim of*

2012

He was hired at WDBJ in Roanoke, but within months his bosses had documented problems with his harsh language.

JUNE 2015

Federal officials said Mr. Flanagan **bought the gun legally from a licensed dealer**. He had *not been convicted of a crime or*

AUG. 26, 2015

Mr. Flanagan killed the reporter and cameraman, injured a woman who was being interviewed and died after shooting himself.

then, bringing the two into contact in racial slurs and bullying.

associated with the racist language and aggressive behavior. He was later fired and filed another harassment lawsuit.

His much later arrest in a shooting is determined to be mentally ill.

SHOOTING, FIFTEEN.

JULY 23, 2015

Using a .40-caliber semiautomatic pistol bought from a pawnshop, John R. Houser killed two people and wounded nine others at a movie theater in Lafayette, La.

RELATED ARTICLE



2006

Mr. Houser was denied a state-issued concealed weapons permit because he was accused of domestic violence and soliciting arson.

2008

A judge ordered him sent to a psychiatric hospital.

2014

Mr. Houser bought the weapon in Alabama. Officials said it had been purchased legally, though he had been denied a concealed weapons permit earlier, and despite concerns among family members that he was violent and mentally ill.

JULY 23, 2015

He killed two people in Lafayette.

JUNE 17, 2015

Dylann Roof, 21, killed nine people with a .45-caliber Glock pistol at a historic black church in Charleston, S.C.

RELATED ARTICLE



FEBRUARY 2015

Mr. Roof was charged with a misdemeanor for possessing Suboxone, a prescription drug frequently sold in illegal street transactions.

APRIL 2015

He purchased a gun from a store in West Columbia, S.C. Mr. Roof should have been barred from buying a gun because he had admitted to possessing drugs, but the F.B.I. examiner conducting the required background check failed to obtain the police report from the February incident.

JUNE 17, 2015

Mr. Roof joined a Bible study group at Emanuel A.M.E. Church and opened fire with the gun he bought in April.

OCT. 24, 2014

Jaylen Ray Fryberg, 15, used his father's Beretta pistol to shoot and kill four students in his high school's cafeteria in Marysville, Wash.

RELATED ARTICLE



2002

Raymond Leo Fryberg Jr., Jaylen's father, was the subject of a permanent domestic violence protection order, which should have been entered into the federal criminal background database.

2013

Mr. Fryberg applied to buy the Beretta from a gun shop on the Indian reservation where he lived with Jaylen. A background check failed to come up with the protection order because it was never entered into the system.

OCT. 24, 2014

Jaylen Fryberg lured five of his fellow students to come to the cafeteria, where he opened fire.

APRIL 2, 2014

Specialist Ivan Antonio Lopez opened fire at Fort Hood with a Smith & Wesson semiautomatic pistol, killing three people and wounding 16 others.

RELATED ARTICLE



2011

Specialist Lopez came back from a four-month deployment to Iraq and told his superiors that he had suffered a traumatic head injury there. Military officials said he had never seen combat and was being evaluated for possible post-traumatic stress disorder.

MARCH 2014

Specialist Lopez had seen a military psychiatrist as recently as the month before the shooting. He was being treated for depression and anxiety, and had been prescribed Ambien to help him sleep.

MARCH 1, 2014

Mr. Lopez **legally bought his gun** at the same shop where Nidal Malik Hasan, an Army major, had bought at least one of the weapons used in a 2009 mass shooting on the base that killed 13 people.

APRIL 2, 2014

Around 4 p.m., Mr. Lopez started firing on soldiers.



SEPT. 16, 2013

Aaron Alexis, 34, used a Remington shotgun to kill 12 people at the Washington Navy Yard.

RELATED ARTICLE

2011

Mr. Alexis was given an honorable discharge after showing what Navy officials called a "pattern of misbehavior" during four years as a reservist.

A MONTH BEFORE THE SHOOTING

He twice sought treatment from the Department of Veterans Affairs for psychiatric issues. He told police in Rhode Island that people were pursuing him and sending vibrations through the walls of his hotel.

SEPT. 2013

He was stopped from buying an assault rifle at a Virginia gun store, **but was allowed to buy a shotgun. He passed local and state background checks.**

SEPT. 16, 2013

He killed 12 people at the Navy Yard.

DEC. 14, 2012

Adam Lanza, 20, shot and killed his mother in their home, then killed 26 people, mostly children, at Sandy Hook Elementary School in Newtown, Conn., using a Bushmaster XM-15 rifle and a .22-caliber Savage Mark II rifle.

RELATED ARTICLE



2009

Mr. Lanza graduated from high school. Some classmates said he had been bullied in high school. He struggled with a developmental disorder and was described as acutely shy, not known to have close friends.

AFTER HIGH SCHOOL

He was "completely untreated in the years before the shooting" for psychiatric and physical ailments like anxiety and obsessive-compulsive disorder, a state report found.

BEFORE THE SHOOTING

His mother, Nancy Lanza, a gun enthusiast, **legally obtained and registered a large collection of weapons** and would often take her sons to shooting ranges.

DEC. 14, 2012

Mr. Lanza used his mother's guns to kill her and 26 others.

AUG. 6, 2012

Wade M. Page, 40, killed six people with a Springfield Armory semiautomatic handgun when he opened fire in the lobby of a Sikh temple in Oak Creek, Wis., as congregants arrived for Sunday



services.

RELATED ARTICLE



1994

While in the Army at Fort Bliss in El Paso, Tex., Mr. Page was charged with criminal mischief after kicking holes in the wall of a bar. He pleaded guilty.

LATELY 2000S

He came to the attention of authorities because of his affiliation with a white-power band called End Apathy, which performed songs with violent lyrics.

JULY 2012

He bought the firearm legally at a gun shop outside Milwaukee. He passed a background check and paid \$650 in cash.

AUG. 5, 2012

He killed six people and wounded three others at the temple.



JULY 20, 2012

James E. Holmes, 24, killed 12 people and wounded 70 at a theater in Aurora, Colo., using a Smith & Wesson semiautomatic rifle, a Remington shotgun and a Glock .40-caliber semiautomatic pistol.

RELATED ARTICLE



MARCH 2012

Over four months, Mr. Holmes legally bought more than 3,000 rounds of ammunition for handguns, 3,000 rounds for a semiautomatic rifle and 350 shells for a 12-gauge shotgun, all over the Internet.

MAY 2012

He was seeing a psychiatrist and in the process of withdrawing from a graduate program at the University of Colorado Denver's Anschutz Medical Campus.

MAY 2012

In the 60 days before the shooting, he bought four guns legally at local gun shops. Seeing a psychiatrist, even for a serious mental illness, would not disqualify him from buying a gun.

JULY 20, 2012

He opened fire in the theater, killing 12 people.

APRIL 2, 2012

One L. Goh, 43, opened fire with a semiautomatic handgun at a small religious college in Oakland, Calif., where he had been a student. He killed seven people.

RELATED ARTICLE



BEFORE SHOOTING

"He was a loner and what some might call a loser, but he didn't exhibit any behaviors that would have alerted anyone," a district attorney told reporters after the shooting, according to CNN.

EARLY 2013

Mr. Goh legally bought the handgun at a gun store in Castro Valley, Calif., passing a federal background check.

APRIL 2, 2012

He killed seven people at Oikos University in Oakland.

JAN. 2013

A judge ruled he was not fit for trial after two psychiatric evaluations concluded that he had paranoid schizophrenia.

JAN. 8, 2011

Jared L. Loughner, 22, killed six people with a Glock handgun in a supermarket parking lot in Tucson, Ariz., at an event for Gabrielle Giffords, who was a Democratic representative from Arizona.

RELATED ARTICLE



2007

Mr. Loughner was arrested for possession of drug paraphernalia, but the charges were dropped. The next year, he failed a drug test when trying to enlist in the Army. Neither incident barred him from buying a gun.

OCT. 2010

He was forced to withdraw from community college because of campus officials' fears about the safety of the staff and students, his parents later said. The incident would not have shown up on a background check.

NOV. 30, 2010

He **passed a background check** and bought the handgun at a store in Tucson, Ariz.

JAN. 8, 2011

He killed six people in Tucson.

NOV. 5, 2009

Maj. Nidal Malik Hasan, 39, an Army psychiatrist facing deployment to Afghanistan, opened fire inside a medical processing building at Fort Hood in central Texas, killing 13 people and wounding 43 others. He was armed with an FN Herstal pistol.

RELATED ARTICLE



DEC. 2008-JUNE 2009

Intelligence agencies intercepted 10 to 20 messages between Mr. Hasan and Anwar al-Awlaki, a radical cleric in Yemen known for his incendiary anti-American teachings.

JUNE 2009

Federal authorities dropped an inquiry about the messages after deciding that they did not suggest any threat of violence.

JULY 31, 2009

Mr. Hasan **bought the pistol legally** at a popular weapons store in Killeen, Tex., paying more than \$1,100.

NOV. 5, 2009

He shot and killed 13 people at Fort Hood.

APRIL 3, 2009

Jiverly Wong, 41, fired at least 98 shots from two handguns, a Beretta 92 FS 9-millimeter pistol and a Beretta PX4 Storm pistol, inside a civic association in Binghamton, N.Y., where he had taken an English class. He killed 13 former classmates and association employees.

RELATED ARTICLE



BEFORE THE SHOOTING

Mr. Wong had been arrested, cited or had some minor contact with the police at least five times since 1990, but details about the cases remain unclear. At the time of the shootings, he was not a subject in any investigation, nor did he have a documented mental health issue.

MARCH 2008

Mr. Wong bought the first gun, the Beretta 92, at a store in Johnson City, N.Y. **He passed a background check.**

MARCH 2009

Mr. Wong bought the second gun from the same store, but his background check was not approved immediately. **He received the gun under a federal rule that allows a gun to be sold if the background check system does not return a decision in three business days.**

APRIL 3, 2009

He killed 13 people in Binghamton.





 MOVERS

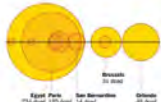
Orlando Shooting



Why the Orlando Shooting Was So Deadly



What Happened Inside the Orlando Nightclub



How Many People Have Been Killed in ISIS Attacks Around the World



ISIS in America June 12, 2016

Orlando Gunman Was 'Cool and Calm' After Massacre...

The Orlando police chief offered new details on the worst shooting in United States history, and other officials said that all but one of...

Exhibit 7

Mother Jones

More Guns, More Mass Shootings—Coincidence?

The unthinkable massacre in Connecticut adds to what is now the worst year of mass shootings in modern US history.

By [Mark Follman](#) | Wed Sep. 26, 2012 6:00 AM EDT

In the fierce debate that always follows the latest mass shooting, it's an argument you hear frequently from gun rights promoters: If only more people were armed, there would be a better chance of stopping these terrible events. This has plausibility problems—what are the odds that, say, a moviegoer with a pack of Twizzlers in one pocket and a Glock in the other would be mentally prepared, properly positioned, and skilled enough to take out a body-armored assailant in a smoke- and panic-filled theater? But whether you believe that would happen is ultimately a matter of theory and speculation. Instead, let's look at some facts gathered in a five-month investigation by *Mother Jones*.

In the wake of the massacres this year at a Colorado movie theater, a Sikh temple in Wisconsin, and Sandy Hook Elementary School in Connecticut, we set out to track mass shootings in the United States over the last 30 years. [We identified and analyzed 62 of them](#) [1], and one striking pattern in the data is this: In not a single case was the killing stopped by a civilian using a gun. And in other recent (but less lethal) rampages in which armed civilians attempted to intervene, those civilians not only failed to stop the shooter but also were gravely wounded or killed. Moreover, we found that the rate of mass shootings has increased in recent years—at a time when America has been flooded with millions of additional firearms and a barrage of new laws has made it easier than ever to carry them in public places, including bars, parks, and schools.

America has long been heavily armed relative to other societies, and our arsenal keeps growing. A precise count isn't possible because most guns in the United States aren't registered and the government has scant ability to track them, thanks to a legislative landscape shaped by powerful pro-gun groups such as the National Rifle Association. But through a combination of national surveys and manufacturing and sales data, we know that the increase in firearms has far outpaced population growth. In 1995 there were an estimated 200 million guns in private hands. Today, there are around 300 million—about a 50 percent jump. The US population, now over 314 million, grew by about 20 percent in that period. At this rate, there will be a gun for every man, woman, and child before the decade ends.

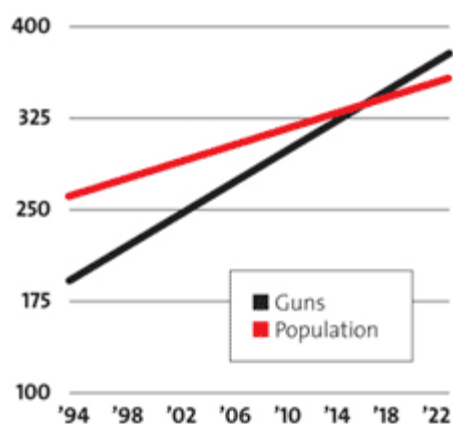


[1]

[MoJo's map, timeline, and analysis of 30 years of mass shootings in America.](#)

[1]

Number of civilian firearms vs. US population (millions)



Mother Jones

There is no evidence indicating that arming Americans further will help prevent mass shootings or reduce the carnage, says Dr. Stephen Hargarten, a leading expert on emergency medicine and gun violence at the Medical College of Wisconsin. To the contrary, there appears to be a relationship between the proliferation of firearms and a rise in mass shootings: By our count, there have been two per year on average since 1982. Yet, 25 of the 62 cases we examined have occurred since 2006. In 2012 alone [there have been seven mass shootings](#) [2], and a record number of casualties, with more than 140 people injured and killed.

Armed civilians attempting to intervene are actually more likely to increase the bloodshed, says Hargarten, "given that civilian shooters are less likely to hit their targets than police in these circumstances." A chaotic scene in August at the Empire State Building put this starkly into perspective when New York City police officers [trained in counterterrorism](#) [3] confronted a gunman and [wounded nine innocent bystanders in the process](#) [4].

Surveys suggest America's guns may be concentrated in fewer hands today: Approximately 40 percent of households had them in the past decade, versus about 50 percent in the 1980s. But far more relevant is a recent barrage of laws that have rolled back gun restrictions throughout the country. In the past four years, across 37 states, the NRA and its political allies have pushed through [99 laws making guns easier to own, carry, and conceal from the government](#) [5].

Among the more striking measures: Eight states now allow firearms in bars. Law-abiding Missourians can carry a gun while intoxicated and even fire it if "acting in self-defense." In Kansas, permit holders can carry concealed weapons inside K-12 schools, and Louisiana allows them in houses of worship. Virginia not only repealed a law requiring handgun vendors to submit sales records, but the state also ordered the destruction of all such previous records. More than two-thirds of these laws were passed by Republican-controlled statehouses, though often with bipartisan support.

The laws have caused dramatic changes, including in the two states hit with the recent carnage. Colorado passed its concealed-carry measure in 2003, issuing 9,522 permits that year; by the end of last year the state had handed out a total of just under 120,000, according to data we obtained from the County Sheriffs of Colorado. In March of this year, the Colorado Supreme Court ruled that concealed weapons are legal on the state's college campuses. (It is now [the fifth state explicitly allowing them](#) [6].) If former neuroscience student James Holmes were still attending the University of Colorado today,

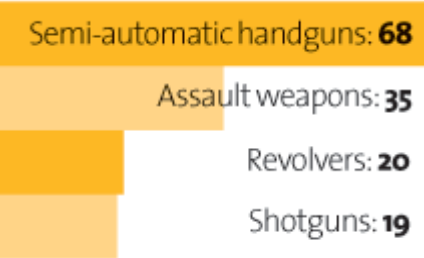


[The NRA surge: 99 recent laws rolling back gun regulations in 37 states.](#) [5]

the movie theater killer—who had no criminal history and obtained his weapons legally—could've gotten a permit to tote his pair of .40 caliber Glocks straight into the student union. Wisconsin's concealed-carry law went into effect just nine months before the Sikh temple shooting in suburban Milwaukee this August. During that time, the state issued a whopping 122,506 permits, according to data from Wisconsin's Department of Justice. The new law authorizes guns on college campuses, as well as in bars, state parks, and some government buildings.

And we're on our way to a situation where the most lax state permitting rules—say, Virginia's, where an online course now qualifies for firearms safety training and has drawn [a flood of out-of-state applicants](#) [7]—are in effect national law. Eighty percent of states now recognize handgun permits from at least some other states. And gun rights activists are pushing hard for [a federal reciprocity bill](#) [8]—passed in the House late last year, with GOP vice presidential candidate Paul Ryan among its most ardent supporters—that would essentially make any state's permits valid nationwide.

Guns possessed by mass shooters*



*Includes multiple weapons. Assault weapons include machine pistols.

How killers got their guns



Mother Jones

Indeed, the country's vast arsenal of handguns—at least 118 million of them as of 2010—is increasingly mobile, with 69 of the 99 new state laws making them easier to carry. A decade ago, seven states and the District of Columbia still prohibited concealed handguns; today, it's down to just Illinois and DC. (And Illinois recently [passed an exception](#) [9] cracking the door open to carrying). In the 62 mass shootings we analyzed, 54 of the killers had handguns—including in all 15 of the mass shootings since the surge of pro-gun laws began in 2009.

In a certain sense the law was on their side: nearly 80 percent of the killers in our investigation obtained their weapons legally.

We used a conservative set of criteria to build a comprehensive rundown of high-profile attacks in public places—at schools, workplaces, government buildings, shopping malls—though they represent only a small fraction of the nation's overall gun violence. The FBI [defines a mass murderer](#) [10] as someone who kills four or more people in a single incident, usually in one location. (As opposed to spree or serial killers, who strike multiple times.) We excluded cases involving armed robberies or gang violence; dropping the number of fatalities by just one, or including those motives, would add [many](#) [11], [many](#) [12] [more](#) [13] [cases](#) [14]. ([More about our criteria here](#) [15].)

There was one case in our data set in which an armed civilian played a role. Back in 1982, a man opened fire at a welding shop in Miami, killing eight and wounding three others before fleeing on a bicycle. A civilian who worked nearby pursued the assailant in a car, shooting and killing him a few blocks away (in addition to ramming him with the car). Florida authorities, led by then-state attorney Janet Reno, concluded that the vigilante had used force justifiably, and speculated that he may have prevented additional killings. But even if we were to count that case as a successful

armed intervention by a civilian, it would account for just 1.6 percent of the mass shootings in the last 30 years.

More broadly, attempts by armed civilians to stop shooting rampages are rare—and successful ones even rarer. There were two school shootings in the late 1990s, in Mississippi and Pennsylvania, in which bystanders with guns ultimately subdued the teen perpetrators, but in both cases it was after the shooting had subsided. Other cases led to tragic results. In 2005, as a rampage unfolded inside a shopping mall in Tacoma, Washington, a civilian named Brendan McKown confronted the assailant with a licensed handgun he was carrying. The assailant pumped several bullets into McKown and wounded six people before eventually surrendering to police after a hostage standoff. (A comatose McKown eventually recovered after weeks in the hospital.) In Tyler, Texas, that same year, a civilian named Mark Wilson fired his licensed handgun at a man on a rampage at the county courthouse. Wilson—who was a firearms instructor—was shot dead by the body-armored assailant, who wielded an AK-47. (None of these cases were included in our mass shootings data set because fewer than four victims died in each.)

Appeals to heroism on this subject abound. So does misleading information. Gun rights die-hards [frequently](#) [16] [credit](#) [17] the end of a rampage in 2002 at the Appalachian School of Law in Virginia to armed "students" who intervened—while failing to disclose that those students [were also current and former law enforcement officers](#) [18], and that the killer, according to police investigators, was out of bullets by the time they got to him. It's one of several cases commonly cited as examples of ordinary folks with guns stopping massacres [that do not stand up to scrutiny](#) [19].

How do law enforcement authorities view armed civilians getting involved? One week after the slaughter at the *Dark Knight* screening in July, the city of Houston—hardly a hotbed of gun control—released a new Department of Homeland Security-funded video [instructing the public on how to react to such events](#) [20]. The six-minute production foremost advises running away or otherwise hiding, and suggests fighting back only as a last resort. It makes no mention of civilians using firearms.

Law enforcement officials are the first to say that civilians should not be allowed to obtain particularly lethal weaponry, such as the AR-15 assault rifle and ultra-high-capacity, drum-style magazine used by Holmes to mow down Batman fans. The expiration of the Federal Assault Weapons Ban [under President George W. Bush in 2004](#) [22] has not helped that cause: Seven killers since then have [wielded assault weapons in mass shootings](#) [1].



Screen shot: City of Houston video on mass shooters.

But while access to weapons is a crucial consideration for stemming the violence, stricter gun laws are no silver bullet. Another key factor is mental illness. A major [New York Times](#) [23] [investigation](#) [23] in 2000 examined 100 shooting

rampages and found that at least half of the killers showed signs of serious mental health problems. Our own data reveals that the majority of mass shootings are murder-suicides: In the 62 cases we analyzed, 36 of the shooters killed themselves. Others may have committed "suicide by cop"—seven died in police shootouts. Still others simply waited, as Holmes did in the movie theater parking lot, to be apprehended by authorities.



Drum-style magazine for assault rifles Brownells.com [24]
foremost experts to stop it.

Mental illness among the killers is no surprise, ranging from paranoid schizophrenia to suicidal depression. But while some states have improved their sharing of mental health records with federal authorities, millions of records reportedly are [still missing from the FBI's database for criminal background checks](#) [25].

Hargarten of the Medical College of Wisconsin argues that mass shootings need to be scrutinized as a public health emergency so that policy makers can better focus on controlling the epidemic of violence. It would be no different than if there were an outbreak of Ebola virus, he says—we'd be assembling the nation's

But real progress will require [transcending hardened politics](#) [26]. For decades gun rights promoters have framed measures aimed at public safety—background checks, waiting periods for purchases, tracking of firearms—as dire attacks on constitutional freedom. They've wielded the gun issue so successfully as a political weapon that [Democrats hardly dare to touch it](#) [27], while Republicans have gone to [new extremes in their party platform](#) [28] to enshrine gun rights. Political leaders have failed to advance the discussion "in a credible, thoughtful, evidence-driven way," says Hargarten.

In the meantime, the gun violence in malls and schools and [religious venues](#) [12] continues apace. As a superintendent told his community in suburban Cleveland this February, after a shooter at Chardon High School [snuffed out the lives of three students and injured three others](#) [29], "We're not just any old place, Chardon. This is every place. As you've seen in the past, this can happen anywhere."

Additional research contributed by Deanna Pan and Gavin Aronsen.

Source URL: <http://www.motherjones.com/politics/2012/09/mass-shootings-investigation>

Links:

- [1] <http://www.motherjones.com/politics/2012/07/mass-shootings-map>
- [2] <http://www.motherjones.com/politics/2012/07/mass-shootings-map?page=2>
- [3] <http://www.cnn.com/2012/08/27/us/new-york-empire-state-building-shooting/index.html>
- [4] <http://www.nytimes.com/2012/08/26/nyregion/bystanders-shooting-wounds-caused-by-the-police.html>
- [5] <http://www.motherjones.com/politics/2012/09/map-gun-laws-2009-2012>

- [6] <http://www.nytimes.com/2012/09/23/education/guns-on-campus-at-university-of-colorado-causes-unease.html?pagewanted=all>
- [7] <http://www.foxnews.com/us/2012/09/03/online-classes-make-it-easy-for-non-virginia-gun-owners-to-get-permits/>
- [8] <http://www.motherjones.com/politics/2011/11/concealed-guns-laws>
- [9] <http://smartgunlaws.org/recent-developments-in-state-law-2009-2010/>
- [10] <http://www.fbi.gov/stats-services/publications/serial-murder/serial-murder-1#two>
- [11] <http://www.foxnews.com/story/0,2933,537004,00.html>
- [12] <http://www.motherjones.com/politics/2012/07/mass-shooting-survivor>
- [13] <http://www.nytimes.com/2010/01/21/us/21virginia.html>
- [14] <http://www.jsonline.com/news/crime/multiple-victims-shot-near-brookfield-square-le7a3b4-175147441.html>
- [15] <http://www.motherjones.com/mojo/2012/08/what-is-a-mass-shooting>
- [16] <http://johnrlott.tripod.com/postsbyday/7-4-03.html>
- [17] <http://dailyanarchist.com/2012/07/31/auditing-shooting-rampage-statistics/>
- [18] <http://www.cse.unsw.edu.au/%7Elambert/guns/appalachian/nd/tackle/gun/use/index.html>
- [19] <http://www.motherjones.com/politics/2012/12/armed-civilians-do-not-stop-mass-shootings>
- [20] <http://www.tylerpaper.com/article/20120729/NEWS01/120729768/0/FEATURES09>
- [21] <http://www.youtube.com/watch?v=5VcSwejU2D0&feature=youtu.be>
- [22] http://www.usatoday.com/news/washington/2004-09-12-weapons-ban_x.htm
- [23] <http://www.nytimes.com/2000/04/09/us/they-threaten-seethe-and-unhinge-then-kill-in-quantity.html?pagewanted=all&src=pm>
- [24] <http://www.brownells.com/.aspx/pid=23282/Product/AR-15-M16-90-ROUNDER-reg-MAGAZINE>
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- [29] <http://www.nytimes.com/2012/02/29/us/ohio-school-shooting-suspect-confesses-prosecutor-says.html?pagewanted=all>

Exhibit 8

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CIVIL DIVISION

CERTIFIED COPY

JAMES MILLER, et al.,) Case No. 19-cv-1537-BEN-JLB
Plaintiffs,)
vs.)
CALIFORNIA ATTORNEY GENERAL)
XAVIER BECERRA, et al.,)
Defendants.)

VIDEOCONFERENCE DEPOSITION OF ROBERT MARGULIES, M.D.
RICHLAND, WASHINGTON
FRIDAY, DECEMBER 18, 2020

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FILE NO.: AE08A7C

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CIVIL DIVISION

JAMES MILLER, et al.,) Case No. 19-cv-1537-BEN-JLB
) Plaintiffs,)
) vs.)
CALIFORNIA ATTORNEY GENERAL)
XAVIER BECERRA, et al.,)
) Defendants.)
_____)

Videoconference Deposition of ROBERT
MARGULIES, M.D., taken on behalf of the Defendants, in
Richland, Washington, commencing at 10:00 a.m., Friday,
December 18, 2020, before Mary M. Foley, CCR No. 3316.

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INDEX

WITNESS: ROBERT MARGULIES, M.D.

EXAMINATION	PAGE
Examination by Mr. Chang	8
Examination by Mr. Lee	131

EXHIBITS:

NUMBER	DESCRIPTION	REFERENCED
Defendant's Exhibit D-A	Gunshot Wounds Third Edition - Excerpt (retained)	58

1	THE WITNESS: In most cases, determining what	10:42
2	caused the wound would fall into one of two very, very	10:42
3	broad categories. One of those would be what we would	10:42
4	refer to as low-velocity or high-velocity injuries.	10:42
5	The exact cause of those two injuries can only be	10:42
6	determined by obtaining the ammunition that was used.	10:42
7	To be perhaps more clearly stated, looking at	10:42
8	a gunshot wound, one is able to determine during the	10:43
9	treatment of that wound that it was either, relatively	10:43
10	speaking, a low-velocity or a high-velocity injury.	10:43
11	You couldn't tell the difference between a nine	10:43
12	millimeter and a .45 ACP injury just from looking at	10:43
13	the injury; you couldn't tell the difference between a	10:43
14	5.56x45 or a 7.62x39 simply looking at the injury. You	10:43
15	could determine that one came from a higher velocity	10:43
16	cartridge than from a lower velocity cartridge.	10:43
17	Q (By Mr. Chang) And what -- what is a	10:44
18	high-velocity cartridge?	10:44
19	A Generally someplace in excess of 700 meters	10:44
20	per second.	10:44
21	Q And that would include the 5.56 and 7.62	10:44
22	cartridges that you mentioned?	10:44
23	A Yes, it would.	10:44
24	Q And the low-velocity cartridges, what are	10:44
25	those?	10:44

1 And even then, our own history with black 11:56
2 powder rifles, we had a .45-50, .45-70, a .45-90 and a 11:56
3 .45-110. And as you increase the cartridge size, you 11:57
4 increase the powder, you increase the velocity and the 11:57
5 energy tremendously. 11:57

6 Q Okay. So -- 11:57

7 A So we go back. What is meant by a full-power 11:57
8 rifle cartridge? One that has been commonly accepted 11:57
9 in military, police and ballistic circles as producing 11:57
10 something in the order of greater than 1,800 to 2,000 11:57
11 foot pounds of energy. 11:57

12 And you can get way past that. I mean, you 11:57
13 get up to 3,500, and you start getting into some of the 11:57
14 big double rifles, you'll get two and a half tons of 11:57
15 muzzle energy. Makes the BMG look like a toy. 11:57

16 So the definition is who's using it. Is it 11:57
17 in a military context, the hunting context or general 11:58
18 ballistics discussions? 11:58

19 Q What do you think Dr. DiMaio -- 11:58

20 A In the matter of the -- I'm sorry? 11:58

21 Q I was going to say what do you think -- how 11:58
22 do you think Dr. DiMaio used it in this -- 11:58

23 A Oh, he said so. The intermediate cartridges 11:58
24 used in assault rifles possess significantly less 11:58
25 kinetic energy than traditional military cartridges, as 11:58

1	well as rifle cartridges designed for hunting.	11:58
2	Therefore, an intermediate rifle cartridge can't	11:58
3	produce -- I'm modifying that, but it can't produce a	11:58
4	more severe injury than a full-power cartridge which	11:58
5	has been designed and accepted for military and hunting	11:58
6	and long-range shooting purposes. Long-range precision	11:58
7	shooting has become a major thing in the world today.	11:59
8	Q (Inaudible).	11:59
9	A I'm sorry?	11:59
10	THE REPORTER: I didn't --	11:59
11	Q (By Mr. Chang) What does the term -- did	11:59
12	this paragraph -- you referenced this term. This	11:59
13	paragraph uses the term "traditional military	11:59
14	cartridges". What does that refer to?	11:59
15	A Traditional military cartridges -- it depends	11:59
16	on how far back you want to go. But let's	11:59
17	start with -- would World War II be acceptable?	11:59
18	Q Well, what do you think Dr. DiMaio meant when	11:59
19	he used that term here? What is your understanding of	11:59
20	the term in the context of your declaration?	11:59
21	A Traditional military cartridges in the	11:59
22	context of what Dr. DiMaio wrote are .308, 7.62x51.	11:59
23	That's the U.S. hunting designation .308; 7.62x51 is	12:00
24	the standard NATO definition. And that and up.	12:00
25	Q What about the .223 or 5.56?	12:00

1 quotation marks for "assault rifle". Dr. DiMaio does 12:17
2 not believe that intermediate-caliber semiautomatic 12:17
3 firearms are assault rifles. His definition includes 12:17
4 full automatic fire and firing an intermediate rifle 12:17
5 cartridge. That goes back to where we were when I gave 12:17
6 you a military and police and ballistics definition of, 12:17
7 quote, an assault rifle. 12:18

8 The history is that it started out as a 12:18
9 pistol caliber, and we then threw in a couple of 12:18
10 intermediate-caliber cartridges using full automatic 12:18
11 capability. It's not an assault rifle if it doesn't 12:18
12 have full automatic capability. 12:18

13 Q I think my -- 12:18

14 A That's standard agreement. I understand that 12:18
15 California has defined it differently. I'm -- I'm not 12:18
16 a lawyer to debate California's law. I'm simply trying 12:18
17 to consistently make it clear that the term "assault 12:18
18 rifle" has some components that are not included in 12:18
19 standard civilian firearms. 12:19

20 The cosmesis of a firearm, whether it has a 12:19
21 flash suppressor or whether it has a forward grip or a 12:19
22 pistol grip or a detachable magazine or whatever, makes 12:19
23 no difference. A 5.56/.223 fired from a bolt-action 12:19
24 rifle -- one of which I own. It's an old wood stocked, 12:19
25 bolt-action .223. That -- that cartridge-bullet 12:19

1 combination is going to produce the same energy, and 12:19
2 therefore the same wounding potential, if the point of 12:19
3 impact is the same, at the same distance as if it came 12:19
4 from, quote -- quote -- an assault rifle, close quotes. 12:20

5 We have .308 bolt action, we have .308 AR 12:20
6 platform type. My 6.5 is an AR platform. What it 12:20
7 looks like makes no difference compared in terms of 12:20
8 what the projectile is going to do from a similar 12:20
9 powder charge, a similar barrel length, a similar 12:20
10 distance and a similar point of impact in the target. 12:20

11 Q But Dr. Margulies, my question is actually 12:20
12 much narrower. What I was asking is -- you know, here 12:20
13 we're talking about -- here Dr. DiMaio has -- in this 12:20
14 paragraph, he talks about what he thinks is -- you 12:20
15 know, disagree with me, if you would like. But this 12:20
16 paragraph, it seems like he's providing his 12:20
17 understanding of what an assault rifle is. Is that 12:21
18 your understanding as well? 12:21

19 A Yeah. It's close enough for government work, 12:21
20 as we say. 12:21

21 Q So -- 12:21

22 A It's a -- it is a full auto capability, and 12:21
23 the cosmesis makes no difference. 12:21

24 Q So on para -- 12:21

25 A I'm sorry? 12:21

1 about select-fire. 12:35

2 For me to talk about a wound, I have to know 12:35
3 the cartridge, the bullet, the barrel, the distance and 12:35
4 the point of impact. It's going to make a lot of 12:35
5 difference if it strikes somebody in the shoulder or 12:35
6 strikes them in the middle of the forehead. So I have 12:35
7 to know all those things. It's not going to make any 12:36
8 difference to me treating the patient if it came from a 12:36
9 bolt-action .223 or it came from a semiautomatic AR-15. 12:36

10 Q So this paragraph, then, this quote in the 12:36
11 top of -- the first quote in paragraph 11 of your 12:36
12 declaration, that's not really a complete -- that's not 12:36
13 really complete, correct? I mean, it doesn't -- like 12:36
14 you just said, you just said it doesn't -- it's not 12:36
15 really the rifle, but the cartridge. 12:36

16 MR. LEE: Object to form of the question. 12:36

17 Q (By Mr. Chang) So I mean, this statement in 12:36
18 Dr. DiMaio's book, it's -- you know, isn't it 12:36
19 overbroad, then? I mean, you have to consider the 12:36
20 cartridge size, correct? 12:36

21 MR. LEE: Object to the form of the question. 12:36

22 THE WITNESS: May I answer? 12:36

23 MR. CHANG: Please. 12:37

24 MR. LEE: Yes. 12:37

25 THE WITNESS: What I'm saying is that wound 12:37

C E R T I F I C A T E

[illegible]

I, the undersigned Washington Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify;

That the annexed and foregoing deposition of each witness named herein was taken stenographically before me and reduced to typewriting under my direction;

I further certify that the deposition was submitted to each said witness for examination, reading and signature after the same was transcribed, unless indicated in the record that the parties and each witness waive the signing;

I further certify that all objections made at the time of said examination to my qualifications or the manner of taking the deposition, or to the conduct of any party, have been noted by me upon said deposition;

I further certify that I am not a relative or employee or attorney or counsel of any of the parties to said action, or a relative or employee of any such attorney or counsel;

I further certify that I am not in any way financially interested in the said action or the outcome thereof;

I further certify that each witness before examination was by me duly sworn to testify the truth, the whole truth and nothing but the truth;

I further certify that the deposition, as transcribed, is a full, true and correct transcript of the testimony, including questions and answers, and all objections, motions, and exceptions of counsel made and taken at the time of the foregoing examination.

IN WITNESS WHEREOF, I have hereunto set my hand this
2nd day of January, 2021.

May M. Faley

MARY M. FOLEY, CCR
Court Reporter in and
for the State of Washington,
residing in Snohomish County.

Exhibit 9

Third Edition

GUNSHOT WOUNDS

**Practical Aspects of
Firearms, Ballistics,
and Forensic Techniques**

Vincent J.M. DiMaio



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Following its introduction into the United States, the Glock pistol became involved in controversy when members of the media and some politicians contended it was a *plastic gun* that was not detectible by x-ray or metal detectors. This is, of course, nonsense. While the gun does have a polymer frame, the slide, barrel, and internal components are steel. Numerous other pistols with polymer frames are now being manufactured.

Rifles

A rifle is a firearm with a rifled barrel that is designed to be fired from the shoulder. Barrel length is immaterial in classifying a firearm as a rifle. However, the U.S. federal law requires rifles to have a minimum barrel length of 16 in. The types of rifles commonly encountered are single shot, lever action, bolt action, pump action, and autoloading. A single-shot rifle has one firing chamber integral with the barrel that has to be manually loaded each time the weapon is fired. A lever-action rifle has a lever beneath the grip that is used to open the rifle action, extract the cartridge case, and, in closing the action, insert a fresh cartridge in the firing chamber and cock the gun. There may be a boxlike magazine in front of the trigger or a cylindrical magazine under the barrel.

In a bolt-action rifle, a handle projects from a bolt. Pulling back and pushing forward on this projection causes the bolt to extract and eject a cartridge case and then to insert a new cartridge while cocking the gun. The slide-action rifle uses the manual movement of a slide under and parallel to the barrel to open the action, extract and eject a cartridge, load a fresh cartridge, and cock the weapon.

In autoloading or semiautomatic rifles, the weapon fires, extracts, ejects, reloads, and cocks with each pull of the trigger using the force of gas pressure or recoil to operate the action. After each shot, the trigger must be released and then pulled again to repeat the cycle. Autoloading rifles are commonly but incorrectly called “automatic rifles.” An automatic rifle is one that, on pulling the trigger and firing the weapon, utilizes the force of gas pressure or recoil to eject the fired case, load the next round, fire it, and then eject it. This cycle is repeated until all the ammunition is used or the trigger is released. Automatic weapons are generally used only by military and police organizations. While it is possible to alter some semiautomatic rifles to deliver automatic fire, unlike the impression given by the media and some politicians, this is not a simple procedure. In fact, such conversions are uncommon. In the United States, deaths due to full-automatic weapons (rifles and submachine guns) are extremely rare. The author has seen only a handful of such deaths in the past 30 years, all of which involved illegal drug dealings with the shooter from Mexico and the weapon a military AK-47. Weapons fired in the full-automatic mode are very difficult to control. In most instances, while the first shot may be on target, subsequent rounds fly high and to the right.

Assault Rifles

Strictly speaking, the term “assault rifle” refers to a rifle that (1) is autoloading, (2) has a large-capacity (20 rounds or more) detachable magazine, (3) is capable of full-automatic fire, and (4) fires an intermediate rifle cartridge. The best examples are the AK-47 and AK-74 (Figure 1.10). This term has been corrupted by the media and some politicians to include most self-loading weapons. They have also coined the meaningless term “assault pistol” that appears to refer to large, ugly-looking pistols having large-capacity magazines (20–40 rounds) or to semiautomatic versions of submachine guns (Figure 1.11).



Figure 1.12 (a) SKS-45. (Retrieved from Wikipedia Commons 10/15/2014. Photo released into the public domain by user and author Atirador, original upload date May 19, 2009.) (b) M-1 carbine. (Retrieved from Wikipedia Commons 10/15/2014. Photo released into the public domain by copyright owner, Armémuseum, Stockholm, Sweden through the DigitalMuseum. <http://digitaltmuseum.se/things/halvautomatisk-karbin/S-AM/AM.045427>.)

One of the common fallacies about assault rifles is that the wounds they produce are more severe than those due to ordinary centerfire rifles. In fact, the wounds are less severe than those produced by virtually all hunting rifles even the Winchester M-94 (introduced in 1894) and its cartridge the .30-30 (introduced in 1895). As we shall see in Chapters 3 and 7, in dealing with rifles, the severity of the wound is determined by the amount of kinetic energy lost by a bullet in the body. The intermediate cartridges used in assault rifles possess significantly less kinetic energy than a regular centerfire rifle cartridge designed for hunting. In addition, since most ammunition used in these weapons is loaded with a full-metal-jacketed (FMJ) bullet, the wound is even less severe than one might expect.

Shotguns

A shotgun is a firearm intended to be fired from the shoulder that has a smooth bore and is designed to fire multiple pellets from the barrel. Barrel length is immaterial in classifying a firearm as a shotgun, although the U.S. federal law requires a minimal barrel length of 18 in. A shotgun may be classified as a single shot, over and under, double barrel, bolt action, lever action, pump action, or autoloading. The over-and-under shotgun has two barrels, one above the other, and the double-barrel version has its barrels side by side. The two barrels in these weapons may be of different choke.

Submachine Guns/Machine Pistols

A submachine gun or machine pistol is a firearm that is designed to be fired from the shoulder, is capable of full-automatic fire, has a rifled barrel, and fires pistol ammunition. It is often incorrectly called a “machine gun.” Semiautomatic carbines are a variation of submachine guns. These are either semiautomatic versions of submachine guns or weapons that have the external appearance of a submachine gun. The media has dubbed some of these “assault pistols.” In the case of semiautomatic versions of submachine guns, the internal mechanism is typically so altered that they are essentially a different weapon.

Exhibit 10



DECEMBER 2014

NATIONAL INSTITUTE OF JUSTICE

GUIDE BODY ARMOR

Selection &
Application Guide
0101.06
to Ballistic-Resistant
Body Armor

NIJ

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Selection and Application Guide to Ballistic-Resistant Body Armor

For Law Enforcement, Corrections and Public Safety

NIJ Selection and Application Guide-0101.06

December 2014

NCJ 247281

CHAPTER 2.

What Is Body Armor?

The term *body armor* is usually associated with vests designed to provide ballistic protection to the vital organs in the torso. Usually, a vest contains two armor panels held in place by a carrier. One panel protects the front of the torso, the other protects the rear. To protect the sides of the torso, the vest is worn with the front panel overlapping the rear panel. These panels can typically, but not always, be removed from the carrier.

EXHIBIT 2: BODY ARMOR WITH CARRIER



The armor panels themselves consist of a ballistic panel with an integral cover that protects the ballistic materials in the panel from the environment. Panels come in multiple sizes and can be flat or curved to accommodate the different shapes and sizes of potential wearers. Typically, neither the panel cover nor the carrier is intended to provide ballistic protection. The principal purpose of the carrier is to support and secure the panels to the wearer's body.

The term body armor may also refer to items of clothing such as jackets and coats that have armor panels inserted. In such a configuration, normal-seeming items of clothing take on the role of armor

carriers. It may also refer to accessory panels that are intended to provide ballistic protection to the groin, coccyx (aka tailbone), neck, sides and shoulders (see Exhibit 3.)

EXHIBIT 3: VEST, SHOULDER PROTECTION, GROIN PROTECTION



There are two basic kinds of body armor: soft armor and hard armor. *Soft body armor* consists of flexible panels of ballistic materials. Soft armor is designed to offer protection against assaults with handguns. It is intended to be used for extended daily wear. It is the type of body armor that officers would typically wear while executing their daily duties. It can be worn under an officer's uniform or other clothing. It can also be worn over a uniform or clothing in an external carrier. If it is worn under a uniform, it is called *concealable armor*.

Hard armor consists of rigid panels, or *plates*, of ballistic-resistant materials. Hard armor is designed to offer greater protection against higher threats than soft armor. Hard armor plates are used in *tactical armor*. Tactical armor is typically a combination of a hard armor plate and soft armor panels, making it thicker and heavier than soft armor alone (see the discussion of in-conjunction armors later in this chapter). Tactical armor is not typically worn for

Exhibit 11

SPECIAL ISSUE ARTICLE

COUNTERING MASS VIOLENCE IN THE UNITED STATES

Assessing the potential to reduce deaths and injuries from mass shootings through restrictions on assault weapons and other high-capacity semiautomatic firearms

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The author thanks William Johnson for research assistance in the preparation of this paper. An earlier version of this paper was presented at the George Mason University-Carnegie Mellon University Workshop on An Evidence-Based Approach to Understanding and Countering Mass Violence in America held in April 2019 with funding from the National Science Foundation. The author thanks conference participants for their comments on the earlier draft.

Research Summary: This article examines the use, impacts, and regulation of assault weapons and other high-capacity semiautomatic firearms as they pertain to the problem of mass shootings in the United States. High-capacity semiautomatics (which include assault weapons as a subset) are used in between 20% and 58% of all firearm mass murders, and they are used in a particularly high share of public mass shootings. Mass shootings perpetrated with these firearms result in substantially more fatalities and injuries than do attacks with other firearms, and these differences are especially pronounced for the number of victims with nonfatal gunshot injuries. The federal ban on assault weapons and large-capacity (>10 rounds) ammunition magazines of 1994 had exemptions and loopholes that limited its short-term effects, but its expiration in 2004 was followed by an increase in the use of these weapons in mass shootings and other crimes. Growing evidence suggests that state-level restrictions on large-capacity magazines reduce mass shootings, but further research is needed on the implementation and effects of these laws.

Policy Implications: Restrictions on large-capacity magazines are the most important provisions of assault weapons laws in part because they can produce broader reductions in the overall use of high-capacity semiautomatics that facilitate high-volume gunfire attacks. Data on mass shooting incidents suggest these magazine restrictions can

potentially reduce mass shooting deaths by 11% to 15% and total victims shot in these incidents by one quarter, likely as upper bounds. It may take several years for the effects of these laws to be fully realized, however, depending on their specific provisions, especially with regard to treatment of pre-ban weaponry.

Dating back to the 1980s, public concern over mass shootings in the United States has prompted ongoing debates about the need to restrict particularly deadly categories of firearms that can facilitate the commission of such acts. These debates have focused broadly on semiautomatic firearms with large ammunition capacities and more specifically on subsets of these firearms, known as “assault weapons,” with additional military-style features that are believed to make them more dangerous and/or attractive for criminal uses. Over the last several decades, these types of firearms have been used in many of the most deadly and injurious acts of mass violence in the United States. In response, the federal government imposed restrictions on these weapons in 1994 but allowed them to expire in 2004. Debates about reinstating these restrictions have intensified during the last few years mainly in response to several recent and highly tragic public mass shootings perpetrated with assault weapons or other high-capacity semiautomatics. Although efforts to revive the federal restrictions have been unsuccessful to date, nine states and the District of Columbia currently have their own restrictions on such weapons, as do some additional localities (see the Giffords Law Center to Prevent Gun Violence at <https://lawcenter.giffords.org/>).

In this essay, I examine available data on the use of assault weapons and other high-capacity semiautomatics in mass shootings and investigate the potential to reduce deaths and injuries from mass violence through restrictions on these weapons. I also examine whether federal and state restrictions on these weapons have been effective in reducing their use in mass shootings. In summary, available evidence, while limited in quantity and precision, suggests that restrictions on these weapons have the potential to reduce deaths and injuries from mass shootings, at least modestly and perhaps by more substantial margins, especially for nonfatal injuries. Despite the limitations of the prior federal law restricting these weapons, its expiration has coincided with a rise in crimes with high-capacity semiautomatics that has likely contributed to higher victim counts in mass shootings. The effects of state-level restrictions, which vary in important ways, are not yet clear, even though there is growing evidence that states with these restrictions have fewer mass shootings. Having noted these tentative conclusions, there is need for better data and more in-depth research on various aspects of this issue.

1 | OVERVIEW ON THE AVAILABILITY, USE, AND RESTRICTION OF ASSAULT WEAPONS AND OTHER HIGH-CAPACITY SEMIAUTOMATICS

Laws aimed at curbing the availability and use of semiautomatic assault weapons (AWs) and other high-capacity semiautomatics focus on two categories of weaponry.¹ AW laws impose restrictions on semiautomatic firearms that accept detachable ammunition magazines and have one or more additional military-style features that are considered useful in military and criminal applications but unnecessary in shooting sports or self-defense. Examples of the latter features include pistol grips on rifles, flash hiders, folding rifle stocks, threaded barrels for attaching silencers, and barrel shrouds on pistols.²

AW laws are typically complemented by restrictions on large-capacity magazines (LCMs), which are most commonly defined as ammunition feeding devices holding more than 10 rounds of ammunition. Some LCM laws allow or have previously allowed higher limits for some or all firearms, and a few states have LCM restrictions without bans on AWs (all states with AW bans currently have LCM bans, but that has not always been true). Other salient features of these laws are discussed in subsequent sections.

LCM restrictions are arguably the most important components of AW–LCM laws—and thus the most relevant to the amelioration of mass shootings—for two reasons. One is that an LCM is the most functionally important feature of an AW-type firearm. Guns defined as AWs can often be equipped with LCMs holding 30 or more rounds; hence, removing LCMs from these weapons greatly limits their firepower. In other respects, AW-type firearms do not operate differently than other comparable semiautomatics, nor do they fire more lethal ammunition. The second reason is that LCM restrictions also apply to the much larger class of high-capacity semiautomatics without military-style features. This includes many common semiautomatic pistol and rifle models that are sold with LCMs in the range of 11–20 rounds or sometimes higher. LCM restrictions do not ban all firearms capable of accepting LCMs, but they do limit the capacity of the ammunition magazines that can be sold for these weapons. LCM restrictions thus have the ability to affect a much larger share of gun crimes. Accordingly, the discussion below places a greater emphasis on the overall use and restriction of firearms with LCMs. (The terms “LCM firearm” and “high-capacity semiautomatic” are used interchangeably throughout this essay to refer to any semiautomatic with an LCM, including both AW and non-AW models.)

In the broadest sense, AW–LCM laws are intended to reduce gunshot victimizations by limiting the stock of semiautomatic firearms with large ammunition capacities and, to a lesser degree, other features conducive to criminal use. Although offenders blocked from access to AWs and LCMs can commit crimes with other guns and smaller magazines, the logic underlying AW–LCM laws is that forcing this substitution should limit the number of shots fired in gun attacks, thus, reducing the number of people shot per attack and/or the number sustaining multiple wounds. This idea is supported by a small number of studies suggesting that attacks with semiautomatic firearms—including AWs and other guns equipped with LCMs—tend to result in more shots fired, more persons wounded, and more wounds inflicted per victim than do attacks with other firearms (Jager et al., 2018; Koper, 2004; McGonigal et al., 1993; Reedy & Koper, 2003; Richmond, Branas, Cheney, & Schwab, 2004; Roth & Koper, 1997). With respect to mass shootings in particular, AW and LCM use could conceivably affect both the prevalence and the severity of mass shootings by increasing the likelihood that shooting incidents produce enough victims to qualify as a mass shooting (Jager et al., 2018) and increasing the number of fatalities and injuries per mass shooting. Evidence on these matters is considered in more detail below.

Semiautomatic weapons with LCMs and other military-style features are common among models produced in the contemporary gun market (e.g., Lee, 2014; Violence Policy Center, 2011), but precise estimates of their production and ownership are unavailable.³ National survey estimates indicate that 18% of all civilian-owned firearms and 21% of civilian-owned handguns were equipped with magazines having 10 or more rounds in 1994 (Cook & Ludwig, 1996, p. 17) just before the passage of the federal AW–LCM ban, which prohibited further production of LCMs but allowed continued ownership and sale of pre-ban LCMs. More recent estimates are not available, but these numbers have likely grown since the federal ban expired in September 2004.

Recent studies of criminal use of AWs and other LCM firearms indicate that AWs (primarily assault-type rifles) account for 2% to 12% of guns used in crime in general (based on analysis of guns recovered by police), with most estimates suggesting they account for less than 7%. In combination, however, AWs and other high-capacity semiautomatics account for 22% to 36% of crime guns overall,

and some estimates suggest they account for higher shares (upward of 40%) of guns used in serious violence (Koper, Johnson, Nichols, Ayers, & Mullins, 2018).⁴ Notably, high-capacity semiautomatics have grown by as much as 112% as a share of crime guns since the expiration of the federal ban. This trend has coincided with recent growth in shootings nationwide (Fowler, Dahlberg, Haileyesus, & Annest, 2015; Koper et al., 2018) and may also be linked to a rising incidence of high-volume gunfire incidents (Koper, Johnson, Stesin, & Egge, 2019). Mass shootings in public locations have also grown in incidence and severity (i.e., victim counts) during this time (Duwe, 2020, this issue; Lankford & Silver, 2020, this issue), and many of these recent tragedies have been perpetrated by offenders using AWs or other high-capacity semiautomatics. The Citizens Crime Commission of New York City (CCNYC), for instance, reported that there were 19 public mass shootings between 2005 and February 2018 in which offenders with LCM firearms killed at least four people and in total killed or wounded at least 10 (Cannon, 2018). These developments suggest the need for a closer examination of the degree to which AW and LCM use contribute to deaths and injuries from mass violence.

2 | USE AND IMPACTS OF HIGH-CAPACITY SEMIAUTOMATICS IN MASS SHOOTINGS

Measuring the use of AWs and other LCM firearms in mass shooting incidents presents several challenges. For one, there is no universal definition of a mass shooting incident. Across different data sources and studies, researchers have defined these incidents using different numeric thresholds based on fatalities and/or total victim counts. The discussion below focuses on studies of firearm mass murders defined as incidents in which at least four persons were killed, not including the shooter if applicable and irrespective of the number of additional victims shot but not killed.⁵ This is consistent with many prior studies of mass shootings. Inferences about the use of AWs and other LCM firearms in mass shootings, however, could differ based on other fatality thresholds or definitions of mass shootings that are based on wounded victims.

A further complication is that there is no official data source that regularly provides detailed and comprehensive data on the types of guns and magazines used in shooting incidents or that provides full counts of victims killed and wounded in these attacks.⁶ Accordingly, detailed information on mass shootings and the weapons involved must be gathered mainly from media searches, open sources, and public databases that have been compiled by various media, public interest, research, and government organizations. Analyses based on these sources are thus contingent on their comprehensiveness and accuracy. Some sources attempt to capture all mass shootings (however defined), whereas others focus specifically on public mass shootings that are unrelated to other forms of crime (like robbery, gang, or drug violence). This particular type of mass shooting has become an increasing societal concern as result of the seemingly random nature of many of these incidents, their substantially higher and growing victim counts (Duwe, 2020; Krouse & Richardson, 2015; Lankford & Silver, 2020),⁷ and the higher use of AWs and other high-capacity semiautomatics in these incidents (on the latter point, see below; also see Duwe, 2007; Koper et al., 2018; Krouse & Richardson, 2015).

Finally, there are notable difficulties surrounding the identification of AWs and other LCM firearms in these public sources. Information on weapons and magazines used is often missing or insufficiently detailed to make a definitive determination as to whether the firearm(s) used was an AW or an LCM firearm;⁸ hence, reported counts of these weapons are often minimum estimates of their use. The identification of AWs may also vary somewhat across sources as there is no universal definition of an AW that applies across all current and past federal and state AW laws.⁹ Sources vary, moreover, in the extent to which they document these issues when AW and LCM firearm counts are reported.

TABLE 1 Selected estimates of assault weapon and large-capacity magazine use in firearm mass murders

Data Source and Sample	% With Any LCM Firearm	% With AW Model
Everytown for Gun Safety (2018): all firearm mass murders with 4+ killed, 2009–2017 (<i>N</i> = 173)	20% (min) – 58% (max)	Not estimated
Koper et al. (2018): all firearm mass murders with 4+ killed, 2009–2015 (<i>N</i> = 145)	19% (min) – 57% (max)	10% (min) – 36% (max)
Krouse and Richardson (2015): all firearm mass murders with 4+ killed, 1999–2013 (<i>N</i> = 317)	Not estimated	10% (all incidents) 27% (public incidents)
Klarevas (2016): all firearm mass murders with 6+ killed, 1966–2015 (<i>N</i> = 111)	47% (all years) 67% (2006–2015)	25% (all years) 26% (2006–2015)
<i>Mother Jones</i> (Follman, Aronsen, & Pan, 2019): public firearm mass murders with 4+ killed that did not involve other crimes, 1982–Jan. 2019 (<i>N</i> = 92)	45% – 61%, or higher	Not estimated

Notes. The maximum estimates from Everytown (2018) and Koper et al. (2018) are based on calculating LCM or AW cases as a percentage of only those cases in which a definitive determination could be made about the weapon type. The Koper et al. LCM counts include cases involving gun models typically sold with an LCM, even if the magazine recovered was not explicitly reported. The estimates from *Mother Jones* (Follman et al., 2019) are original tabulations using data available as of this writing and exclude cases with fewer than four fatalities. The *Mother Jones* range is based on cases with explicit reporting of an LCM (45%) combined with cases that clearly involved gun models typically sold with an LCM (totaling 61%). The estimate would be higher if adjusted for missing gun model data.

2.1 | Estimates of the use of high-capacity semiautomatics in mass shootings

Having stated these caveats, I present several estimates of the use of AWs and other LCM firearms in mass murder shooting incidents in Table 1. This collection does not include all AW and LCM estimates that researchers have reported but focuses, rather, on recent estimates (post-2000) and specialized sets of cases that seem particularly pertinent to the AW–LCM debate. In some instances, the table highlights multiple figures of interest reported by researchers. Additional details about the estimates are provided in the table notes.

These studies suggest that LCM firearms are used in at least 20% of all firearm mass murders; adjusting for missing gun data in available sources, this figure could be upward of 50% (Everytown for Gun Safety, 2018; Koper et al., 2018). Specific AW models are used in at least 10% of all firearm mass murders and potentially as many as a third, adjusting for missing data (Koper et al., 2018; Krouse & Richardson, 2015). The use of AWs and other high-capacity semiautomatics is higher in public mass shootings (Follman et al., 2019; Krouse & Richardson, 2015) and in cases that involve higher fatality counts (Klarevas, 2016).¹⁰ Most notably, estimates suggest that LCM firearms are involved in approximately half to two thirds of public mass shootings and firearm mass murders involving six or more fatalities. Furthermore, some data suggest that the use of high-capacity semiautomatics in mass murders has been rising over time (Klarevas, 2016).

Overall, these figures suggest that high-capacity semiautomatics are used disproportionately in mass shootings relative to their use in gun crime more generally (see prior discussion of Koper et al., 2018). This pattern likely reflects a combination of the greater firepower of these weapons and the

characteristics and intentions of shooters who use them in these rampages. These estimates also serve as rough upper bound estimates of the extent to which LCM restrictions might reduce the occurrence of firearm mass murders. Most conservatively, they imply that eliminating LCM use might reduce the overall incidence of firearm mass murders up to 19% to 20% based on minimum estimates of their use in these cases and contingent on the four-fatality threshold.¹¹ The actual effect might well be considerably smaller, however, because offenders could likely kill four or more victims in many of these cases even if using non-LCM firearms.

Developing a better understanding of the extent to which LCM firearm use affects the incidence of firearm mass murders would require studies comparing representative samples of attacks with LCM and non-LCM firearms to determine how LCM use affects the likelihood of a shooting incident resulting in a mass casualty event. One step in this direction has been taken by Jager et al. (2018), who studied weapon types used and victim differentials in active shooter incidents documented by the FBI from 2000 to 2017. The FBI defines these incidents as cases in which an individual is killing or attempting to kill people in a confined or populated area, irrespective of the number of persons killed or wounded (see <https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-resources>). Adjusting via regression modeling for the use of multiple firearms (which arguably reflects on the shooter's intentionality) and the location and year of the shooting, Jager et al. (2018) found that incidents involving semiautomatic rifles (which accounted for 25% of the cases and serve as a rough approximation of the use of AW-type and other LCM rifles) resulted in 97% more fatalities and 81% more wounded victims.¹² On average, semiautomatic rifle cases involved 4.3 fatalities and 5.5 persons wounded in contrast to 2.5 fatalities and 3.0 persons wounded in other cases. Although more work is clearly needed on this issue, these findings support the hypothesis that use of high-capacity semiautomatics has some impact on the incidence of mass murders.

2.2 | Impacts of high-capacity semiautomatics on mass shooting outcomes

Several studies have contrasted counts of victims killed and wounded in mass shootings with and without high-capacity semiautomatics. Selected figures from these studies are reported in Table 2, with a focus on victim differentials associated with use of any LCM firearm as reported in recent studies or specialized studies of public shootings or incidents with especially high fatality counts.¹³ Based on these victim differentials, I also offer some projections of gunshot victimizations that could potentially be prevented through restrictions on LCMs. Note that the figures used from the most recent studies exclude the October 2017 Las Vegas mass shooting that resulted in 58 deaths and 413 injuries. This outlier event, which involved LCM weapons, resulted in several times more victims shot and killed than have all other firearm mass murders (its exclusion makes the LCM victim differentials in Table 2 more conservative).

Data from these studies consistently indicate that use of LCM firearms contributes to more deaths and injuries in mass shooting attacks and that this impact is most pronounced for counts of persons wounded (as reflected in Table 2 for the total victim counts). Across the studies, average fatalities are 38% to 85% higher when LCMs are used (based on the Klarevas [2016] and Everytown [2018] studies, respectively), with most estimates in the range of 60% to 67% (all other cited sources). Total victims killed and wounded, in contrast, are two to three times higher when LCMs are used in all sources with information on wounded victims. This is consistent with the concern that LCM weapons enable rapid spray fire that, although perhaps less accurate, gives offenders the ability to wound higher numbers of victims, particularly in crowded public settings. Another pattern that be gleaned from Table 2 is that the LCM victim differentials are a result in large measure of public mass shootings, which tend to produce higher victim counts in general but especially when LCM weapons are used.¹⁴

TABLE 2 Selected reports of victim differentials by large-capacity magazine use and estimates of potential victim reductions from large-capacity magazine restrictions

Data Source and Sample	Avg. Fatalities	Avg. Victim Totals (Killed and Injured)	Estimated Reduction From LCM Restriction
Everytown for Gun Safety (2018): all firearm mass murders with 4+ killed, 2009–2017 ($N = 172$, excluding the Oct. 2017 Las Vegas incident)	LCM: 8.7 Non-LCM: 4.7	LCM: 16.1 Non-LCM: 6.0	14% (deaths) 26% (total deaths and injuries)
Koper et al. (2018): all firearm mass murders with 4+ killed, 2009–2015 ($N = 145$)	LCM: 7.5 Non-LCM: 4.6	LCM: 13.7 Non-LCM: 5.2	11% (deaths) 24% (total deaths and injuries)
Klarevas (2016): all firearm mass murders with 6+ killed, 1966–2015 ($N = 111$)	LCM: 9.5 Non-LCM: 6.9	Not estimated	15% (deaths)
Citizens Crime Commission of New York City (Cannon, 2018): public firearm mass murders with 4+ killed that did not involve other crimes, Jun. 1984–Feb. 2018 ($N = 78$, excluding Oct. 2017 Las Vegas incident)	LCM: 9.7 Non-LCM: 5.8	LCM: 20.5 Non-LCM: 8.8	30% (deaths) 46% (total deaths and injuries)
Dillon (2013): public firearm mass murders with 4+ killed that did not involve other crimes as reported by <i>Mother Jones</i> , 1982–2012 ($N = 62$)	LCM: 10.19 Non-LCM: 6.35	LCM: 22.58 Non-LCM: 9.9	23% (deaths) 39% (total deaths and injuries)

Notes. Calculations conducted by the author from the listed sources. The Everytown (2018) and Cannon (2018) data exclude the outlier Oct. 2017 Las Vegas LCM case that resulted in 58 killed and 413 injuries. Non-LCM calculations for the Everytown data are based on the highest victim estimates for cases that did not clearly involve an LCM (i.e., cases that definitely did not involve LCMs and cases with unknown LCM status).

Extrapolating from these patterns, we can also make rough estimates of the degree to which deaths and injuries in mass shooting events might be reduced by restrictions on LCMs. These calculations use the victim averages for non-LCM cases to estimate the level of death and injury that would have resulted from the LCM cases had attackers been forced to substitute non-LCM firearms. These estimates can then be used to project the number and percentage of deaths and injuries that could have been prevented across the full sample of incidents. As shown in the final column of Table 2, the projections suggest that LCM restrictions could potentially reduce fatalities by 11% to 15% across all firearm mass murder incidents and reduce total injuries by 24% to 26%.¹⁵ Effects would likely be greater for public mass shootings, with total deaths and injuries in these cases potentially declining by somewhere between

one third and one half. The specific magnitudes of the estimates for public mass shootings, however, should be viewed with particular caution, given some of the concerns surrounding the completeness of those data sources and variations thereof (e.g., see Duwe, 2007, 2020). Also note that the prevention estimates overall would be higher if the Las Vegas incident was included in the most recent data sources.¹⁶

These estimates should be viewed as approximations based on several considerations. For starters, they are based on comparisons of victim differentials in LCM and non-LCM attacks that produced enough casualties to qualify as mass shootings. These attacks were perpetrated by offenders with a clear intent to shoot a large number of people, and they may provide the best estimates of LCM impacts under such conditions. Nonetheless, estimated LCM impacts on attack outcomes might possibly be larger or smaller if based on more comprehensive samples that included attempted, actual, and near mass shootings (e.g., Jager et al., 2018). The potential of LCM restrictions to reduce mass shootings might also be underestimated here if the availability of high-capacity semiautomatics increases the likelihood that some people will attempt mass shootings.

On the other hand, the impacts of LCM restrictions might be lower than these projections even with very large reductions in LCM availability. This is in part because some shooters with LCM weapons, notably those who had a clear intent and plan to kill and wound especially high numbers of victims, would have likely inflicted higher than average casualty counts even if they had used non-LCM firearms, although perhaps not to the same degree. One obvious adaptation to LCM restrictions would be to carry multiple non-LCM guns and/or low-capacity magazines. We should not assume, however, that use of multiple guns or magazines would completely negate the impacts of LCM use. Use of multiple firearms and magazines, while common in firearm mass murders, is not universal; some firearm mass murders (as well as other attacks with the potential to become mass shootings) happen spontaneously or without much premeditation. In such incidents, the lethality of the firearms and magazines at hand may be particularly consequential to the outcome. Furthermore, using multiple non-LCM guns and magazines for a sustained attack requires a shooter to make gun and/or magazine changes that reduce the rate of fire relative to using firearms with LCMs (e.g., see Klarevas, 2016, pp. 211–212). This arguably gives people under attack additional seconds to escape, take cover, or possibly overtake and incapacitate the shooter.

Although evaluating these arguments fully will require more in-depth analyses of the dynamics of mass shooting incidents (and perhaps near mass shooting incidents as well), available data and analyses do not provide obvious support for the multiple gun/multiple magazine substitution hypothesis, at least not with respect to the use of multiple guns. For example, in Koper et al.'s (2018) collection of mass firearm murders resulting in four or more deaths, cases in which shooters used multiple non-LCM guns averaged 5.3 fatalities and 7.2 total victims killed or wounded—averages substantially less than those for attacks with LCM firearms (regardless of number), especially for the total victim counts (see Table 2). Similarly, multiple gun cases without LCMs documented in the February 2019 version of the *Mother Jones* media organization's data on public firearm mass murders (4+ killed; Follman et al., 2019) resulted in substantially fewer victims killed and wounded than did cases with LCM firearms; averages killed were 7.2 for multiple non-LCM firearm cases and 10.0 for LCM cases (excluding the Las Vegas incident), whereas averages for the total killed and wounded were 11.4 for multiple gun non-LCM cases and 21.3 for LCM cases (excluding the Las Vegas incident).¹⁷

Others have also reported that victim differentials associated with the use of LCM firearms or semi-automatics more generally persist even when accounting for the use of multiple firearms (Blau, Gorry, & Wade, 2016; Jager et al., 2018; Klarevas, 2016). To illustrate, data reported by Klarevas (2016, pp. 221–224) show that “gun massacres” (defined as incidents with six or more fatalities) committed with multiple non-LCM firearms average 7.2 victims killed (calculated by the author from the Klarevas

figures), whereas LCM cases average 9.5 victims killed overall (see Table 2) and 11.2 victims killed when multiple guns are used that include an LCM firearm. As a final illustration, Kleck's compilation of shots fired estimates for a sample of 25 mass shootings that resulted in six or more victims killed or wounded from 1994 to 2013 shows that cases involving LCM firearms averaged at least 134 shots on average in comparison with ~26 shots on average for cases involving multiple non-LCM firearms (calculated from Kleck, 2016, p. 43).^{18,19}

Notwithstanding these arguments, a more general caveat to this discussion is that the comparisons of mass shootings with and without LCM firearms reviewed above are bivariate and do not account for characteristics of the actors or situations that might influence attack outcomes and potentially confound the relationship between the types of weapons used and these outcomes. Such factors could include, among others, the intentions, motives, mental state, and skill of the shooter(s); the nature of the circumstances surrounding the shooting (e.g., offender and victim relationships); the type of location where the shooting occurred (e.g., whether it was indoors or outdoors, the type of venue, and how confined potential victims were); the number of people present who could have been shot deliberately or incidentally; the characteristics and health of potential victims; the number of shooters; and the numbers and types of weapons and magazines used. At present, such studies are lacking, but a few efforts have been made in this direction, such as the Jager et al. (2018) study referenced above. Similarly, in a regression analysis of 184 mass shootings, spree shootings, and active shooter incidents from 1982 through 2015, Blau et al. (2016) found that use of LCM firearms (but not AWs) increased fatality and total victim counts by 47% and 61%, respectively, controlling for several characteristics of the offenders and incidents. These covariates included the offender's mental health, age, and race, whether the incident occurred in a school or workplace, and the types of guns used by the offender.²⁰ Other studies suggest the need to also examine the interactions of elements like the shooter's mental health and the weaponry used in determining attack outcomes (Anisin, 2018).

Additional and more in-depth studies along these lines are needed to provide more precise estimates of the effects of high-capacity semiautomatics on the incidence and outcomes of mass shootings. It would also be helpful to have more detailed analyses of the dynamics of these events that reveal the number and timing of shots fired and persons hit (e.g., peak rates of fire and whether shots were fired in high-volume spurts or in continuous fashion), timing of reloads (if applicable), shots fired and persons hit with specific guns and magazines (if multiple guns or magazines were used), and victims killed or wounded with rounds fired in excess of ten when LCM firearms were used. Such information would likely have to be collected from police reports, forensic analyses, and court documents. Yet, despite the limitations of the currently available data and analyses, the differences in outcomes between LCM and non-LCM attacks are large enough to suggest that LCM restrictions could produce at least modest reductions in mass shooting fatalities and injuries over time.²¹ In the next section, I turn to what is known about current and previous efforts to regulate LCM availability.

3 | EFFECTS OF ASSAULT WEAPON AND LARGE-CAPACITY MAGAZINE RESTRICTIONS ON MASS SHOOTINGS

During the last few decades, there have been several efforts to restrict the availability of AWs and LCMs at the national, state, and local levels. Below, I review research that has been conducted on federal and state restrictions, highlighting key features of these laws and what is known about their impacts on AW-LCM use and mass shootings. I also briefly address lessons that might be drawn from similar gun control measures implemented outside the United States.

3.1 | The federal assault weapons and large-capacity magazine ban of 1994

The federal AW–LCM law passed in 1994 imposed a ten-year ban on the “manufacture, transfer, and possession” of AWs and LCMs holding more than ten rounds of ammunition. The law’s AW provision specifically prohibited 18 models and variations by name as well as revolving cylinder shotguns. It also contained a generic “features test” provision that generally prohibited other semiautomatic firearms having two or more military-style features. Other details of the law’s provisions and coverage are reviewed elsewhere (Koper, 2004). A key feature needing emphasis here, however, is that the ban exempted all AWs and LCMs that were manufactured prior to the law’s effective date of September 13, 1994. These guns and magazines were thus “grandfathered” and legal to own and transfer. Although imprecise, estimates suggest there were upward of 1.5 million privately owned in the United States when the ban took effect (Koper, 2004, p. 10). Moreover, gun owners in America possessed an estimated 25 million guns that were equipped with LCMs or ten round magazines in 1994 (Cook & Ludwig, 1996, p. 17), and gun industry sources estimated that, including aftermarket items for repairing and extending magazines, there were at least 25 million LCMs available in the country as of 1995. On top of this existing stock, an additional 4.8 million pre-ban LCMs were imported into the country from 1994 through 2000 under the grandfathering exemption, with the largest number arriving in 1999 (Koper, 2004, pp. 65–66). During this same period, importers were also authorized to import an additional 42 million pre-ban LCMs that may have arrived after 2000.

The short- and long-term effects of the federal AW–LCM ban on gun markets and gun violence more generally have been reported elsewhere (Koper, 2004, 2013; Koper & Roth, 2001, 2002; Roth & Koper, 1997, 1999; also see Gius, 2014). In short, the ban had mixed effects in reducing crimes with the banned weaponry as a result of its various exemptions and loopholes, particularly those pertaining to LCMs. Crimes with AWs began to decline shortly after the ban’s passage, likely in part because of the interest of collectors and speculators in these weapons, which helped to drive their prices higher through the end of the 1990s (thus making them less accessible and affordable to criminal users). Criminal use of other semiautomatics equipped with LCMs, however, appeared to climb or remain steady through the late 1990s and into the early 2000s, adjusting for overall trends in gun crime (Koper, 2004, 2013).²² Available evidence suggests that criminal LCM use eventually declined below pre-ban levels but only near the ban’s expiration in 2004 (see especially Koper, 2013). As noted, crimes with LCM firearms have since increased. These trends are important to assessing the magnitude and timing of any impact that the federal ban may have had on the more specific problem of mass shootings.

Since the ban’s expiration, several researchers studying mass shooting trends have examined variations in these incidents across the pre-ban, ban, and post-ban years. Fox and DeLateur (2014, pp. 324–327), for example, claimed that the federal ban had little impact on overall trends in firearm mass murder incidents (4+ killed) or victims based on Supplemental Homicides Report data from 1976 through 2011. Their data show that incidents and victims per month both increased by 4% to 5% during the ban years and then increased by larger amounts (14% and 21%, respectively) after the ban. Time series results suggested that both incidents and victims per month were lower during the ban years after accounting for general time trends, but neither the ban nor post-ban changes were statistically significant.

Similarly, Webster, McCourt, Crifasi, and Booty, in their state-level panel study (2020, this issue), suggested that the rate of mass murder incidents and victims did not change significantly during the ban years in comparison with their averages across the pre-ban (1984–1994) and post-ban (2005–2017) periods after controlling for state gun laws, time trends, state-level fixed effects, and various social factors. The results of their analyses, however, also show upward post-ban trends in the mass murder victim rate and the average number of victims killed per incident that accelerated dramatically

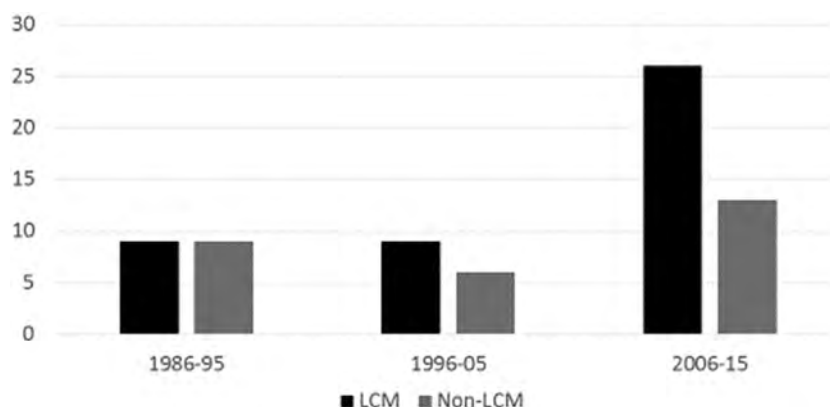


FIGURE 1 Gun massacres (6+ killed) by weapon type, 1986–2015

Source. Data taken from Klarevas (2016)

after 2014. Changes in offender motivations and behaviors seem to be driving this trend (Lankford & Silver, 2020), but the increasing availability of LCM weapons may also be a facilitator.

In contrast, others have argued that the federal ban reduced deaths and injuries from public mass shootings more specifically, citing reductions in both the occurrence of these events and the victims per incident average during this time (Blau et al., 2016; Cannon, 2018; DiMaggio et al., 2018; Gius, 2015; Lemieux, 2014; Phillips, 2017). Setting aside potential concerns about the completeness of these samples, the most sophisticated of these studies was conducted by Gius (2015), who examined the effects of the federal ban, as well as those of state AW–LCM bans, on deaths and injuries from public mass shootings (4+ killed) using a state-level panel analysis for the years of 1982–2011. Controlling for state-level demographics, population density, income, unemployment, prison population, and fixed effects for states and years, Gius’s results suggest the federal ban reduced public mass shooting deaths and injuries by 66% and 82%, respectively. Gius, however, did not specifically examine the effects of the federal ban on mass shootings committed with AWs and other LCM semiautomatics.

A closer look at Gius’s (2015) mass shooting data, which were taken from the *Mother Jones* collection of public shootings, yields a more nuanced picture. Compared with the pre-ban years, cases involving the use of an LCM firearm increased during the ban years, whereas the overall rate of cases held steady.²³ Both LCM and non-LCM cases then increased during the post-ban years. Hence, Gius’s estimates seem to reflect a general post-ban increase in the rate and severity of public mass shootings as measured in the *Mother Jones* data and perhaps a drop in victims per incident during the ban years that was unrelated to changes in the use of LCM firearms.²⁴

A comparable pattern also emerges from the work of Klarevas (2016), who found that “gun massacres” resulting in six or more fatalities declined in rate and severity (i.e., victim counts) during the federal ban (also see Klarevas, Conner, & Hemenway, 2019). This pattern is consistent with the notion that a reduction in AW and LCM use might have reduced the deadliest mass shootings. Klarevas stated that massacres specifically involving LCM firearms declined by one third during the ban (2016, p. 350) before rising substantially after its expiration. The overall incidence of these gun massacres, however, also declined by 37% during the ban years (2016, p. 242), which suggests the decline in LCM cases was proportional to a more general reduction in non-LCM cases and likely independent of the federal ban. A similar pattern can be seen in more detailed figures that Klarevas reported for the periods of 1986–1995, 1996–2005, and 2006–2015, which roughly approximate the decades before, during, and after the federal ban (2016, p. 219). As shown in Figure 1, massacres involving LCM firearms were

stable from the first to the second period (9 for each period, although AW cases declined) and then nearly tripled during the third period. Cases not involving LCMs declined by one third from the first to the second period and then more than doubled during the next decade.²⁵

Overall, therefore, it seems that mass shootings with LCM firearms remained steady during the ban years, relative to pre-ban levels, or declined in proportion to trends in mass shootings more generally. Reductions observed during the ban years for some categories of mass shootings seem more likely to have been attributable to other factors, a conclusion that is consistent with other research on the wider effects of the federal ban. The law's significant exemptions ensured that its full effects would occur only gradually over time, and those effects were still unfolding at the time it expired (Koper, 2004, 2013). Nonetheless, these mass shooting studies have also underscored the federal ban's preventive value in capping and eventually reducing the supply of AWs and LCMs. What is arguably most notable in the preceding studies is the rise in mass shootings with LCM weapons that has occurred since the end of the federal ban and its correspondence with increasingly lethal and injurious incidents. This rise in LCM use would arguably have not happened, or at least not to the same degree, had Congress extended the ban in 2004. Considering that mass shootings with high-capacity semiautomatics are considerably more lethal and injurious than other mass shootings, it is reasonable to argue that the federal ban could have prevented some of the recent increase in persons killed and injured in mass shootings had it remained in place.²⁶ This is a more subtle and nuanced policy argument, but one that is central to understanding the value of the previous federal ban and any reconstituted version of that law that may be considered or implemented in the future.

3.2 | State bans on assault weapons and large-capacity magazines

In addition to the expired federal ban, several states have also made efforts to restrict AWs and/or LCMs. Currently, nine states have LCM bans, and all but two of these states have AW restrictions that were passed contemporaneously with or before the LCM restrictions. Table 3 provides an overview of these laws with primary emphasis on their LCM provisions. As shown, there are important differences between these state laws, and there have been significant changes in specific state laws over time. For example, some states began with only AW restrictions and later expanded their laws to cover LCMs. The LCM provisions also differ and have changed over time with respect to magazine capacity limits and whether pre-law LCMs are grandfathered (and whether grandfathered LCMs require registration). The latter issue may be particularly consequential as LCM owners in states without grandfathering provisions must discard or relinquish their LCMs, potentially making those laws more effective and their impacts more rapid.²⁷ Also note that some important changes to LCM laws have only recently taken effect.

State-level AW and LCM restrictions have potential strengths and weaknesses relative to the prior federal ban. A weakness is that the impacts of state regulations can be offset to some degree by the inflow of prohibited weaponry from nonrestrictive states.²⁸ On the other hand, some state AW–LCM laws could potentially have larger and more rapid effects than did the federal ban depending on their specifics with regard to whether they allow continued possession and/or transfer of pre-law AWs and LCMs. To my knowledge, there has been little-to-no study of the implementation of these state laws (including aspects of enforcement and punishment) or their impacts on the availability and criminal use of LCM firearms.²⁹ A few studies, however, have examined the association of state-level AW–LCM laws with gun violence and other crimes. In those studies that have examined gun homicides and other shootings (the crimes that are logically most likely to be affected by LCM bans), evidence has been mixed. Although states with AW and LCM laws tend to have lower gun murder rates, this association is not statistically significant when controlling for other social and policy factors

TABLE 3 State restrictions on large-capacity magazines

State and Year of Initial Implementation	Magazine Capacity Limit	Grandfathering of Pre-Law LCMs	Assault Weapon Restrictions
California (2000)	10	Yes	Yes (1989)
Colorado (2013)	15	Yes	No
Connecticut (2013)	10	Yes (with registration)	Yes (1993)
Hawaii (1992)	10 (handgun magazines)	No	Yes (1992)
Maryland (1994)	20 (1994), 10 (2013)	Yes	Yes (1994)
Massachusetts (1998)	10	Yes	Yes (1998)
New Jersey (1990)	15 (1990), 10 (2018)	No (some exceptions for 11–15 rounds with registration)	Yes (1990)
New York (2000)	10	No (2013)	Yes (2000)
Vermont (2018)	10 (long guns), 15 (handguns)	Yes	No

Notes. The dates for assault weapons restrictions represent the first year when any such restriction was implemented. Note that Washington, D.C., has also had LCM restrictions since 2009.

Sources. Law Center to Prevent Gun Violence (<https://lawcenter.giffords.org/>), Vernick and Hepburn (2003), and Klarevas et al. (2019).

(Fleegler, Lee, Monuteaux, Hemenway, & Mannix, 2013; Gius, 2014; Koper & Roth, 2001; also see Moody & Marvell, 2018). Nonetheless, it is difficult to draw definitive conclusions from these studies given the lack of evidence on the implementation and market effects of these laws and the fact that studies have not accounted for important differences in the laws across states and over time—most critically, where and when they included LCM bans and grandfathering provisions.

A growing number of studies have also examined the effects of state LCM laws on mass shootings more specifically. Most notably, Webster et al. (2020), in their state-level panel analysis of mass murders from 1984 through 2017, suggested that state LCM bans reduce mass murder incidents (4+ killed) and fatalities whereas AW-specific restrictions do not. Controlling for several types of gun laws, gun availability, socioeconomic variables, time trends, and other state-level differences, Webster et al. estimated that states with LCM restrictions had ~50% fewer mass murder incidents during their study period.³⁰ Effects on fatal victim counts appeared greater but more variable in statistical significance, and the laws seem to have had their clearest effects on mass murders involving a domestic relationship between the perpetrator and one or more of the victims. LCM laws also appeared to reduce more deadly mass shootings (those with more than four or five fatal victims) in some model specifications.

Along similar lines, Klarevas et al. (2019) studied the effects of LCM-specific restrictions on mass shootings resulting in six or more deaths from 1990 through 2017, distinguishing between incidents committed with and without LCM firearms. Controlling for the years of the federal ban, time trends, and state-level differences in gun availability and other social factors, they found that mass murders committed with LCM firearms were significantly less likely and produced significantly fewer total fatalities in LCM ban states. States with LCM laws also had substantially lower levels of firearm mass murders overall (for example, total deaths from these incidents were 95% lower in

LCM ban states after controlling for other covariates), although these differences were not statistically significant.

The Webster et al. (2020) and Klarevas et al. (2019) studies provide the strongest evidence to date for the efficacy of state LCM bans in reducing mass shootings. Both studies are particularly noteworthy for distinguishing between state AW and LCM restrictions. Taking the results of these studies at face value, nonetheless, it remains unclear whether effects from LCM laws vary based on differences in their provisions (such as whether they grandfather pre-law LCMs), the strength of their implementation, or how long they have been in effect.

Other aspects of the studies also leave ambiguities. The Webster et al. (2020) analysis, for instance, does not establish a direct link between LCM laws and use of LCM firearms in mass murders. Furthermore, the fact that LCM laws appear more consistently linked to domestic-related mass murders in their analysis is somewhat surprising (and perhaps indicative of some misspecification in their models) considering that LCM weapons are used more frequently in public mass shootings and seem to have their greatest potential for enhancing the lethality of public incidents (see earlier discussion and Table 2).³¹ The Klarevas et al. (2019) study makes a more direct connection between LCM restrictions and lower use of LCM firearms for a smaller subset of more severe mass murders. The rarity of these particular events (there were 69 across the 28-year period studied by Klarevas et al.), however, makes it difficult to determine conclusively whether LCM laws reduce their overall occurrence and death tolls.³² The effects of LCM laws on mass murder deaths may also be overestimated in these studies as they seem much larger than would be expected based on the extrapolations from incident-level analyses discussed previously (see Table 2). Finally, neither study examined the effects of LCM bans on nonfatal gunshot injuries from mass shootings.

Other state-level studies have yielded mixed evidence on how state AW–LCM laws affect mass shootings. Luca, Malhotra, and Poliquin (2019) reported that these laws are unrelated to the incidence of nondomestic mass murders, which they approximated using incidents in which at least three fatal victims were unrelated to and not romantically involved with the shooter. In contrast, the Gius (2015) study of public mass shootings (referenced above) suggests that state AW–LCM laws reduce deaths from public mass shootings by 45% while having no effect on mass shooting injuries. In a similar vein, Blau et al. (2016) found that public shooting incidents of various sorts (see Footnote 20) are lower in states with AW–LCM bans, even though it is not clear from their analysis whether this is true for public mass shootings specifically (hence, the results could reflect differences across states in the propensity of people to engage in public shootings). They also did not find evidence of AW–LCM laws reducing the use of AWs in these incidents.

Inferences from these additional studies, however, are unclear as a result of multiple problems. Besides lacking specific measurement of LCM firearm use, these studies fail to differentiate between AW and LCM laws, lumping them together into one category. Consequently, the studies do not account for which of these states had LCM restrictions and when.³³ Other idiosyncrasies in the samples, measures, methods, and findings also complicate interpretations.^{34,35}

To provide some additional but tentative insight into this issue, Table 4 examines the occurrence of mass shootings with LCM weapons in states with and without LCM restrictions in the years since the expiration of the federal ban. The tabulations are based on the Koper et al. (2018) sample of firearm mass murders with four or more killed from 2009 to 2015, the *Mother Jones* data (as of February 2019) on public mass murders with four or more killed from 2005 to January 2019, and the Klarevas et al. (2019) data on firearm mass murders with six or more killed from 2005 through 2017. Each incident in these sources was coded according to whether it occurred in a state and year in which any type of LCM restriction was in effect, regardless of grandfathering, magazine capacity limit, or AW provisions. Table 4 shows the percentages of firearm mass murder cases that involved an LCM firearm,

TABLE 4 Use of high-capacity semiautomatics in firearm mass murders in states with and without restrictions on large-capacity magazines

Data Source and Sample	State-Years with LCM Bans: Total Cases and % With LCMs (min. estimates)	State-Years Without LCM Bans: Total Cases and % With LCMs (min. estimates)
Koper et al. (2018): all firearm mass murders with 4+ killed, 2009–2015 (<i>N</i> = 145)	<i>n</i> = 22 incidents 18% – 27% involving LCM	<i>n</i> = 123 incidents 12% – 17% involving LCM
<i>Mother Jones</i> (Follman et al., 2019): public firearm mass murders with 4+ killed that did not involve other crimes, 2005–Jan. 2019 (<i>N</i> = 56)	<i>n</i> = 14 incidents 36% – 50% involving LCM	<i>n</i> = 42 incidents 50% – 64% involving LCM
Klarevas et al. (2019): all firearm mass murders with 6+ killed, 2005–2017 (<i>N</i> = 47)	<i>n</i> = 8 incidents 50% involving LCM	<i>n</i> = 39 incidents 72% involving LCM

Notes. Minimum estimated ranges of LCM use from Koper et al. (2018) and *Mother Jones* (Follman et al., 2019) sources are based on cases in which LCMs were explicitly reported (lower bound) or in which gun models were identified that are sold with LCMs (upper bound).

contrasted for LCM ban state-years and state-years without LCM restrictions. The figures from Koper et al. and *Mother Jones* are minimum estimated ranges of LCM use based on cases in which LCMs were explicitly reported (lower bound) or gun models were identified that are sold with LCMs (upper bound). No further adjustments were made for missing gun data. The Klarevas et al. numbers are based on cases in which LCM use was clearly identified by the authors. Irrespective of differences in the level of mass shootings across states (which could be affected by numerous factors), these figures provide some indication as to whether mass shootings in LCM ban states are less likely to involve firearms equipped with LCMs when they do occur.

With the caveat that the samples are small, the estimates reveal an inconsistent pattern. In the Koper et al. (2018) and *Mother Jones* samples, the estimated range of cases involving an LCM overlaps between the states with and without LCM restrictions. Using the broadest sample of firearm mass murders (Koper et al.), the estimated range for LCM cases seems somewhat higher in the LCM restriction states. In contrast, LCM use appears lower in the LCM ban states when focusing on public mass shootings (*Mother Jones*) or mass shootings with the highest fatality counts (Klarevas et al., 2019).³⁶ Hence, inferences about the effectiveness of LCM restrictions could be conditional on the types of incidents under examination.

In summary, growing evidence suggests LCM restrictions reduce mass shootings and are more potent than AW-only restrictions. Nonetheless, the evidence is not yet sufficient to draw definitive conclusions. Further research is needed on the implementation and outcomes of these laws more generally, with particular attention to how variations in their provisions and implementation affect the magnitude and timing of their impacts on criminal LCM use and gun violence. Another important consideration may be how AW-LCM laws are used in tandem with other state gun laws (e.g., gun registration laws) that could enhance their effectiveness. Such studies could inform state-level policymaking by illuminating the types of AW and LCM regulations that are most optimal for reducing deaths and injuries from the use of high-capacity semiautomatics.

3.3 | Similar weapon bans outside the United States

Outside the United States, a few other nations have also passed regulations on semiautomatic weapons and/or LCMs (Masters, 2017). Scholarly inquiry on these laws has focused primarily on Australia's semiautomatic rifle ban and buyback program that was implemented after a highly tragic and infamous mass shooting in that nation in 1996 (the Port Arthur massacre). As shown by Chapman, Alpers, and Jones (2016), Australia had 13 mass shootings (defined in their study as incidents resulting in five or more deaths) in the 18 years prior to that law and zero for at least 19 years after its passage (notwithstanding more recent incidents). This provides provocative evidence that tight restrictions on AW-type and other high-capacity semiautomatics can prevent mass shootings. Setting aside the political and practical feasibility of implementing AW and/or LCM bans with buybacks in the United States, however, conclusions about the impacts of the semiautomatic rifle ban in Australia—and its applicability to the United States—should be qualified by a few considerations. The 1996 Australian gun reforms included several additional provisions relevant to firearms licensing, registration, training, storage, and sales (Peters, 2013), all of which may have conceivably contributed to the reduction in mass shootings. Furthermore, some evidence suggests that other social factors reducing violence more generally may have also played a role in reducing mass shootings and gun violence in Australia in the years since the gun reforms (Chapman et al., 2016). The fact that Australia had strict regulation of handguns even before 1996 (Peters, 2013) also suggests that regulations focused on semiautomatic rifles, while potentially efficacious, would not likely have the same level of impact on gun violence and mass shootings in the United States.

4 | DISCUSSION AND CONCLUSION

In conclusion, despite numerous challenges to studying the issues addressed herein, this article highlights a few key points about the use, impacts, and regulation of high-capacity semiautomatic weapons as they pertain to the problem of mass shootings in the United States. LCM firearms are used in between 20% and 58% of all firearm mass murders, and they are used in a particularly high share of public mass shootings. Mass shootings perpetrated with LCM firearms result in substantially more fatalities and injuries than do attacks with other firearms, and these differences are particularly pronounced for nonfatal gunshot injuries. Quantifying the unique contribution of LCM firearms to these outcomes with greater precision, independently of or in interaction with offender and situational characteristics, will require further and more sophisticated study. Notwithstanding, extrapolations from available data imply that tighter regulation of high-capacity firearms could potentially reduce mass shooting fatalities by 11% to 15% and total fatal and nonfatal injuries from these attacks by one quarter, with larger impacts for public mass shootings. For reasons discussed, actual impacts from LCM regulation seem likely to be lower, although some aggregate-level studies raise the possibility of larger effects. Nonetheless, these figures are high enough to suggest that tighter regulation of high-capacity semiautomatic weaponry—and restriction of LCMs in particular—is one policy measure that can contribute meaningfully to reducing deaths and injuries from mass shootings. Effects may be modest and gradual, however, depending on the form of those regulations.

The federal AW–LCM ban of 1994 had important exemptions and loopholes that limited its impacts in the short run. Its expiration in 2004, however, was followed by an upswing in mass shootings with high-capacity semiautomatics that has contributed to more severe incidents with higher fatalities and injuries. Policy makers who wish to reinstate a new version of the federal ban should give careful consideration to any grandfathering provisions in future legislation. Assessing the political and practical

difficulties of registering all AWs and LCMs or establishing turn-in or buyback programs for them is beyond the scope of this article.³⁷ Policy makers should note, however, that it may take many years to attain substantial reductions in crimes committed with banned guns and/or magazines if a new law exempts the existing stock, which has likely grown considerably since the time of the original ban. Policies regarding exemptions must also explicitly address the status of imported guns and magazines.

In the meantime, further research is needed on the implementation and effects of state restrictions on AWs and LCMs (and perhaps those at the local level as well). Although some studies indicate that mass shootings are lower in states with these laws (and LCM bans in particular), more evidence is needed to show definitively that these laws reduce crimes with LCM firearms and, in turn, reduce mass shootings and other gunshot victimizations. Further research is also needed to determine whether the effectiveness of these laws varies based on their specific provisions.

The conclusions offered here are also subject to various caveats regarding the current state of data and research on mass shootings. Better data collection systems are needed to track mass shootings and document the features of these incidents, including the type of weaponry used.³⁸ There is also a need for more studies that analyze the dynamics and outcomes of attacks with different types of guns and magazines. Such studies would help to refine our understanding of how changes in the use of high-capacity semiautomatics affect the incidence and severity of mass shootings. This essay has also focused on firearm mass murders resulting in four or more deaths. As data become more widely available for tracking multiple victim shootings, studies using different definitions of mass shootings (e.g., based on total injury counts) could provide a wider perspective on how the use and regulation of LCM firearms affect mass violence. Finally, future studies will also need to further assess whether firearm restrictions, including those on AWs and LCMs, lead to substitution of other methods in attempts to inflict mass casualty events (and with what results).

In closing, restrictions on AWs and LCMs are not a complete solution for the problem of mass shootings or public mass shootings more specifically. Nonetheless, they are modest policy measures that can likely help to reduce the incidence and severity of mass shootings over time. Given the high social costs of murders and shootings,³⁹ these laws could produce substantial savings for society even if their effects on mass shootings are modest.

ENDNOTES

¹ A semiautomatic weapon fires one bullet for each squeeze of the trigger. After each shot, the gun automatically loads the next round and cocks itself for the next shot, thereby permitting a faster rate of fire relative to nonautomatic firearms. Semiautomatics differ from fully automatic weapons (i.e., machine guns), which fire continuously as long as the trigger is held down. Fully automatic weapons have been illegal to own in the United States without a federal permit since 1934.

² The federal government's 1994 AW ban defined AWs based on having two or more of such features, as do some current state laws. In contrast, several current state laws and a new federal ban proposed (unsuccessfully) in 2013 define AWs based on a one-feature criterion.

³ Gun manufacturers report data on total handgun, rifle, and shotgun production to federal authorities, with handgun figures further differentiated by caliber. They are not, however, required to report any further detail on production by model, firing mechanism (semiautomatic vs. other), or magazine capacity.

⁴ Estimates of their use tend to be higher for different types of shootings, including mass shootings (discussed below) and gun murders of police.

⁵ Consistent with other research and reporting, this definition is also generally limited to cases in which the victims were killed in the course of one event that occurred in one or more locations in close proximity.

⁶ Researchers commonly use the FBI's Supplemental Homicide Reports (SHR) to identify homicide incidents with multiple fatalities in the United States, although some have noted substantial numbers of mass murders that do not

appear in the SHR. Furthermore, the SHR does not provide counts of additional wounded victims, nor does it provide detail on firearms used beyond basic handgun, rifle, and shotgun designations.

⁷ In a study of firearm mass murders from 1999 to 2013, the Congressional Research Service reported that public mass shootings produced 49% to 58% more fatalities and 8 to 17 times as many wounded victims per incident than did family and other felony-related cases (Krouse & Richardson, 2015).

⁸ For example, a firearm identified simply as a “semiautomatic handgun” or as a “semiautomatic rifle” might or might not be an LCM firearm or an AW depending on the particular model. Even when models are identified, there may be ambiguity about LCM use in the absence of specific magazine information. Some firearm models can be sold with LCMs or smaller magazines, whereas some firearms not sold with LCMs at retail can be equipped with aftermarket LCMs.

⁹ In some cases involving reported AW use, the firearm may only be identified generically in public accounts as an “assault rifle” or as an “assault weapon.”

¹⁰ Additional sources on public mass shootings have also yielded figures similar to those in Table 2. Cannon (2018) reported that AWs and other high-capacity semiautomatics were used in 65% of 79 public firearm mass murders documented by the Citizens Crime Commission of New York City from June 1984 through February 2018. This database mainly overlaps with the *Mother Jones* collection, although with some notable differences. Similarly, Lemieux (2014) found that AWs were used in 26% of 73 public mass murder incidents he studied from 1983 to 2013, and Capellan and Gomez (2018) estimated that “rifles or assault rifles” were used in approximately 23% of 206 mass murders or attempted mass murders they documented from 2000 to 2015. Both of these AW estimates are similar to that of Krouse and Richardson (2015).

¹¹ In other words, forcing the substitution of low-capacity weapons in these cases would likely reduce the number of victims killed in some cases, thereby reducing the number of incidents that would qualify as a mass murder.

¹² The FBI’s active shooter data does not include details about the types of weapons used other than basic handgun, rifle, and shotgun designations. To identify cases involving semiautomatic rifles, Jager et al. (2018) supplemented the FBI data with information from court and police records as well as from news sources.

¹³ For older studies showing higher victim counts for mass shootings with LCM firearms or AWs more specifically, see Duwe (2007) and Koper (2004). On a related note, Anisin (2018) reported that mass shooting incidents (3+ shot) are more likely to result in mass murders (4+ killed) when offenders use AWs or multiple firearms, although it is not possible to determine the unique effect of AWs from the analysis.

¹⁴ Note that Table 2 includes two sources on mass public shootings that mainly overlap but not completely. I have used the study of the Citizens Crime Commission of New York City (CCCNYS; Cannon, 2018) as a complement to studies of the well-known *Mother Jones* news organization’s database (Follman et al., 2019) because the CCCNYC appears to have made definitive determinations as to the use of AWs and LCM firearms for the 79 cases reported. (The cases that CCCNYC has identified as AW–LCM cases are currently listed on the organization’s website for the years 1984–2012 but not for more recent years.) I have taken these designations at face value for the purposes of this review. In contrast, Dillon’s (2013) analysis of the *Mother Jones* data for 1982–2012 compared 31 cases that clearly involved LCM weapons with 31 cases that either did not involve LCM use or (much more commonly) did not provide sufficient information for a clear determination about LCM use. More generally, examining public mass shootings as reported in multiple data sources to search for common patterns helps to compensate for some of the differences in event coverage and details across these sources. On a related note, Lemieux (2014) reported that use of AW-type rifles was not associated with victim counts in his examination of 73 public mass murder incidents from 1983 to 2013. He did not report specific figures and did not address use of other LCM firearms, however.

¹⁵ As one illustration, the Koper et al. (2018) database includes 27 cases that involved LCM firearms. Assuming these were the only LCM cases—or the only ones in which LCM use substantially affected the outcomes—we can estimate the number of deaths and injuries that could have potentially been prevented if the attackers had used non-LCM firearms. Focusing on total victims, there were 978 people killed or wounded across the sample. The LCM cases produced 13.67 killed and wounded victims on average, accounting for a total of 369 of these victims. If the LCM attacks had been conducted with non-LCM firearms, we can estimate that they may have only resulted in 5.16 victims on average (based on the observed average for non-LCM/unknown cases) producing a total of 139 victims. This would have reduced gunshot victims by 230 (i.e., $369 - 139$), amounting to an overall reduction of 24% across the full sample ($(230/978 \times 100)$).

- ¹⁶ In the Everytown (2018) sample, the potential reduction in deaths rises to 19% if the Las Vegas shooting is included and the potential reduction in total victims rises to 45%.
- ¹⁷ The calculations for both databases count multiple gun non-LCM cases as those in which the firearms used were clearly not LCM firearms or were not known to be such. The LCM firearm cases include instances of both single and multiple gun use in which offenders clearly used an LCM(s) or LCM compatible firearm(s). Note that some multiple gun cases also involve multiple shooters, although these are rare.
- ¹⁸ The non-LCM multiple gun cases involved two to four firearms, whereas the LCM cases ranged from one to four. Even after excluding LCM cases with more than two firearms, the average number of shots fired for LCM cases (54) was roughly double that in the non-LCM multiple gun cases.
- ¹⁹ More extended discussion of some of the issues surrounding the use of multiple guns and/or magazines in mass shootings are provided by Kleck (2016) and Klarevas (2016). Kleck (2016) argued that LCM restrictions would have no appreciable impact on the outcomes of mass shootings because shooters with multiple non-LCM firearms or magazines can quickly and easily switch guns or change magazines, particularly during the course of attacks that take place over the course of several minutes or longer periods. The counter argument, noted above, is that firearm and magazine changes create pauses in shooting that give potential victims and bystanders additional seconds to escape, take cover, or possibly overtake and incapacitate the shooter. Besides the data presented above in reference to cases with multiple guns, some have also offered more detailed arguments surrounding the use of multiple non-LCM magazines. Drawing on tests and reports from shooting experts, for example, Klarevas (2016, pp. 211–212) estimated that using a semiautomatic with a 30-round LCM doubles an average shooter's firing rate and shooting time per minute relative to using a semiautomatic with multiple 10-round magazines (LCM effects are much greater when compared with using a 6-shot revolver). In this scenario, a shooter trying to fire continuously with 10-round magazines would have to spend 40 seconds reloading every minute in contrast to only 20 seconds for a shooter with 30-round magazines. We can expect that these differences would be less pronounced for offenders using smaller LCMs (e.g., in the 11–20-round range), but these estimates also assume that attackers have the time, skill, and poise to reload without problems (like fumbling for or dropping a gun or magazine). Besides giving shooters the ability to wound more people more rapidly, Klarevas also emphasized that LCM use makes them more invulnerable to counterattack as people at the scene must flee or take cover when faced with a sustained barrage of gunfire. This perhaps explains why mass shooters with LCMs have had time to make magazine changes when needed in several prominently reported cases and have only rarely been subdued by bystanders (facts highlighted by Kleck). A more insightful analysis in this regard might be to examine these issues in the context of mass shootings and near mass shootings perpetrated by offenders with non-LCM firearms and magazines (e.g., looking at issues such as the number of shots they fired, the number of gun/magazine changes they made, how often they were subdued by bystanders, and the like). Finally, this debate also highlights the need for more in-depth studies of the dynamics of mass shootings that take into account how gunfire unfolds over the course of these incidents. Kleck noted that mass shootings often occur over many minutes and argued that the average rates of gunfire in LCM cases could readily be achieved with non-LCM weapons. The average rate of gunfire as calculated from the total length of an incident, however, will not always be indicative of how the event unfolded or the peak rate of gunfire that occurred. Some events involve spurts of gunfire followed by pauses as offenders move through a location, search for additional victims, and/or reload (e.g., see the detailed descriptions of selected cases provided by Klarevas). As one example, the Virginia Tech massacre perpetrated by Seung-Hui Cho in April 2007 involved approximately 174 shots that were fired over the course of 156 minutes (Kleck, 2016, pp. 34, 43). This suggests an average firing rate of one round every 54 seconds, which is a misleading characterization of how the gunfire occurred (e.g., see Klarevas, 2016, pp. 94–95). Analyzing the details and dynamics of mass shootings in more systematic depth (e.g., numbers of shots fired continuously or in spurts and with what guns and magazines) would be useful in more precisely understanding how LCM firearms affect the outcomes of these events.
- ²⁰ The Blau et al. (2016) findings should be interpreted cautiously given certain aspects of the data. Drawing from a few public sources, the sample appears to have consisted of public mass shootings resulting in four or more deaths from 1982 to 2015, public spree shootings resulting in two or more fatalities from 1982 to 2015, and active shooter incidents as identified by the FBI, which have no victim count criteria, from 2000 to 2013. This mixing of data sources introduces inconsistent measurement across the timeframe of the study. In addition, identification of LCM firearms and AWs is not discussed in any detail, which is potentially problematic, especially considering that the FBI active shooter data do not identify firearm models or even which guns were semiautomatics.

- ²¹ This conclusion is also supported indirectly by the wider body of research that has attempted to determine the impacts of weaponry on the outcomes of violent events (i.e., weapon “instrumentality”) while controlling in different ways (albeit, imperfectly) for characteristics of the situations and actors involved. Most of this research has focused on the effects of guns relative to the use of other or no weapons (e.g., Alba & Messner, 1995; Felson & Messner, 1996; Wells & Horney, 2002; Zimring, 1968), although a few studies (besides those noted in text) have used such methods to contrast attacks involving different types of firearms (Libby & Corzine, 2007; Libby & Wright, 2009; Zimring, 1972). Collectively, these studies affirm the notion that attacks with more lethal weapons are more likely to result in deaths and serious injuries. Hence, even if more lethally minded offenders choose more dangerous weaponry, the evidence suggests overall that the chosen weaponry has an independent effect in facilitating the realization of the offender’s intentions.
- ²² Trends in criminal use of AWs and LCMs were measured using several national and local data sources on guns recovered by police, with a focus on changes in AWs and LCM weapons as a share of gun recoveries. Assessing trends in LCM use was more difficult because there is no national data source on crimes with LCMs, and local police agencies do not typically record magazine capacity in their gun recovery databases. It was possible, nonetheless, to examine LCM use in a small number of geographically diverse jurisdictions, which revealed some common trends.
- ²³ There were at least seven LCM incidents from 1982 through 1994 and at least eight from 1995 through 2004 (including other cases that likely involved LCMs would magnify this increase). Conclusions about these trends are contingent on the completeness and reliability of the data over time, which some researchers have criticized (e.g., see Duwe, 2020). The point here, nonetheless, is to illuminate the patterns in these data as analyzed by Gius (2015).
- ²⁴ Similar patterns can be discerned from the CCCNYC’s listing of public mass shootings with 4+ killed (Cannon, 2018). Their collection shows 10 AW–LCM incidents in the decade before the ban and 11 during the decade of the ban (cases without AWs or LCMs declined during this time). After the ban (September 2004–February 2018), both LCM and non-LCM cases increased in rate and victim counts (the latter increase was most pronounced for LCM cases). Finally, Blau et al. (2016) also reported that public shootings of various sorts (see Footnote 20) were lower during the federal ban, but they did not find lower levels of AW use in these incidents.
- ²⁵ Interestingly, deaths per incident in LCM cases also declined during the ban in Klarevas’s (2016, p. 350) data (from 9.1 before the ban, to 7.7 during the ban, to 9.2 after), a pattern that is also apparent in the CCCNYC report on public mass murders with LCM firearms (see Cannon, 2018). These changes also seem more likely to reflect a general secular trend than an effect from the federal law, unless perhaps they were caused by a decline in the use of specific LCM models, like AWs, that have particularly large magazines. Klarevas reported a decline in AW cases during this time, but there is not sufficient detail presented in either source to examine this carefully.
- ²⁶ For further discussion of the ban’s potential to reduce shootings more generally, see Koper (2013) and Koper et al. (2019).
- ²⁷ The constitutionality of this requirement is currently being litigated in a federal court challenge to a new California law that would end the state’s prior LCM grandfathering exemption. This type of restriction, however, has been upheld in prior federal court cases involving other state and local LCM laws.
- ²⁸ States with more restrictive gun laws, however, have lower levels of gun availability and gun homicide in general (e.g., Fleegler, Lee, Monuteaux, Hemenway, & Mannix, 2013; Miller, Azrael, & Hemenway, 2002; Siegel, Ross, & King, 2013). Some studies also suggest that state-level restrictions can be effective in reducing crimes with particular categories of firearms (Vernick, Webster, & Hepburn, 1999; also see Loftin, McDowall, Wiersema, & Cottey, 1991).
- ²⁹ A few fragmentary accounts include a media report that crimes with LCM firearms continued rising in Baltimore for at least the first few years after Maryland’s reduction of its LCM capacity limit from 20 to 10 rounds in 2013 (Freskos, 2017). In contrast, a study of guns recovered by police in multiple jurisdictions around the country found some indications that LCM firearms are less common in jurisdictions with LCM laws (Koper et al., 2018).
- ³⁰ This discussion is based on a pre-publication draft of the Webster et al. (2020) study.
- ³¹ It is not clear from their data, however, how often the domestic and nondomestic incidents occurred in public or the types of venues in which they occurred.
- ³² The Klarevas et al. (2019) results may have also been affected by the omission of other gun laws that might affect mass shootings (see Webster et al., 2020; also see Reeping et al., 2019).

- ³³ On a related note, it is not clear whether Luca et al. (2019) and Blau et al. (2016) included Colorado as a ban state after it enacted LCM-only restrictions in 2013.
- ³⁴ Besides issues noted in text, Luca et al. (2019) may not have used an appropriate functional form for their cited models (see discussion in Webster et al., 2020). Gius's (2015) finding that AW-LCM laws reduce mass shooting deaths but not injuries is at odds with data showing that LCM use is more strongly associated with injuries when examining incident-level outcomes (see Table 2). In addition, with the exception of concealed carry laws, Gius did not account for other state gun laws that appear related to the level of mass shootings more generally (Reeping et al., 2019; Towers, Gomez-Lievano, Khan, Mubayi, & Castillo-Chavez, 2015; Webster et al., 2020; but also see Lin, Fei, Barzman, & Hossain, 2018 with regard to public shootings). See Footnote 20 for additional caveats regarding Blau et al. (2016). Finally, these studies did not include measures of overall gun availability, which has been linked to mass shootings in some studies (Reaping et al., 2019; Towers et al., 2015; but see Klarevas et al., 2019; Webster et al., 2020) and is generally lower in LCM ban states (which tend to have higher numbers of other gun restrictions as well).
- ³⁵ A CNN news story (Petula, 2017) referenced another analysis reportedly showing that state LCM regulations reduce mass shootings, but this study has not been published or publicly disseminated to my knowledge.
- ³⁶ Given the limits of these data, I have not undertaken extensive comparisons across LCM ban states or examined changes over time. One notable aspect of the data, however, is that most of the mass murders in the LCM ban states (and many of the cases involving LCM use) occurred in California. Accordingly, future studies of state LCM bans might give careful consideration to how patterns in California compare with those of other LCM ban states. It is also noteworthy that there were no confirmed LCM cases in these sources in states that had LCM restrictions with conditional or no grandfathering of pre-ban LCMs. There was one case that involved an LCM-compatible firearm (with no further information on the magazine type) in Washington, DC, shortly after the city passed its own LCM ban without grandfathering.
- ³⁷ See Klarevas (2016, pp. 257–258) for a discussion of implementation and cost considerations surrounding a national LCM ban and turn-in program.
- ³⁸ More generally, there is a need for better data on crimes with guns having LCMs. Policymakers should thus encourage police agencies to record information about magazines recovered with crime guns. Likewise, ATF should consider integrating ammunition magazine data into its national gun tracing system and encourage reporting of magazine data by police agencies that trace firearms.
- ³⁹ Cost of crime estimates suggest the full societal costs of each homicide in the United States (including medical, criminal justice, and other government and private costs, both tangible and intangible) may be as high as \$5 billion to \$11.6 billion as measured in 2007 dollars (Heaton, 2010). The full social costs of gunshot victimizations were estimated to be as high as \$1 million in 2000 (Cook & Ludwig, 2000). Also see Webster (2017) for further discussion of the consequences and costs associated with mass shootings in particular.

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Exhibit 12

SPECIAL ISSUE ARTICLE

COUNTERING MASS VIOLENCE IN THE UNITED STATES

Why have public mass shootings become more deadly?

Assessing how perpetrators' motives and methods have changed over time

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Research Summary: Public mass shootings in the United States have become substantially more deadly over time. We document this increase, offer a model to explain it, review supporting evidence for the model, and present new findings on offenders from 1966 to 2019. It appears that societal changes have led to more public mass shooters who are motivated to kill large numbers of victims for fame or attention, as well as to more shooters who have been directly influenced by previous attackers. They often spend extended time planning their attacks and are increasingly likely to acquire powerful weapons and develop specific strategies to enhance their lethality.

Policy Implications: New policies should be aimed at addressing the aforementioned factors. For instance, the deadliest public mass shooters' desires for fame and attention might be countered by a change in media coverage policies. Additionally, the deadliest perpetrators' lengthy planning periods have been associated with more warning signs being reported to police, so that type of information could justify denying many potential attackers access to firearms through extreme risk protection orders and red flag laws.

KEYWORDS

fame-seeking, firearms, high-fatality incidents, lethality, public mass shootings

In 2016, the number of people shot by public mass shooters in the United States reached a 40-year high, and in 2017, the number of people killed by active shooters surpassed any year since the FBI began recording data (Duwe, 2017; Hayes, 2017). Public “mass” and “active” shooters refer to a single offender type; the most significant difference is that “mass” shootings are traditionally defined as incidents that result in four or more victim deaths, whereas “active” shootings have no minimum (Fox & Levin, 2015). Notably, these increases do not seem primarily attributable to population growth: They exist even when victimization figures are adjusted per capita (Duwe, 2017).

There has also been a marked rise in high-fatality attacks of this type. At the extreme, although the United States has experienced public mass shootings for more than 50 years, the five deadliest incidents in national history have all occurred since 2007 (Ahmed, 2018). During this span, the tragic “record” for number of victims killed in an American mass shooting has been set (at Virginia Tech where 32 victims died), broken (at the Orlando Pulse nightclub where 49 victims died), and then set again (on the Las Vegas strip where 58 victims died).¹

This disturbing trend seems counterintuitive. After all, there are many reasons why today’s mass shootings should theoretically be less deadly than those from prior decades. Since the 1999 Columbine school shooting, there has been a sustained and dedicated effort to improve how law enforcement officers, medical personnel, and ordinary civilians respond to active and mass shootings (Blair, Nichols, Burns, & Curnutt, 2013; Pons et al., 2015). This priority area has received more funding, training, and public outreach than ever before (Blair et al., 2013; U.S. Department of Justice, 2017). And there have been continued advancements in life-saving medical technology and techniques to help first responders and emergency room surgeons keep more shooting victims from perishing than in the past (Belluz, 2017; Smith & Delaney, 2013).

To date, no one has provided a clear and compelling explanation for why public mass shootings have become deadlier over time. That may be because finding evidence-based answers is so challenging. Similar struggles are often encountered in other areas, such as scholars’ attempts to explain changes in crime rates, climate patterns, or financial markets. Because the path of history provides a sample size of only one reality, it is challenging to know what may have occurred if different variables were present.

In this article, we offer an explanation for why public mass shootings have become more deadly by identifying several key changes in American society and then providing evidence of their corresponding effects on the behavior of some shooters. First, however, we will briefly review the empirical evidence that a quantifiable change has indeed occurred.

1 | INCREASED LETHALITY OF PUBLIC MASS SHOOTINGS

To analyze changes in public mass shootings over time, we drew data from a publicly available list of qualifying incidents ($N = 165$) compiled by Berkowitz, Lu, and Alcantara (2019). According to the definition they used, public mass shootings must involve a firearm and result in at least four or more victims being killed.² Past attack locations for these incidents have included schools, colleges, workplaces, public businesses, government buildings, military facilities, and other popular locations. Shootings that arose from gang conflict or robberies or that took place exclusively in private homes were not included. The list compiled by Berkowitz et al. (2019) comprises both cases documented in prior scholarship—especially from Duwe (2007)—and news reports, and it was designed to capture all incidents from 1966 to present. The starting point of 1966 is widely recognized as the first year of modern mass shootings (with the University of Texas Tower attack); as an ending point, we obtained complete data through August 30, 2019 (which was our last opportunity to update our findings).

TABLE 1 Public mass shootings in the United States by number of victims killed, 1966–2019*

Time period	8 or more victims killed <i>n</i> (% of total)	12 or more victims killed <i>n</i> (% of total)	16 or more victims killed <i>n</i> (% of total)
1966–1969	1 (3%)	1 (5%)	0 (0%)
1970–1979	0 (0%)	0 (0%)	0 (0%)
1980–1989	5 (15%)	2 (11%)	1 (11%)
1990–1999	5 (15%)	2 (11%)	1 (11%)
2000–2009	5 (15%)	3 (16%)	1 (11%)
2010–2019*	18 (53%)	11 (58%)	6 (67%)
Total	34	19	9

Source: Berkowitz et al. (2019). We reviewed all cases with eight or more victims killed to make sure they did not include anyone killed prior to the mass shooting incident. Percentages have been rounded to the nearest whole number.

*Data collected through August 30, 2019.

Table 1 is divided into decades and partial decades (1966–1969, 1970–1979, 1980–1989, 1990–1999, 2000–2009, and 2010–2019), and it provides the number of high-fatality public mass shootings that occurred in the United States in each of these time periods. For this study, we defined “high-fatality” incidents as attacks in which eight or more victims were killed, which is double the traditional standard for a public mass shooting. In the United States from 1966 to 2019, 34 high-fatality incidents met this criterion, which means that our definition includes the top 20% of all public mass shootings based on lethality ($34 / 165 = 20.6\%$). To ensure that this list of high-fatality mass shootings was accurate, we closely reviewed all cases with eight or more victims killed to make sure they did not include anyone killed prior to the mass shooting.

As Table 1 shows, high-fatality incidents have become substantially more common over time: 53% of them occurred from 2010 to 2019. This trend is even more pronounced if we use increasingly stringent thresholds for what qualifies as “high fatality.” If the traditional threshold is tripled, 58% of public mass shootings that killed 12 or more victims have occurred from 2010 to 2019. And if the traditional threshold is quadrupled, 67% of shootings that killed 16 or more victims occurred during the 2010–2019 period. Thus, the deadliest incidents have been occurring more frequently as well.

Because more than three times as many high-fatality attacks (with eight or more victims killed) have occurred since the beginning of 2010 as during any prior decade analyzed in this study, we considered the year 2010 the approximate “inflection point” of this change.³ By comparing incidents from before and after the start of 2010, we can understand the increasing deadliness of public mass shootings in several additional ways. For instance, it is not only the total number of high fatality incidents that has risen but also the proportion of incidents that reached a high-fatality threshold. From 1966 to 2009, approximately 15% of public mass shootings resulted in eight or more victims killed ($16 / 109$), but from 2010 to 2019, that proportion more than doubled to 32% ($18 / 56$).

The increase in high-fatality incidents has also had a substantial impact on the overall deadliness of public mass shootings. We calculated the average number of victims killed in all incidents ($N = 165$) before and after the start of 2010, and we found that from 1966 to 2009, public mass shootings averaged 6.2 victim fatalities, but from 2010 to 2019, these attacks averaged 9.1 victim fatalities. Therefore, the average number of victims killed per incident has risen by 47% since the beginning of 2010.⁴

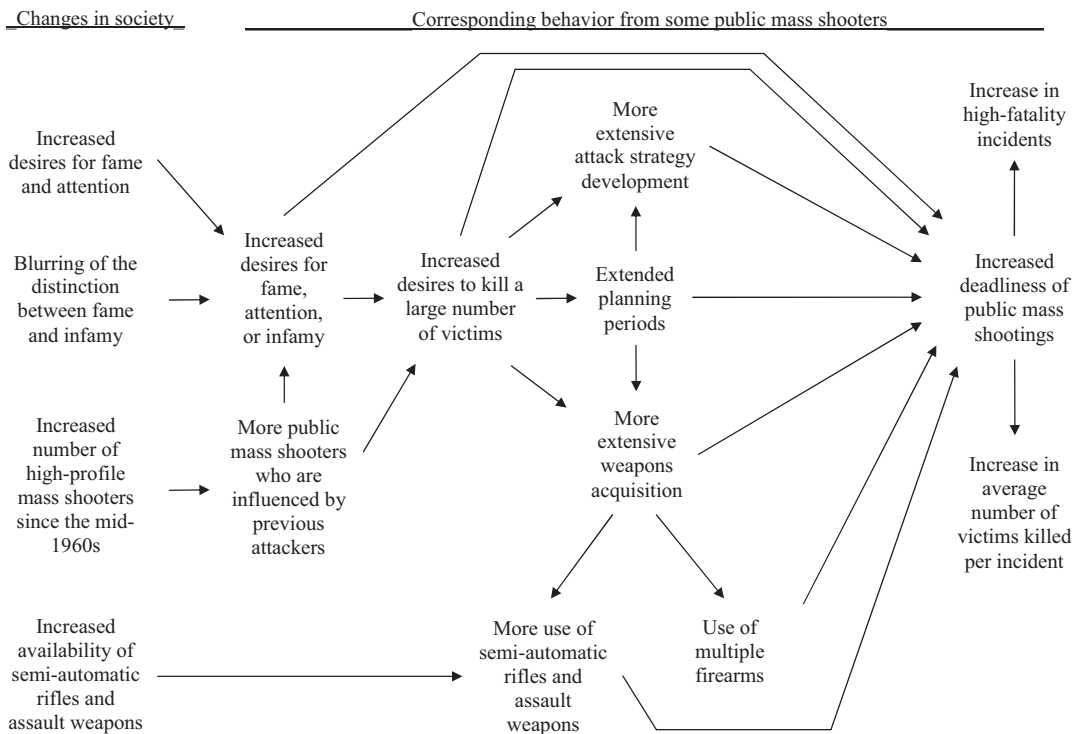


FIGURE 1 Proposed model of increased deadliness of public mass shootings

2 | PROPOSED MODEL

To gather evidence on the motives and methods of public mass shooters, we drew data from a wide range of sources, including from previous scholarship, government reports, primary sources documents (e.g., offender manifestos, journals, or online posts), and news media reports that included information from law enforcement officers, investigators, or witnesses. Naturally, some changes in the nature of this information have occurred over time: for example, the entire news media industry is larger than ever before, and perpetrators from earlier decades could not leave behind online posts like more recent attackers. That being said, we have no reason to think that investigations into extremely deadly public mass shootings during the 1960s, 1970s, or 1980s were any less serious or thorough than they have been in recent years. These incidents are so tragic that they are almost always followed by public demands for answers and by in-depth investigations into attackers' lives. Furthermore, the perpetrators have always had the opportunity to reveal their motives in a variety of ways. Social media posts from a recent mass shooter may be the equivalent of handwritten threats or manifestos from earlier periods.

In Figure 1, we offer a model to explain the increased lethality of public mass shootings. As we will discuss and document in more depth, changes in American society—including increased desires for fame, blurring of the distinction between fame and infamy, and an increased number of high-profile public mass shooters since the mid-1960s—seem to have led to a corresponding rise in the number of public mass shooters and plotters who seek fame and attention through their attacks. Also, an increase in the number of public mass shooters who were directly influenced by previous attackers seems to have occurred. These individuals are often motivated to kill large numbers of victims because of the

widespread attention that will bring them, and some specifically attempt to surpass the body counts killed by their predecessors.

These increasingly common motives seem to have caused a change in perpetrators' most common methods of attack. Put simply, public mass shooters who want to kill large numbers of victims are more likely to take specific steps to accomplish those goals. In particular, they often engage in extended planning periods, they develop more extensive attack strategies, and they seem more driven to acquire weapons that will increase their lethality. In many cases, this weapons acquisition process involves obtaining multiple firearms and at least one semi-automatic rifle or assault weapon. And those who seek these powerful weapons benefit from another key change in American society: the increased availability of semi-automatic rifles and assault weapons for consumers (Bureau of Alcohol, Tobacco, Firearms and Explosives, 2018; Heath, Hansen, & Willingham, 2017).

Of course, this model does not include descriptions of all offenders, and other variations do exist. For example, some public mass shooters have wanted fame or have expressed the desire to kill large numbers of victims but have lacked the means to achieve those goals (Lankford, 2016b). There have also been public mass shooters who had highly lethal weapons but did not seem to care about producing a particularly high death toll (Berkowitz et al., 2019).

As we will discuss and demonstrate in more detail, however, the proposed factors may be associated with why public mass shootings have become increasingly deadly over time.

3 | INCREASED DESIRES FOR FAME AND ATTENTION IN SOCIETY

Within American society, desires for fame, attention, and celebrity status are more widespread and powerful today than ever before (Lankford, 2016b; Sternheimer, 2011; Twenge, 2014; Uhls & Greenfield, 2011). For instance, when children aged 10–12 are asked about the most important thing for their future, their most common answer is “to be famous,” not to be financially successful, be part of a community, or be nice (Uhls & Greenwood, 2012). And far more middle school students say they would like to work as an assistant to a famous celebrity than express interest in becoming a CEO or U.S. senator (Stein, 2013). Along similar lines, whereas people from prior generations put a premium on becoming more spiritual, helping others, and becoming leaders in their community, 51% of Americans aged 18–25 say that “to be famous” is one of their generation's most important goals in life (Pew Research Center, 2007). Additionally, 50% of millennials (i.e., people born between approximately 1981 and 1996) say they believe “their life should be made into a movie” (Business Wire, 2017).

Notably, many Americans are also increasingly desperate for fame and attention regardless of the cost to themselves or others. One in 6 millennials say they would “forego having children for the possibility of fame,” 1 in 9 say they would “rather be famous than get married,” and 1 in 12 say they would “completely detach themselves from their family to become famous” (Clapit, 2017). Some Americans are also increasingly willing to sacrifice their integrity and values for fame and attention, or to engage in outrageous, salacious, morally questionable, or even criminal behavior to reach such goals (Lankford, 2016b; Sternheimer, 2011; Twenge, 2014; Uhls & Greenfield, 2011).

Perhaps as a result, the distinction between fame and infamy seems to be disappearing. This is apparent in many segments of American society. Magazine covers no longer feature only “good” celebrities; they increasingly showcase rapists, child abusers, drug addicts, and murderers (Levin et al., 2005). Reality TV shows are filled with many people who seem happy to engage in immoral and illicit behavior as long as they get to be seen on television (Lankford, 2016b). And social media has become a competitive battlefield for people who will say or post anything to get noticed (Lankford, 2013; Rossi

& Rubera, 2018). Even the president of the United States has suggested that he subscribes to the axiom that “all press is good press.” Overall, many people have become so desperate for attention that they would rather get negative attention than feel like they are being ignored (Lankford, 2016b; Levin, Fox, & Mazaik, 2005; Pinsky & Young, 2008).

4 | INCREASED DESIRES FOR FAME, ATTENTION, OR INFAMY AMONG PUBLIC MASS SHOOTERS

Unfortunately, these widespread changes in American society seem associated with a corresponding rise in the number of public mass shooters who seek fame, attention, or infamy. Although many of these perpetrators commit suicide or are shot and killed during their attacks, it does not detract from their desire for widespread attention (Langman, 2018; Lankford, 2016b). In fact, it may exacerbate it. Some of these shooters attempt to compensate for their failures in life by creating legacies that will persist long after their deaths (Bushman, 2018; Follman & Andrews, 2015; Langman, 2017, 2018; Lankford, 2016b).

In addition to perpetrators who want to become famous, some public mass shooters also seek attention for an ideological cause. And much like perpetrators who want fame for themselves, these ideologically driven attackers often recognize that killing innocent people will garner substantial media attention. Findings from prior research, however, have indicated that these two types may often overlap (Lankford, 2013, 2018b). Some public mass shooters, including the Columbine shooters and the Virginia Tech shooter, have expressed radical ideologies despite having no formal connection to an extremist group. Conversely, some ideologically driven attackers have sought fame or attention for themselves, in addition to the attention they hoped to bring to their cause (Kruglanski, Chen, Dechesne, Fishman, & Orehek, 2009; Lankford, 2013, 2018b). In fact, terrorist organizations have often marketed the opportunity to be a “martyr” as a way for people who struggled in life to create a powerful legacy (Hoffman, 2006; Lankford, 2013; Pedahzur, 2005).

Overall, the chronological increase in perpetrators seeking fame, attention, and infamy can be documented in several different ways. For one thing, it can be found among active and public mass shooters in general, regardless of how many victims they kill. For instance, Lankford (2016b) found that more fame-seeking shooters attacked in the United States from 2006 to 2015 than over the previous 30 years combined. Notably, these fame-seeking motives have been especially common among the deadliest offenders. From 1966 to 2015, fame-seeking mass and active shooters averaged more than twice as many victims killed as perpetrators who were not known to have this motive (Lankford, 2016b).

In addition, Capellan, Johnson, Porter, and Martin (2019) found that a larger proportion of active and mass shooters since 2010 have been ideologically driven than during any prior decade since the 1960s, so a significant proportion of these perpetrators may have been seeking attention for their cause (and/or themselves). In fact, committing a public mass shooting may have become significantly more attractive to ideological extremists than attacking with other weapons because the likelihood of “success” is so much higher. As Lankford (2013) noted several years ago, “mass-shooting attacks are much simpler to prepare for than elaborate bombings or hijackings” (p. 164), and the data bear that out. Since 9/11, there has not been a single bombing or hijacking in the United States that killed eight or more victims—despite dozens of attempts—and only one vehicle attack which reached that level of deadliness (Bergen, Ford, Sims, & Sterman, 2019). By contrast, there have been 23 public mass shootings over the same time span that killed eight or more victims, which indicates that this method of attack is a significantly better way to get fame and attention.

TABLE 2 Comparison of high-fatality public mass shootings before and after 2010

Variable	1966–2009 (<i>n</i> = 16) Mean/%	2010–2019* (<i>n</i> = 18) Mean/%
Perpetrator age	37.9	29.9
Perpetrator below age 30	25%	67%
Number of victims killed	13.1	18.0
Explicit evidence of fame-seeking or attention-seeking	25%	56%
Explicit or circumstantial evidence of fame-seeking or attention-seeking	44%	78%
Direct evidence that perpetrator was influenced by another specific attacker or attackers	25%	50%
Planned mass shooting for more than 1 year	38%	50%
Attack strategy was developed to increase fatalities	31%	61%
Semi-automatic rifle or assault weapon	31%	56%
Multiple firearms	81%	78%

Notes. High-fatality incidents were defined as those that resulted in eight or more victims being killed and did not include anyone killed prior to the mass shooting. Because the unit of analysis was incidents, for the two incidents with dual perpetrators, the perpetrator ages were averaged. Percentages have been rounded to the nearest whole number.

*Data collected through August 15, 2019.

To document the increase in fame- and attention-seeking among public mass shooters, we closely studied all high-fatality incidents in which eight or more victims were killed in the United States from 1966 to 2019. Although verifying these motives can be difficult, we have found perpetrators who exhibited them as far back as 1966. We coded each incident based on whether there was explicit evidence of fame- or attention-seeking, explicit or circumstantial evidence of fame- or attention-seeking, or no evidence of fame- or attention-seeking. We defined “explicit evidence” to mean that the offender openly admitted seeking fame or attention, directly contacted the media to get it, or made public statements about the attack, before or during the attack, that were intended for a wide audience. We defined “circumstantial evidence” to mean that the offender engaged in other attention-seeking behavior, attacked to bring attention to an ideological cause, or was believed to be seeking fame or attention by people intimately familiar with his case. All remaining incidents were coded as “no evidence.”

As shown in Table 2, among perpetrators of high-fatality public mass shootings, a clear increase in fame- and attention-seeking motives has occurred over time. From 1966 to 2009, only 25% of cases had explicit evidence of fame- or attention-seeking, but from 2010 to 2019, 56% of cases had explicit evidence of this type. Similarly, from 1966 to 2009, 44% of cases had explicit or circumstantial evidence of fame- or attention-seeking, but from 2010 to 2019, that evidence was present in 78% of cases.

A closer look at the public mass shooters who sought fame or attention revealed that not only were they more lethal, but also that most of them fit squarely within the age demographic of Americans who are more likely to prioritize becoming famous. Although the Las Vegas shooter was a clear exception, overall, high-fatality mass shootings were committed by substantially younger perpetrators from 2010 to 2019 ($M = 29.9$) than from 1966 to 2009 ($M = 37.9$). In fact, 67% of high-fatality incidents from 2010 to 2019 were committed by perpetrators younger than 30, compared with only 25% of high-fatality incidents from 1966 to 2009. (The offender’s age was unknown for one case.) Overall, this finding shows support for the possibility that these perpetrators’ more common desires for fame and attention may be affected by changes in their social context.

5 | INCREASED DESIRES TO KILL LARGE NUMBERS OF VICTIMS

For public mass shooters who want fame or attention, there is an obvious answer: Kill a large number of victims. Perpetrators who do so almost always get the reward they seek (Lankford, 2018a; Lankford & Madfis, 2018a).

The relationship between high death tolls and high levels of media attention has been demonstrated empirically. For instance, findings from prior studies have shown that for a mass shooter, more victims killed equals more front page photos of you in the newspaper, more days that you stay on the front pages, more likelihood of you appearing in *The New York Times*, and more articles and longer articles (based on word count) published about you (Dahmen, 2018; Duwe, 2004; Schildkraut, Elsass, & Meredith, 2017).

Of course, many perpetrators do not ever declare exactly how lethal they intend to be, so it is impossible to quantify this motive for them. Anecdotal evidence, however, indicates that there has been a dramatic rise in public mass shooters and plotters who wanted to kill large numbers of victims.

Although a few perpetrators from earlier decades expressed the desire to kill many victims, the most influential case may have been the 1999 Columbine shooting. The fame-seeking perpetrators of that attack—who like many other members of their age cohort, wanted a movie made about their lives—stated that their goal was “[t]he most deaths in U.S. history” and suggested they “hope we kill 250 of you” (Lankford, 2016b, p. 126). Fortunately, they failed to reach those objectives, but they did succeed in both committing the worst school shooting in U.S. history at that time and in inspiring many copycats (Follman & Andrews, 2015).

More recently, the 2011 Tucson shooter wrote “I HAVE THIS HUGE GOAL AT THE END OF MY LIFE: 165 rounds fired in a minute!” (Lankford, 2016b, p. 126), which seems indicative of his highly lethal goals. Similarly, the 2014 Santa Barbara shooter wrote that he wanted “to destroy the entirety of Isla Vista, and kill every single person in it” (Duke, 2014, para. 41). In turn, a teenager whose attack on a Minnesota high school was thwarted in 2014 admitted to police that, “I just wanted as many victims as possible” (Gladwell, 2015, para. 18). Likewise, the 2015 Charleston Church shooter told a friend he wanted to “kill a bunch of people” (Paddock, Sandoval, Schapiro, & Siemaszko, 2015, para. 35), and the 2015 Umpqua Community College shooter wrote that “the more people you kill, the more you’re in the limelight” (Lankford, 2016b, p. 126).

In another recent example, the 2018 Parkland shooter stated in his cell phone video that, “My goal is at least 20 people,” which would have made him one of the deadliest mass shooters in national history. His social media posts included statements such as “I wanna die fighting killing shit ton of people” and “I wish to kill as many as I can” (Marjory Stoneman Douglas High School Public Safety Commission, 2019, p. 246). In a separate case a few weeks later, police arrested a man in Vermont who had acquired weapons, was planning to attack his former school, and had written in his journal that, “I’m aiming to kill as many as I can” (Bidgood, 2018, para. 3). In turn, shortly after his arrest for the 2018 Pittsburgh synagogue shooting, that perpetrator told police that “all these Jews need to die” (Scolforo, Breed, & Lauer, 2018, para. 3). Similarly, after his arrest, the 2019 El Paso shooter told investigators that “he wanted to shoot as many Mexicans as possible” (Francescani, Katersky, Hoyos, Hutchinson, & Allen, 2019, para. 9).⁵ He had reportedly participated in an online forum where mass shooting death counts are referred to as the “score”—with the most lethal shooter in history having the “high score” (Ailworth, Wells, & Lovett, 2019).

Circumstantial evidence indicates that many of the other deadliest shootings in U.S. history were also intended to produce a high death toll. As just one example, the 2017 Las Vegas shooter’s brother Eric

“believed ... [he] would have planned the attack to kill a large amount of people because he would want to be known as having the largest casualty count. [He] always wanted to be the best and known to everyone ... [he] needed to be seen as important” (Las Vegas Metropolitan Police Department, 2018, p. 116). This statement is consistent with other elements of the Las Vegas shooter’s behavior, such as his lethal attack strategy and extreme weapons acquisition (Las Vegas Metropolitan Police Department, 2018).

6 | INCREASED NUMBER OF HIGH-PROFILE PUBLIC MASS SHOOTERS SINCE THE MID-1960S—AND THEIR INFLUENCE

Another important factor may be the overall increase in the number of high-profile public mass shooters since the mid-1960s. As noted earlier, the year 1966 is widely recognized as the beginning of the rise in these types of shootings (with the University of Texas Tower attack), and multiple data sources indicate that public mass shootings in the United States have become more frequent since that time (Berkowitz et al., 2019; Bjelopera, Bagalman, Caldwell, Finklea, & McCallion, 2013). Over the same general period, news media and information dissemination technologies have grown exponentially, resulting in far more high-profile attackers than ever before (Lankford, 2016b). These killers are no longer covered only by newspapers, radio, and network news; they are now also featured on 24/7 cable news, online news, blogs, podcasts, and social media platforms.

One consequence of the existence of more high-profile public mass shooters is that they can influence subsequent attackers. To get a better sense of changes in these influences over time, we coded each high-fatality incident for evidence that the perpetrator was directly influenced by a previous attacker or attackers. To avoid any ambiguity, we only counted perpetrators who were known to have directly cited, referenced, or studied a previous public mass killer. Naturally, this does not account for the more subtle ways that most members of society are affected by their general awareness of national news.

As shown in Table 2, we found that from 1966 to 2009, only 25% of high-fatality public mass shootings were committed by perpetrators known to have been specifically influenced by a previous attacker or attackers. But from 2010 to 2019, that proportion rose to 50%.

These types of influence have been analyzed by scholars using a variety of terms, including “contagion,” “imitation,” “inspiration,” and “copycat behavior” (Kissner, 2016; Langman, 2017, 2018; Lankford & Madfis, 2018a,b; Meindl & Ivy, 2018; Towers, Gomez-Lievano, Khan, Mubayi, & Castillo-Chavez, 2015). Although the precise effects are impossible to determine for every case, prior research findings indicate that these influences may increase some at-risk individuals’ desires to attack at all, to kill for fame and attention, and/or to kill a large number of victims for a correspondingly larger amount of fame and attention (Kissner, 2016; Langman, 2017, 2018; Lankford, 2016b; Lankford & Madfis, 2018a,b; Meindl & Ivy, 2018; Towers et al., 2015). For instance, sometimes the role model may primarily serve as inspiration, whereas in other cases, the role model is influential by vividly demonstrating that high-fatality killers of this type are consistently rewarded by the media with fame (Lankford, 2016b; Lankford & Madfis, 2018a,b; Meindl & Ivy, 2018).

Because these perpetrators are often competing for fame, attention, and legacy, many of them also view body counts as a competition, and therefore, they may attempt to surpass the death tolls of previous attackers. Among our sample of high-fatality public mass shootings from 1966 to 2019 ($n = 34$), we found that attacks that were directly influenced by a previous attacker or attackers were 48% more deadly, on average, than attacks for which there was no evidence of such influences.

There are also other indications of this relationship between previous attackers’ influence and subsequent attackers’ highly lethal intentions. For example, at least 13 cases have involved plotters who specifically referenced Columbine and stated that they wanted to exceed its body count (Follman &

Andrews, 2015). Along similar lines, prior to his 2012 attack, the Sandy Hook shooter posted online that he was impressed that a mass shooter in Norway had set the world record for victims killed—and then he personally went on to commit the second deadliest public mass shooting in U.S. history, at that time (Lankford, 2016b).

In another case, the 2015 Roanoke shooter wrote in his manifesto that he “was influenced” by the Virginia Tech shooter: “That’s my boy right there. He got NEARLY double the amount that [the Columbine shooters] got” (Stein, 2015, para. 4). Likewise, the 2016 Townville shooter wrote, “I HAVE TO BEAT [the Sandy Hook shooter]. ... At least 40,” before increasing his goal: “I think I’ll probably most likely kill around 50 or 60. ... If I get lucky maybe 150” (Cox, 2018, para. 4, 14). Subsequent investigations revealed that he had used his phone to search on “deadliest U.S. mass shootings” and “top 10 mass shooters” (Cox, 2018). Even more recently, a thwarted 2018 school shooting in Maine was motivated by the suspect’s “express intention to become the most notorious school shooter in American history by exceeding the number of people killed recently in Florida” (Associated Press, 2018, para. 5). In online posts, he “estimated he could kill as many as 30” (Associated Press, 2018, para. 4). Fortunately, not all of these attackers were successful in killing as many people as they intended, but their statements reveal a possible rise in the number of public mass shooters who want to kill large numbers of victims to surpass the previous attackers who influenced them.

7 | EXTENDED PLANNING PERIODS

In general, most public mass shootings are premeditated, but the amount of planning varies considerably. In one of the first studies to measure this variable, Vossekuil, Fein, Reddy, Borum, and Modzeleski (2002) found that 51% of school shooters planned their attacks for at least 1 month. More recently, Silver, Simons, and Craun (2018) found that among cases with sufficient evidence to make a determination, 77% of active shooters planned their attacks for more than 1 week, 62% planned for more than 1 month, and 9% planned for more than 1 year.

To improve our understanding of how the deadliest perpetrators plan their attacks, we coded each high-fatality incident from 1966 to 2019 for evidence that it was planned for more than 1 year, which represented the highest threshold found in prior research. Because it is impossible to read perpetrators’ minds, we calculated duration of planning based on the first point at which they were known to have expressed interest in committing a mass killing or to have taken specific steps to prepare for their attack.

As shown in Table 2, we found only a small increase in duration of planning over time. From 1966 to 2009, 38% of high-fatality incidents were planned for more than 1 year, whereas from 2010 to 2019, that proportion rose to at least 50%. (We say “at least” because planning data are not yet available for some of the most recent incidents.) Because this chronological increase is small, it indicates that perpetrators from the last decade are only moderately more likely to engage in extended planning periods than their predecessors.

What seems far more clear, however, is that perpetrators who planned their attacks for more than 1 year have been substantially more deadly, on average, than those who planned for less time. Overall, we found that at least 44% of high-fatality attacks were planned for a year or more compared with only 9% of active shootings overall (Silver et al., 2018). And within our sample of 34 high-fatality incidents, those that were planned for more than 1 year resulted in 85% more victims being killed than those with shorter planning periods.

Further research could yield valuable insights on why extended planning periods seem associated with increased lethality. Some perpetrators who spend a long time planning may be more likely to develop attack strategies and acquire weapons that directly increase their lethality. A full year, however,

is certainly not required to prepare for a mass shooting, so the explanation may involve psychological factors as well. For example, a year of fantasizing about becoming a famous public mass shooter may increase perpetrators' homicidal resolve and commitment to killing many victims. Perpetrators who spend a long time planning, ruminating, and fantasizing may also be more susceptible to the influence of other attackers they see in the news, and thus, they may be more likely to be inspired by them, to copy them, to compete with them, or to want to surpass them.

8 | MORE EXTENSIVE ATTACK STRATEGY DEVELOPMENT

Public mass shooters who want to kill large numbers of victims often develop an attack strategy to accomplish that goal. This seems far more effective than simply walking into a public place and opening fire. To measure the presence of this variable, we coded each high-fatality incident from 1966 to 2019 for evidence that it involved an attack strategy designed to produce a high death toll. Qualifying strategies included perpetrators' research and analysis of prior public mass shootings (if it seemed tactical and separate from inspiration or curiosity), their calculated selection of victim-rich target locations, their attempts to prevent victims from escaping, and other tactics designed to increase their lethality.⁶

During the same period when public mass shootings have become increasingly deadly, the number of perpetrators who used these attack strategies has increased as well. From 1966 to 2009, 31% of high-fatality incidents involved strategies to increase the perpetrators' lethality, but from 2010 to 2019, that proportion grew to 61% (see Table 2). As expected, we found that perpetrators who used attack strategies of this type killed more victims, on average, than perpetrators who did not.

There are a few notable examples from the earlier period. For example, the 1966 University of Texas shooting involved the perpetrator bringing his weapons to the tower's observation deck, so he could shoot from a tactically advantageous position. The 1991 Luby's cafeteria shooter crashed his truck through the front window of that restaurant before opening fire, combining a vehicle attack with his mass shooting. And the 2007 Virginia tech shooter deliberately chained three school doors shut to prevent victims from escaping.

Such strategies, however, have been far more common since 2010. For instance, the 2012 Aurora shooter wrote that he selected a particular movie theater because it would have many people "packed in single area" and he could lock its doors, so his mass shooting would result in "mass casualties" (Follman, 2015, diary image, p. 51). The 2012 Sandy Hook shooter prepared for his attack by creating and analyzing a "7-by-4-foot spreadsheet documenting the names, body counts, and weapons from previous mass murders" that "sounded like a doctoral thesis," according to law enforcement (The Week, 2015, para. 5). And the 2015 Umpqua Community College shooter analyzed prior perpetrators and wrote that, "[T]hey don't work fast enough and their death toll is not anywhere near where it should be. They shoot wildly instead of targeted blasts. They also don't take on the cops" (Anderson, 2017, para. 33). He then engaged in a firefight with police during his own attack.

In other recent examples, the 2016 Orlando Pulse nightclub shooter considered several well-populated attack locations, including Disney World, before deciding on the Pulse nightclub because it was a softer target. The 2017 Las Vegas shooter searched online for "biggest open air concert venues in USA" and "how crowded does Santa Monica Beach get" before deciding on his attack location (Las Vegas Metropolitan Police Department, 2018). He also decided to shoot from an elevated position, use a bump stock to increase his firing rate, and shoot incendiary rounds at nearby fuel tanks in an attempt to spark an explosion. And the 2018 Parkland shooter apparently selected a "a unique building" at the school where he would be "unchallenged" and "unfettered," according to law enforcement, and he kept reminders on his phone to improve his killing ability ("Control your breathing and trigger pull ... same

thing every time”; Marjory Stoneman Douglas High School Public Safety Commission, 2019, p. 247; Mazzei, 2018, para. 19). Perhaps copying the 1966 Texas shooting and 2017 Las Vegas shooting, the Parkland shooter also “tried to set up a sniper position from the windows” to shoot fleeing students from above, but fortunately his bullets could not penetrate the hurricane-resistant glass (Mazzei, 2018, para. 16). More recently, the 2019 Virginia Beach shooter used a silencer to muffle the sound of his shots, which made it more difficult for both potential victims and law enforcement to pinpoint his location.

9 | MORE EXTENSIVE WEAPONS ACQUISITION

Strong empirical evidence shows that weapon choice affects lethality. Multiple data sources indicate that active and public mass shootings committed with semiautomatics rifles and assault weapons result in more victims killed, on average, than attacks with less powerful weapons (de Jager et al., 2018; Follman, Aronsen, & Pan, 2018; Klarevas, 2016). Similarly, previous research findings have revealed that active and public mass shootings committed by perpetrators with multiple firearms also result in more victims killed, on average, compared with attacks with a single firearm (Klarevas, 2016; Lankford, 2015, 2016a). The results of our analysis of all public mass shootings ($n = 165$) compiled by Berkowitz et al. (2019) also revealed the same relationship between multiple firearms and higher fatality counts. (Data on use of semiautomatics rifles and assault weapons were not available for all 165 cases.)

It is therefore no surprise that attackers who want to kill large numbers of victims often increase their lethality by arming themselves with a semi-automatic rifle or assault weapon and/or obtaining multiple firearms. In this way, motive can affect weapons acquisition. Not all public mass shooters with powerful weapons seem to care about producing high death tolls, but public mass shooters who want to produce high death tolls seem to care about having powerful weapons.

Overall, over time, public mass shooters’ use of semi-automatic rifles and assault weapons has increased (Follman et al., 2018; Klarevas, 2016), and we similarly found an increase in the use of these weapons by the deadliest attackers. From 1966 to 2009, 31% of high-fatality public mass shootings were committed by perpetrators armed with a semi-automatic rifle or assault weapon, whereas from 2010 to 2019, that proportion rose to 56% (see Table 2). As expected, we also found that within this sample, perpetrators with semi-automatic rifles/assault weapons killed more victims, on average, compared with perpetrators without them.

On the other hand, although we did find that the deadliest attackers usually armed themselves with multiple weapons, we did not find an increase in this variable over time. From 1966 to 2009, 81% of high-fatality incidents were committed by perpetrators who had acquired multiple weapons, whereas from 2010 to 2019, that proportion was slightly smaller at 78% (see Table 2). The lack of change in this variable over time is not particularly surprising given that for most of American history, people who have wanted to purchase multiple firearms have encountered few barriers to doing so.

A substantial increase has occurred, however, in the availability of semi-automatic rifles and assault weapons. Although the Bureau of Alcohol, Tobacco, Firearms and Explosives (2018) does not provide details on the production of these specific firearm types, the overall number of rifles manufactured in the United States grew from less than 1 million in 1986 to more than 4 million in 2016. And in particular, AR-15-styled weapons have constituted an increasingly larger proportion of total rifles manufactured each year (Heath et al., 2017). There was a temporary limit to this growth from 1994 to 2004—when the Federal Assault Weapons Ban increased the obstacles and costs—but the assault rifle market quickly rebounded after the ban’s expiration. For instance, the number of assault rifle manufacturers rose by approximately 1,700% from 2000 to 2015 (Archer, 2015). And by 2016, more

than 60% of all rifles sold in the United States were AR-15 styled (Heath et al., 2017). Furthermore, as the available supply has spiked, prices from some retailers have dropped precipitously, making it even easier for public mass shooters to purchase the weapons they want (Heath et al., 2017).

Overall, the increased use of semi-automatic rifles and assault weapons is an important reason why public mass shootings have become more deadly over time. It makes sense: Motivated offenders with more lethal weapons should be expected to do more harm. In addition, however, even when holding firearm use constant, fatalities have risen. For instance, data from Klarevas (2016) show that attacks with assault weapons from 2006 to 2015 were more deadly compared with attacks with assault weapons from 1966 to 2005. And data from Follman et al. (2018) show the same general trend: Perpetrators with semi-automatic rifles and assault weapons averaged more victims killed from 2010 to 2018 compared with perpetrators with those same types of weapons killed in previous decades. We also found that public mass shootings committed with multiple firearms from 2010 to 2019 were more deadly than attacks with multiple firearms from earlier time periods.

In other words, weapons make a difference, but they do not tell the whole story, which is consistent with our proposed model. To understand why public mass shootings have grown deadlier over time, multiple factors—and their interaction—must be considered.

10 | WORST OF THE WORST

In an early section of this study, we provided data illustrating that high-fatality public mass shootings have become more common over time even if “high-fatality” incidents are defined in several different ways. In fact, the more extreme the definition, the more extreme the increase.

Now that we have presented our model and the evidence for each of its factors, we thought it worthwhile to reexamine the most deadly cases. In Table 3, we list all public mass shooters who killed 16 or more victims in the United States from 1966 to 2019. For each perpetrator, we identified whether there was (a) explicit evidence of fame-seeking, (b) explicit or circumstantial evidence of fame-seeking or attention-seeking, (c) direct evidence of being influenced by another specific attacker or attackers, (d) planning for more than 1 year, (e) a specific attack strategy developed to increase fatalities, (f) the acquisition of a semi-automatic rifle or assault weapon, and (g) the acquisition of multiple firearms.

The results show a clear increase in many of these factors over time. Although the extremely lethal public mass shooters from 1984 and 1991 both had multiple firearms (and one had an assault weapon), they lacked some of the other factors that seem to have sparked an increase in the deadliness of public mass shootings in recent years. For example, the earlier perpetrators did not show signs of being fame-seekers or attention-seekers or of having planned their attacks for more than 1 year. And back then, that may not have mattered as much. Their attacks—and the large number of victims they killed—occurred in another social context, long before Columbine awakened America to the nature of this threat, and long before police, civilians, and emergency medical personnel were trained on how to respond to these shooters.

By contrast, the more recent public mass shootings adhere to a consistent profile. Without exception, these perpetrators sought fame or attention, and most of them were directly influenced by previous attackers. They almost all planned their attacks for more than 1 year. And in most cases, they developed a specific attack strategy to kill more victims, acquired a semi-automatic rifle or assault weapon, and armed themselves with multiple firearms. This deadly combination of factors describes many of the “worst of the worst” public mass shooters and their increasingly frequent attacks.

TABLE 3 Key factors among public mass shooters who killed 16 or more victims, 1966–2019*

Incident	(1) Explicit evidence of fame-seeking or attention-seeking	(2) Explicit or circumstantial evidence of fame-seeking or attention-seeking	(3) Direct evidence perpetrator was influenced by another specific attacker(s)	(4) Planned mass shooting for more than one year prior to attack	(5) Attack strategy developed to increase fatalities	(6) Semi-automatic rifle or assault weapon	(7) Multiple firearms	Total # of exhibited factors
1984 San Ysidro McDonald's shooting	no	no	no	no	no	yes	yes	2
1991 Luby's cafeteria shooting	no	no	yes	no	yes	no	yes	3
2007 Virginia Tech shooting	yes	yes	yes	yes	yes	no	yes	6
2012 Sandy Hook shooting	yes	yes	yes	yes	yes	yes	yes	7
2016 Orlando Pulse nightclub shooting	yes	yes	yes	yes	yes	yes	yes	7
2017 Las Vegas shooting	no	yes	no	yes	yes	yes	yes	5
2017 Sutherland Springs shooting	yes	yes	yes	yes	no	yes	yes	6
2018 Parkland shooting	yes	yes	yes	yes	yes	yes	no	6
2019 El Paso shooting	yes	yes	yes	no	no	yes	no	4

*Data collected through August 30, 2019.

11 | POLICY RECOMMENDATIONS

New policies should be aimed at addressing the factors that seem to be contributing to making public mass shootings more deadly. It is unlikely, however, that we could successfully counter all of the key variables. Among Americans, for instance, the pursuit of fame and attention has become so pervasive that it could not be mitigated any time soon, even though the findings from psychological studies have shown that fame-seeking is often unhealthy (Nickerson, Schwarz, Diener, & Kahneman, 2003). Similarly, the blurring of fame and infamy is an unfortunate but inevitable result of the competition for attention, because many people accurately recognize that outrageous behavior increases the chances of them getting noticed.

11.1 | Changing media coverage of public mass shooters

Fortunately, it may be possible to disrupt the reward system that incentivizes public mass shooters to kill large number of victims for fame and attention. The key is changing how the news media cover these attacks. Although the media landscape is more disaggregated than ever before, traditional media organizations are still the primary vehicle that transforms perpetrators into celebrity killers (Lankford, 2018a). In fact, most social media discussions of individual mass shooters start with people disseminating, reposting, and reacting to reports from traditional news outlets.

How should the media change its approach? The consensus from scholars and law enforcement is clear: Stop publishing the names and photos of public mass killers (except during ongoing searches for escaped suspects), but continue reporting the other details of these crimes in a responsible manner. An open letter calling for this approach has been signed by 149 criminologists, professors, and law enforcement professionals (“Dear Members of the Media,” 2017). And similar recommendations have been supported by the FBI, the International Association of Chiefs of Police, the International Police Association, and the advocacy group “No Notoriety,” along with some political leaders, families of victims, and media members themselves (Federal Bureau of Investigation, 2017; Lankford & Madfis, 2018a). If this approach is implemented nationwide, it could result in deterring a substantial proportion of fame- and attention-seekers from committing public mass shootings, while removing the incentive for them to kill large numbers of victims to forge a legacy. The strategy of refusing to publish their names and photos would also be consistent with the core tenets of deterrence theory (Stafford & Goodrum, 2001): It would be swift, certain, and severe.

But media organizations that adopt this policy need to be loud and clear about their intentions by letting everyone know—including potential perpetrators. As an analogy, removing cash from bank vaults would only deter bank robbers if they were *aware* that their incentive for robbing a bank was no longer present. If we reach a point when killing a large number of innocent people is no longer rewarded with fame and attention, the news of this important change needs to become common knowledge. Otherwise, we would expect a substantial lag between the reduced rewards for criminal behavior and criminals’ perception that the rewards have been reduced.

In addition to deterring some public mass shooters and removing their incentive for killing large numbers of victims, another potential benefit of not giving them publicity is that it could limit their influence on copycats and imitators. As a reminder, we found that from 2010 to 2019, at least 50% of high-fatality public mass shootings were committed by perpetrators who were specifically influenced by a previous attacker or attackers. It is important to both prevent future perpetrators from becoming dangerous role models and reduce the influence of past attackers. In their aforementioned letter to the media, 149 criminologists, professors, and law enforcement professionals called for the coverage to “stop using the names, photos or likenesses of past perpetrators” (“Dear Members of the Media,” 2017,

para. 3). Similarly, Follman (2019, para. 13) recently suggested that “it’s time to bury the Columbine shooters” because although those perpetrators have been deceased for more than 20 years, their influence has been kept alive by the continued fixation on them as historic figures. Of course, a complete elimination of references to past mass shooters is not realistic, but it should be possible to let their influence fade if their identities are not constantly republished.

Although the ideal approach might be for the news media to stop publishing mass shooters’ names and photos altogether, Lankford (2018c, p.3) identified a middle ground that some outlets might find more palatable. He challenged editors and reporters to ask themselves “How *often* does the public need to read/hear a mass shooter’s name [or] ... see a mass shooter’s face in the news?” Thoughtful people may disagree about whether perpetrators’ names and photos should be published at all, but few would claim that they need to be repeatedly regurgitated in news coverage for weeks, months, and years after an attack—as has been the standard operating procedure for decades.

The advantage of a moderate approach is that it may be less intimidating for media companies to implement. The disadvantage is that the benefits are less assured. One likely benefit is that reducing the amount of coverage perpetrators receive should reduce the number of copycats and imitators. After all, in accordance with basic advertising principles, if public mass shooters receive less attention, there should be fewer at-risk consumers who become attracted to the criminal opportunity they are promoting (Lankford & Madfis, 2018b). It is less clear, however, whether a moderate approach to deterrence would make a meaningful difference. Would potential attackers be deterred by knowing they would get *less* fame and attention than past shooters have received, if they would still receive far more than they could acquire through conventional means?

We may find out. As public mass shootings have continued to grow more deadly—both in the United States and abroad—a few media organizations have begun to alter their approach. For instance, after the 2019 New Zealand attack that killed 51 victims, *The New York Times* published the suspect’s name and photo but kept his name out of the headlines and his photo off the front page (Ingber, 2019). Additionally, *The New York Times* did not run any portions of the gunman’s manifesto or video of his attack and did not publish links to that content (Ingber, 2019).

This decision was admirable, but there are still many unanswered questions. Will *The New York Times* remain fully committed to its new approach even when there are highly lethal mass shootings in the United States? And how will other major media organizations react—or fail to react—to calls from scholars and law enforcement officials for more responsible coverage? Will they follow *The New York Times*’s lead or cling to their policies from the past? Furthermore, how will the news media handle their references to past perpetrators? For instance, criminal trials for the Parkland school shooter and the El Paso shooter could become significant news events. Will the media repeatedly publish these shooters’ names and faces in their coverage? Or will they refuse to give them any celebrity treatment?

11.2 | Reducing firearms access for potential attackers

In addition to policies designed to reduce the number of people who want to kill large numbers of victims, some policies could help counteract potential public mass shooters’ methods. In particular, although it may be impossible to keep these offenders from engaging in long planning periods or developing extensive attack strategies, we may be able to reduce their access to firearms, which would represent important progress because most active and public mass shooters have obtained their weapons legally (Lankford, Adkins, & Madfis, 2019; Silver et al., 2018).

The key would be to exploit some of the factors that make the deadliest attackers different from other perpetrators. Researchers have shown that compared with less lethal offenders, the deadliest

perpetrators seem much more likely to (a) plan their attacks for more than 1 year, (b) reveal their violent thoughts/intent prior to attacking, (c) reveal their specific interest in mass killing, (d) be reported to law enforcement for their concerning behavior, and (e) be reported to law enforcement for their concerning interest in homicide (Lankford et al., 2019).

In other words, the deadliest public mass shooters' murderous intent is larger, but so is their criminal footprint. And this makes sense: When more ambitious attacks are planned over a longer period of time, that creates more opportunity for perpetrators to make mistakes and let incriminating information slip out, along with more opportunity for warning signs to be observed by the public and reported to law enforcement. The deadliest public mass shootings have the worst impact on society, but they should be the easiest to prevent.

Policy makers and practitioners should capitalize on these frequent warning signs to deny more potential perpetrators access to firearms. One way would be to expand the use of "red flag laws," "extreme risk protection orders," and "gun violence restraining orders," which are just different labels for similar state laws that temporarily prevent at-risk or dangerous people from legally possessing firearms. Depending on the state, these orders allow for families, household members, law enforcement officers, mental health providers, or school administrators to petition a court for the removal of firearms based on evidence that the individual poses a threat to him- or herself or others (Giffords Law Center, 2019; Roskam & Chaplin, 2017). As of this writing, 17 U.S. states and Washington, DC, have adopted these laws, but the implementation procedures and the evidentiary requirements vary considerably (Giffords Law Center, 2019; Roskam & Chaplin, 2017). Because public mass shootings are a national problem, red flag laws and extreme risk protection orders should be present in all 50 U.S. states.

To make these laws as effective as possible, further work is needed. For instance, in places where the procedure for getting an order approved and executed is too cumbersome, or where the standard of evidence is too high, revisions to the law may be helpful. It is also imperative that evidence-based findings from threat assessment research are used to inform court decisions about which individuals pose a serious threat. Otherwise, some judges may be hesitant to prohibit firearms access for individuals who have not yet committed a crime—even if they have exhibited dangerous warning signs that are well established in the scientific literature.

As an example, an Orlando judge ruled in 2018 that a university student who posted online that the Las Vegas and Parkland shooters were his "heroes" should have the right to purchase firearms (Torralva, 2018). When interviewed by police, the student had said, "It would take a lot to push me over the edge," but that if he had a romantic breakup or was fired from a good job, he might attack the middle or high school where he was bullied growing up (Torralva, 2018, para. 11). The judge apparently agreed with the student's attorney, who argued that the young man just "wanted to look like a badass on Reddit" (Torralva, 2018, para. 15) and was exercising his freedom of speech in praising mass shooters. The findings from prior research have shown, however, that several copycat attackers have similarly praised previous mass shooters as "heroes" (Langman, 2017, 2018), and that the types of personal crises this student referenced as possible triggers—which most people experience at some point in their lives—commonly precede public mass shootings (Lankford, 2013; Newman, Fox, Roth, Mehta, & Harding, 2004; Silver et al., 2018). Regardless of whether this particular individual ends up harming anyone, in the aggregate, more Americans are likely to be killed by public mass shooters if those who make such statements are able to access firearms easily.

Another way to improve the effectiveness of red flag laws and extreme risk protection orders would be to extend their duration. Currently, these orders expire after 6 months or 1 year unless they are renewed (Giffords Law Center, 2019), but the threat posed by the deadliest public mass shooters often lasts far longer. Nearly half of the high-fatality attacks we studied were planned for more than 1 year, so

TABLE 4 Evidence for chronological increases of factors in proposed model

Changes in society	Types of evidence	Sources
Increased desires for fame and attention	empirical & anecdotal	Pew Research Center (2007); Pinsky and Young (2008); Sternheimer (2011); Twenge (2014); Uhls and Greenfield (2011, 2012)
Increased blurring of fame and infamy	empirical & anecdotal	Lankford (2016b, 2018a); Levin et al. (2005)
Increased number of high-profile mass shooters since the mid-1960s	empirical	Berkowitz et al., 2019; Bjelopera, Bagalman, Caldwell, Finklea, & McCallion, 2013
Increased availability of semi-automatic rifles and assault weapons	empirical	Bureau of Alcohol, Tobacco, Firearms and Explosives (2018); Heath et al. (2017)
Changes among some public mass shooters	Types of evidence	Sources
Increased desires for fame, attention, or infamy	empirical	Lankford's (2016b) findings on active shooters ($n = 219$); Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
More public mass shooters who were influenced by previous attackers	empirical	Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
Increased desires to kill large numbers of victims	anecdotal	Lankford & Silver's (2019) findings on public mass shootings and thwarted shootings in which offender commented on desired death toll
Extended planning periods	n/a [*]	Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
More extensive attack strategy development	empirical	Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
More use of semi-automatic rifles and assault weapons	empirical	Klarevas's (2016) findings on gun massacres ($n = 111$); Follman et al.'s (2018) data on public mass shootings ($n = 86$); Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
Use of multiple firearms	n/a [*]	Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
Increase in high-fatality public mass shootings	empirical	Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
Increase in average victims killed per public mass shooting	empirical	Lankford & Silver's (2019) findings on public mass shootings ($n = 165$)

^{*}We found only a small chronological increase in high-fatality public mass shooters' planning periods and no chronological increase in their use of multiple firearms, even though both variables seem substantially more common among the deadliest perpetrators than among less-lethal attackers.

TABLE 5 Evidence that factors in proposed model are associated with higher lethality for public mass shooters

Factor associated with increased lethality	Types of evidence	Sources
Desires for fame, attention, or infamy	empirical	Lankford's (2016b) findings on active shooters ($n = 219$); Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
Desires to kill large numbers of victims	anecdotal	Lankford & Silver's (2019) findings on public mass shootings and thwarted shootings in which offender commented on desired death toll
Perpetrator was influenced by another specific attacker or attackers	empirical	Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
Extended planning periods	empirical	Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$) and comparison with Silver et al.'s (2018) findings on active shooters ($n = 34$)
Extensive attack strategy development	empirical	Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
Use of semi-automatic rifles and assault weapons	empirical	de Jager et al.'s (2018) findings on active shootings ($n = 249$); Follman et al.'s (2018) data on public mass shootings ($n = 86$); Klarevas's (2016) findings on gun massacres ($n = 111$); Lankford & Silver's (2019) findings on high-fatality public mass shootings ($n = 34$)
Use of multiple firearms	empirical	Klarevas's (2016) findings on gun massacres ($n = 111$); Lankford's (2015) findings on active shootings ($n = 185$); Lankford's (2016a) findings on public mass shootings ($n = 292$); Lankford & Silver's (2019) findings on public mass shootings ($n = 165$) and high-fatality public mass shootings ($n = 34$)

delaying these perpetrators for only 6–12 months would probably not be sufficient. Instead, an initial term of 4 or 5 years—renewable for similar length terms, as needed—would provide more assurance that the risk has been mitigated.

It would also make sense to require that extreme risk protection orders be entered into the National Instant Criminal Background Check System (NICS) so that federally licensed firearm dealers would be prohibited from selling to these individuals. This process would also affect sellers in states that have enacted a background check requirement at the point of transfer of any firearm.

12 | CONCLUSION

Scientific progress requires contributions from a community of scholars, working both independently and in concert. To that end, we have summarized the types of evidence for our model and its key factors and have presented that information in Table 4 and Table 5. Our hope is that this summary will serve to assist other researchers in identifying further areas for study that could enhance, extend, or refine our understanding of this subject.

It should be acknowledged that the level of evidence varies. For some factors, many scholars have independently collected evidence that shows empirical support for our assertion, whereas for others, our study is the first to examine a given relationship. Accordingly, further research and replication may be most valuable in some of the new areas we have identified here. As one example, we found that perpetrators who planned their attacks for more than 1 year killed more victims, on average, than those with shorter planning periods, but additional research on this variable could yield valuable insights. Future studies could also be designed to test our entire model statistically, but running tests with sufficient statistical power would require in-depth research and investigation of a large sample of public mass shooters across varying levels of lethality.

In the meantime, deadly mass shootings continue to devastate far too many American communities, and something needs to be done. We do not claim to have a magical solution that would completely eliminate this problem. The potential benefits of implementing our policy recommendations, however, may outweigh the risks of maintaining the status quo. A society in which dangerous and disturbed people have reduced access to firearms and reduced incentives to kill large numbers of victims would be at least a little bit safer for everyone.

ENDNOTES

¹ No names of mass shooters are included in this text, in accordance with the “No Notoriety” campaign and Lankford and Madfis’s (2018a) proposal to deny offenders the attention they often seek.

² We focused on victim fatalities instead of on total victim casualties (i.e., fatalities + injuries) for several reasons. First, because although fatalities can be studied as a consistent measure of severity, injuries vary dramatically from being life-threatening to minor. We do not have data to account for that variation. Second, because although the data on fatalities provide a consistent measure, data on injuries seem inconsistent. For instance, in some cases, injury counts seem to include only victims who were nonlethally shot, whereas in other cases, counts seem to include people who were injured while fleeing or who experienced cuts from shattered glass, and so on. All that being said, when we analyzed a comparable sample of the worst 35 public mass shootings by total victim casualty count (fatalities + injuries), we found similar increases over time, despite using this less precise measure. Forty-nine percent of all high-casualty incidents (in which at least 16 victims were killed or wounded) from 1966 to 2019 have occurred since the start of 2010.

³ Although we considered the year 2010 the approximate inflection point of the change in the deadliness of public mass shootings, the *causes* that led to this change almost certainly occurred years earlier.

⁴ We mostly focused on the nature and impact of high-fatality attacks, which are by definition “outliers.” Overall, however, the median number of victims killed per public mass shooting was five for both the 1966–2009 and 2010–2019 time periods, which illustrates the impact of high-fatality incidents on the overall average. Not all public mass shootings have changed; in fact, many incidents from 2010 to 2019 were no more lethal than those from prior decades. A significant change in the deadliest attacks has occurred, however, and presumably in the behavior of the perpetrators who commit them.

⁵ Although we could not measure how much hatred different mass shooters felt for their victims, and whether those who espoused particularly hateful ideologies were also more motivated to kill a higher number, extreme ideological beliefs could have an important effect on homicidal intent. For instance, killers who subscribe to ideologically driven conspiracy theories and view their victims as evil or subhuman enemies who pose an existential threat may also be more prone to want to kill as many victims as possible.

⁶ We did not classify wearing a ballistic vest or purchasing large amounts of ammunition as attack strategies designed to produce high death tolls. The primary function of a ballistic vest is to protect oneself, not to harm others. And although obtaining large amounts of ammunition may indeed be associated with increased lethality, that variable seems more like a form of weapons acquisition, and we could not find reliable information on the amount of ammunition obtained by most offenders in this study.

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Exhibit 13

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March 22, 2018

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A 30 round magazine, left, and a 10 round magazine, right, below an AR-15.

GUN POLICY

Bans on High-Capacity Magazines, Not Assault Rifles, Most Likely to Limit Mass Shooting Carnage

The Orlando shooting shows it's not what the gun looks like that matters — it's how many rounds it can fire without reloading.

by **Alex Yablon** · **@AlexYablon** · June 13, 2016

The day after the deadliest mass shooting in U.S. history, likely Democratic presidential nominee Hillary Clinton addressed the fears the massacre evoked. Speaking at an event in Cleveland, Ohio, Clinton highlighted what she saw as crucial steps for stopping such terrorist attacks in the future. Along with more aggressive intelligence gathering and better resources for local law enforcement, Clinton focused on one of the weapons used by the shooter in Orlando, Florida: a military-style rifle similar to the AR-15.

"It's essential we stop terrorists from getting the tools they need to carry out attacks," Clinton said, receiving the speech's loudest applause when she made clear that was referring to "assault

weapons” like the AR-15. Calling them “weapons of war,” she argued that “they have no place on our streets.”

Clinton’s broad condemnation suggests she might push to revive the federal ban on assault weapons, a law her husband signed in 1994. The ban was among the most controversial gun reform policies of the past 20 years, and calls to re-institute it have come after many high-profile shootings.

But many experts doubt the ban had any significant impact before it expired in 2004.

Today, many experts instead believe the most effective means to lessen the carnage in attacks like the one in Orlando is to ban high-capacity magazines. These devices feed semiautomatic firearms, including handguns, large amounts of ammunition, allowing shooters to fire for longer before reloading. While assault-style rifles like the AR-15 could increase the lethality of an attack in some situations, they say, it is high-capacity magazines that allow shooters to fire dozens of shots without stopping.

Officials from the Bureau of Alcohol, Tobacco, Firearms, and Explosives said the Orlando shooter used a Sig Sauer MCX semiautomatic rifle, which fires as quickly as its user can pull the trigger and can be equipped with detachable magazines that hold any number of rounds. The Orlando shooter used 30-round magazines, according to the ATF, which are illegal in a handful of states, but not in Florida. That almost certainly contributed to the high body count, since the shooter did not have to pause to reload as frequently as he would have with a smaller magazine.

The semiautomatic rifle used in the Orlando massacre resembles those used in past mass shootings in Aurora, Colorado; Newtown, Connecticut; Roseburg, Oregon; and San Bernardino, California.

Though assault weapons have become a potent symbol of mass shootings, bans of that style of gun are a “distraction,” said Adam Winkler, a UCLA law professor and the author of *Gunfight*. For starters, he says, it didn’t actually stop manufacturers from selling assault rifles. Because the 1994 ban defined weapons based on “cosmetic” features like pistol grips or collapsible stocks, gun makers evaded these restrictions by removing just enough design features so as to not trigger the ban. Meanwhile, the weapons remained semiautomatic and could still accept magazines of any size.

Winkler says he believes a ban on magazines that hold lots of ammunition would be a more effective strategy in limiting the carnage from a mass shooting. “It makes far more sense to focus on high-capacity magazines than assault rifles,” he says. Winkler notes that it’s not the style of a gun but “the size of a magazine [that’s] associated with the amount of damage a weapon can cause.” (The 1994 law included such a ban, but there was no restriction on the sale or possession of high-capacity magazines, and millions remained in circulation.)

This thinking has guided policies in eight states, which ban in some form high-capacity magazines. New York’s SAFE Act, signed into law weeks after the 2012 shooting in Newtown, Connecticut, included bans on possession of any magazine capable of holding more than 10 rounds. Later in 2013, Colorado banned the sale of magazines that carry more than 15 rounds.

In California, some local and state lawmakers have called for new restrictions on high-capacity magazines. The state already outlaws sale of the magazines, but not possession. After the state

was rocked by the San Bernardino shootings in December, Lieutenant Governor Gavin Newsom began campaigning to expand a Los Angeles law banning possession statewide.

Restrictions on assault weapons and high-capacity magazines are supported by a small majority of Americans. A [poll](#) conducted by the Johns Hopkins Bloomberg School of Public Health in March 2015 found that 63 percent of all Americans favored assault weapon bans, and 60 percent favored banning the sale of high-capacity magazines.

Californians support restrictions on assault weapons and magazine capacities at similar levels to the rest of the country. A [poll](#) conducted soon after the San Bernardino shooting by the Field Corporation, a San Francisco-based public opinion research firm, found that 58 percent of the state's voters supported banning possession of large magazines and 56 percent supported a broad assault weapons ban that included all semiautomatic rifles that can accept detachable magazines.

Florida voters have not been polled on assault weapon or magazine capacity restrictions since March 2013, when the most recent high-profile mass shooting had occurred about 1,000 miles away in Connecticut. [Quinnipiac University pollsters](#) found that Florida voters were slightly in favor of the laws: 56 percent favored a national assault weapons ban, and 53 percent favored a ban on magazines that hold more than 10 rounds.

At least one expert suspects those views might change in the wake of the nation's worst mass shooting. Susan MacManus, a professor of political science at the University of South Florida who conducts the Sunshine State poll on political issues, says of assault weapon and magazine capacity restrictions, "I am sure that support levels would be higher after yesterday's shooting."

[Photo: AP Photo/Charles Krupa]

Support Our Work

Help us tell the story of America's gun violence crisis.

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Exhibit 14

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CIVIL DIVISION

JAMES MILLER, ET AL.,
Plaintiffs,

vs. Case No. 19-CV-1537-BEN-JLB

CALIFORNIA ATTORNEY
GENERAL XAVIER BECERRA,
ET AL.,

Defendants.

ALL REMOTE ZOOM VIDEOCONFERENCE DEPOSITION

JOHN R. LOTT JR., Ph.D.

Date: Friday, January 22, 2021

Time: 9:12 a.m.

Reported By: Howard Schroeder, CSR No. 1123

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1	I N D E X O F E X A M I N A T I O N		
2			Page
3	By Mr. Echeverria		4
4	--o0o--		
5	I N D E X O F E X H I B I T S		
6	Lott Exhibits		
7			Page
8	Exhibit 1	Declaration of John Lott	18
9	Exhibit 2	Amended Notice of Deposition	33
10	Exhibit 3	Curriculum Vitae	39
11	Exhibit 4	A Simple Test for the Extent of Vote Fraud	61
12	Exhibit 5	Web page printout for SSRN	63
13	Exhibit 6	Donald Trump Tweet	67
14	Exhibit 7	Justin Grimmer Tweet	69
15	Exhibit 8	John R. Lott Jr. Tweet	70
16	Exhibit 9	Paper by Andrew Eggers, Haritz Garro and Justin Grimmer dated January 8, 2021	74
17			
18	Exhibit 10	Twitter Thread by Andy Eggers	77
19	Exhibit 11	Politico Article by Allie Bice	85
20	Exhibit 12	CPRC Printout	96
21	Exhibit 13	John Dillon email	151
22	Exhibit 14	GOP'S Favorite Gun Academic is a Fraud	156
23			
24	Exhibit 15	Think Progress Article	158
25			

Lott Exhibits

Page

Exhibit 16	The GOP'S Favorite Gun Academic is a Fraud	167
Exhibit 17	Scholar Invents Fan to Answer His Critics Article	171
Exhibit 18	Series of Emails	177
Exhibit 19	2014 Active Shooter Report	199
Exhibit 20	May 2015 ACJS	203
Exhibit 21	2018 FBI Report	216
Exhibit 22	(Not identified or marked)	
Exhibit 23	Shooting for Accuracy Article Huff Corzine PDF Rampage Nation Article	280
Exhibit 24	Louis Klarevas Rampage Nation Article, The Effect of Large-Capacity Magazine Bans	288
Exhibit 25	Furlong Presentation	306
Exhibit 26	Klarevas AJPH Article	299
Exhibit 27	Miller Hearing	312

Plaintiffs' Exhibits

Exhibit 10 (Introduced on page 12)

--o0o--

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: Good morning. My name is
3 Joseph Aldo Bussino. I am a certified legal video
4 specialist, a videographer, and I represent
5 AtkinsonBaker, Incorporated in Glendale, California. I
6 am a California notary public. I am not financially
7 interested in this action, nor am I a relative nor an
8 employee of any of the attorneys or any of the parties.

09:12:29

9 Today's date is January 22nd, 2021. The time
10 is approximately 9:12 a.m. The deposition is taking
11 place via zoom videoconferencing.

09:12:54

12 The case number is 319-CV-01537-BEN-JLB (sic).
13 The case is entitled James Miller, et al. versus the
14 California Attorney General Xavier Becerra, et al.

09:13:29

15 The deponent is Dr. John R. Lott Jr.

16 The deposition is taken on behalf of the
17 defendants.

18 Your court reporter is Howard Schroeder, also
19 representing AtkinsonBaker, Incorporated.

20 And will all counsel present please introduce
21 yourselves for the record and state whom you represent.

22 MR. ECHEVERRIA: Good morning. My name is
23 John Echeverria. I'm a Deputy Attorney General with the
24 California Department of Justice, and I represent the
25 defendants in this case, and I'll be examining the

09:13:58

1 Q Well, in response to that question, you went on to
2 state, "If you do a statistical test, if you say, Well,
3 how about mass public shootings that are only committed
4 with assault weapons or only involve people that use
5 large capacity magazines or only involve multiple
6 weapons or some combinations of those, you don't find
7 any real statistically significant difference in terms
8 of the average number of people that are killed in those
9 attacks."

10 Do you see that statement?

05:31:29

11 A Yeah. That's right.

12 Q Do you do that type of study to determine that
13 there was no statistically significant difference?

14 A I did.

15 Q What was the P value for that study?

16 A I don't remember. But it's not statistically
17 significant. It's in the footnotes --

18 Q Where --

19 A -- of guns.

20 Q And this -- this study that you conducted is
21 located where?

22 A It's in my book, The War on Guns.

05:31:54

23 Q So even if there isn't a statistically significant
24 difference, is there a difference in the average number
25 of fatalities in a mass public shooting when an assault

1 weapon is used as compared to a mass public shooting in
2 which a non assault weapon is used?

3 A I don't have it memorized. But the part that I do
4 have memorized is the fact that the big thing that
5 explains it is the number of guns that are used.

05:32:27

6 If you have more guns, multiple guns, you're
7 going to have more people killed in those attacks.
8 That's the big thing. More than assault weapons or more
9 than other things. More than rifles or handguns. It's
10 having --

11 Q Sure.

12 A -- more guns.

13 Q Sure. But does the presence of an assault weapon
14 at a mass public shooting generally correlate with an
15 increase in the average number of fatalities in that
16 shooting as compared to mass public shootings involving
17 California compliant weapons or other non assault
18 weapons?

05:32:57

19 A I don't remember off the top of my head. But the
20 point is, that if you have multiple different types of
21 weapons, those will involve -- those will lead to the
22 most deaths.

23 And not just assault weapons by itself. If
24 you break it down that way, you'll see more -- more
25 total deaths per attack.

Exhibit 15

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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JAMES MILLER, et al.,

Plaintiffs,

vs.

XAVIER BECERRA, in his official
capacity as Attorney General of
California, et al.,

Defendants.

Case No. 3:19-cv-01537-BEN-JLB

Hon. Roger T. Benitez
Magistrate Hon. Jill L. Burkhardt

**DECLARATION OF D. ALLEN
YOUNGMAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Complaint filed: August 15, 2019
Amended Complaint filed:
September 27, 2019

Hearing Date: January 16, 2020
Time: 10:00 a.m.
Courtroom: 5A, 5th Floor



DECLARATION OF D. ALLEN YOUNGMAN

I, D. Allen Youngman, declare as follows:

1. I am and have been the Executive Director of the Defense Small Arms Advisory Council (DSAAC) since its founding in 2004. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. My declaration is executed in support of Plaintiffs' motion for preliminary injunction.

3. I served in the United States Army for more than 34 years in a variety of assignments including Infantry, Special Forces, and Armor units; and retired from active duty, at the rank of Major General, in 2003. I am a graduate of the Army War College and hold a bachelor's degree in Political Science from the University of Kentucky and a Juris Doctorate from the University of Kentucky College of Law. Prior to returning to full-time active duty with the United States Army, I practiced law in Owensboro, Kentucky and served as a prosecuting attorney from 1981-1985.

4. The DSAAC is a 501(c)(6) trade association comprised of U.S.-based military and law enforcement small arms manufacturers. DSAAC represents the small arms and light weapons segment of the defense industry with the Department of Defense, the Department of State, and international fora including the United Nations and is a UN-recognized Non-Governmental Organization (NGO) providing technical advice on all aspects of the global firearms trade.

5. As part of my professional responsibilities and training in the military, and within this industry, I have necessarily become familiar with modern firearms, small arms, and the firearms trade. I am also a senior firearms instructor for the Daviess County Sheriff's Office, and a graduate of the Kentucky Department of Criminal Justice

1 Training Law Enforcement Firearms Instructor Course.

2 **THE AR-15 DESIGN**

3 6. The AR-15 is a descendent of the ArmaLite Corporation's AR-10. The AR-10
4 was, at the time of its conception in 1955, highly innovative. The weapon featured
5 heavy use of aluminum and polymer parts, being very lightweight compared to
6 contemporary arms of primarily wood and steel construction. It featured a barrel,
7 locking assembly, and stock in a straight line, significantly reducing recoil and
8 improving controllability. The AR-10 design also featured a fairly easily removable
9 barrel, wherein the barrel and locking component are permanently fused as a single unit.
10 This means barrel changes in the AR-pattern can be performed without affecting
11 "headspace" (a critical dimension for the safe operation of any firearm, which requires
12 specialized equipment to set and inspect in many firearms). The AR-10 was chambered
13 in the 7.62x51mm NATO standard cartridge, what is now considered a "full power"
14 rifle cartridge.
15

16 7. There are essentially three classes of small arms ammunition cartridge: (1)
17 "pistol/handgun" (such as 9mm Luger and .45 ACP), (2) "intermediate" (such as
18 5.56mm NATO and 7.62x39 Russian), and (3) "full power" rifle (such as 7.62x51mm
19 NATO and 8x57mm Mauser). "Intermediate" cartridges are so-called because their
20 weight and energy is in between "pistol/handgun" and "full power" rifle ammunition.
21

22 8. In the early stages of the Vietnam War, comparisons between the intermediate
23 cartridge AK-47 on the side of the Viet Cong and the American's more conventional
24 M14 evidenced a difficulty on the part of Americans to carry enough ammunition to
25 maintain fire superiority over enemy combatants carrying intermediate arms. A single
26 round of 7.62x51mm rifle ammunition weighs just under an ounce, where a round of
27 intermediate AK-47 ammunition weighs about half an ounce. This effectively doubled
28

1 the amount of ammunition an individual could carry.

2 9. Seeking an intermediate weapon of their own, the U.S. Continental Army
3 Command (CONARC) suggested the development of a 5.56mm caliber service rifle
4 weighing around 6 pounds when loaded with 20 rounds of ammunition in 1957. The
5 ArmaLite Corporation submitted a scaled-down version of its full-power AR-10 rifle for
6 testing in 1958. This rifle was called the ArmaLite AR-15. CONARC testing found that
7 soldiers equipped with AR-15 rifles could carry three times more ammunition than the
8 contemporary M14 rifle and that the AR-15 was three times more reliable.
9

10 10. After more testing and minor changes, the design was sold to Colt. The AR-15
11 was ultimately adopted into U.S. Military Service as the M-16. Shortly thereafter, Colt
12 introduced a line of semiautomatic-only AR-15 rifles as the “Colt AR-15,” which it
13 marketed to civilians and law enforcement.

14 11. In 1980, NATO Draft Standardization Agreement 4179 (STANAG) proposed
15 the magazine dimensions of the AR-15 magazine to be standard for all NATO member
16 countries, so that NATO members could easily share rifle ammunition and magazines if
17 needed. Although the agreement was never ratified and thus discarded and remains a
18 draft, most NATO members have adopted or modified their service weapons to accept
19 AR-15 STANAG magazines (for example the Spanish CETME-L, British SA-80, and
20 French FA-MASItalian AR-70, and Belgian FNC were all designed or re-designed to
21 accept STANAGAR-15 magazines). Standard capacities were set at 20 or 30 rounds,
22 but the concept only governed the critical dimensions and controls of the magazine,
23 meaning a host of capacities are possible while retaining interoperability.
24

25 12. The only intellectual property respecting the AR-15 pattern of firearm is the
26 term “AR-15” itself, which remains the property of Colt. The design itself is in the
27 public domain. As a result, and due the firearm’s generally favorable reputation, a host
28

1 of manufacturers began producing the design under a litany of different names, often
 2 with the “-15” suffix. The modularity of the original design and ease of component
 3 swapping has seen the AR-15 thrust into virtually every avenue of firearms that are
 4 used, from home defense, to target shooting, to hunting, and militia service.

5 **SUITABILITY OF THE AR-15 RIFLE FOR MILITIA SERVICE**

6
 7 13. American state militias have a long history of prioritizing, and even requiring,
 8 the ownership of effective and interoperable equipment. New Hampshire’s 1687 militia
 9 act, for example, required all persons over the age of 16 maintain “a well fixed musket”
 10 about .75 caliber. 1 Law of New Hampshire: Province Period 221 (Albert Stillman
 11 Batchellor ed., 1904). Virginia’s 1784 militia act required men aged 18 to 50 to keep “a
 12 good clean musket, carrying an ounce ball” (about .69 caliber, a standard caliber of the
 13 era) and “a cartridge box properly made, to contain and secure twenty cartridges,”
 14 among other equipment. 11 William Waller Henning, The Statutes at Large: Being a
 15 Collection of All the Laws of Virginia, from the First Session of the Legislature, in the
 16 Year 1619, at 478-79 (1823). These acts ensured that, if called to muster, militiamen
 17 would have equipment that was both combat effective and largely cross-compatible at
 18 the individual level.
 19

20 14. The AR-15 pattern of rifle, with its highly standardized and interchangeable
 21 component parts, is a firearm not just well-suited, but ideal for militia service. The
 22 rifle’s use of STANAG magazines and common ammunition, its reliability, low cost,
 23 and light weight, serve the same purposes sought to be achieved by the drafters of our
 24 Founding Era militia acts.
 25

26 15. The modularity and extreme standardization of the AR-15 makes it an ideal
 27 weapon for militia service. For example, with few notable exceptions, AR-15 rifles can
 28 interchange trigger mechanisms, bolt and locking components, barrels, magazines,

1 buttstocks, optical sights, bayonets, and other assorted furniture, with few specialized
2 tools. Further, even if two AR-15s might be set up for vastly different uses (for
3 example, long-range versus short-range engagement), the majority of wearable
4 components remain interchangeable.

5 16. The parts interchangeability of the AR-15 platform means any militia field
6 armorer need with a short list of components could service the militia's standard rifles,
7 as well as special purpose armament. It also means that virtually any standard rifle
8 could be equipped by said armorer for a special purpose. It is most certainly in the best
9 interest of the militia for militiamen to have their arms serviceable in such a consistent,
10 economical, and efficient way as is afforded virtually uniquely by the AR-15 platform.

11 17. Modern, semi-automatic firearms are also designed to be used, and are sold
12 with ammunition feeding devices, called ammunition magazines (or simply,
13 "magazines"). A magazine is simply "a receptacle for a firearm that holds a plurality of
14 cartridges or shells under spring pressure preparatory for feeding into the chamber.
15 Magazines take many forms, such as box, drum, rotary, tubular, etc. and may be fixed
16 or removable." See: <http://saami.org/glossary/>. The vast majority of the firearms sold
17 at retail to law enforcement and the civilian markets today are semi-automatic,
18 particularly handguns, and which contain removable magazines.

19 18. It is generally well-known, well-accepted, and indisputable that AR 15 pattern
20 rifles are commonly owned by millions of persons in the United States, for a variety of
21 lawful purposes, including recreational target shooting, competition, home defense,
22 collecting, militia service and hunting.

23 19. For all of these reasons, including the ubiquity, commonality, and widespread
24 ownership of the AR-15 rifle, in common chamberings as .223 and 5.56 x 45mm, and
25 the interchangeability of parts, including magazines, make the AR-15 particularly well
26
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1 suited for modern militia service in the United States.

2 I declare under penalty of perjury that the foregoing is true and correct. Executed
3 on December 4, 2019.

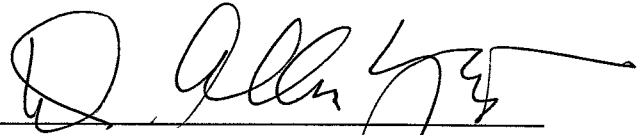
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5 _____
6 Maj. Gen. D. Allen Youngman (Ret.)
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Exhibit 16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
CIVIL DIVISION

--o0o--

JAMES MILLER, et al.,

CERTIFIED COPY

Plaintiffs,

vs.

CASE NO 19-CV-1537
BEN-JLB

CALIFORNIA ATTORNEY GENERAL
XAVIER BECERRA, et al.

Defendants.

//

VIDEOTAPED ZOOM DEPOSITION OF

PLAINTIFF'S EXPERT

BY AND THROUGH ALLEN YOUNGMAN

SAN FRANCISCO, CALIFORNIA

JANUARY 6, 2021

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REPORTED BY: CASSANDRA RUSSELL, CSR NO. 11934

FILE NO.: AE08EEA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
CIVIL DIVISION

--o0o--

JAMES MILLER, et al.,

Plaintiffs,

vs.

CASE NO 19-CV-1537
BEN-JLB

CALIFORNIA ATTORNEY GENERAL
XAVIER BECERRA, et al.

Defendants.

//

DEPOSITION OF ALLEN YOUNGMAN, taken on
behalf of the Defendants, in San Francisco,
California beginning at 10:03 a.m., on Wednesday,
January 6, 2021, before Cassandra Russell,
Certified Shorthand Reporter No. 11934.

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23 JOSEPH BUSSINO
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25

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I N D E X

WITNESS: ALLEN YOUNGMAN

EXAMINATION	PAGE
By Mr. Echeverria	5, 156
By Mr. Lee	145

EXHIBITS

DEPOSITION	IDENTIFICATION	PAGE
1	Notice of Deposition.	12
2	Assault weapon further defined, CA Penal § 30515.	18
3	Transcript of Evidentiary Hearing, held on October 19th, 2020.	86
4	Document entitled, Evolution of the M855A1 Enhanced Performance Round.	131

1 has a low cost, which makes it idea for militia 12:56:15
2 service? 12:56:20

3 A. That's correct. 12:56:20

4 Q. Why does -- why does the low cost factor 12:56:21
5 into its suitability or ideal suitability for 12:56:26
6 militia service? 12:56:27

7 A. Well, because we would be asking 12:56:28
8 individuals to acquire and maintain their own in 12:56:30
9 the absence of being issued a weapon. The AR-15 12:56:34
10 is a very affordable system for the average 12:56:37
11 citizen who might be a member of the militia. 12:56:40

12 Q. I believe you just stated that someone 12:56:43
13 may be asking individuals to equip themselves with 12:56:46
14 these weapons. Is that right? 12:56:51

15 A. Yes. Under the militia concept that we 12:56:54
16 discussed earlier, it's historically the vast 12:56:56
17 majority of firearms were required by the 12:57:00
18 individual, not issued by the state. 12:57:02

19 Q. Okay. But in this case, the state would 12:57:09
20 not be paying for the AR-15s? This would be 12:57:15
21 individuals paying for the AR-15s out of their own 12:57:20
22 finances; is that right? 12:57:24

23 A. That is correct, yes. 12:57:25

24 Q. And you also say the AR-15 is light 12:57:26
25 weight. That's another reason why it's ideally 12:57:29

1	suiting for militia service?	12:57:31
2	A. Correct. It would accommodate a wide	12:57:34
3	variety of physical conditioned individuals, as	12:57:35
4	well as smaller stature, as well as female.	12:57:40
5	Q. Okay.	12:57:44
6	(Reporter requested a recess.)	12:57:55
7	MR. ECHEVERRIA: I'm happy to take	12:57:55
8	a break now. I don't anticipate the deposition	12:57:55
9	going on for much longer, but I think it would --	12:57:59
10	I think it would make sense to take a break	12:58:04
11	especially because you would like to take one,	12:58:05
12	Cassandra. So let's do it.	12:58:05
13	VIDEOGRAPHER: Okay. And we are	12:58:12
14	now going off the record. The time is	12:58:13
15	approximately 12:57 p.m.	12:58:15
16	(Recess.)	01:13:35
17	THE VIDEOGRAPHER: We are now going	01:13:47
18	back on the record. The time is approximately	01:13:49
19	1:13 p.m. and the beginning of File No. 3.	01:13:54
20	Counsel.	01:14:02
21	BY MR. ECHEVERRIA:	01:14:03
22	Q. General, at paragraph 15 of Plaintiffs'	01:14:03
23	Exhibit 9, you discussed the modularity and	01:14:05
24	extreme standardization of the AR-15; is that	01:14:08
25	right?	01:14:12

1	A. Yes, by the military.	01:32:00
2	Q. Understood. And this round -- just to	01:32:03
3	be clear, this round is used in the M-16 and M-4	01:32:06
4	rifles?	01:32:13
5	A. That is correct, yes. Yes.	01:32:14
6	Q. Would the M855A1 round, could that be	01:32:19
7	chambered in an AR-15?	01:32:24
8	A. Yes, it could.	01:32:27
9	Q. Okay. So going back the Youngman	01:32:28
10	Exhibit 2, which is the text of California Penal	01:32:36
11	Code Section 30515, I'd like -- I'd like you to	01:32:48
12	refer to each of the features that is listed in	01:32:55
13	subdivision A1.	01:32:57
14	A. Okay.	01:33:08
15	Q. In your view, is a pistol grip that	01:33:08
16	protrudes conspicuously beneath the action of an	01:33:10
17	AR-15, would that pistol grip make the AR-15 more	01:33:15
18	useful for militia use?	01:33:21
19	A. Yes, it does.	01:33:23
20	Q. Why?	01:33:24
21	A. The manual of arms for the firearm is --	01:33:26
22	you know, it's everything but actually shooting	01:33:29
23	the weapon. It's, you know, loading, unloading,	01:33:33
24	clearing malfunctions and things like that. It's	01:33:36
25	what we teach soldiers, what we teach law	01:33:41

1 enforcement officers to do automatically. 01:33:44

2 Being able to maintain a firing 01:33:46

3 grip on the pistol, pistol grip is essential to 01:33:48

4 most of those features. Without a pistol grip, 01:33:54

5 those things would be much more difficult to 01:33:56

6 train. You would have to develop a separate 01:33:58

7 manual of arms I think. And it would just not be 01:34:00

8 the same thing as an AR-15 that's normally 01:34:04

9 configured. 01:34:07

10 Q. But it would be operable, correct? 01:34:10

11 A. I'm sorry? Say that again. 01:34:12

12 Q. An AR-15 without a pistol grip -- an 01:34:14

13 AR-15 without a pistol grip that protrudes 01:34:18

14 conspicuously beneath the action of the weapon 01:34:20

15 would still be an operable AR-15, right? 01:34:20

16 A. It could be made to operate, yes. 01:34:27

17 Q. Okay. Would a pistol grip beneath the 01:34:29

18 action of an AR-15 enhance the accuracy of fire 01:34:34

19 from that weapon when fired rapidly? 01:34:38

20 A. Yes, it would. It enables you to 01:34:42

21 maintain the optimal level of control. 01:34:44

22 There are different grip angles, 01:34:48

23 but most of them within a fairly narrow range. 01:34:48

24 And they're all designed to put the trigger finger 01:34:52

25 in the proper alignment, as well as help to 01:34:54

1	control the firearm.	01:34:57
2	Q. Okay. And would you say the same for a	01:34:59
3	thumbhole stock?	01:35:02
4	A. You really don't see that on AR-15s.	01:35:07
5	But conceivably it would enable you to do the same	01:35:09
6	thing, fulfill the same purposes of a pistol grip.	01:35:15
7	Q. Okay. And how about a forward pistol	01:35:20
8	grip on an AR-15; would a forward pistol grip	01:35:22
9	enhance the accuracy of the weapon when fired	01:35:27
10	rapidly?	01:35:29
11	A. In the sense of being able to maintain	01:35:30
12	better recoil, some people believe that. Some are	01:35:33
13	perfectly happy without a forward grip of any	01:35:37
14	kind.	01:35:41
15	Q. Okay. Now, forward pistol grip, is that	01:35:41
16	a standard feature of the M-16?	01:35:44
17	A. No.	01:35:49
18	Q. So the M-16 that -- sorry. Let me	01:35:51
19	rephrase this.	01:35:56
20	So the M-16 is still issued to US	01:35:58
21	military personnel; is that right?	01:36:02
22	A. It is. It's diminishing numbers as the	01:36:05
23	M-4 series has pretty well supplanted it for most	01:36:08
24	purposes.	01:36:13
25	Q. Okay. So let's refer to the M-4. Does	01:36:13

1	the M-4 have a forward pistol grip generally?	01:36:16
2	A. Not -- not as a standard issue, no.	01:36:21
3	Q. Okay. So that's -- that's an option	01:36:25
4	that a soldier may -- may elect to use with their	01:36:27
5	M-4?	01:36:33
6	A. That is correct.	01:36:34
7	Q. Or their M-16?	01:36:34
8	A. Yes.	01:36:39
9	Q. Okay.	01:36:39
10	A. For the most part, M-16s you don't see	01:36:41
11	it.	01:36:46
12	If I can clarify, M-16s normally do	01:36:46
13	not have the rails necessary below the top of the	01:36:46
14	weapon, in other words the sides or bottom, to	01:36:51
15	affix additional things like a full grip.	01:36:54
16	Q. Let's -- let's -- let's look at a	01:37:17
17	folding stock. How does a folding stock on an	01:37:20
18	AR-15 enhance the militia utility of that weapon?	01:37:25
19	A. To my belief, folding stock on an M-4,	01:37:34
20	AR-15 does not provide much advantage in any	01:37:38
21	regard.	01:37:43
22	Q. Okay. How about a telescoping stock;	01:37:43
23	does a telescoping stock provide any -- any	01:37:46
24	advantages to an individual in militia use?	01:37:50
25	A. Absolutely. The ability to properly fit	01:37:54

1 the rifle or the weapon to a individual regardless 01:37:57
2 of their stature, as well as the ability to 01:38:01
3 accommodate body armor, that's really the utility 01:38:04
4 of the pistol grip. I'm sorry, the telescoping 01:38:06
5 stock. 01:38:11

6 Q. Would a telescoping stock or a folding 01:38:11
7 stock, for that matter, also enhance the 01:38:14
8 portability of the AR-15? 01:38:17

9 A. Not -- not -- well, the folding stock 01:38:24
10 would, of course, make it easier to transport 01:38:26
11 because you put it in a smaller container. 01:38:32

12 The telescoping stock really does 01:38:35
13 not change the overall length that much. So if 01:38:37
14 there is an advantage there, I would say minor 01:38:39
15 compared to the ability to fit it to the 01:38:40
16 individual. 01:38:46

17 Q. And how about a grenade launcher? I 01:38:54
18 think it goes without saying, but it would be 01:38:57
19 helpful for you to describe how a grenade launcher 01:38:58
20 would make an AR-15 more useful for militia use. 01:39:01

21 A. Here again, you would have to think 01:39:09
22 about the scenarios in which you employ the 01:39:11
23 militia. 01:39:15

24 Most of the scenarios that I would 01:39:17
25 be familiar with you would probably not have a 01:39:17

1	need for a grenade launcher. If that were to come	01:39:20
2	to past, then you would probably be looking at	01:39:26
3	calling the forces into -- into -- into federal	01:39:29
4	service or something like that.	01:39:32
5	So for grenade launcher, you know,	01:39:34
6	I don't -- I don't personally see a whole lot of	01:39:36
7	advantages. But for the militia, yeah, you may	01:39:40
8	have some. Because they can fire other rounds.	01:39:42
9	They can fire teargas, for example, which may be,	01:39:45
10	you know, an application the militia would want.	01:39:48
11	But beyond something like that in a	01:39:51
12	law enforcement role, it's not as common.	01:39:54
13	Flares perhaps under certain	01:39:58
14	circumstances, but overall it would not be as	01:40:01
15	common to need a grenade launcher or flare	01:40:04
16	launcher for militia service.	01:40:05
17	Q. And how about a flare -- a flash	01:40:10
18	suppressor. The flash suppressor enhance the	01:40:12
19	militia use of an AR-15?	01:40:16
20	A. If there's any application, you know,	01:40:21
21	any requirement to use the firearm at night, yeah,	01:40:24
22	the flash suppressor means you don't go blind	01:40:28
23	after you fire the first round.	01:40:33
24	It doesn't hide the flash. It is	01:40:35
25	usually called flash hider. That's not really	01:40:37

1	A. Yes, I believe it would in terms of	01:44:54
2	being more maneuverable particularly for urban	01:44:54
3	operations, things like that.	01:44:55
4	A shorter barrel, that's the	01:45:00
5	direction the overall military is going to is to a	01:45:03
6	16 inch barrel or so as opposed to an older,	01:45:04
7	longer models. That is one of the essential	01:45:08
8	differences between the M-16 and M-4.	01:45:11
9	Q. Right. Right. The carbenes are just	01:45:15
10	smaller, more maneuverable; is that right?	01:45:17
11	A. That is correct.	01:45:26
12	Q. Would a folding -- not a folding.	01:45:26
13	Would a telescoping stock make an	01:45:26
14	AR-15 potentially more maneuverable if it's in a	01:45:31
15	closed position?	01:45:40
16	A. It would. Once, again, the critical	01:45:41
17	feature there is how well it fits to the -- to the	01:45:42
18	soldier's body -- body style and whether or not	01:45:47
19	they're wearing body armor.	01:45:50
20	I don't really believe that the	01:45:52
21	current view of telescoping stock is that it	01:45:55
22	contributes to the maneuverability that much.	01:45:58
23	Q. But it could contribute to the	01:46:03
24	maneuverability potentially; is that right?	01:46:04
25	A. Yes. Yeah. An inch or so, yeah. Here	01:46:08

Exhibit 17

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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JAMES MILLER, et al.,

Plaintiffs,

vs.

XAVIER BECERRA, in his official
capacity as Attorney General of
California, et al.,

Defendants.

Case No. 3:19-cv-01537-BEN-JLB

Hon. Roger T. Benitez
Magistrate Hon. Jill L. Burkhardt

**DECLARATION OF EMANUEL
KAPELSOHN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Complaint filed: August 15, 2019
Amended Complaint filed:
September 27, 2019

Hearing Date: January 16, 2020
Time: 10:00 a.m.
Courtroom: 5A, 5th Floor



DECLARATION OF EMANUEL KAPELSOHN

I, Emanuel Kapelsohn, declare as follows:

1. I am an expert, consultant, and expert witness in matters including firearms, ballistics, firearms safety, firearms training, police training and tactics, self-defense, and the use of force. I have been retained by the plaintiffs in this matter to provide expert opinion testimony regarding the design, usage, utility, safety features, and lethality of modern semiautomatic rifles, primarily the AR-15 type rifle in its common configurations discussed below. I have personal knowledge of the facts stated herein, and if called as a witness, I could competently testify to these facts.

2. This declaration is executed in support of plaintiffs' motion for a preliminary injunction in this matter, in which they seek to enjoin the continuing prohibition on these semi-automatic firearms.

QUALIFICATIONS

3. I have been a professional instructor and instructor-trainer in firearms, tactics, self-defense, and use of force, primarily for law enforcement officers, police instructors and law enforcement agencies throughout the United States, and occasionally in other countries, for the past 39 years. I have also trained hundreds of private individuals (i.e., non-law enforcement officers) in firearms skills.

4. I have been certified as a firearms instructor by the FBI, NRA, New Jersey Police Training Commission, Pennsylvania Municipal Police Officers Education & Training Commission, Glock, H&K, and others. My instructor certifications cover rifles of all sorts, handguns, and shotguns, and cover both the training of police and civilians in recreational and defensive use of firearms. I am also certified as a Chief Range Safety Officer, that being someone who is trained to supervise other instructors on a multi-range facility, and to oversee the operations of the facility from a safety

standpoint. I was an instructor at the Burlington County (New Jersey) Police Academy from approximately 1986 to 1995, and was an instructor at the Allentown (Pennsylvania) Police Academy from 1999-2007. I taught a course I developed entitled “Police Use of Force” in the Criminal Justice Department of Indiana University in Bloomington, Indiana for two years while I lived in Indiana. I instructed in a 3-year series of Senior Firearms Instructor Classes for the federal Bureau of Alcohol, Tobacco & Firearms, taught at various locations on the East and West Coasts. I have regularly been a presenter on firearms-related topics at annual and regional training conferences of the International Association of Law Enforcement Firearms Instructors (IALEFI), the International Law Enforcement Educators & Trainers Association (ILEETA), and formerly the American Society of Law Enforcement Trainers (ASLET).

5. Law enforcement agencies for which I have conducted instructor-level training in firearms include the New York State Police (multiple courses), Oregon State Police, Louisiana State Police, Missouri Highway Patrol, Washington D.C. Metropolitan Police (two courses), Massachusetts Metropolitan Police, Tennessee Bureau of Investigation, Toronto Metropolitan Police Service (Emergency Task Force and Dignitary Protection Unit), Calgary Police Service Tactical Unit, Salt Lake County Sheriff’s Office, Nevada State Fire Marshal’s Office, and the Police Departments of Philadelphia, Baltimore, Jersey City, Trenton, Atlantic City (multiple courses), Dallas (two courses), Phoenix (multiple courses), Miami, Jacksonville (two courses), St. Petersburg, Seattle, Tacoma, and many others.

6. I have consulted extensively for years for the Pennsylvania Municipal Police Officers Education & Training Commission (“MPOETC”). Among other things, I served on the curriculum development committee that wrote the firearms and use of force curriculum that has been used at police academies throughout the Commonwealth

1 of Pennsylvania for the past 18 years. I conducted instructor-training courses for the
2 MPOETC at the Pennsylvania State Police Academy at Hersey, at Fort Indiantown Gap,
3 and at other locations; have served as a subject matter expert that established Patrol
4 Rifle Guidelines (“patrol rifles” being AR-15 type rifles) for Pennsylvania’s law
5 enforcement agencies, and most recently served on the MPOETC committee that
6 created a mandatory in-service Use of Force training program (including teaching the
7 pilot course and an instructor-training course) that has been presented to some 25,000
8 police officers throughout the Commonwealth of Pennsylvania.
9

10 7. I have served for some 35 years on the IALEFI Board of Directors, and for the
11 past several years have been First Vice President of that association. IALEFI publishes
12 authoritative materials and guidelines for law enforcement training, and conducts police
13 firearms and use of force training programs, including a week-long Annual Training
14 Conference attended by hundreds of law enforcement firearms instructors from all parts
15 of the United States and various foreign countries. IALEFI also conducts some 15-20
16 additional police training programs per year at locations throughout the country.
17

18 8. I have served as a sworn, armed reserve deputy sheriff or special deputy sheriff
19 for two sheriff’s departments over the past 23 years, have served as a firearms and use
20 of force instructor at both of those departments, and have had first-hand experience in a
21 wide range of law enforcement activities, up to and including the arrest of criminals at
22 gunpoint, and dealing with barricaded gunman situations.
23

24 9. In California, I have taught firearms classes for the San Francisco Sheriff’s
25 Office, for nuclear security personnel of the Sacramento Municipal Utilities District,
26 taught a police firearms instructor course hosted by the El Cajon Police Department
27 attended, among others, by instructors from the California Department of Justice, taught
28 in an IALEFI Annual Training Conference hosted by the San Diego District Attorney’s

1 Office, and taught in BATF Senior Firearms Instructor Courses held in San Diego, Los
2 Angeles, and San Francisco.

3 10. Concerning my experience, knowledge, and expertise with semiautomatic
4 rifles in general and AR-15 type rifles in particular, I have owned and used
5 semiautomatic rifles since I was sixteen, that is, for the past 51 years. I have, since the
6 1970's, owned and used Ruger Mini-14 rifles. The Mini-14 is a semiautomatic, .223
7 (5.56mm) caliber rifle that is functionally virtually identical to the AR-15 rifle in terms
8 of its ballistics, rate of fire, and other capabilities, although most of the Mini-14's
9 variants have not had some of the AR-15's military-looking features that the California
10 legislation finds objectionable, such as the pistol grip and flash suppressor. I currently
11 own several Ruger Mini-14 rifles, and I have personally carried Mini-14 rifles for
12 defensive purposes on three continents. I have owned and used AR-15 rifles since the
13 1980's. I served as the Line Judge for Colt Firearms at the first Colt Cup rifle
14 competition ever held, which was fired with AR-15 rifles in Connecticut. I have been
15 certified as an AR-15 Armorer by Colt, and as an FN-15 Armorer by FN (Fabrique
16 Nationale). An armorer is an individual trained and certified to inspect, maintain, and
17 repair a certain model or category of firearms by the manufacturer of the firearms.
18 Certification as an armorer means I am fully conversant with the internal parts and
19 workings of the AR-15, its design and function. The FN-15 is an AR-15 clone,
20 manufactured by FN and functionally identical to the Colt AR-15. It is used as a patrol
21 rifle by my sheriff's department. I have written several published articles about the AR-
22 15 and other semiautomatic rifles, and have on at least two occasions worked as a
23 consultant to manufacturers of such rifles. I currently own several AR-15 rifles, as well
24 as M1A rifles, M1 Garand rifles, US M1 Carbines, Mini-14s, semi-automatic variants
25 of the AK-47 rifle, an SKS rifle, a Ruger 10/22, an AR-7 survival rifle, and other
26
27
28

1 semiautomatic rifles that the California legislation in question might categorize as
2 “assault weapons.” I have also owned and used other semiautomatic rifles, including
3 the Steyr AUG, the FN-FAL, several semiautomatic .22 rimfire rifles, an H&K 91, and
4 several IWI Tavor rifles. I assisted IWI in the development of its Armorer Course for
5 the Tavor rifle, and in preparation of its Armorer Manual.

6
7 11. I have taught police user-level and instructor level courses in what police call
8 “patrol rifle” (i.e., AR-15 type rifle) in 1999, 2003, 2004, 2009, 2010, 2012, 2017 and
9 2018, have taught a “Shoulder Weapon Selection” course at the State of Connecticut
10 Police Academy in 1994, Countersniper Rifle Courses at Ft. Dix (NJ) and at the
11 Glastonbury Police Department in Connecticut, Special Weapons and SWAT Team
12 courses addressing the AR-15 rifle at the Atlantic County (NJ) and Cape May County
13 (NJ) Police Academies, assisted in conducting AR-15 rifle training and qualification
14 sessions for my sheriff’s departments in Indiana and Pennsylvania, and for the Berks-
15 Lehigh Regional Police, and was a presenter on the Patrol Rifle Panel at the ILEETA
16 Annual Conference in St. Louis in 2017.

17
18 12. I achieved competitive rankings as a Junior Smallbore (Rifle) Expert and
19 Light Rifle Expert in my teenage years, and have thereafter been certified as a
20 Highpower Rifle Expert, Patrol Rifle Expert, Patrol Rifle Instructor, and Police
21 Precision Rifle Instructor. I successfully graduated from the NRA’s Police Rifle
22 Instructor Development Course taught at USMC Base Quantico, Virginia, from the
23 NRA’s Precision Rifle Instructor School held at The Crucible in Fredericksburg,
24 Virginia, from the IACP’s Countersniper Rifle Course at Fort Dix, New Jersey, from
25 Gunsite’s General Rifle Course (using an MIA semiautomatic rifle) with an Expert
26 rating, from the Thunder Ranch “Urban Rifle” course (using two models of
27 semiautomatic rifles), and from the U.S. Army Marksmanship Training Unit’s
28

1 Countersniper Rifle Course at Fort Benning, Georgia. With handgun, I have held the
2 rating of Distinguished Expert, which is a higher rating than expert, and I was an “A”
3 Class IPSC Combat Pistol Shooter. I have competed on a regional and national level
4 with shotgun, and have placed on a winning team with shotgun in a national event.

5 13. In addition to the AR-15s and other semiautomatic rifles mentioned above, I
6 have owned and used bolt-action rifles, lever-action rifles, break-open single shot
7 (“hinge action”) rifles and combination guns, pump-action rifles, and black powder
8 muzzle-loading rifles. In addition, I have owned and used select-fire M16 rifles (which
9 are true “machine guns” capable of fully automatic fire), as well as select-fire
10 submachine guns of various brands and types, also capable of fully automatic fire.
11 I have also fired other fully-automatic firearms, including military belt-fed machine
12 guns and automatic weapons fed from large box magazines. I have also received
13 armorer training, and have worked as an expert witness, in two cases involving the
14 GAU-17 and other motor-driven, fully automatic “mini-guns,” typically mounted on
15 helicopter gunships, military patrol boats, and other military vehicles, capable of cyclic
16 rates of fire ranging from 2,000 to 4,000 rounds per minute. I am thus conversant with
17 all types of rifles, their designs and functioning characteristics, their capabilities,
18 ballistics, and features, and have actual, first-hand knowledge of the differences
19 between true military weapons and the semi-automatic rifles, shotguns and handguns
20 addressed by the California legislation. I have also written over 30 published articles
21 about handguns, handgun ammunition, and handgun technique, and at least seven
22 published articles on shotguns (including semiautomatic shotguns), shotgun
23 ammunition, and shotgun technique. I have served as a consultant on design features to
24 major manufacturers of rifles, shotguns and handguns. I was for several years Technical
25 Editor of POLICE MARKSMAN magazine, during which time I performed technical
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1 reviews and evaluations of firearms, ammunition and firearms accessories of all sorts.

2 14. In total, I have trained over 15,000 students in my firearms classes. I have
3 watched them fire literally millions of rounds of ammunition from rifles (mainly AR-
4 15s and other semiautomatic rifles), handguns of all sorts, shotguns, submachine guns,
5 and machine guns. I have watched others fire many millions more rounds from such
6 firearms in training classes, qualification exercises, competitions, and firearms
7 demonstrations. I myself have fired hundreds of thousands of rounds of ammunition
8 from such weapons. I have owned and/or used firearms, including select-fire and fully
9 automatic firearms, with suppressors (“silencers”), flash suppressors, detachable box
10 magazines, drum magazines, pistol-grip stocks, folding stocks, telescoping stocks,
11 barrel shrouds, and other features addressed by the legislation in question. I last
12 participated in an AR-15 training class about two weeks ago, and I will next be involved
13 in police AR-15 training and qualification within the next two weeks. Unlike many of
14 the individuals who, on information and belief, have drafted, proposed, and/or support
15 the legislation in question, I have actual – not theoretical or second-hand – experience
16 with all of the types of firearms and firearms design features addressed by the
17 legislation.
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20 **PRIOR EXPERT TESTIMONY**

21 15. I have served as an expert witness in numerous courts since 1984. In total, I
22 have served as an expert in well over 350 cases, and have testified roughly 85 times in
23 criminal and civil trials in state and federal trial courts throughout the United States, in
24 addition to testimony before grand juries, Police Boards, administrative courts and
25 tribunals (including the U.S. Government Accountability Office or “GAO”), state and
26 city legislative committees, and before committees of both Houses of the United States
27 Congress. In total, I have been qualified and have testified as an expert in some
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1 14 federal courts in 12 states, and in some 45 state courts in 18 states. I have also
2 served as an expert in cases that have been dismissed, settled, plea bargained, or for
3 some other reason have not gone to trial, and therefore have not required my testimony,
4 in at least 23 other states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands,
5 and Canada. In California, I have testified as an expert in the U.S. District Court for
6 the Southern District of California (Estate of Angel Lopez v. City of San Diego, Case
7 No. 3cv2240 GPC (MDD), 2017), and in the California Superior Court for Fresno
8 County (Loera v. Glock, Inc., No. 498182-5). I have worked as an expert in several
9 other California cases that have not gone to trial.
10

11 16. I have served as an expert in several cases involving AR-15s and other
12 semiautomatic rifles, most often (but not always) used by police officers.

13 **OPINIONS AND ANALYSIS**

14 17. A semiautomatic firearm uses the power of the firing cartridge, typically
15 either through diverting some of the pressurized gas from the cartridge's burning
16 propellant gunpowder, or through the recoil produced when the projectile moves
17 forward out of the cartridge case, to operate the gun's mechanism and bring a fresh
18 cartridge into position for firing. In a semiautomatic firearm, the trigger must be pulled
19 separately for each shot. A semiautomatic firearm differs from a manually operated
20 repeating firearm, such as a bolt-action, lever-action, or pump-action firearm, in which
21 the user manually operates the mechanism to bring a fresh cartridge into position for
22 firing. The semiautomatic also differs from a fully automatic ("automatic") firearm –
23 commonly called a "machine gun" -- in which holding the trigger depressed will result
24 in a continuous series of shots until the trigger is released or the ammunition supply is
25 exhausted. Semiautomatic firearms are not a new invention. Semiautomatic rifles,
26 shotguns, and handguns were all developed before 1900, and were in common use in
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1 the early 1900's.

2 18. Armalite, an American small arms engineering firm located in California,
3 developed the AR-15 in the 1950's. It was designed in large part by Eugene ("Gene")
4 Stoner, a famous American firearms designer whom I met and spoke with several times.
5 In 1959, due to financial and production problems, Armalite sold its rights to its AR-10
6 and AR-15 designs to Colt's Manufacturing. A version of the rifle, in select-fire form
7 (meaning it could, by operation of a selector switch, be fired either semiautomatically,
8 i.e., one shot for each pull of the trigger, or fully-automatically, i.e., continuous firing as
9 long as the trigger was held depressed), was first used by our military in the Vietnam
10 War as the M-16. AR-15 type rifles, also called "MSRs" or "Modern Sporting Rifles,"
11 are today among the most popular rifles sold and used in the United States. They have
12 been manufactured by literally hundreds of companies, including Colt, FN, Ruger,
13 Remington, Bushmaster, Rock River Arms, Wilson Combat, Barrett, DPMS Panther
14 Arms, H&K, Lewis Machine, Olympic Arms, Palmetto State Armory, and Mossberg.
15 The National Shooting Sports Foundation (NSSF), a firearms industry trade group,
16 estimates that there are currently between 5 and 10 million AR-15 rifles in civilian
17 hands in the United States today. The AR-15 uses a detachable box magazine for the
18 .223 Remington or 5.56mm NATO cartridge (the two rounds are very similar, and can
19 be used interchangeably in many AR-15s). The most common magazine size is
20 30 rounds, although magazines of 5, 10, 20 and 40 rounds are also available, as well as
21 other sizes. With an estimated 5-10 million AR-15 rifles in civilian hands, there are
22 certainly many times that number of 20-round and 30-round magazines in private
23 ownership as well. AR-15 rifles are commonly used for both formal and informal target
24 shooting (including each year at the National Matches at Camp Perry, Ohio), for
25 hunting, by farmers and ranchers for control of predators and pest animals, and for
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1 self-defense. They are also widely used by law enforcement agencies as “patrol rifles,”
2 in many parts of the country all but completely replacing the 12-gauge shotgun as the
3 shoulder weapon carried in most police cars. Anyone visiting any retail gun store in
4 most states will see many AR-15 rifles for sale, as well as displays of magazines,
5 accessories, and ammunition for these rifles. Similarly, someone taking a trip to most
6 outdoor shooting ranges, and indoor ranges with rifle capability as well, will find many
7 people target shooting with AR-15 rifles. The AR-15 is especially popular because of
8 its light weight, mild recoil, and good ergonomics, all of which make it well suited to
9 younger shooters, female shooters, and other shooters of smaller stature, as well as an
10 easy rifle for larger, stronger individuals to use. All of these design features of the
11 AR-15 – its light weight, mild recoil, and good ergonomics – as well as the adjustable
12 length of its buttstock when fitted with a telescoping buttstock, the effectiveness of its
13 cartridge for self-defense use, and its better continuity of fire when used with its most
14 commonly available 20-round and 30-round magazines, make the AR-15, in many
15 cases, a better choice of shoulder weapon for a female user or other smaller-statured
16 user than the 12-gauge or other shotguns that have often been recommended for that
17 purpose. The shotgun, in fact, is much harder for most women (as well as most other
18 shooters) to use, too heavy, ill-fitting in its commonly available stock configurations,
19 and has recoil which is far too punishing, discouraging practice and resulting in poor
20 competence and many safety problems. For the same reasons that the AR-15 has
21 largely replaced the shotgun in police use, it is a better choice as a self-defense weapon
22 for many private individuals as well. Other semiautomatic rifles which would be
23 prohibited by the California legislation, including the bullpup design IWI Tavor and
24 Steyr AUG, are similarly good choices as self-defense shoulder weapons for women
25 and others. The bullpup designs are particularly popular among women because the
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1 design places more of the rifle's weight closer to the user's body, where less muscle is
2 needed to support it when firing.

3 19. My opinion that AR-15 rifles are suitable for self-defense use by private
4 individuals is supported by many examples of such use. For example, a pregnant
5 mother used an AR-15 to save the life of her husband, killing one of the two intruders
6 who were terrorizing her family. Attached hereto as **Exhibit 1** is a true and correct copy
7 of the digital article "Pregnant Florida Mom Uses AR-15 to Kill Home Intruder."
8

9 20. Another example was in Glen St. Mary, Florida in 2018, where seven home
10 invaders were fought off by their would-be victim using an AR-15. One of the seven
11 invaders was killed, and five others were arrested. The defender fired over thirty
12 (30) shots in the process, underscoring the need for magazines that hold more than a
13 few rounds of ammunition. Attached hereto as **Exhibit 2** is a true and correct copy of
14 the digital article, "Deputies: 30 Rounds Fired From AR-15 in Deadly Florida Home
15 Invasion."
16

17 21. In another case, in Oswego, Illinois, a man named Dave Thomas, who was in
18 legal possession of an AR-15, used it without the need to fire a single shot to stop a man
19 who was repeatedly stabbing one of his neighbors. Attached hereto as **Exhibit 3** is a
20 true and correct copy of the digital article "Man Armed With AR-15 Stops Attack By
21 Neighbor in Oswego."
22

23 22. In the highly-publicized 2017 active shooter event at the First Baptist Church
24 in Sutherland Springs, Texas, in which the gunman killed 27 people and wounded
25 20 others, a 55-year-old plumber living across the street from the church, alerted by his
26 daughter that a man was shooting people at the church, got his AR-15 out of his gun
27 safe, loaded it, and exchanged shots with the gunman, hitting him twice, and then
28 flagged down a passing motorist to pursue the gunman together when the gunman

1 attempted to flee from the scene. Attached hereto as **Exhibit 4** is a true and correct
2 copy of the digital article, “Texas Hero Reportedly Used His Own AR to Confront the
3 Sutherland Springs Shooter.”

4 23. In a case in Harris County, Texas in 2013, a 15 year old boy, at home with his
5 little sister, used an AR-15 to drive off two burglars who had broken a window to enter
6 the house. They fled, leaving a trail of blood. Attached hereto as **Exhibit 5** is a true and
7 correct copy of the digital article, “Harris County Deputy’s Son Shoots One of Two
8 Intruders.” Also in 2013, a man with a .223 AR-15-type rifle in Montgomery County,
9 Pennsylvania, successfully defended himself and his wife against an intruder, who died
10 later in the hospital. Attached hereto as **Exhibit 6** is a true and correct copy of the
11 digital article, “Elkins Park Man Killed After Forcing His Way Into Apartment.”
12

13 24. In 2017 in Broken Arrow, Oklahoma, three masked intruders were shot and
14 killed by 23-year-old Zach Peters, the son of the home’s owner, using an AR-15 rifle.
15 The shooting was ruled justifiable. Attached hereto as **Exhibit 7** is a true and correct
16 copy of the digital article, “Shooting Deemed Justifiable: Authorities Say Zach Peters
17 Acted Lawfully When He Shot, Killed Three Intruders.”
18

19 25. Numerous other cases in which the AR-15 and other semi-automatic rifles
20 have been used in self-defense can be found. The fact that several of the above
21 examples are cases in which a homeowner or other private citizen has had to fight off
22 multiple attackers is significant in explaining the need for semiautomatic firearms and
23 magazines that hold 20-30 rounds of ammunition.

24 26. It is incorrect, and in fact a common myth, that the .223/5.56mm projectile
25 fired by the AR-15 and other rifles under consideration is too penetrative to be used
26 safely for self-defense inside homes and businesses, and around farms and ranches. If
27 that were the case, then why are police using AR-15 “patrol rifles” nationwide,
28

1 including as entry weapons for indoor searches and deployments? The fact is that with
 2 properly selected ammunition, the .223/5.56mm actually presents less danger of
 3 overpenetrating walls, floors, ceilings and criminal attackers than conventional
 4 self-defense handgun bullets in calibers such as 9mm, .40 S&W, and .45 Auto. This is
 5 because the .223/5.56mm has a much higher muzzle velocity and fires a much smaller,
 6 lighter projectile which, if properly selected as to projectile type (e.g., the self-defense
 7 type softpoint, hollow point, or ballistic tip bullets that are widely available where
 8 ammunition is sold), will fragment easily and will be unlikely to penetrate as many
 9 sheetrock partitions or other common building elements as many common handgun
 10 bullets. I have demonstrated this to classes of police and others by firing through
 11 sheetrock and other materials, and many published studies confirm the same results.
 12 Attached hereto as **Exhibit 8** is a true and correct copy of R.K. Taubert (FBI, Ret.),
 13 “About .223 Penetration.” Attached hereto as **Exhibit 9** is a true and correct copy of
 14 “Real World Testing: .223/5.56 Penetration Tests vs. .40 S&W and 12 ga. Slug;” See
 15 also attached hereto as **Exhibit 10** the digital article, “Why ‘High-Powered’ 5.56
 16 NATO/.223 AR-15 is Safer for Home Defense (FBI Overpenetration Testing),”
 17 Prepared Gun Owners, July 14, 2016.

20 27. Penal Code section 30515(a)(1) identifies several features that distinguish
 21 “assault weapons” – as it defines that term -- from ordinary semiautomatic firearms. In
 22 actuality, the term “assault weapon” (unlike “assault rifle,” which is a compact,
 23 lightweight select-fire rifle firing a intermediate-powered cartridge) is a pejorative term
 24 created by legislative draftsmen which has no technical definition in the firearms field.
 25 See Standards & Practices Reference Guide for Law Enforcement Firearms Instructors,
 26 P. Covey and E. Kapelsohn, 1995, “assault rifle” and “assault weapon,” p. 5 ff. Having
 27 extensive personal experience as a user, as a firearms instructor, and as a consultant,
 28

1 with all of the design features identified by the legislation, and with their practical
2 effects on the capabilities of firearms, I will address these features seriatim.

3 28. Penal Code section 30515(a)(1)(A) of the legislation identifies a “pistol grip
4 that protrudes conspicuously beneath the action of the weapon.” The current AR-15
5 addressed by the legislation is, as discussed above, is a semiautomatic version of the
6 select-fire military M16 and its predecessor, the Armalite Model 15 rifle. The M16 is
7 designed, as its “select-fire” description indicates, to fire either semiautomatically, or
8 automatically (“full-auto”) by the positioning of its safety/selector lever. When firing
9 automatically (“full-auto”), the M16 has a cyclic rate of fire of 750-900 rounds per
10 minute. In practical effect, with the most commonly used 30-round magazines, a
11 shooter firing an M16 full-auto may actually be able to discharge roughly
12 250-300 rounds per minute, although not with good accuracy. In order to allow military
13 users of the M16 to fire it full-auto while staying on target, rather than having
14 significant “muzzle climb” while firing, the M16, and similar assault rifles, employ
15 what is termed a “straight-line design,” meaning that the rifle’s barrel and stock are in
16 line, so that recoil is transmitted into the user’s shoulder along the axis of the bore/axis
17 of recoil. See attached hereto as **Exhibit 11** is a true and correct diagram of a standard
18 AR-15/M16 (depicting the straight-line design referenced). In order to make this
19 possible, the front and rear sight assemblies of the M16 are raised considerably (about
20 2-1/2 inches) above the line of bore, so that they will be in line with the shooter’s eye
21 for aiming, when the rifle’s buttstock is seated on the user’s shoulder in firing position.
22 This differs from the conventional design of sporting rifles and shotguns (generally
23 wooden-stocked), in which the sights are mounted much closer to the axis of the
24 bore/axis of recoil, and the buttstock angles downward significantly to the user’s
25 shoulder. Because the buttstock and the point of shoulder support is thus significantly
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1 below the axis of recoil, such conventionally-stocked rifles, if designed to fire full-auto
2 and if fired that way, typically exhibit a great deal of “muzzle rise,” making it hard to
3 keep them on target when firing full-auto. The purpose of the M16’s straight-line
4 design is to eliminate this muzzle rise. However, because the M16 and AR-15 have a
5 stock which comes straight back from the rifle’s receiver to the user’s shoulder, it
6 became necessary to provide a “pistol grip” that protrudes downward from the rifle’s
7 receiver (“action,” per the statute). Otherwise, the user would have to raise his or her
8 dominant arm uncomfortably high grip the rifle’s buttstock, in a position where the
9 dominant hand would interfere with aiming the rifle, and where the trigger and trigger
10 guard of the M16 and AR-15 are not located. The design purpose of the M16/AR-15’s
11 pistol grip is to position the user’s hand properly behind the trigger and trigger guard of
12 the rifle – a position which would not be feasible for the user to assume without the
13 pistol grip – and, in the case of the M16 when fired full-auto, to provide better control
14 of the rifle. When the rifle is fired semiautomatically, in the normal manner for the
15 “civilian” AR-15, the pistol grip is not necessary for the purpose of preventing muzzle
16 rise, as the lower rate of fire, straight-line stock design, and very minimal recoil of the
17 AR-15’s .223/5.56mm cartridge do not present a significant muzzle rise problem. This
18 can easily be seen when firing the Ruger Mini-14 and other semiautomatic rifles for the
19 .223/5.56mm cartridge which use conventional sporting rifle-type stocks, not
20 straight-line design stocks, and have no pistol grips extending downward from the
21 rifle’s receiver, but can nevertheless be controlled easily and fired very accurately in
22 semiautomatic fire. Contrary to the claims of some anti-gun activists, a pistol grip on a
23 rifle stock does not allow the rifle to be “spray fired” wildly in all directions. Why
24 would our Department of Defense want our military rifles, including our M16 and later
25 evolved M4 rifles, to be so equipped? The pistol grip on the AR-15 stock, and the
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1 stocks of other semiautomatic rifles, also does not allow these rifles to be reloaded any
2 faster than semiautomatic rifles without pistol grips.

3 29. Penal Code section 30515(a)(1)(B) of the legislation addresses “thumbhole
4 stocks.” Thumbhole stocks have been made for many years for a wide variety of rifle
5 types, including bolt-action target rifles, not just for semiautomatic rifles. See, e.g.,
6 “Boyds Hardwood Gunstocks” catalog on the internet (located at:
7 <https://www.boydsgunstocks.com/gallery#shapes>). Depending on the shooter’s own
8 hand size and body configuration, thumbhole stocks can provide a comfortable grip on
9 the rifle, and can facilitate accurate shooting by advantageously positioning the
10 shooter’s dominant hand relative to the rifle’s trigger, while providing a comfortable
11 and solid stock comb and cheekpiece to allow a consistent “cheek weld” for accurate
12 firing. Thumbhole stocks can also provide a lower, more comfortable grip for the
13 dominant hand on rifles which, by their original design, might otherwise have a “pistol
14 grip” type stock. By prohibiting both pistol grip stocks and thumbhole stocks, the
15 legislation relegates rifles to be equipped and fired in a manner which is less
16 comfortable, less accurate, and less safe.
17

18 30. Penal Code section 30515(a)(1)(C) addresses “folding or telescoping stocks.”
19 While the AR-15 can be equipped with a solid (that is, not telescoping) buttstock, and
20 my Sheriff’s Office AR-15 patrol rifle is so equipped, telescoping buttstocks are far
21 more popular. Neither telescoping nor folding buttstocks turn semiautomatic rifles into
22 common instruments of crime, as even when so equipped, the rifles are far too large for
23 easy concealment for most criminal activities. This is probably the major reason why
24 most crimes committed with firearms, far and away, are committed with handguns. For
25 example, the USDOJ Bureau of Justice Statistics Special Report, NCJ251776, “Source
26 and Use of Firearms Involved in Crimes” (2019) reports that of prison inmates,
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1 18.4% used handguns in the commission of their crimes, while only 1.5% used rifles,
2 and 1.6% used shotguns. Attached hereto as **Exhibit 12** is a true and correct copy of the
3 report.

4 31. What telescoping buttstocks actually do is allow for the rifle stock to be
5 adjusted to properly fit the user. The U.S. military's current telescoping buttstock for
6 its M4 rifle (the modern evolution of the M16) allows the stock to be set for any of four
7 to six different lengths. This allows the rifle to be used comfortably and fired accurately
8 by shorter-statured shooters, including female shooters among others. It also allows the
9 rifle to be adjusted for comfortable, accurate firing from different shooting positions, as
10 a stock length that works well in the standing position may be too long for optimum use
11 from a sitting or kneeling position. The telescoping stock also allows the stock to be
12 shortened when the shooter is wearing heavy clothing, as in wintertime, and lengthened
13 when lighter clothing is worn in warmer weather. Telescoping-style adjustable stocks
14 are used for these same reasons on many other firearm models that are not
15 semiautomatic, such as the Mossberg pump-action Model 500 Tactical and ATI
16 Tactical shotguns. Attached hereto as **Exhibit 13**, a true and correct picture of a
17 Mossberg 500 tactical pump shotgun with a collapsible stock.
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19

20 32. Penal Code section 30515(a)(1)(D) addresses semiautomatic firearms with a
21 "grenade launcher or flare launcher." Grenade launchers, such as the 40mm M203
22 grenade launcher designed to be mounted on the military's M16 and M4 rifles, are
23 largely prohibited from civilian ownership, or very heavily regulated by the federal
24 government, as "destructive devices" pursuant to the National Firearms Act of 1934.
25 Thus, the California legislation's prohibition of grenade launchers, while sensational, is
26 largely superfluous. Regarding flare launchers, there is a reasonable argument that flare
27 launchers have a legitimate safety and rescue purpose, as on ships and other watercraft.
28

1 33. Penal Code section 30515(a)(1)(E) addresses “flash suppressors.” A flash
2 suppressor is a fixture on the end of a rifle’s barrel that divides and diverts the muzzle
3 flash through several slots or holes, most commonly arranged radially around the axis
4 of the bore. The most common type of flash suppressor on AR-15 rifles is probably the
5 Mil Spec A2 birdcage type, which has four slots from about the nine o’clock to three
6 o’clock positions (that is, around the top 180 degrees of the suppressor), but is solid on
7 the bottom in order not to raise clouds of dust or dirt when firing from a prone position
8 on dry ground. Attached hereto as **Exhibit 14**, a true and correct picture of a A2
9 birdcage flash hider. Flash suppressors are not expensive accessories; for example, the
10 Aero Precision A2 birdcage-type suppressor retails for \$7.99. The major advantages of
11 a flash suppressor on a rifle’s barrel are: (1) the reduction of muzzle flash so as not to
12 temporarily blind a shooter who is firing in a darkened environment, whether in a
13 defensive situation or on an indoor shooting range, and (2) the reduction of muzzle flash
14 from a military rifle, so as to minimize the illumination of the shooter, which might
15 reveal his location to enemy troops in darkened environments. The flash suppressor
16 also serves to protect the muzzle of the rifle from dirt, mud, sand, etc., which could
17 dangerously plug the muzzle if it were to touch the ground outdoors. Purpose
18 (2) above, which is primarily military in nature, is of questionable importance in regard
19 to the criminal use of firearms in the civilian world. Purpose (1) above is important in a
20 rifle used for self-defense by civilians, and legislation that prohibits flash suppressors
21 makes rifles less suitable for self-defense use by civilians. Law enforcement statistics
22 indicate that a high percentage of violent crime occurs during the hours of darkness, or
23 in otherwise darkened environments (poorly lighted indoor areas, for example).
24 Attached hereto as **Exhibit 15**, a true and correct copy of the digital article from
25 Security Magazine, “Violent Crimes Most Likely to Occur At Night.” The use of a rifle
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1 without a flash suppressor under those circumstances is likely to temporarily blind the
2 user, or at least seriously impair the user's vision, placing the law-abiding user at a
3 disadvantage to a criminal attacker.

4 34. Penal Code section 30515(a)(1)(F) addresses "forward pistol grips." Forward
5 pistol grips on rifles, also called vertical forends, are popular among some shooters in
6 allowing them to control the rifle better for more accurate shooting. Depending on the
7 design and the shooter's physiology, such vertical forends can serve as monopods to
8 assist in stabilizing the rifle for precision firing in the prone position. They make the
9 rifle neither more nor less suitable for use for criminal purposes. As stated above, the
10 use of rifles in criminal activities is relatively rare altogether.

12 35. Notable crimes committed with semiautomatic rifles, including the infamous
13 FBI Miami Shootout (1986) in which two FBI agents were killed and five were
14 wounded, the Winn Dixie Shopping Center shooting in Palm Bay, Florida (6 killed,
15 14 wounded), and numerous others since that time, have been committed with Ruger
16 Mini-14 rifles. The Mini-14, while semiautomatic, typically has a conventional
17 "sporting" type wooden stock, no pistol grip, no flash suppressor, no telescoping stock,
18 folding stock, or thumbhole stock, no grenade launcher or flare launcher – in other
19 words, none of the "evil looking" cosmetic features addressed by the California
20 legislation. The fact is that even without these features, virtually any
21 detachable-magazine, semiautomatic rifle firing the .223/5.56mm cartridge will have
22 the same ballistics and same capabilities as the AR-15. Moreover, other repeating rifles
23 that are not semiautomatic could also be used with close to the same effectiveness by a
24 criminal, by a law enforcement officer, or by a civilian. For example, in a Police Patrol
25 Rifle Instructor Course I conducted, I fired the 50-round, 100-yard qualification course
26 with a Winchester Model 94 lever-action rifle – an 1894 design – accomplishing the
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1 timed reloads and achieving the second highest score in the class, among a class of
2 police instructors all the rest of whom were using AR-15 rifles, except for one who used
3 a semiautomatic AK-47 type rifle. Attached hereto as **Exhibit 16**, a true and correct
4 picture of a Winchester Model 94 lever action rifle. And the highest mortality rate of
5 any school shooting in the United States was the Virginia Tech shooting, in which no
6 “assault rifles” were used, just two ordinary handguns. Attached hereto as **Exhibit 17**, a
7 true and correct copy of the digital article, “This Day in History, April 16: Virginia
8 Tech Shooting Leaves 32 Dead.”
9

10 36.. Regarding barrel shrouds on handguns, barrel shrouds on handguns are mainly
11 a cosmetic feature, rather than an important tactical feature. I have been shooting
12 handguns for the past 57 years, have never owned a handgun with a barrel shroud, and
13 cannot recall ever burning my hand on the barrel of a handgun.

14 37. Regarding pistol grips on handgun (most of which already have a pistol-type
15 grip), vertical foregrips, and flash suppressors, the comments I have already provided
16 above are applicable.
17

18 CONCLUSION

19 38. The California legislation appears to focus primarily on cosmetic features of
20 firearms. In fact, the AR-15 is just another semiautomatic rifle, a type of firearm that
21 has existed since about 1900. The AR-15 is, in many cases, an excellent rifle for law-
22 abiding citizens to use for self-defense, as well as for target shooting, recreational
23 shooting, and control of predators, rodents and other pest animals where game laws
24 permit. Features such as flash suppressors, pistol grips, forward pistol grips (vertical
25 foregrips), telescoping stocks, and the other features discussed above are of little
26 significance to criminals, but if prohibited will make these rifles less useful, less
27 accurate, and less safe for law-abiding citizens to use. It appears that this legislation is
28

1 either ill-informed, or that its intent is to prohibit one of the most widely used – because
2 it is one of the most useful – firearms in existence in the United States.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed
4 on December 5, 2019.

5
6 
7 Emanuel Kapelsohn

**EXHIBITS
TABLE OF CONTENTS**

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
1	“Pregnant Florida Mom Uses AR-15 to Kill Home Intruder,” www.NYPost.com , November 2019	0001-0003
2	“Deputies: 30 rounds fired from AR-15 in deadly Florida home invasion,” www.news4jax.com , April 2018	0004-0006
3	“Man armed with AR-15 stops attack by neighbor in Oswego,” February 2018	0007-0009
4	“Texas Hero Reportedly Used His Own AR to Confront the Sutherland Springs Shooter,” www.nationalreview.com , November 2017	0010-0012
5	“Harris County deputy’s son shoots one of two intruders,” www.chron.com , June 2010	0013-0015
6	“Elkins Park man killed after forcing his way into apartment,” The Philadelphia Inquirer, April 2013	0016-0017
7	“Shooting deemed justified: Authorities say Zach Peters acted lawfully when he shot, killed three intruders,” www.tulsaworld.com , April 2017	0018-0022
8	“About .223 Penetration,” R. K. Taubert	0023-0032
9	“Real World Testing: .223/5.56 Penetration Tests vs. .40 S&W and 12 ga. Slug;”	0033-0039
10	“Why “High Powered” 5.56 NATO/.223 AR-15 Ammo is Safer For Home Defense (FBI overpenetration testing),” www.preparedgunowners.com , July 2016	0040-0043
11	Diagram of a standard AR-15/M16 (depicting the straight-line design referenced)	0044-0045
12	“Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016,” Special Report, U.S. Department of Justice, Bureau of Justice Statistics, January 2019	0046-0066

**EXHIBITS
TABLE OF CONTENTS**

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
13	Picture of a Mossberg 500 tactical pump shotgun with a collapsible stock	0067-0068
14	Picture of a A2 birdcage flash hider	0069-0071
15	“Violent Crimes Most Likely to Occur At Night,” Security Magazine, June 2019	0072-0075
16	Picture of a Winchester Model 94 lever action rifle	0076-0077
17	“This Day in History, April 16: Virginia Tech Shooting Leaves 32 Dead,” www.history.com , April 2011	0078-0080

Exhibit 18

THE BLOODY TRAIL OF GUNLESS MURDERERS!

GUNS & AMMO

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FIELD TESTS:

- CLASSIC RUGER .22 AUTO
- MANNLICHER/GAMBA TRAPGUN
- CROSMAN AIR PISTOL





The German MP-44 (R), the first of the modern assault rifles, has fired a whole new breed of modern semi-auto sportsmen such as this Heckler & Koch HK-91 at left. For an in-depth appraisal of these rifles, see page 48. Cover photo by Bob D'Olivo.



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GUNS & AMMO

JULY 1981 • VOLUME 25, NUMBER 7 • PUBLISHED MONTHLY

HANDGUNS

Handloading Tips for the .44 Magnum Sixgun: by Bob Milek.....	34
Vintage Loads for Vintage Peacemakers: by Mike Venturino.....	58
The Ruger .22 Automatic: by Dave Arnold.....	68

RIFLES

Tomorrow's State-of-the-Art Sporting Rifle: by Art Blatt.....	48
Personalize Your Rifle with a Custom-Finished Stock: by Jon Sundra.....	62

SHOTGUNS

Mannlicher/Gamba "Edinburgh" Trap Combo: by Art Blatt.....	70
--	----

GENERAL

The Rifle Cartridges of Paul Mauser: by John Wootters.....	40
Crosman American Classic Airgun: by Craig Boddington.....	71

RKBA

The Bloody Trail of Gunless Murderers! by Jan Libourel.....	31
---	----

DEPARTMENTS

Washington Report: by Reid Andrews.....	6
Letters.....	8
Gunnotes: by Elmer Keith, Executive Editor.....	10
Gunsmith: by J.B. Wood.....	22
What's New.....	28
Gun-E-Sack: by Jon Sundra.....	30
Black Powder: by Phil Spangenberg.....	38
Reloading: by John Wootters.....	44
Jordan on Handguns: by Bill Jordan.....	46
Hunting Wheels: by John Jelinek.....	67
Classified.....	96
Parting Shot: by Dick Wolff.....	98



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GUNS & AMMO/JULY 1981 5

Spawned in the crucible of war a new breed of rifles challenges the legendary Mauser bolt gun as...

TOMORROW'S STATE-OF-THE-ART SPORTING RIFLE

By Art Blatt



Colt's AR-15 is among the most popular autoloading rifles. It is chambered for the .223 Remington, which, properly handloaded, is a fine varmint cartridge.

Added firepower cannot be a replacement for proven hunting techniques. Hunters still must use traditional stalking skills and binoculars, even when utilizing an "unconventional" twenty-shot autoloader like this AR-15 from Colt.



■ You say there's no place for "military-style" arms in the world of sporting firearms? Granted, today's service look-alikes are less stylish and graceful than a Remington Model 700BDL or one of Roy Weatherby's colorful creations; however, these autoloading rifles from around the world are on the brink of revolutionizing the world of rifle shooting.

In 1939, when Oldsmobile first introduced the automatic transmission, auto buffs were very skeptical about this modern contraption. Today, nearly 75 percent of all American cars are so equipped. So it will be the way of autoloading rifles.

Most shooters and veteran riflemen look down their noses at these steel-stamped rifles as remnants from an erector set. The turn-bolt aficionado looks with a great deal of disdain at anybody toting one of these space-age rifles with plastic stocks and fore-ends. The dyed-in-the-wool

deer hunter watching his domain being infiltrated by these black and gray guns assumes that these "new generation" hunters are merely fantasizing "war games" and are playing "soldier." How soon we forget.

Practically all of today's "modern bolt-action rifles can trace their "roots" back to Paul Mauser's development—the fabled Model 98 bolt rifle. Unquestionably, this was the finest military turnbolt ever invented. And, how about the American-bred Springfield? How many thousands of these service rifles are still in the hands of "civilian" shooters and hunters? Remington Arms, in 1921 after their mil-





To those purists who state that there's no place in the sporting world for "military"-type rifles—how can we forget that practically all of today's "modern" bolt guns originated from the German 1898 Mauser?

tary contracts had expired for the 1917 Enfield, simply sold off their remaining inventory—to the civilian market—as the Model 30. Thousands of hunters snapped up these rifles, realizing that a piece of ordnance produced to U.S. Government specifications had to be a first-class piece of machinery—and they were right!

So before pooh-poohing these military-type rifles of today and categorizing all who use these guns as people who wear camouflage underwear, let's find out who is purchasing these much-maligned rifles, and what they are using them for.

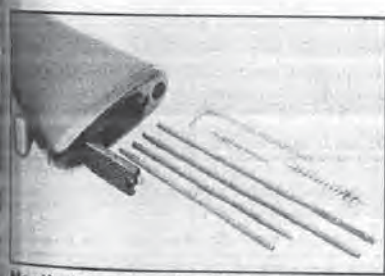
We asked Barry Kahn, owner of B&B Sales in North Hollywood, California—who is a major gun dealer in all types of military look-alikes—just who is snapping up these rifles in huge quantities. We'd half expected his answer to be a segment from the "cult of preachers of doom." To our surprise Barry informed us that those



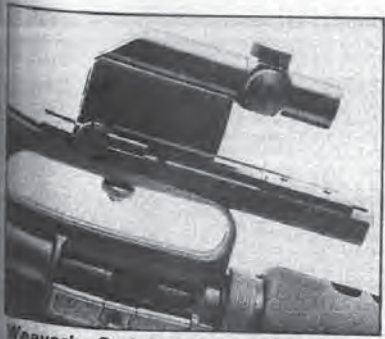
The Colt AR-15 can provide the hunter with better accuracy than he'd imagine, as this five-shot, 100 yard group is a little under two inches.

purchasing these "assault"-type rifles are from all walks of life and income groups. Although relatively high-priced—compared to typical sporting rifles—FN-LARs, H&Ks and Colt AR-15s are equally divided among doctors, lawyers, truck drivers and businessmen—a typical cross section of shooters everywhere.

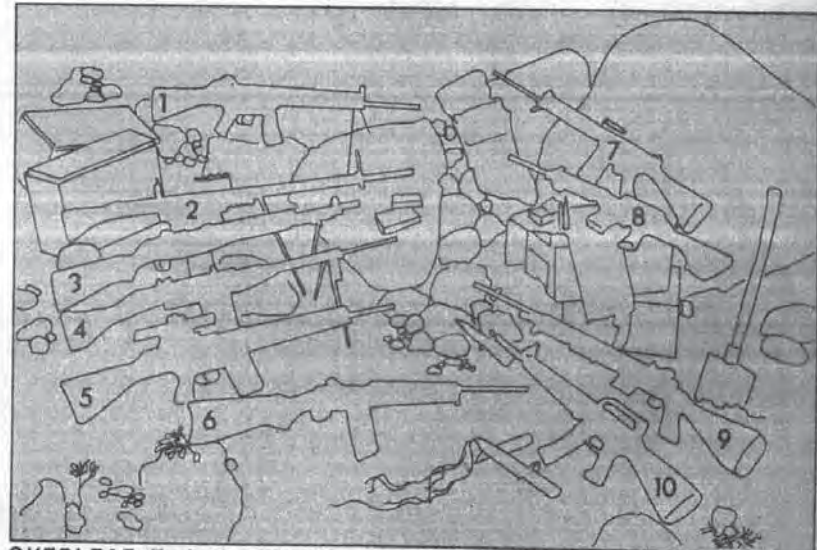
To back up Barry Kahn's claim, we went to various rifle ranges and "plinking palaces" around Southern California to seek out and talk to owners of these ultra-modern rifles. We talked to benchrest shooters using the Armalite AR-180 chambered for the .223 Remington cartridge. We asked them why they bought their AR-180s and what they used them for. To a man, they all stated that the AR-180 was merely an addition to their existing battery of "sporting" rifles. Sure, there was a secondary reason and—they purchased a bit of military history—after all, the AR-180 was developed from the military M-16 (full-auto version of the Colt AR-15).



Nestled inside the stock of the AR-15 is a complete cleaning kit that includes bore and chamber brushes.

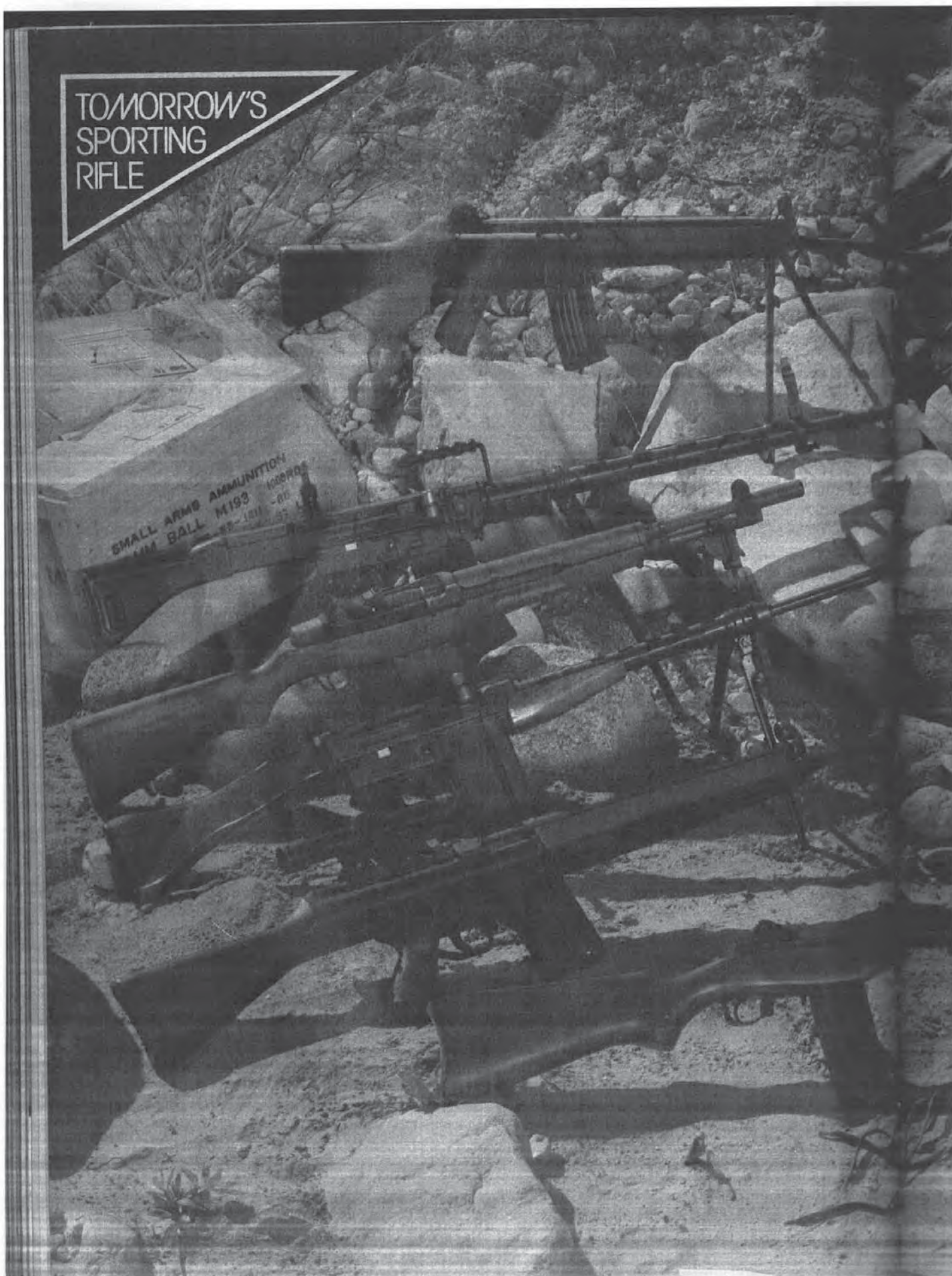


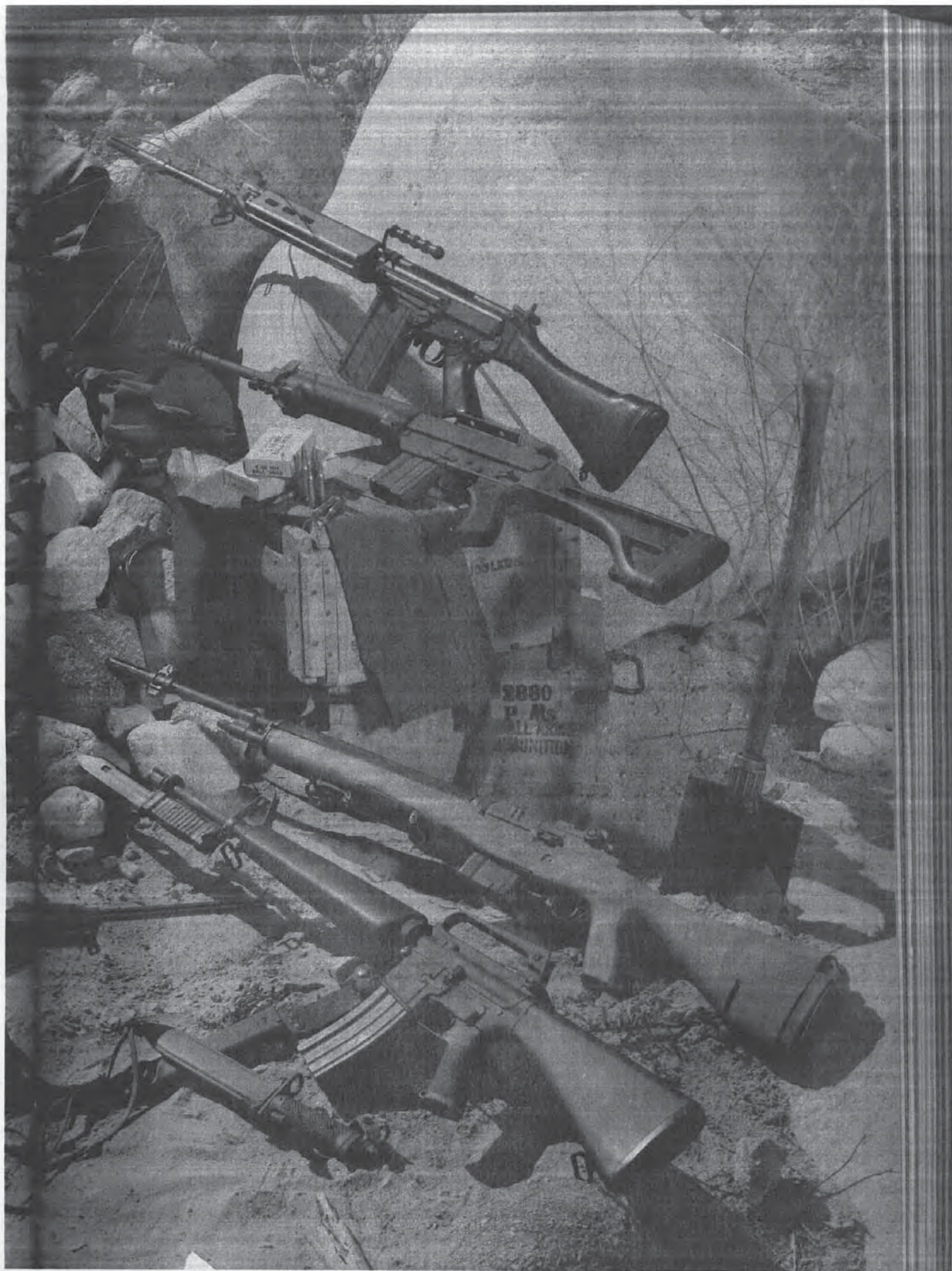
Weaver's Quick-Point in a B-Square mount turns the AR-15 into an excellent combo for elusive "jacks."



OVERLEAF: Today's selective-fire military rifles have given rise to a number of semi-auto sporters, either directly adapted from, or inspired by, these military rifles. The sampling shown here includes: (1) Heckler & Koch HK-93 .223 Rem. (2) SIG PE 7.5x55 mm (3) Beretta BM 62 .308 WCF (4) SIG AMT .308 (5) Heckler & Koch HK-91 .308 (6) Ruger Mini-14 .223 (7) FN-FAL (LAR) .308 (8) Australian Leader .223 (9) Springfield Armory M1A in .308 with combat-styled stock (10) Colt AR-15 in .223 Remington.

TO MORROW'S
SPORTING
RIFLE





TOMORROW'S SPORTING RIFLE

All of these military-type rifles chambered for the .223 Remington round are certainly sporters in their own right. Used for long-range varminting, especially at a galloping coyote going uphill some 300 yards distant, these rifles enable the hunter to make instant corrections on this elusive target. Turn-bolt gunners wouldn't



This Mini-14 replacement stock has a hand-actuated "slide" action that can quickly clear any malfunctions.

B-Square offers a wide variety of scope mounts; this version for the Ruger Mini-14 is easily bolted on.

have a chance under these circumstances, but an autoloading-armed rifleman greatly increases his odds of hitting a running target.

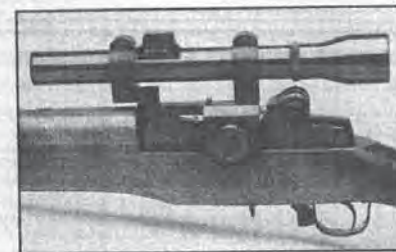
We also interviewed many owners of FN-LARs (FAL), Springfield M1As, Beretta Model 62s and H&K 91s. All of these quality arms are chambered for the potent .308 Winchester cartridge. Long known for its inherent accuracy, this NATO-inspired round is truly a versatile and magnificent cartridge. Nearly as powerful as the tried-and-true .30-06 Springfield, the .308's shorter overall length and lighter overall weight has proved itself in military conflict, benchrest shooting, and recently chambered in handguns, for Metallic Silhouette shooting.

What do we call this special breed of rifles? When do they lose their military connotation and stand on their own name or marque? We don't know when the Colt Model 1911 shed its military stigma nor when the Garand and .30 carbine were elevated to collector's status. But all of these military autoloading rifles have unique features and are capable of double or even triple-duty.

Let's take a closer look at some of them and see why they offer the sportsman/



There are a gaggle of accessories for Ruger's Mini-14, including this plastic, folding replacement stock.



hunter/shooter more features—dollar for dollar—than most "sporting rifles." Aesthetically, we'd have to rate most of these pistol-gripped guns a four on a scale of ten. None of them has the sleek styling of a Mannlicher-style carbine. The mini-wood stocks appear to be remnants off a school desk. They cannot be described as having a brightly polished blued look. But, as with all mechanical contrivances, form follows function and to a "gun" all of these autoloaders share a common adjective—reliable. How many civilian rifles



Magazines of various capacities are available for the Mini-14, ranging from five-shot mags to 30-rounders.

The .223 PMC ammunition we used in this test proved to be very accurate and dependable in all the test guns.

could pass the grueling and exhaustive tests that all of these rifles must brush aside easily? Not many. We doubt that most popular autoloading "sporting rifles" could shoot two-inch groups at 100 yards after a rapid-firing session of 500 rounds—the H&K 91 will. With minimal care, any of these military-type rifles will outlast, and often outshoot, a wide variety of "sporting rifles." H&K recommends

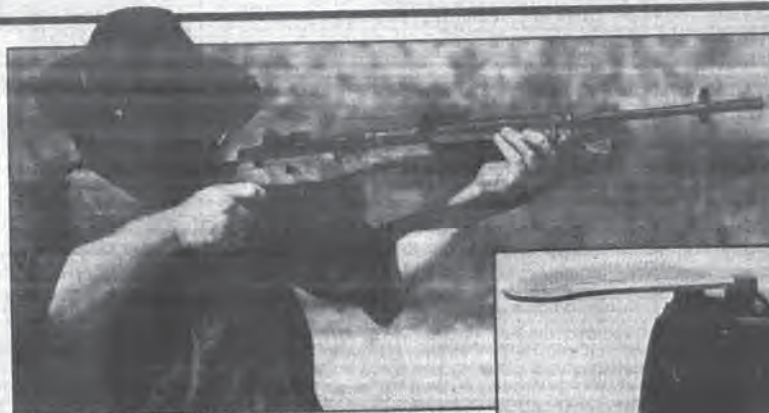


The FN-LAR (FAL) in 7.62 NATO is perhaps the most accurate (and expensive) rifle of its kind. With the iron sights we were able to fire groups that measured under two inches at the customary 100-yard range.

the barrel on their Model 91 be replaced after 75,000 rounds! Typically, most hunting or varmint barrels are usually shot-out after seven to 10,000 rounds. How's that for longevity?

Disassembly of these rifles, when one knows how, is exceedingly simple. Usually the only tool required to dissect a rifle completely is the tip of a cartridge. Pins and spring-loaded latches predominate over traditional screws and hex-nuts. Another plus is parts interchangeability—the FN-LAR is the issue rifle for over 90 countries in the world. One would stand a better chance of finding a firing pin for one in Mozambique than a Winchester Model 70 floorplate in Venezuela. Critical tolerances are held on all these rifles and one could easily make up a complete rifle from a parts bin—and be assured that it would function properly and shoot accurately.

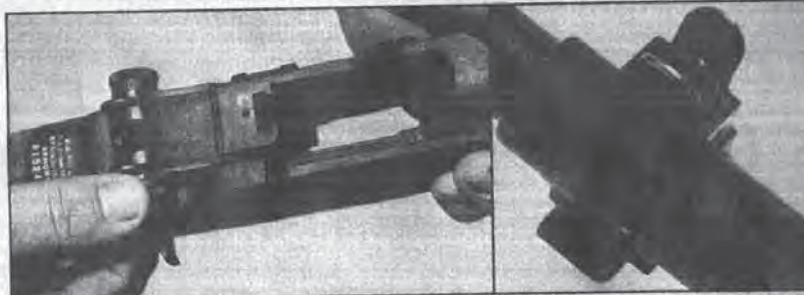
The Swiss SIGs, both the AMT (.308) and the PE (7.5 Swiss) boast integral fold-



Springfield Armory's M1A chambered for the 7.62 NATO (.308 Winchester) cartridge is a prized piece and is eagerly sought by both shooters and military equipment enthusiasts. The "combat"-type stock features a hinged buttplate which helps stabilize the rifle—especially when used in the prone position. A 20-round magazine is standard although five and 10 round magazines are available.



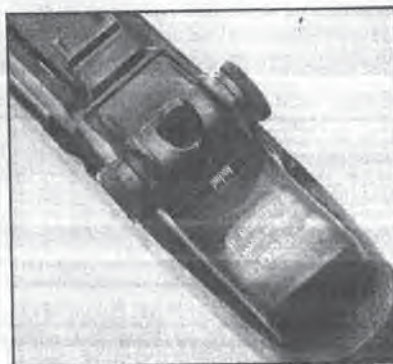
The Beretta Model 62 is a near-copy of the old Garand and is chambered for the .308 Winchester cartridge.



The Beretta Model 62's sights are typically military—rugged, dependable and adjustable. The rear can be adjusted from 100 through 500 meters and the "wings" on the front sight protects the blade from bumps and bruises.



Like its predecessor—the Garand—straight-line feeding is one of the Beretta's best points. Jams are few.



Beretta's Model 62 was developed from their Model 59—a selective fire version used by the Italian army for over ten years.



In firing over 100 rounds from each rifle tested, we found that all of them were extremely reliable with a variety of types of reloads and factory ammo.

ing bipods. Again purists rap this feature, but how many civilian products like the Harris Bi-Pod are regularly purchased every year? Without the aid of a natural rest like a tree, large boulder or fence post, the bipod is the most convenient and possibly the greatest aid to pinpoint accuracy ever devised. Remember the buffalo hunters with their crossed sticks? Nearly all manufacturers offer bipods as accessories and they all share a common design that enables the legs to fold flat against the fore-arm for easy storage.

Another cause for attack on these rifles' aesthetics is the built-in muzzle brakes that are often referred to as "flash-hiders." Over the years countless numbers of commercial devices have been offered to the "sportsman" to reduce recoil and muzzle flip by adding one of these appendages. And isn't the Mag-na-porting® principle nothing more than a built-in muzzle brake?

Pistol grips are also assailed, yet many custom rifle and shotgun stock makers will build thumbhole models, which is a first cousin to the pistol grip design. Yet, there are those who maintain that a traditional grip design—which is like grasping

TOMORROW'S SPORTING RIFLE

the top edge of a 2x4—is more in keeping with the rifle's good looks. Appearance aside, the pistol grip is comfortable and adaptable to a wider range of shooters' hands. Everybody's hands are a different size, yet pistol grips do seemingly "fit-all"! These vertical handholds afford greater control of the rifle during firing and enable the shooter to absorb more of the rifle's recoil in the hands instead of at a more tender part of the body, the shoulder and upper arm.

Speaking of recoil, all of these guns generate less recoil than manually-operated rifles. Why? First, most of these autoloaders are gas-operated. Remember back in 1963 when Remington Arms introduced their popular Model 1100 shotgun? The boys from Bridgeport proved to the shooting world that gas-operated guns greatly reduced "kick" by spreading recoil out over a longer period of time.

With minor variances, most of these autoloading rifles work on the same principle. Just the correct amount of gas pressure is metered to operate the rifle's mechanism while the excess is exhausted into the air. Many of these rifles have a built-in adjustable gas piston enabling both light loads, like the .308 Remington Accelerators, and "hot" G.I. ammunition to properly cycle the action. The FN-

LAR features a knurled knob near the muzzle enabling the shooter to dial in the correct amount of gases easily and efficiently. The Colt AR-15 generates so little recoil that a shooter could place the buttstock against the bridge of his nose with little regard to facial damage—try that with any boltgun chambered for the .223 round.

All these military autoloaders share an



The Heckler & Koch HK93 shown above is wearing B-Square's scope mount, one that's much less expensive than the factory unit. A simple push of the button drops the 20-rd. magazine; a five-shot is available.



Instead of the cocking lever being on the bolt itself, H&K locates it over the barrel on the left side.



Even though the .308 version of the H&K (shown here) is a bit much for prairie dogs, the HK93 in .223 Rem. is perfect with a scope in place.



The accuracy displayed by all the test rifles is demonstrated by the HK91's 100-yd. ability shown here.

interesting characteristic—stock design and its relationship to the axis of the bore. All of these rifles possess elevated sights that demand that the shooter place his head in a more erect position. This different shooting and head placement position helps to reduce felt recoil and places less strain and stress on the shooter's neck. The rifle is merely brought "to" the shooter's cheek instead of the shooter having to assume a cramped position to "get into the gun." This stock design and placement of the sights provides an inline direction of recoil which is predominantly straight-back, instead of up and towards the shooter's face. Recoil is best described as a shove rather than a blow to the shoulder.

And on the subject of sights, all of these military-type rifles boast excellent

TOMORROW'S SPORTING RIFLE

aperture-type rear sights and are quickly and easily adjustable for shooting from 100 to 1,200 meters. Some use a flip-flop arrangement which either doubles or halves the sight range. Others, like the Swiss SIG PE boast a highly refined micrometer sight that is infinitely adjustable out to 1,500 meters, and as a bonus feature, both sights—front and rear—fold flat against the barrel and receiver. All of



H&K's M-93 is chambered for the .223 Remington round and this autoloading rifle is a durable, rugged performer. The folding bipod is a worthwhile accessory for varmint shooting.



The H&K Model 93, fired with factory ammo from the prone position, turned in some impressive groups.

MILITARY-TYPE SEMI-AUTOMATIC SPORTING RIFLE SPECIFICATIONS

NAME	MODEL	CALIBER	MAGAZINE CAPACITY (S)	RETAIL PRICE	IMPORTER AND/OR SALES COMPANY
Beretta	Model 52	.308 Win.	5/20 rounds	\$985.00	Beretta USA, 17501 Indian Head Hwy., Accokeek, MD 20607
Colt	AR-15 Sporter	.223 Rem.	5/20/40 rounds	\$479.95	Colt Firearms, 150 Huyslope Ave., Hartford, CT 06102
Fabrique Nationale	LAR Match	.308 Win.	10/20 rounds	\$1,975.00	Steyr, Daimler Puch of America, 85 Metro Way, Secaucus, NJ 07094
Heckler & Koch	HK91A2	.308 Win.	5/20 rounds	\$656.00	Heckler & Koch, 933 N. Kenmore St., Arlington, VA 22201
Heckler & Koch	HK93A2	.223 Rem.	5/20 rounds	\$638.00	Heckler & Koch, 933 N. Kenmore St., Arlington, VA 22201
Leader Dynamics	Mark 5	.223 Rem.	10/20 rounds	\$480.00	World Public Safety, 5855 Green Valley Circle, Culver City, CA 90230
Ruger	Mini-14	.223 Rem.	5/10/20 rounds	\$269.50	Sturm, Ruger & Co., Southport, CT 06490
SIG	AMT-308	.308 Win.	5/10/20 rounds	\$2,400.00	Mandall Shooting Supplies, P.O. Box 2327, Scottsdale, AZ 85251
SIG	PE 57	7.5x55 Swiss	24 rounds	\$2,000.00	Mandall Shooting Supplies, P.O. Box 2327, Scottsdale, AZ 85251
Springfield	M1A	.308 Win.	5/10/20 rounds	\$850.00	Springfield Armory, Geneseo, IL 61254

these rugged and dependable sighting systems are fully protected by "dog-ears" which deflect casual bumps and deter even the most damaging blows. Even if one of these rifles is dropped on a hard surface and lands on the sights, it is very unlikely that either sight will be damaged. Borrowing a page from the military manual—Smith & Wesson's new Models 439 and 459 autoloading pistols have an identical sight-protection set of dog-ears.

Another common blemish is that all military-type rifles aren't accurate and their inherent inaccuracy is compensated for by their ability to belch out great quantities of ammunition in a short period of time. Only half of that statement is correct. The semi-auto cyclic rate is as fast as the shooter can manipulate his trigger finger. We were able to fire 20-



The newest of these rifles is the Australian-made Leader autoloading carbine in .223 Remington caliber. It borrows some of its design features from the Colt AR-15 and the ArmaLite AR-180. This rifle from "Down Under" is a six-pound light weight. It is businesslike in appearance and performance and costs about \$400.

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...nd magazines with reasonable accuracy in time periods of less than five seconds. We selected the FN-LAR and from bench position poured 20 rounds into a 12x18-inch steel plate 200 meters downrange and made it sound like the bells of St. Mary's. Test after test with all the rifles in this roundup proved that these guns were exceptionally rugged and dependable—but how about their ability to place five shots inside a water glass at 100 yards? Could they pass this "sporting"-arms type test? Only one of our rifles was equipped with a scope—the Heckler & Koch Model 91—all the others were "iron" sight versions. We decided to shoot what we had and rounded up a supply of PMC ammunition in both NATO calibers, .223 and .308, and trudged out to Angeles Shooting Range in San Fernando, California. We proceeded to set up our bench with our shooting paraphernalia, spotting scope, shooting coat, chronograph and cleaning equipment. No sooner had we laid out ten rifles on an adjacent bench than we were suddenly besieged by every other shooter on the line. These autoloaders are great conversation pieces and are magic to strike up new friendships. However, with all these interested spectators constantly kibbitzing, our one-day shooting test was stretched out to almost three days of benchrest work.

We didn't have the time to "zero-in" each rifle to print its five-shot group in the bullseye, but rather elected to shoot

continued on page 78

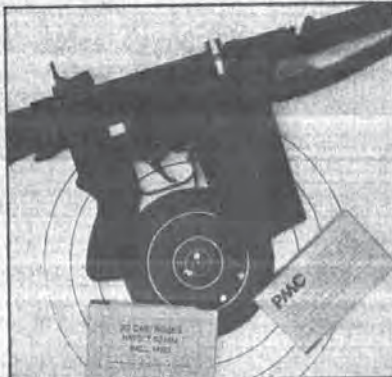
On the SIG 7.5x55 Swiss, besides the rear sight being adjustable in the same manner as a micrometer, both the front and rear sight fold down out of the way so they can't be damaged during transport, or when being carried in a rough manner in the field.



Accuracy of the SIG 7.5x55 Swiss when fired from the prone position, was outstanding. One-hundred-yard groups hovered around the 1 1/4-inch mark, and these were fired after already emptying a full magazine as fast as the trigger could be pulled.



The SIG .308 AMT, like the other arms in the test, featured an easily detachable multi-round magazine.



The SIG AMT, again like the other rifles in this test, was capable of outstanding accuracy once the military trigger pull was overcome.



An interesting feature of the SIG AMT is the sight arrangement. The rear sight is adjustable only for distance in meters, while the front sight is fully adjustable for both elevation and windage, the latter being handled by the tried-and-true method of drifting in the dovetail.

Two accessories that the possessor of the SIG AMT needn't purchase as after-market add-ons are the carrying handle and the bipod that folds up out of the way on top of the barrel shield.



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SEMI-AUTO RIFLES

continued from page 57

only for groups as the guns were sighted and sent out by the various factories. Our ammunition, PMC, was strictly "military issue" with "ball" variety bullets. The .308 was loaded with ball powder and a 147-grain FMJ while the .223 was equipped with a 55-grain FMJ slug. We fired a few rounds through each rifle for familiarization and to learn how to overcome the military-type trigger. All the triggers were two-stage variety, and once the slack was taken up, the triggers were all crisp, but very, very heavy. Eight to 12-pound pulls were recorded with a trigger scale.

None of these rifles should be readjusted to provide lighter trigger pulls because premature firing could occur when the bolt slams forward. And, after one gets used to these heavy triggers, they can be handled nicely as they all break very cleanly. Only one rifle had a glitch—the M1A initially presented a minor problem as the trigger blade did not always return to its forwardmost position, which necessitated a gentle prodding. However, after about 40 rounds of firing, this gremlin disappeared.

At the conclusion of these accuracy tests, we were frankly astonished at the results. Five-shot groups with most of the iron-sighted rifles were on a par with many of today's scope-sighted turn-bolt rifles. The scope-sighted H&K Model 91, time after time, recorded groups hovering around the 1¼-inch mark. The FN-LAR was able to chip in with 1½-inch groups using PMC ammunition, and with open sights. All of the rifles chambered for the .308 Winchester cartridge shot sub-two-inch, five-shot groups at 100 yards. Our four test guns chambered for the .223—the Australian Leader, the Colt AR-15, H&K Model 93 and the superlative Ruger Mini-14—are all capable of excellent accuracy, with this group's leader being the H&K Model 93, as it produced the tightest five-shot group, measuring a tad over 1¼ inches on a 100-yard target.

Okay, now that we've established that this special breed of rifles is rugged, dependable and accurate, what does one do

with them? Southern California is a shooter's Shangri-la as there are many "special purpose" shooting clubs. Combat pistol shooters have their own following, metallic silhouette shooters are a tightly-knit group and now on the scene is a group of dedicated riflemen who dream up riflemen's games. To find out what these games are all about, we entered a match which was named a "sniper course." Ten silhouette-type camouflage targets were placed randomly on the course ranging from 200 to 225 meters. An 11th shot was needed to hit a steel plate—300 meters distant—which stopped the clock. A two-minute time limit was placed on the shooter, during which he had to fire at all ten targets and then ring the gong. This was a small match, as inclement weather took its toll, but over 20 hearty riflemen entered. Most of the shooters were using auto-loading rifles—H&Ks, MIAs and the FN-LARs. Two Ruger Mini-14s were also spotted and two shooters tried to run the course with Steyr bolt-action rifles. Now, two minutes may seem to be a long time, especially if your pants are on fire or you're holding your breath, but in an 11-shot rifle match, if you're not carrying an auto-loader, you'll run out of time. The bolt-action boys couldn't reload and fire fast enough to complete this assignment in the time frame. Another contributing factor to their failure was taking their eyes off the targets while cycling the bolt. All contestants fired from the prone position, and scopes and bipods were used by the top four finishers.

Another popular pastime with these autoloading is balloon-busting. A gaggle of balloons are released, preferably on a windy day, and shooting against a safe backdrop, these bouncing targets are fired at from a minimum of 100 yards. The competitor who bursts the most balloons with a single magazine loading of 20 rounds is declared the winner of the match. Try that game sometime with your favorite "thutty-thutty"!

If casual jackrabbit hunting is your bag, then wouldn't you rather have the convenience of a 20-shot magazine hanging between your hands when ole bre'r rabbit decides to do his famous bunny hop? Follow-up shots are much more ef-



For all-out enjoyment at bargain-basement prices the Ruger Mini 14 gives top value for dollars spent.



The FN LAR's long-range accuracy amazed the author even after he had grouped it off a bench at 100 yards.

fective when all the shooter has to do is follow the target and pull the trigger. Manually working any rifle action is slow and cumbersome, and more often than not, the critter being hunted seemingly just pops over the top of the ridge when the shooter is ready to pull the trigger for the second or third time.

How about big-game hunting with any of these rifles chambered for the .308 Winchester round? Why not! Sure, you'll get some guffaws from outfitters and guides and maybe you won't be welcome in the cook tent—initially. But to overcome these unfounded prejudices, offer to let any interested shooter shoot a few rounds with your military-type rifle. You won't make them a convert—your rifle will. If you do decide on packing one of these double-digit magazine capacity rifles, check with your local game commission as many states mandate only rifles capable of accommodating up to five shots as legal. All of these rifles are available from the factory with five-shot magazines, and some are equipped with both five and 20-round magazines.

How about scopes and mounts? After-market accessories are numerous. B-Square and a host of other scope mount makers offer inexpensive and reliable mounts, rings and bases for nearly all these rifles. Any high-quality one-inch tube scope found on a conventional rifle can be utilized on these autoloaders. But we found that variable scopes, like the Leupold 2-7X or Redfield's 3x9, were extremely versatile. All these rifles were designed for long-range shooting, even out to 1,000 meters, and a high-power scope can wring out the last drop of accuracy.

So before you rush out and purchase one of these multi-purpose rifles, we'd suggest that you go to your local rifle range and seek out a fellow shooter who will let you try one of these marvelous longarms. The FN-LAR or the Beretta Model 62 might be just your choice, but then again the H&Ks offer a lot of features and the Ruger Mini-14 is so nice and light to tote about . . . anyways, you'll find a whole new world of rifles out there just waiting for you. Try 'em, you'll be pleasantly surprised.



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Exhibit 19

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JAMES MILLER, et al.,

Plaintiffs,

vs.

XAVIER BECERRA, in his official
capacity as Attorney General of
California, et al.,

Defendants.

Case No. 3:19-cv-01537-BEN-JLB

Hon. Roger T. Benitez Magistrate
Hon. Jill L. Burkhardt

**DECLARATION OF ASHLEY
HLEBINSKY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Complaint filed: August 15, 2019
Amended Complaint filed:
September 27, 2019

Hearing Date: January 16, 2020
Time: 10:00 a.m.
Courtroom: 5A, 5th Floor



DECLARATION OF ASHLEY HLEBINSKY

I, Ashley Hlebinsky, declare as follows:

1. I am the Robert W. Woodruff Curator of the Cody Firearms Museum as well as a firearms and ammunition related museum consultant, expert witness, freelance writer, guest lecturer, and founder of the newly formed Association of Firearms History and Museums. I have been retained by the plaintiffs in this matter to provide historical testimony regarding the lineages of several key technologies listed in the California Penal Code 30515 to highlight that many of these features were developed over a century ago and have seen “common use” and are “not dangerous or unusual.” I have personal knowledge of the facts stated herein, and if called as a witness, I could competently testify to these facts.

2. This declaration is executed in support of plaintiffs’ motion for the issuance of a preliminary injunction, made pursuant to FRCP 65.

QUALIFICATIONS AND EXPERIENCE

3. I am the Robert W. Woodruff Curator of the Cody Firearms Museum at the Buffalo Bill Center of the West. At the museum, I manage an encyclopedic collection of around 7,000 firearms. Prior to my work at the Buffalo Bill Center of the West, I researched in the Smithsonian Institution’s National Firearms Collection for about three years. During this time, I studied firearms from the 1200s through modern day. I not only studied the evolution of firearms technology but completed work on the United States Patent Office Collection. I also worked as a liaison between the Smithsonian Institution and the Buffalo Bill Center of the West, helping to facilitate the loan of 64 firearms from the Smithsonian collection to the Center. A large portion of that loan and subsequent loans thereafter centered around the Patent Collection and early evolution of firearms technologies. In addition to my work with the National Firearms

1 Collection, I earned Bachelor's and Master's degrees in American History, with a
2 certification in Museum Studies, focusing my research towards the latter half of my
3 degree on a macro historical approach to studying how advancement of firearms
4 technology affected industry, society, and culture as well as the perception of those
5 firearms within a given culture. During my time in graduate school, I was awarded the
6 Edward Ezell Firearms Fellowship from the University of Delaware, which allowed me
7 to complete my research on the Smithsonian collection. Additionally, I was a teaching
8 assistant in a military history survey course. During this survey, I taught the firearms
9 portion of the class. I am an NRA Certified Firearms Instructor, in Basic Pistol and
10 Personal Protection Inside the Home. I simultaneously earned my Well Armed Woman
11 Instructor Certification. At the museum, I have been responsible for the education of
12 hundreds of students from elementary through college levels, where we teach not only
13 firearms safety and basics, but the historical and technical evolution of the firearm.
14 Additionally, I served as the Project Director on a \$12.9 million full scale renovation
15 and reimagining of the Cody Firearms Museum, which reopened July 6, 2019. I was
16 responsible for all aspects of the renovation from fundraising to content. As a museum
17 consultant, under a single member LLC (The Gun Code), I conduct workshops on
18 firearms collections, survey collections and curate exhibitions at institutions such as the
19 Houston Museum of Natural Science, the Winchester Mystery House, CM Russell
20 Museum & Complex, the Mob Museum, and the Adirondack Experience (November
21 2019.) I am also a freelance firearms writer, guest lecturer, on-camera firearms
22 historian, and firearms related television producer.

23
24
25 4. I have also made contributions to the academic study of firearms. In 2017,
26 I developed the first full scale symposium in the United States dedicated to the study of
27 firearms as material culture. That symposium has grown and is carried out annually. In
28

1 October 2018, I also founded an academic association in the US for the study of
 2 firearms (Association of Firearms History and Museums) which is still in its early
 3 stages of development. A current copy of my Curriculum Vitae summarizing my
 4 education and experience is attached as **Exhibit 1**.

5 **PRIOR EXPERT WITNESS TESTIMONY**

6
 7 5. Because my research covers centuries of firearms and ammunition development,
 8 I have a large breadth of topics related to the subject matter on which I can testify.
 9 I have served as an expert witness in the following matters:

10 *Shannon Wayne Garrison, et al v Sturm, Ruger & Company, Inc.*
 11 Report written November 2017
 12 Deposition Testimony, Chicago, IL November 27, 2017

13 *Regina v Carvel Clayton*
 14 Halifax, Nova Scotia
 15 Report written December 2017

16 **SCOPE OF WORK**

17 6. This declaration will provide some historical background on many of the firearms
 18 and firearms related technologies outlined in California Penal Code 30515 as attributed
 19 to the term “assault weapon.” It should be noted that the term “assault weapon” in and
 20 of itself is a legislative term in which the definition changes depending on state and
 21 federal legislation and bills proposed. The Cody Firearms Museum typically defines
 22 assault weapon as, “a legislative catch-all term used in the 1994 assault weapons ban
 23 and since has had differing definitions in proposed legislation typically centered around
 24 largely cosmetic features of semi-automatic firearms.” This declaration will look briefly
 25 at the origins or early appearances of these technologies throughout history not only for
 26 battlefield use but in the civilian sphere. The opinions expressed in this declaration are
 27 mine, and are not reflective of any position of the Cody Firearms Museum.
 28

1 7. It is important to note from an overall historical perspective, early firearms
2 technology was often driven by war. Once that technology was developed, inventors
3 and designers pushed the boundaries of firearms technology. For example, the first
4 handheld portable gun, or firearm, was known as a handcannon or handgonne, which
5 appeared on the battlefield in the 1200s. The ignition system was basic, utilizing a
6 touchhole and external fire source to ignite powder and fire the gun. While many
7 examples were single shot, some handcannons were developed with multiple barrels to
8 have a repeating function. An example of a handcannon, and a multiple barrel version,
9 are attached hereto as **Exhibit 2**.¹

11 8. Often the technology advanced too quickly and would go beyond common
12 battlefield use, finding popularity in the civilian population. Military firearms in a
13 general sense were limited by tactics and government bureaucracy while civilian arms
14 until recently were predominantly limited by individual budget. Additionally, civilian
15 arms could be applied in a far greater variety of uses (e.g., hunting, self-defense, sport).
16 The first true ignition system, the matchlock, was developed around 1400. This firearm,
17 which utilized a burning match cord, was a popular military arm for centuries around
18 the world. By the turn of the 16th century, however, matchlocks and subsequent ignition
19 systems began appearing in early target shooting competitions. (**Exhibit 3**).

21 9. By circa 1509, a highly advanced handgun was developed – the wheel-lock.
22 (**Exhibit 4**). This gun, developed for horseback use, operated by the turning of a spring
23 loaded wheel. While it saw battlefield use, it was expensive and difficult to repair. As a
24 result, it was used for specialized purpose on the battlefield and for civilian use,
25 especially as a sporting arm. The matchlock continued to be used on the battlefield
26

27 _____
28 ¹All further exhibits attached to this declaration are true and correct examples of the

1 despite this availability of superior technology. While it may seem trivial to discuss the
 2 earliest firearms history within the context of a case on “assault weapons,” it is
 3 important 1. to identify a precedent set for why, how, and whom firearms technology
 4 has evolved over 800 years. Since the beginning of firearm invention, while firearms
 5 have been applied for use in war, the civilian market bore the fruits of innovation. As an
 6 additional layer of the common interplay between military and civilian firearms,
 7 weapons used *in* war were often sold on the civilian market both during and after wars’
 8 end. For example, after the American Civil War, post war weapons surplus firearms
 9 became available on the civilian market. Soldiers could buy their firearms for as
 10 inexpensive as six dollars and many dealers and distributors sold them in their catalogs.
 11 This continued in the 20th century, with firearms such as the Springfield Model 1903
 12 bolt action rifle and even with semi-automatics such as the M1 Garand rifle. There has
 13 always been an eb and flow of civilian and military firearms for centuries. And 2.
 14 several features listed in Penal Code 30515 date back just about as long as some of
 15 these early firearms and firearms technology in some form or another, predating even
 16 semi-automatic technology.
 17

18
 19 **HISTORICAL REVIEW OF FIREARM FEATURES:**
 20 **CAL. PENAL CODE § 30515(a)**

21 10. There are many terms used to qualify rifles, pistols, and shotguns regulated in
 22 California under this code. A few overarching categorical terms that appear across the
 23 type of firearm are the terms: repeater, magazine (fixed or detachable), centerfire, and
 24 semi-automatic. Please note the following history is not comprehensive, rather serves to
 25 provide a sampling of the early appearances of each individual technology to illustrate
 26

27 _____
 28 firearm/feature being referenced.

1 their long history of both military *and civilian* use and their commonality.

2 11. To reiterate, the concept of a repeating firearm dates to the earliest technology
3 of firearms. The idea of repeating firearms was not initially popular on the battlefield
4 due to cost and convenience, however, repeating firearms in the civilian market were
5 popular for those who could afford them. Many double barrel firearms were developed
6 to provide hunters with a second shot, but that repeating concept quickly moved far
7 beyond the California penal code's definition of "high capacity" at ten rounds. In the
8 mid-1600s in Italy, the Lorenzoni system of firearm was developed and then imitated by
9 many designers in long gun and pistol form. (**Exhibit 5**). This gun was a flintlock,
10 magazine-fed repeater that fired around seven shots before having to reload. A century
11 later the, Girardoni/Girandoni (1779) air rifle (**Exhibit 6**) could fire about 20 rounds
12 from a tubular magazine. By the mid-1800s, many firearms both obscure and common
13 had magazine capacities at ten or greater rounds including the 1854 patented Volcanic
14 repeating pistols (**Exhibit 7**) (.31 caliber 6in barrel: 10 rounds, .41 caliber 8in barrel:
15 10 rounds) and carbines (16in barrel: 20 rounds, 20in barrel: 25 rounds, 24in barrel:
16 30 rounds), the 1860 Henry rifle (**Exhibit 8**) (15+1 rounds), and the 1853 (Belgium) and
17 1857 (US) patented Genhart Rifles (**Exhibit 9**) (10 rounds), as well as multiple models
18 of Winchester starting in 1866. By the end of the 19th century, the earliest versions of
19 semi-automatic pistols such as the Borchardt C-93 contained eight rounds from a
20 detachable magazine (1893) and the Mauser C-96 had a 10-round magazine (1895).
21 Even certain Luger semi-automatic pistols in the early 1900s had the option of 32-round
22 snail drum magazines. (**Exhibit 10**).
23

24
25 12. The next major concept is the presence of a magazine, fixed or detachable.
26 Magazine fed firearms dates to at least the 1600s with the Lorenzoni system.
27 (**Exhibit 11**). The Girardoni air rifle as previously stated used a tubular magazine in the
28

late 1700s. The tubular magazine was first patented in the US in the 1840s, notably with the Hunt Volitional Rifle (**Exhibit 12**), the oldest direct ancestor to the Winchester rifle. Magazines came in many shapes and sizes and became prevalent in the mid-1800s. For example, the Spencer repeating rifle (**Exhibit 13**) utilized a detachable tubular magazine from the buttstock. In the 1850s, the Genhart turret rifle (**Exhibit 14**) had a detachable circular magazine with an externally visible shot/round counter. Between 1859 and 1862, the Jarre Harmonica Pistol and Rifle received several patents. This gun has a horizontally seated magazine that slides after each round is fired like a typewriter. It is also detachable. (**Exhibit 15**).

13. In terms of box magazines, early ones were patented by designers including Rollin White in 1855. A detachable version was patented in 1864 by Robert Wilson. (**Exhibit 16**). A vertically stacked box magazine was patented by James Paris Lee in 1879 which was applied to several rifles including the Mannlicher semi-automatic Model 1886. (**Exhibit 17**). In terms of other semi-automatics, the Mauser C-96 pistol had a fixed magazine and the Borchardt C-93 had a detachable one. Several semi-automatic models of Winchester utilized magazines, including the Winchester Model 1907, a centerfire rifle with various sizes of box magazine (5 and 10) and some Winchester Model 1903s had a lesser known Sabo 96-round detachable tubular magazine. (**Exhibit 18**).

14. The next major feature of this penal code is the term, centerfire. This term refers specifically to the type of ammunition the gun fires. Centerfire refers to the location of the priming compound. Self-contained cartridges typically consist of a case, primer, powder, and projectile. Centerfire has a separate primer in the center of the head of the cartridge case. This is to distinguish it from rimfire, which has an integral primer in the rim of the cartridge case. (**Exhibit 19**). Traditionally, people are most aware of

1 .22 caliber rimfires but there have been many larger calibers including the .44 Flat
 2 Henry Rimfire cartridge. Centerfire cartridges started in the early 1800s. In 1808, Jean
 3 Samuel Pauly invented an early form of centerfire cartridge and the true centerfire was
 4 developed in 1829 by French inventor Clement Pottet and perfected by the 1850s.

5 15. Finally, the term that this Penal Code addresses most of all is semi-automatic.
 6 Semi-automatic operation involves pressing a trigger to fire one round, eject a spent
 7 case, and load another to be fired on the next trigger pull. (**Exhibit 20**). Today, a
 8 majority of firearms are semi-automatic rifles, pistols, or shotguns. Semi-automatic
 9 technology was developed in the 1880s around the same time as automatic technology.
 10 The Mannlicher rifle is generally attributed to be the first semi-automatic rifle
 11 (**Exhibit 21**); handguns followed shortly after. The first mass produced semi-automatic
 12 pistol was the Hugo Borchardt designed C-93 with detachable 8-round magazine. The
 13 Mauser C-96 followed, as did the John Moses Browning's Model 1899/1900 pistol.
 14 Often in the marketing of these pistols in the late 19th and 20th centuries, the companies
 15 would refer to them as "Automatic" pistols. However, please note they are still
 16 semi-automatic in function. According to the definitions of the Gun Control Act of
 17 1968, such firearms made before 1898 are not federally regulated firearms, they are
 18 antiques. By that definition and regulation, some semi-automatic pistols and rifles are so
 19 old, they are not legally firearms according to the federal government. In the 20th
 20 century, semi-automatic firearms used in conjunction with a variety of the features
 21 listed above have been and continue to be made into thousands of models by countless
 22 companies. They are commonly used in the civilian market as well as the military,
 23 incorporating many other features addressed in the Penal Code.

24 16. The following is a list of additional features addressed in Penal Code § 30515:

25 17. **Pistol Grip:** Pistol grips appear on long arms dating to at least the 1700s.

(**Exhibit 22**). Single shot flintlock and later percussion pistols sometimes would have the feature of a detachable stock. When assembled these long guns would use the grip from the pistol as a maneuverable device. This trend continued with repeating arms, including several models of Colt revolvers, in the civilian and military market. The Borchardt semi-automatic pistol of 1893 and the Mauser C96 also had a detachable stock option. If a user didn't have one of these models, universal holsters to convert a pistol to a rifle with a detachable stock existed. (**Exhibit 23**). On firearms without detachable stocks, pistol grips appear on all variances of firearms actions. Machine guns, including the Colt Model 1895, French Chauchat (1907) and several Maxim models had pistol grips. Submachine guns like the Thompson (1918) had them as well. Pistol Grips not only appear in machine guns but also other guns, such as shotguns –the Ithaca Auto & Burglar (1922), the Harrington & Richardson Handi Gun (1921), and the Marble Game Getter (1908) – as well as semi-automatic firearms including the M1A1 Paratrooper Carbine designed with not only a pistol grip but folding stock. (**Exhibit 24**).

18. **Forward Grips:** One of the earliest forward pistol grips is found on the French Magot rifle from the 1860s. Possibly one of the only copies of this gun is in the Cody Firearms Museum as it was purchased by Winchester during their lawsuit with the company Bannerman. (**Exhibit 25**).

19. **Thumbhole Stocks:** While a traditional thumbhole stock is difficult to historically trace, their regulation has a deep impact on sporting and Olympic firearms in the modern era. The concept of a stabilizing entity to help with maneuverability and accuracy dates to the earliest civilian sporting arms firearms. For example, Schuetzenfest, dating from the 1600s through today, had elaborate sporting rifles created with molded cheek pieces and places for the hand including palm rests - while

1 not technically a thumbhole, these provided the same stability for which a thumbhole is
 2 used. German Frei pistol of the 19th and 20th centuries, used handguns that were made
 3 specifically as a stabilizing placement custom for the individual athlete. **(Exhibit 26).**
 4 Certain Olympic rifles feature thumbhole stocks, including several models of
 5 Winchester, dating to the 1950s. This type of concept or technology is a very prominent
 6 shooting sports feature. **(Exhibit 27).**

7
 8 20. **Folding or Telescoping Stock:** The Cody Firearms Museum has a
 9 folding stock snaphaunce blunderbuss that dates to around 1650-1700.
 10 **(Exhibit 28).** With early firearms, folding or adjustable stocks are not necessarily
 11 seen because pieces in the civilian world were made by artisans prior to mass
 12 production. However, the appearance of detachable stocks – converting a pistol to
 13 a rifle/carbine – appear in the 1700s on flintlocks and continue to be incorporated
 14 on percussion, revolver, and semi-automatic guns. The Luger Model 1902
 15 semi-automatic carbine has an added stock to convert the pistol to a carbine.
 16 **(Exhibit 29).** As guns begin to be mass produced on scale, various models are
 17 often made, such as a Junior or Ladies rifle that provide a different size option for
 18 the sport shooter. The flexibility of stock size is very strong in the civilian market
 19 where comfort and having firearms suited for the individual are preferable and
 20 feasible. In the early 1900s, and possibly earlier, Try Guns were carried by
 21 salesmen to allow the consumer to adjust the stock to fit them to see what size this
 22 person needed. Two examples in the Cody Firearms Museum collection are the
 23 Winchester Model 12 and LC Smith Try Guns. **(Exhibit 30).** This lays the
 24 foundation for a consumer market interested in customizing and adjusting their
 25 stocks to fit them appropriately. Folding stocks do make appearances in the
 26 military sphere with the M1A1 Paratrooper Carbine model as well as several
 27 submachine guns. **(Exhibit 31).**

28 21. **Grenade Launcher or Flare Launcher:** Grenade launchers, also known as

1 hand mortars, date to the 1600 and 1700s. Flare guns were in use by the 1800s.

2 22. **30 Inches or Less:** The idea behind a shorter rifle is known as a carbine. While
3 the definition can vary, it typically refers to a barrel less than 20 inches. Additionally,
4 many pistols with detachable stocks fall under this category. By adding a stock to a
5 C-93, C-96 or Luger it converts a semi-automatic pistol into a semi-automatic rifle.

6 23. **Flash Suppressor:** Flash suppressors appear on machine guns from World War
7 I and earlier including the Chauchat and Maxim but technically, any gun affixed with a
8 Silencer, invented in 1902, could be considered to have a flash suppressor. Silencers
9 were heavily marketed to the civilian population as target accessories, so this would
10 have been available for numerous firearms models. The traditional flash hider on
11 military arms, not classified as a machine gun, were used during WWII on guns such as
12 the Lee-Enfield “jungle carbine” and have appeared on AR platform firearms, invented
13 in the 1950s. (**Exhibit 32**).

14 24. **Threaded Barrel:** An early idea of a quick attachment system in or on a barrel
15 of a gun is the bayonet. Developed in the 16th century, the bayonet was commonly used
16 for both military and civilian firearms. There have been a variety of muzzle devices that
17 have attached to a barrel since (compensators, silencers, muzzle brakes, flash hidere
18 etc). While some early semi-automatic rifles, pistols, and shotguns had threaded barrels,
19 the military did not always use threaded barrels for their suppressed firearms, nor did
20 the civilian market. This is because Hiram Percy Maxim, the inventor of the Silencer,
21 sold his silencer often with an adapter that allowed a silencer to be affixed without a
22 threaded barrel, making the need for a threaded barrel or the thought that no threaded
23 barrel would prevent a silencer moot.

24 25. **Barrel Shroud:** According to the penal code, the concern for a barrel shroud is
25 that it would prevent “burning the bearer’s hand.” While typically not thought about, by
26

1 that definition, any firearm with a full length stock fits the definition, like a Brown Bess
 2 or early single shot pistols. (**Exhibit 33**). To speak in more modern terms, target
 3 shooting pistols also tend to have a partial barrel shroud on examples such as the
 4 Remington XP100 from the 1960s and the Browning Buckmark Silhouette.
 5 (**Exhibit 34**).

6
 7 26. **Detachable Magazine:** Although already stated, the detachable magazine was
 8 already in use by the 1890s on semi-automatics. Many earlier firearms in the 1800s
 9 such as the Spencer, Genhart, Jarre, and Lee Metford also had detachable magazines.
 10 These firearms were popular and common both on the military but also the commercial
 11 market. For example, the standard infantry arm of the American Civil War was a single
 12 shot muzzleloading musket. The repeaters that were readily available at the same time
 13 were not openly embraced by military and therefore were a popular consumer product.
 14 In fact, the trend of the commercial market being decades ahead in innovation than the
 15 military adopted firearms is a trend that has continued into the modern era.

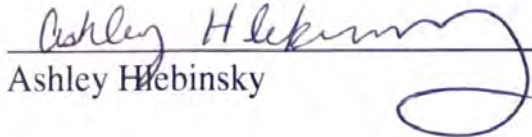
16
 17 27. **Shotgun with a Revolving Cylinder:** The earliest revolving firearms had
 18 shotgun models. For example, the Collier (1814), a flintlock and later percussion
 19 revolver in which the user had to manually rotate the cylinder, had shotgun models.
 20 Samuel Colt, the creator of the modern revolver, sold revolving shotguns as early as
 21 1839, just four years after his first US patent. (**Exhibit 35**).

22 CONCLUSION

23 28. To reiterate, this examination of the firearms features of the California Penal
 24 Code 30515 is not comprehensive but is meant to serve as a springboard of
 25 understanding that these technologies, in most respects, have been used for centuries far
 26 before the invention of Armalite's AR-15 in the 1950s or the Kalashnikov AK-47. By
 27 the 20th century, semi-automatic firearms with various combinations of features such as
 28

1 pistol grips, flash hidens, folding/telescoping stocks, and detachable magazines had been
2 modified and perfected to the point of replication in hundreds, possibly thousands, of
3 models by countless manufacturers for both civilian and military markets. If called to
4 testify, my report would go beyond the origins into the proliferation of these features on
5 a modern consumer market of the 20th and 21st centuries. However, with the
6 determination that these features were conceptualized and in use prior to the 1950s, it is
7 fair to say that really one of the only major new features incorporated to the AR-15
8 were lightweight alloys to synthetic materials that became a popular experimentation
9 across all firearms platforms after World War II as history provides many examples of
10 these features being used in conjunction with semi-automatic firearms in a number of
11 configurations for nearly a century.
12

13 I declare under penalty of perjury that the foregoing is true and correct. Executed on
14 December 6, 2019.

15
16 
17 Ashley Hlebnsky
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**EXHIBITS
TABLE OF CONTENTS**

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
1	Ashley Hlebinsky, Curriculum Vitae	0001-0013
2	Picture of a handcannon and a multiple barrel version	0014-0015
3	Example of an early target shooting prize; A German parcel-gilt silver target shooting prize, Dresden, dated 1537, unmarked	0016-0017
4	Picture of wheel-lock handgun, circa 1509	0018-0019
5	Pictures of the Lorenzoni system of firearm in long gun and pistol form	0020-0021
6	Picture of Girardoni/Girandoni air rifle, 1779	0022-0023
7	Pictures of Volcanic repeating firearms in pistol and rifle forms	0024-0025
8	Picture of the 1860 Henry rifle (15+ rounds)	0026-0027
9	Picture of the 1853 (Belgium) and 157 (US) patented Genhart rifles (10 rounds)	0028-0029
10	Pictures of the Borchardt C-93 semi-automatic pistol with detachable magazine (1893); the Mauser C-96 (1895) with a 10-round magazine; Luger semi-automatic pistol with 32-round snail drum magazines (with pistol grip and shoulder stock attachments).	0030-0032
11	Pictures of Lorenzoni system firearm depicting magazine configuration	0033-0034
12	Picture of the Hunt Volitional Rifle with first patented tubular magazine in the U.S. in the 1840s	0035-0036
13	Picture of Spencer repeating rifle utilizing a detachable tubular magazine from the buttstock	0037-0038

**EXHIBITS
TABLE OF CONTENTS**

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
14	Picture of externally visible shot/round counter on Genhart turret rifle which incorporated detachable circular magazine	0039-0040
15	Picture of the Jarre Harmonica firearm (pistol form) with a horizontally seated detachable magazine	0041-0042
16	Picture of an 1864 Robert Wilson detachable magazine patent an 1855 Roland White box magazine patent	0043-0044
17	Pictures of the Mannlicher semi-automatic Model 1886 rifle and James Paris Lee vertically stacked box magazine patent	0045-0046
18	Pictures of Winchester Model 1907 and Model 1903	0047-0048
19	Diagram identifying differences between rimfire and centerfire cartridges	0049-0050
20	Diagram depicting semi-automated operation of a handgun	0051-0052
21	Picture of Mannlicher semi-automatic Model 1886 rifle	0053-0054
22	Picture of pistol grip long arm from approximately 1700s	0055-0056
23	Pictures of various detachable stock options (e.g., Borchardt semi-automatic pistol of 1893 and the Mauser C-96)	0057-0059
24	Pictures of Ithaca Auto and Burglar (1922), Harrington & Richardson Handi Gun (1921); Marble Game Getter (1908); M1A1 Paratrooper Carbine	0060-0061
25	Picture of the French Magot rifle from the 1860s	0062-0063

**EXHIBITS
TABLE OF CONTENTS**

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
26	Picture of German Frei pistol of the 19th and 20th century	0064-0065
27	Picture of early Olympic Winchester rifle featuring thumbhole stock	0066-0067
28	Picture of snaphaunce blunderbuss with folding stock (dated 1650-1700)	0068-0069
29	Picture of Luger Model 1902 semi-automatic carbine	0070-0071
30	Pictures of Winchester Model 12 and LC Smith Try Guns	0072-0073
31	Picture of M1A1 Paratrooper Carbine	0074-0075
32	Picture of Lee-Enfield “jungle carbine” with flash suppressor	0076-0077
33	Picture of Brown Bess early single-shot pistol	0078-0079
34	Pictures of Remington XP100 (1960s) and Browning Buckmark Silhouette pistols	0080-0081
35	Picture of Colier (1814) percussion shotgun and Colt Patterson Model 1839 revolving shotgun	0082-0083

Exhibit 20

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JAMES MILLER, et al.,

Plaintiffs,

vs.

XAVIER BECERRA, in his official
capacity as Attorney General of
California, et al.,

Defendants.

Case No. 3:19-cv-01537-BEN-JLB

Hon. Roger T. Benitez
Magistrate Hon. Jill L. Burkhardt

**DECLARATION OF PLAINTIFF
WENDY HAUFFEN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Complaint filed: August 15, 2019
Amended Complaint filed:
September 27, 2019

Date: Thursday, January 16, 2020
Time: 10:00 a.m.
Department: Courtroom 5A (5th floor)



DECLARATION OF WENDY HAUFFEN

I, Wendy Hauffen, declare as follows:

1. I am an adult resident of the County of San Diego, California, and am a named plaintiff in the above matter. I have personal knowledge of the facts stated herein, and if called as a witness, I could competently testify to these facts.

2. This declaration is executed in support of plaintiffs' motion for a preliminary injunction.

3. I am not prohibited from owning firearms under federal or state law. In fact, I currently hold a license to carry a concealed weapon (CCW), issued by my local county sheriff, that requires a background check, good cause, and good moral character in order to obtain. Under state law, this CCW must be renewed every two years.

4. I am the lawful owner of a semi-automatic, centerfire rifle that is specifically described as an AR-15 pattern rifle. However, this firearm does not have any of the features listed in Penal Code § 30515(a)(1), (e.g., a pistol grip (§ 30515(a)(1)(A)), a thumbhole stock (§ 30515(a)(1)(B)), a telescoping stock (§ 30515(a)(1)(C)), a grenade launcher/flare launcher (§ 30515(a)(1)(D)), a flash suppressor (§ 30515(a)(1)(E)), or a forward pistol grip (§ 30515(a)(1)(F))). Thus, because my rifle does not have any of the statutorily-described features, this rifle is not considered to be an "assault weapon" under section 30515(a)(1).

5. I rendered this firearm in this "featureless" configuration (see, e.g., 11 CCR § 5471(o)) in order to lawfully avoid having to register the firearm as an "assault weapon" pursuant to Pen. Code § 30900(b). I would not have otherwise purchased these "featureless" parts for my firearm and installed them on to my firearm if I was not required to do so, because I prefer my firearm to have a number of the listed features in penal code section 30515(a). However, to have these features, I would have had to

1 register my firearm as an “assault weapon.” Registering would effectively prohibited
2 me from transferring or passing along the firearm to my heirs or selling it to anyone
3 else. Eventually, I do plan on either passing down my firearms to my heirs or selling my
4 firearms if the need should ever arise.

5 6. I wish to continue to lawfully possess this firearm, and to reattach some or all of
6 the § 30515(a)(1) features listed above, but fear that I would be subject to arrest and/or
7 prosecution under Pen. Code §§ 30600 (for manufacturing, transporting, or transferring
8 an “assault weapon”), or 30605 (for possessing an “assault weapon”).
9

10 7. By reattaching some or all of the features described by 30515(a)(1) to my
11 firearm, or acquiring additional firearms that bear some or all of these features, I would
12 possess and therefore desire to possess ordinary and standardized semiautomatic,
13 centerfire firearms with listed features, like the AR-15, that are commonly and lawfully
14 held, and used lawful purposes, in many other parts of the country.
15

16 8. As a female firearms trainer who specializes in training other women in the
17 proficiency of arms and self-defense, I find the many semiautomatic, centerfire firearms
18 with listed features, like the AR-15 rifle, to be well-suited to women shooters, because
19 of its relatively light weight and because it can easily be customized to accommodate
20 smaller shooters. In particular, the collapsible/telescoping stock which is common on
21 most AR-15 pattern rifles (and specifically prohibited by Pen. Code § 30515(a)(C))
22 makes it an ideal rifle with which to instruct and train women, and for women to own
23 and use for self-defense and other purposes. Additionally, I prefer to have other
24 ergonomic features on my firearm like a pistol grip or forward vertical grip to assist in
25 controlling the firearm and ensuring accuracy while shooting. Also, the ability to use
26 standardized 30-round magazines and low recoil ammunition are some other reasons
27 why I, as well as many of my students, prefer semiautomatic, centerfire firearms with
28

1 listed features, like the AR-15 rifle. In the firearms and training communities, this is a
2 widely-held and accepted understanding. As an example, attached hereto as **Exhibit 1**
3 is a recent article entitled, “Female Gun Owners: We Prefer the AR-15” published at the
4 Washington Free Beacon on November 10, 2019. As female a firearms instructor, I
5 agree with the sentiments expressed in this article.
6

7 9. For these reasons, it is therefore and further my desire to obtain and acquire
8 additional semiautomatic, centerfire firearms, like AR-15 pattern firearms, that either
9 have some or all of the features listed in Pen. Code § 30515(a)(1). Such firearms would
10 also include AR-15 pistols, which contain many of the same features listed above, and
11 additional features described by § 30515(a)(4)(A)-(D).

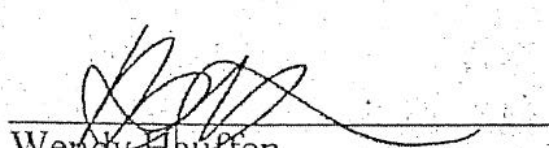
12 10. I also own a standard Sig Sauer P239 9mm semiautomatic pistol. I use this
13 firearm when I teach firearms classes and shoot recreationally at the range. I also carry
14 this pistol in public as it is one of the listed firearms on my concealed weapons permit. I
15 wish to be able to replace the standard barrel in my pistol with a threaded barrel that
16 would allow me to attach either a flash suppressor or a muzzle brake to my firearm. The
17 muzzle brake would assist my accuracy and control while shooting in my firearm’s
18 classes and recreational shooting. I would use a flash suppressor when carrying my
19 pistol at night to help ensure that I would not be blinded by the muzzle flash of the gun
20 if I were to ever have to use it in self-defense. However, regardless of what attachments
21 I attach to the barrel, merely installing a threaded barrel would make my pistol an
22 assault weapon and subject me to severe criminal penalties.
23

24 11. Due to California’s assault weapons ban, I am prohibited from acquiring and
25 using common, everyday semiautomatic firearms with listed features. This prohibition
26 prevents me from exercising my Second Amendment right to acquire, own, and possess,
27 common firearms for various lawful purposes like self defense. But for California’s
28

1 assault weapons ban, I would re-configure my currently possessed firearms and would
2 also acquire additional firearms that would otherwise be classified as “assault
3 weapons.”

4 12. Accordingly, and for these reasons, I respectfully ask that the Court grant
5 preliminary injunctive relief, enjoining enforcement or application of Penal Code
6 sections 30515(a) and (b), 30600, 30605, 30800, 30910, 30915, 30945, 30950, 31000,
7 and 31005, as well as Title 11, California Code of Regulations §§ 5460 and 5471, to the
8 extent that the definition of “assault weapon” is based upon the characteristics of Pen.
9 Code § 30515(a)(1) and (2), against Plaintiffs on an as-applied basis, and against all
10 similarly situated persons.
11

12 I declare under penalty of perjury that the foregoing is true and correct. Executed
13 on December 6, 2019.
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Wendy Hauffen
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**EXHIBITS
TABLE OF CONTENTS**

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
1	“Female Gun Owners: We Prefer the AR-15,” Washington Free Beacon, November 2019	0001-0005

EXHIBIT "1"

Exhibit 1
0001



SUBSCRIBE TO OUR MORNING BEACON NEWSLETTER

SUBSCRIBE TO OUR BEACON EXTRA NEWSLETTER

Female Gun Owners: We Prefer the AR-15



Courtney Manwaring looks over an AR-15 / Getty Images

Stephen Gutowski - NOVEMBER 10, 2019 5:00 AM

In the aftermath of a recent Florida self-defense shooting, female gun owners argued that the AR-15 provides specific advantages to women for home defense, vehemently rejecting the views of gun-control activists who insist the firearm is unnecessary.

Speaking with the *Washington Free Beacon* on Friday, five female firearm owners and advocates said the AR-15 platform offers several features that are ideal for women specifically. Robyn M. Sandoval, executive director of A Girl & A Gun Women's Shooting League, said the rifle is both more effective and safer for female shooters.

"ARs are an excellent choice for women for home defense," Sandoval told the *Free Beacon*. "The platform is relatively lightweight and easy to hold and customize so that the firearm fits her body correctly. Having a rifle that is the right size for the shooter makes it more comfortable to shoot and therefore more accurate and safer."

Many Democratic politicians, including 2020 frontrunner Joe Biden, have long decried the AR-15 as both dangerous and an impractical or unnecessary firearm for civilians, especially women. But the female firearm owners the *Free Beacon* spoke to rejected the logic of these pro-gun-control men.

"AR-15s are perfect for women," Mary Chastain, a writer and gun owner, said. "Despite the size, they are lightweight and have hardly any kickback. This allows us to aim well and shoot the target where we want to."

Dana Loesch, a nationally syndicated radio host and gun-rights activist who has **faced threats** to her safety throughout her career, said she picks an AR-15 when it comes to home defense.

"I was always taught in training that your pistol is what you use to get to your rifle, and the AR-15 is what I choose to use," Loesch told the *Free Beacon*.

The customizability of the rifle is a big selling point for women, competitive shooter and trainer Julie Golob said.

"The AR platform can be a useful and effective option for women when it comes to defending themselves and their property," she told the *Free Beacon*. "Starting with the fact that the length of pull can be adjusted easily, unlike rifles with fixed stocks, the AR can quickly become custom fit to its user. The pistol grip, combined with quick access to the safety and other controls, makes this platform one a woman can confidently control."

"I can choose my trigger, hand guard, barrel length, grip," Dianna Muller, a former police officer and head of the gun-rights group DC Project, added. "I can put a light, laser, etc. I call it the Mr. Potato Head for the gun connoisseur!"

The testimony of these women contradicts Biden, who has repeatedly claimed that AR-15s are hard to use and ineffective compared with shotguns. In 2013, he said he had advised his own wife to use a double-barrel shotgun instead of an AR-15.

"I said, 'Jill, if there's ever a problem, just walk out on the balcony here, walk out and put that double-barrel shotgun and fire two blasts outside the house,'" Biden said in an interview with *Parents Magazine*. "You don't need an AR-15—it's harder to aim."

It's harder to use, and in fact you don't need 30 rounds to protect yourself. Buy a shotgun! Buy a shotgun!"

Late last month, a heavily pregnant mother did exactly what Biden warned against to defend her family. She used an AR-15 to fend off two armed men who were attacking her husband and daughter in their Florida home.

The women who spoke with the *Free Beacon* disagreed with Biden's assertions that AR-15s are not necessary. Loesch said she was competent with shotguns, but has found the AR-15 is simply a better option.

"The 12 gauge is an excellent home defense gun, too, but the collateral consideration does affect my decision there (frangible ammo is an option)," Loesch told the *Free Beacon*. "AR-15s are easy to shoulder, lightweight, the low recoil makes it easier to maintain target acquisition, and the ergonomics are great. I can access everything without compromising a defensive stance. I also have more rounds with an AR-15."

Chastain also said that she finds the AR-15 easier than many other firearms to use.

"You can use it with one hand, which helps me," she said. "My entire left side is handicapped, caused by brain trauma at birth. There are many guns I cannot use. The AR is perfect because I can use the functions with only my right hand. The lightness of the gun makes it easy for my handicapped left arm and hand to hold it."

The women said the availability of magazines with more ammunition capacity than the double-barrel shotguns Biden highlighted—which hold only two rounds—is a significant advantage of the AR platform, as is the variety of ammunition types.

"Standard capacity magazines create a reduced chance to have to fumble to exchange mags under stress," Golob said.

"The ballistics of defensive ammunition prevent over-penetration, and standard-capacity magazines hold 30 rounds, which is more than a shotgun or pistol," Sandoval said.

The women who spoke to the *Free Beacon* stressed that, while they believe the AR-15 provides them certain advantages over other guns, women are more than able to become skilled with shotguns, handguns, or any other firearm.

"There are pros and cons to any self-defense tool," Golob said. "Practice on the range and training gun-handling skills, whether it's a rifle, pistol, or shotgun, is key. I feel that the best home defense option for a woman is the one she is most comfortable with and that she can produce the best results."

Sandoval encouraged women to "train extensively on any firearm they choose to use to protect their families" but also noted AR-15 classes are one of the most commonly available—one of its primary advantages in her opinion.

Some of the women also view the imposing nature and reputation of the AR-15 as a bonus feature.

"I also like the fact that they're scary looking," Chastain said. "A man breaks into my house, I don't mind using a scary looking weapon to defend myself."

"Ultimately, I want the meanest, most manageable thing I can get," Loesch said.

Exhibit 21

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
3 CIVIL DIVISION

4 JAMES MILLER, et al., : NO. 3:19-CV-1537-BEN-JLB
 Plaintiffs :
5 :
 vs. :
6 :
 CALIFORNIA ATTORNEY :
7 GENERAL XAVIER BECERRA, :
 Defendants :

8
9 DEPOSITION OF EMANUEL KAPELSOHN

10 Taken in the offices of Veritext,
11 LLC, 4949 Liberty Street, Suite 200, Allentown,
12 Pennsylvania, on Friday, January 8, 2021, commencing
13 at 2:21 p.m., before Suzanne L. E. Toto, Registered
14 Professional Reporter and Jacob Uscinowicz,
15 Videographer.

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I N D E X
WITNESSES

ALL WITNESSES: PAGE:

EMANUEL KAPELSOHN:

Direct Examination by MR. ECHEVERRIA 5:10
Cross-Examination by MR. LEE 178:15
Redirect Examination by MR. ECHEVERRIA 200:12

EXHIBITS

NO.: DESCRIPTION: PAGE:

Exhibit 1 Amended Deposition Notice:
For Identification 10:13

Exhibit 2 Printout from Westlaw of
California Penal Code Section
30515:
For Identification 25:1

Exhibit 3 Printout of Links to
Featureless Rifles:
For Identification 74:20

Exhibit 4 Printout from IWI Website:
For Identification 91:23
For Identification 95:7

Exhibit 5 Printout from Pew Pew Tactical:
For Identification 202:25

1	THE VIDEOGRAPHER: Good afternoon. We	14:20:09
2	are now on record at approximately 2:21 p.m. eastern	14:20:13
3	time on Friday, January 8th, 2020 [SIC]. This is	14:20:17
4	Media Unit Number 1 of the video recorded deposition	14:20:20
5	of Emanuel Kapelsohn, in the matter of Miller, James,	14:20:23
6	et al V Becerra, Xavier, et al.	14:20:28
7	This deposition is being held at	14:20:31
8	Allentown, PA, 4949 Liberty Lane, 200. My name is	14:20:37
9	Jacob Uscinowicz from the firm Veritext, and I'm the	14:20:40
10	videographer. The court reporter is Suzanne Toto	14:20:44
11	from the firm Veritext.	14:20:45
12	I'm not authorized to administer an	14:20:47
13	oath. I am not related to any party in this action,	14:20:49
14	nor am I financially interested in the outcome.	14:20:51
15	Counsel and all parties present in the	14:20:54
16	room, and everyone attending remotely, will now state	14:20:56
17	their appearances and affiliations for the record.	14:20:58
18	If there are any objections to	14:21:00
19	proceeding, please state them at the time of your	14:21:02
20	appearance, beginning with the noticing attorney.	14:21:06
21	MR. ECHEVERRIA: This is John	14:21:07
22	Echeverria, Deputy Attorney General. I represent the	14:21:10
23	Defendants.	14:21:12
24	MR. LEE: This is George Lee with the	14:21:14
25	firm of Seiler Epstein, LLP in San Francisco,	14:21:16

1	California. I represent the Plaintiffs.	14:21:19
2	MR. DILLON: This is John Dillon,	14:21:23
3	Dillon Law Group APC, counsel for Plaintiffs.	14:21:30
4	THE VIDEOGRAPHER: Will the court	14:21:31
5	reporter please swear in the witness.	14:21:42
6	* * *	14:21:42
7	EMANUEL KAPELSOHN, having been duly	14:21:42
8	sworn, was examined and testified as follows:	14:21:42
9	* * *	14:21:42
10	DIRECT EXAMINATION	14:21:42
11	BY MR. ECHEVERRIA:	14:21:42
12	Q. Good morning. My name is John	14:21:44
13	Echeverria. I'm a deputy attorney general with the	14:21:45
14	California Department of Justice, and I represent the	14:21:48
15	Defendants in this case, Miller versus Becerra.	14:21:51
16	This is a case that is challenging the	14:21:52
17	Constitutionality under the Second Amendment of	14:21:55
18	California's Assault Weapons Control Act. And I'm	14:21:58
19	going to be asking you some questions today about	14:22:00
20	this case.	14:22:00
21	Can you please state your name for the	14:22:02
22	record?	14:22:02
23	A. Emmanuel Kapelsohn.	14:22:06
24	Q. Have you been -- have you ever been	14:22:08
25	deposed before, Mr. Kapelsohn?	14:22:10

1 Q. You see that? So at Line 4? 17:24:01

2 A. Yes, I see it now. 17:24:05

3 Q. So is it your view that a pistol grip is 17:24:08

4 necessary to operate a rifle with a straight-back 17:24:11

5 design? 17:24:13

6 A. No. But it's -- it's -- it's necessary 17:24:16

7 for an ergonomically good design. In other words, 17:24:22

8 there are clearly these featureless rifles in 17:24:25

9 California that exist, that can be fired. If one 17:24:29

10 practices with them enough, one can get good with 17:24:33

11 them. But it's a -- a poor design. 17:24:37

12 The reason that the AR-15 has the 17:24:39

13 pistol grip is because, as a straight-line design, it 17:24:43

14 needs you to be able to hold it lower than the 17:24:46

15 straight line because that's where your hand 17:24:50

16 naturally goes. That's where you can control the 17:24:52

17 rifle the best. That's where you don't get your hand 17:24:55

18 in the way of citing the rifle and other functions. 17:24:57

19 Q. Have you ever personally fired a 17:25:02

20 featureless AR-15? 17:25:05

21 A. I don't think so. I have fired 17:25:15

22 feature -- other featureless semiautomatic rifles. 17:25:17

23 I -- I know I fired a featureless AK, but I don't 17:25:24

24 think I fired a featureless AR-15. 17:25:31

25 Q. And in addition to the AK, can you recall 17:25:34

1	firing any other rifles that would -- sorry, in	17:25:41
2	addition to the featureless AK, have you fired any	17:25:44
3	other featureless assault weapons?	17:25:47
4	A. Well, I fired many assault weapons that	17:25:49
5	are lacking one or another or more than one of the	17:25:54
6	features. In other words, I have fired ARs that	17:26:00
7	don't have a flash suppressor, and throw out a God	17:26:05
8	awful flame and muzzle blast as a result.	17:26:08
9	I fired ARs that don't -- that	17:26:14
10	don't have the higher capacity magazines. I fired	17:26:18
11	ARs that don't have telescoping stocks or folding	17:26:22
12	stocks. So I fired many semiautomatic rifles that	17:26:26
13	are lacking various of the features that are	17:26:31
14	prohibited against.	17:26:33
15	That's how I know that they render	17:26:35
16	the rifle a disadvantageous one to use, awkward with	17:26:40
17	various faults. But whether I fired one that is	17:26:44
18	California featureless or not, that I don't think	17:26:48
19	I've done.	17:26:49
20	Q. Okay. Thank you.	17:26:54
21	In your view, can a pistol grip	17:26:56
22	help stabilize a rifle, when the rifle is fired	17:27:01
23	rapidly?	17:27:01
24	A. Yes.	17:27:02
25	Q. A pistol grip can help provide better	17:27:05

Exhibit 22

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JAMES MILLER, et al.,

Plaintiffs,

vs.

XAVIER BECERRA, in his official
capacity as Attorney General of
California, et al.,

Defendants.

Case No. 3:19-cv-01537-BEN-JLB

Hon. Roger T. Benitez
Magistrate Hon. Jill L. Burkhardt

**DECLARATION OF ADAM
KRAUT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Complaint filed: August 15, 2019
Amended Complaint filed:
September 27, 2019

Hearing Date: January 16, 2020
Time: 10:00 a.m.
Courtroom: 5A, 5th Floor



DECLARATION OF ADAM KRAUT

I, Adam Kraut, declare as follows:

1. I am not a party in the above-titled action. I am over the age of 18, have personal knowledge of the facts and events referred to in this declaration, and am competent to testify to the matters stated below. This declaration is executed in support of Plaintiffs' motion for a preliminary injunction.

2. I am the Director of Legal Strategy for Firearms Policy Coalition. I am licensed to practice law in the State of Pennsylvania. I am also admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the Third, Sixth and D.C. Circuit, the United States District Court for the Eastern, Middle, and Western Districts of Pennsylvania, and the United States District Court for the District of Columbia. Prior to practicing as an attorney, I managed a federal firearms licensee for approximately 3 years.

3. I have been shooting firearms since I was twelve (12) years-old. I've taken several firearms training courses, which have included basic and intermediate levels of instruction. I consider myself to be knowledgeable and proficient in the operation and use of handguns, rifles, and shotguns.

4. On Friday, October 18, 2019, I went to a shooting range in Gap, Pennsylvania, to film the video which is presented in support of Plaintiff's motion for preliminary injunction. The video depicts the same firearm in two different configurations along with four different magazines that were used. The video that we shot has been uploaded to and can be accessed at: <http://bit.ly/miller-kraut-video> ("Video").

5. In the video, the first configuration I use is that of a California "featureless" rifle, *i.e.*, lacking the features set forth in Cal. Penal Code section 30515(a); 11 Cal. Code of Regs. § 5471(o). (See Video at 0:29-0:35). In lieu of a flash hider, the firearm

1 has a Thordsen Customs barrel cap. In place of the pistol grip and collapsible stock, the
2 firearm is equipped with the Thordsen Customs FRS-15 Gen III Enhanced stock kit.
3 The firearm equipped with these devices allows it to be possessed lawfully in California
4 while retaining the ability to use a detachable magazine.

5 6. The second configuration shown in the Video is that of a standard AR-15 sold
6 in the majority of states which do not have any form of an assault weapons ban (Video
7 at 0:36-0:43). In lieu of the barrel cap, the barrel is equipped with an A2 flash hider. In
8 place of the FRS-15 stock kit, the firearm utilizes a B5 Systems pistol grip and B5
9 Systems Bravo collapsible stock.
10

11 7. Regardless of whether the firearm was in the California featureless
12 configuration or that of a standard AR-15, the magazine is removed and inserted from
13 the firearm in the same manner. In order to remove the magazine from the rifle, an
14 individual must push the magazine release button located on the right side of the
15 firearm, which allows the magazine to drop free. A new magazine is inserted into the
16 rifle, followed by the bolt release being actuated, which chambers another round,
17 rendering the firearm ready to continue shooting.
18

19 8. To demonstrate the difference in ability to reload a California featureless rifle
20 and a standard AR-15, along with the ability to shoot either configuration quickly and
21 accurately, a steel target was placed 25 yards downrange from the shooting position.
22 This distance was confirmed with a laser range finder.

23 9. The steel target measures approximately 8 inches wide and 16 inches tall. The
24 Video depicts me standing next to the target (Video at 0:00-0:22) and holding the target
25 in front of me in order to show the scale of the target next to a person (Video
26 at 0:23-0:28). The camera was placed at the shooting position to capture me holding the
27 steel target in order to give perspective from what a shooter would see at 25 yards.
28

1 10. The first course of fire is ten (10) rounds fired from the rifle in the California
2 featureless configuration (Video at 0:44-0:48). Out of ten (10) rounds, nine (9) made
3 contact with the target.

4 11. The second course of fire is ten (10) rounds fired from the rifle in the standard
5 configuration (Video at 0:49-0:53). Out of ten (10) rounds, eight (8) made contact with
6 the target.

7 12. The third course of firearm depicts three (3) rounds being fired from the rifle in
8 the California featureless configuration, the magazine being released, a new magazine
9 being inserted, the bolt release being actuated, and another three rounds being fired at
10 the target (Video at 0:54-1:01).

11 13. The fourth course of firearm depicts three (3) rounds being fired from the rifle
12 in the standard configuration, the magazine being released, a new magazine being
13 inserted, the bolt release being actuated, and another three rounds being fired at the
14 target (Video at 1:02-1:07).

15 14. Employing no specialized techniques for these shooting demonstrations, this
16 Video demonstration shows that there is no significant or discernable difference
17 between the ability to accurately shoot at a rapid rate and reload the firearm in either
18 configuration.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed
20 within the United States on December 4, 2019.

21
22
23
24
25 
26 Adam Kraut

Exhibit 23

INDEX TO WITNESSES

FOR THE PLAINTIFFS:

RYAN PETERSON 9

ADAM KRAUT 23

JOHN LOTT, JR. 96

FOR THE DEFENSE:

CHRISTOPHER COLWELL 28

JOHN DONOHUE 48

1 before. Boy, what beautiful country.

2 THE WITNESS: It certainly is a little different than
3 the west Coast, that's for sure.

4 THE COURT: Lot of green over there.

5 THE WITNESS: Yes.

6 THE COURT: All right. Mr. Kraut, please raise your
7 right hand.

8 ADAM KRAUT,

9 called as a witness by the Plaintiffs,
10 having been duly sworn, testified as follows:

11 THE COURT: All right. So Mr. Kraut, I watched your
12 video. I think I understand it. If I understood it correctly,
13 the first ten rounds that you fired were California -- was it
14 California-legal?

15 THE WITNESS: Yes, Your Honor. That was --

16 THE COURT: California-legal AR.

17 THE WITNESS: Yes, Your Honor. That was a California
18 featureless configuration.

19 THE COURT: Okay. And then the second ten rounds that
20 you fired was a non -- well, a weapon with the evil features,
21 or however they call them. I don't know.

22 THE WITNESS: Yes, Your Honor. It was the same base
23 firearm. The difference between it was the collapsable stock,
24 the pistol grip, and then the barrel cap at the end or -- which
25 replaced the flash hider.

1 what I did, just to kind of keep things simple and for
2 illustrative purposes, was I used the same firearm and I
3 swapped out the California-legal features for those that were
4 not legal in California, just so that everything kind of
5 appeared as a controlled look versus using two separate rifles
6 configured one for California and one for pretty much
7 everywhere else.

8 THE COURT: Now, as I recall your video, you shot ten
9 rounds, ten rounds, three rounds, three rounds, three rounds,
10 and three rounds, right?

11 THE WITNESS: Correct, Your Honor.

12 THE COURT: Okay. And you were shooting at a
13 stationary target, right?

14 THE WITNESS: Correct. It was a piece -- yes. It was
15 a piece of steel that was placed at 25 yards, and the reason
16 for using steel versus a paper target was simply so that there
17 was an auditory kind of cue that the target was hit versus
18 trying to shoot a piece of paper and then going up and showing
19 where the rounds actually impacted after each shot.

20 THE COURT: And the point of your video was what?

21 THE WITNESS: The purpose of the video was to
22 demonstrate that, in either configuration, it was possible to
23 shoot a man-sized target at 25 yards in rapid succession using
24 either a California featureless rifle or a standard
25 configuration AR.

1 THE COURT: I may be mistaken, but I think I noticed
2 that your first ten rounds -- which was the featureless weapon,
3 correct?

4 THE WITNESS: Yes.

5 THE COURT: -- you hit nine out of ten shots. When
6 you fired the second type of weapon, you only hit eight out of
7 ten.

8 How come?

9 THE WITNESS: Yes, Your Honor. It's just shooter
10 error. Haha.

11 THE COURT: Okay. I was going to try and tease you a
12 little bit. Haha. All right.

13 You're pretty familiar with these weapons, are you?

14 THE WITNESS: Yes, Your Honor.

15 THE COURT: You fire them quite a bit?

16 THE WITNESS: Honestly, Your Honor, I don't get out to
17 the range nearly as much as some of my colleagues do, so no,
18 quite candidly.

19 THE COURT: All right. So would you consider yourself
20 to be sort of an average-type shooter? I know that's a little
21 vague, but --

22 THE WITNESS: I would consider myself to be proficient
23 with the firearm. Perhaps -- I would say average to slightly
24 above average.

25 I'm certainly more familiar with it than somebody who,

1 for instance, walked into the gun store and purchased the
2 firearm that day.

3 THE COURT: Okay. Were you adjusting your rate of
4 fire for -- in other words, the number of times that you pulled
5 the trigger for any specific reason other than perhaps trying
6 to stay on target?

7 THE WITNESS: No, Your Honor. I mean, as far as it
8 not being a perfect cadence, it would just have to do with
9 trying to maintain a sight picture on target to make sure that
10 rounds were hitting what was being aimed at.

11 But there was no -- there wasn't a cognizant effort to
12 go faster in one configuration versus the other.

13 THE COURT: Okay. So your main purpose in doing that
14 video was to show that using both configurations you were able
15 to hit the target at about the same rate and with about the
16 same accuracy; is that a fair summary of what you were doing?

17 THE WITNESS: Absolutely.

18 THE COURT: Okay. That's all the questions I have.

19 MR. LEE: No questions, Your Honor.

20 THE COURT: Mr. Echeverria?

21 MR. ECHEVERRIA: No questions, Your Honor.

22 THE COURT: Okay. It was a great video, by the way.
23 I watched it, I don't know how many times. All right.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: I've never fired one of those. I was

1 impressed, anyway.

2 All right. Thank you. Appreciate it.

3 THE WITNESS: You're welcome. I appreciate you having
4 me. Have a great day.

5 THE COURT: You, too. Okay. That's all the questions
6 I have of that witness.

7 (Witness excused)

8 MR. LEE: Your Honor, with that, the plaintiffs' next
9 witness would be John Lott at 3:00, but other than that, we can
10 switch to defense witnesses.

11 THE COURT: Okay. Mr. Echeverria, do you have any
12 problems doing that?

13 MR. ECHEVERRIA: No problems at all, Your Honor.

14 THE COURT: Okay. So who should we call? Who did you
15 say was --

16 MR. ECHEVERRIA: Dr. Colwell is up next, I believe.

17 THE COURT: Okay. Let's bring him in.

18 Dr. Colwell.

19 THE WITNESS: Good morning.

20 THE COURT: Good morning. I'm Roger Benitez. I'm the
21 district judge that's been assigned to try this case, or hear
22 this case anyway.

23 Where are you?

24 THE WITNESS: I'm in my office at San Francisco
25 General.

Exhibit 24

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
DF-46 (REV 08/16)

Fiscal Year 2017-18	Business Unit 0820	Department California Department of Justice	Priority No.
Budget Request Name 0820-004-BCP-2017-GB		Program LAW ENFORCEMENT	Subprogram BUREAU OF FIREARMS

Budget Request Description
Senate Bill 880 and Assembly Bill 1135 – Assault Weapons

Budget Request Summary

The California Department of Justice, Division of Law Enforcement, Bureau of Firearms requests an increase of \$2,588,000 and 27.0 positions in FY 2017-18 in Dealers' Record of Sale (DROS) Special Fund spending authority to implement the provisions of Senate Bill 880 (Hall III) and Assembly Bill 1135 (Levine). The requested DROS funding will be loaned from the Firearms Safety and Enforcement (FS&E) Special Fund, and will be repaid no later than June 30, 2021.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project No. Project Approval Document: Approval Date:

If proposal affects another department, does other department concur with proposal? ☐ Yes ☐ No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By	Date	Reviewed By	Date
Department Director	Date	Agency Secretary	Date

Department of Finance Use Only

Additional Review: ☐ Capital Outlay ☐ ITCU ☐ FSCU ☐ OSAE ☐ CALSTARS ☐ Dept. of Technology

BCP Type: ☐ Policy ☐ Workload Budget per Government Code 13308.05

PPBA	Original Signed By Brendan Murphy	Date submitted to the Legislature 11/10/17
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Miller v. Becerra

Plaintiffs' Exhibit

024

exhibitmaker.com

A. Budget Request Summary

The California Department of Justice (Department), Division of Law Enforcement, Bureau of Firearms (Bureau) requests an increase of \$2,588,000 and 27.0 positions in FY 2017-18 in Dealers' Record of Sale (DROS) Special Fund spending authority to implement the provisions Senate Bill (SB) 880 (Hall III) and Assembly Bill (AB) 1135 (Levine).

B. Background/History

Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, "assault weapon" means, among other things, a semi-automatic center-fire rifle or a semi-automatic pistol that has the capacity to accept a detachable magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a second handgrip.

Existing law requires that, with specified exceptions, any person who, prior to January 1, 2001, lawfully possessed an assault weapon prior to the date it was defined as an assault weapon, and which was not specified as an assault weapon at the time of lawful possession, register the firearm with the Department.

SB 880 and AB 1135 require that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, and including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, register the firearm with the Department before January 1, 2018, but not before the effective date of specified regulations. SB 880 and AB 1135 require the registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the Department. SB 880 and AB 1135 require the registration to contain specified information, including, but not limited to; a description of the firearm that identifies unique and specified information about the registrant. These bills permit the Department to charge a fee of up to \$15 per person for registration through the Internet, not to exceed the reasonable processing costs of the Department to be paid and deposited, as specified, for purposes of the registration program.

SB 880 and AB 1135 revise the definition of "assault weapon" to mean a semi-automatic center-fire rifle or semi-automatic pistol that does not have a fixed magazine but has any one of the specified characteristics. These bills also define "fixed magazine" to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

These bills also require the Department to adopt regulations for the purpose of implementing those provisions and makes exempt those regulations from the Administrative Procedure Act (APA).

Existing law, the APA, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

Resource History
(Dollars in thousands)

Program Budget	2011-12	2012-13	2013-14	2014-15	2015-16
Authorized Expenditures	20,646	25,756	25,440	25,872	25,856
Actual Expenditures	18,714	24,979	24,733	24,887	24,099
Revenues (FS&E)	5,742	8,007	6,682	7,750	9,218
Authorized Positions	142.0	156.0	179.0	180.0	171.0
Filled Positions	128.0	141.0	142.0	141.0	150.0
Vacancies	14.0	15.0	37.0	39.0	21.0

C. State Level Considerations

If this proposal is approved, the Bureau will incur no General Fund costs. There is no fiscal impact on other state agencies.

D. Justification

Bureau of Firearms

The Bureau is required to create and administer a registration program for owners of assault weapons with an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action. The Bureau roughly estimates 1-1.5 million assault weapons will be registered by approximately 250,000 different owners. It is estimated that these registrations will generate roughly \$3.7 million dollars, and will be sufficient to cover the costs associated with this proposal.

Based on the provisions of SB 880 and AB 1135, the \$3.7M in revenue fees shall be deposited in the DROS Special Fund. We are requesting that the Firearms Safety and Enforcement (FS&E) Special Fund provide a loan to the DROS to fund the costs of this proposal. The loan will be repaid from the DROS no later than June 30, 2021.

The Bureau will have to promulgate regulations for the registration program, although the regulations will be exempt from the APA requirements (notice, 45 day comment period, etc.). The bills mandate that the registration program cannot begin until the new regulations go into effect and must end on December 31, 2017. Because the regulations will be exempt from the APA requirements, it will take approximately three months to draft the regulations and have them reviewed and approved by Department legal and executive staff.

The scopes of work for the 24.0 Criminal Identification Specialist (CIS) IIs will include the processing of the registrations of assault weapons as well as conducting analyses of criminal history and background/clearance checks on applicants. These functions involve inquiries into various database systems, the request and review of various files, and contact with other entities to verify any firearms prohibiting records.

The scopes of work for the 2.0 CIS IIIs will be supervisor roles. The CIS IIIs will supervise, train, and direct the CIS IIs. The CIS IIIs will assist the staff with analyzing criminal history and other firearms related records to determine eligibility of persons to own or possess assault weapons. The CIS IIIs will process the more difficult applications.

The Associate Governmental Program Analyst (AGPA) will ensure work processes are completed within the time frames mandated by state law; draft regulations, assist in the development of the process, procedures and system; provide assistance by telephone and/or written communication to local law enforcement agencies and the public to explain laws and regulations, procedures for processing applications and address complaints.

Criminal Identification Specialist III (Supervisor)	2.0
Criminal Identification Specialist II	24.0
Associate Governmental Program Analyst	1.0
Total	27.0

The Bureau and Division of California Justice Information Services (CJIS) will work collaboratively to implement the new mandates of this legislation.

California Justice Information Services

In order to implement the requirements of SB 880 and AB 1135, the following information technology resources will be needed:

- PL/SQL Development Consultants (\$190,080)

The consultant developer(s) will perform at the highest expertise level to design, develop, test, and implement the enhancements to the application; assist the state and consultant project

managers with planning work activities; review technical documentation created by less skilled programmers; create design specifications; develop the most complex framework and components; perform system integration and performance testing; and provide the first critical months of production support and problem resolution for the new and enhanced systems.

E. Outcomes and Accountability

The managers and supervisors of the new personnel will regularly provide verbal and written project progress reports to Bureau management in order to ensure all requirements are met.

SB 880 & AB 1135 BCP	FY 2017-18
Bureau Positions (27.0)	\$ 1,852,000
TOTAL PERSONAL SERVICES	\$ 1,852,000
Consultant & Professional Svc - External	\$ 190,000
Information Technology	\$ 54,000
Other	\$ 238,000
Departmental Services	\$ 254,000
TOTAL OPERATING EXPENDITURES	\$ 736,000
BCP TOTAL COST	\$ 2,588,000

F. Analysis of All Feasible Alternatives

Alternative 1: Approve this request for an increase of \$2,588,000 and 27.0 positions in FY 2017-18 in DROS Special Fund spending authority to implement the new program. Without this funding, the Department will not be able meet the demands of SB 880 and AB 1135, and will risk being unable to administer other legislatively mandated programs within the Department. The Bureau estimates registrations by approximately 250,000 different owners will generate roughly \$3.7 million dollars which will be sufficient to cover the costs associated with this proposal. We are requesting that the FS&E Special Fund provide a loan to the DROS to fund the costs of this proposal. The loan will be repaid from the DROS no later than June 30, 2021.

Alternative 2: Extend the implementation time. This alternative would require a change in legislation to extend the existing mandated implementation time and workload required of the Department.

Alternative 3: Carry out this objective with existing funding and staffing. This is not a viable alternative because the current staff would have to work additional overtime to keep up with workload demands. If the positions are not approved, staff would incur mandatory overtime, working 10-12 hours a day and 7 days a week, to possibly be able to meet the demands of all the Department's legislatively mandated programs and time frames, including SB 880 and AB 1135. The continuation of steady overtime by permanent staff causes burnout, low morale, and fatigue. The strain also increases chances of errors which could enable firearms getting into the hands of ineligible persons. Without the requested funding, the Department would not be able to manage the projected workload and will risk firearms going to prohibited individuals, thus placing the public's safety in extreme jeopardy.

G. Implementation Plan

Upon approval, the Bureau will immediately begin filling the positions via the established State of California and the Department's hiring process.

Budget Change Proposal

DF-46 (REV 08/15)

H. Supplemental Information

None

I. Recommendation

Alternative 1: Approve this request for an increase of \$2,588,000 and 27.0 positions in FY 2017-18 in DROS Special Fund spending authority to implement the new program. The loan from the Firearms Safety and Enforcement Special Fund to fund the costs of this proposal is to be repaid from the DROS no later than June 30, 2021.

Fiscal Summary

(Dollars in thousands)

BCP No. 4	Proposal Title SB 880 & AB 1135 - Bureau of Firearms ASSAULT WEAPONS			Program Bureau of Firearms		
Personal Services	Positions			Dollars		
	CY	BY	BY + 1	CY	BY	BY + 1
Total Salaries and Wages ¹		27.0	27.0		\$1,304	\$0
					548	0
Total Personal Services	0.0	27.0	27.0	\$0	\$1,852	\$0
Operating Expenses and Equipment						
General Expense					65	
Printing					8	
Communications					30	
Postage					7	
Travel-In State					21	
Travel-Out of State					0	
Training					9	
Facilities Operations					95	
Utilities					0	
Consulting & Professional Services: Interdepartmental ³					3	
Consulting & Professional Services: External ³					190	
Data Center Services					0	
Information Technology					54	
Equipment ³					0	
Other/Special Items of Expense: ⁴						
Departmental Services					254	
Total Operating Expenses and Equipment				\$0	\$736	\$0
Total State Operations Expenditures				\$0	\$2,588	\$0
Fund Source	Item Number					
	Org	Ref	Fund			
General Fund						
Special Funds ⁵	0820	001	0460		\$2,588	
Federal Funds						
Other Funds (Specify)						
Reimbursements						
Total Local Assistance Expenditures				\$0	\$0	\$0
Fund Source	Item Number					
	Org	Ref	Fund			
General Fund						
Special Funds ⁵						
Federal Funds						
Other Funds (Specify)						
Reimbursements						
Grand Total, State Operations and Local Assistance				\$0	\$2,588	\$0

¹ Itemize positions by classification on the Personal Services Detail worksheet.² Provide benefit detail on the Personal Services Detail worksheet.³ Provide list on the Supplemental Information worksheet.⁴ Other/Special Items of Expense must be listed individually. Refer to the Uniform Codes Manual for a list of standard titles.⁵ Attach a Fund Condition Statement that reflects special fund or bond fund expenditures (or revenue) as proposed.

(Whole dollars)

Salaries and Wages Detail

Staff Benefits Detail	CY	BY	BY + 1
OASDI		\$28,172	
Health/Dental/Vision Insurance		248,220	
Retirement		254,880	
Miscellaneous			
Safety			
Industrial			
Other:			
Workers' Compensation		16,953	
Industrial Disability Leave			
Non-Industrial Disability Leave			
Unemployment Insurance			
Other: Overtime OASDI/Medicare			
Total Staff Benefits ³	\$0	\$548,225	\$0
Grand Total, Personal Services	\$0	\$1,852,325	\$0

Note: Information provided should appear in the same format as it would on the Changes in Authorized Positions.

³ Totals must be rounded to the nearest thousand dollars before posting to the Fiscal Summary.

Supplemental Information

(Dollars in thousands)

BCP No. 4	Proposal Title SB 880 & AB 1135 - Bureau of Firearms ASSAULT WEAPONS
--------------	---

Equipment	CY	BY	BY +1
Standard Complement			
Total	\$0	\$0	\$0

Consulting & Professional Services

PL/SQL Development Consultant		190	
DGS Fee applied to Ext. Consultants		3	
Total	\$0	\$193	\$0

Facility/Capital Costs

Standard Personnel Complement		95	
Total	\$0	\$95	\$0

One-Time/Limited-Term Costs

Yes ☒ No ☐

Description	BY		BY +1		BY +2	
	Positions	Dollars	Positions	Dollars	Positions	Dollars
Consultant Ext. & Int.				-193		
Personnel Services				-1,852		
Standard Complement OE&E				-289		
Departmental Services				-254		
	0.0	\$0	0.0	-\$2,588	0.0	\$0

Full-Year Cost Adjustment

Yes ☒ No ☐

Provide the incremental change in dollars and positions by fiscal year.

Item Number	BY		BY +1		BY +2	
	Positions	Dollars	Positions	Dollars	Positions	Dollars
0820-001-0460	27.0	2,588	0.0	-2,588	0.0	0
Total	27.0	\$2,588	0.0	-\$2,588	0.0	\$0

Future Savings

Yes ☐ No ☒

Specify fiscal year and estimated savings, including any decrease in positions.

Item Number	BY		BY +1		BY +2	
	Positions	Dollars	Positions	Dollars	Positions	Dollars
Total	0.0	\$0	0.0	\$0	0.0	\$0

(Dollars in thousands)

Special Fund Title	Item Number			Dollars		
	Org	Ref	Fund	CY	BY	BY + 1
Total Special Funds - Local Assistance ²				\$0	\$0	\$0

² Total must tie to "various" funds identified for Local Assistance, Special Funds in the Fiscal Summary.

Exhibit 25

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15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 JAMES MILLER, an individual, et al.,

19 Plaintiffs,

20 vs.

21 XAVIER BECERRA, in his official
22 capacity as Attorney General of California,
23 et al.,

24 Defendants.

Case No. 3:19-cv-01537-BEN-JLB

Hon. Roger T. Benitez
Magistrate Hon. Jill L. Burkhardt

**DECLARATION OF GEORGE
A. MOCSARY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
(Part 1 of 2)**

Complaint filed: August 15, 2019
Amended Complaint filed:
September 27, 2019

Hearing Date: January 16, 2020
Time: 10:00 a.m.
Courtroom: 5A, 5th Floor



DECLARATION OF GEORGE A. MOCSARY

I, George A. Mocsary, declare as follows:

1. I am not a party to the above-captioned action, I am over the age of 18, I have personal knowledge of the facts stated herein, and I am competent to testify as to the matters stated and the opinions rendered below.

2. I graduated from the Cooper Union School of Engineering with a bachelor's degree in engineering in 1995. I earned a master's degree in business administration from the University of Rochester in 1997. And I received my Juris Doctor degree in 2009 from Fordham Law School, where I graduated first in my class and summa cum laude. I served as Notes and Articles Editor of the Fordham Law Review and was the recipient of the Fordham Law Alumni Association Medal in Constitutional Law.

3. I am currently a Professor of Law at the University of Wyoming College of Law. I previously taught at the Southern Illinois University School of Law as an Associate Professor and at the University of Connecticut School of Law as a Visiting Assistant Professor.

4. Prior to entering academia, I practiced corporate and bankruptcy law at Cravath, Swaine and Moore in New York. And before that, I clerked for the Honorable Harris L Hartz of the U.S. Court of Appeals for the Tenth Circuit.

5. I co-authored the first law school textbook on the Second Amendment, entitled *Firearms Law and the Second Amendment: Regulation, Rights, and Policy* (2nd ed. 2017) (with Nicholas J. Johnson, David B. Kopel, and Michael P. O'Shea).

6. I have also published several scholarly research articles on the right to keep and bear arms, which have been published in the Connecticut Law Review, Duke Law Journal Online, Fordham Law Review, George Mason Law Review, and other journals.

7. My scholarship has been cited by the Supreme Court of the United States

1 in *McDonald v. City of Chicago*, 561 U.S. 742 (2010), the Supreme Court of Illinois,
2 and in several opinions by the U.S. Courts of Appeals.

3 8. I taught a course on the Second Amendment at Southern Illinois
4 University School of Law, and will likely teach it again at the University of Wyoming
5 College of Law.

6 9. Attached hereto as **Exhibit 1** is a true and correct copy of my Curriculum
7 Vitae. It describes my education, employment background, career experience, and
8 publications.

9 10. My opinions expressed here are formed in light of my scholarship and
10 study of the current legal landscape of the Second Amendment.

11 11. Based on my education, work experience, research, publications, and
12 review of the research of others, in my opinion, the arms that California prohibits as
13 “assault weapons” are protected by the Second Amendment. The Supreme Court held
14 that the Second Amendment protects arms in “common use.” The Court’s clearest
15 indication of the criteria that determine “common use” appears in Justice Samuel A.
16 Alito, Jr.’s concurrence, which Justice Clarence Thomas joined, in *Caetano v.*
17 *Massachusetts*, 136 S. Ct. 1027 (2016), *viz.*, the number in existence of the type of arm
18 in question, and the number of jurisdictions in which the type of arm is lawful.

19 12. In *District of Columbia v. Heller*, the Supreme Court held that the Second
20 Amendment protects arms that are “typically possessed by law-abiding citizens for
21 lawful purposes.” 554 U.S. 570, 625 (2008). Put differently, “the sorts of weapons
22 protected [a]re those ‘in common use at the time.’” *Id.* at 627 (quoting *United States v.*
23 *Miller*, 307 U.S. 174, 179 (1939)).

24 13. This was consistent with the founding-era practice that, “when called for
25 militia service able-bodied men were expected to appear bearing arms supplied by
26 themselves and of the kind in common use at the time.” *Id.* at 624 (quoting *Miller*,
27 307 U.S. at 179) (brackets omitted). The *Miller* Court remanded because it was not
28

1 presented with data on whether the weapon at issue there was in common enough use
2 to be usable in militia service. *See* 307 U.S. at 178-79, 183.

3 14. Attached hereto as **Exhibit 2** is a true and correct copy of *United States v.*
4 *Miller*, 307 U.S. 174 (1939).

5 15. In adjudicating a firearms prohibition, therefore, “the pertinent Second
6 Amendment inquiry is whether [the arms] are commonly possessed by law-abiding
7 citizens for lawful purposes today.” *Caetano v. Massachusetts*, 136 S. Ct. 1027, 1032
8 (2016) (Alito, J., concurring) (emphasis omitted).

9 16. But the Supreme Court has not expressly defined “common.”

10 17. The Court addressed handgun bans in *Heller* and *McDonald v. City of*
11 *Chicago*, 561 U.S. 742 (2010). And because handguns, as a class, were “the most
12 popular weapon chosen by Americans for self-defense in the home,” *Heller*, 554 U.S.
13 at 629, it went without saying that they were “in common use,” so the Court did not
14 perform a commonality analysis.

15 18. *Heller* made clear that a protected arm must be among “the sorts of
16 weapons” or “of the kind” that are in common use. *Heller*, 554 U.S. at 624, 627. The
17 specific features, make, or model, of the arm in question need not be common.

18 19. *Caetano* summarily reversed and remanded an opinion of the
19 Massachusetts Supreme Judicial Court upholding a stun gun prohibition. While the
20 Court’s per curiam opinion focused on the lower court’s violations of Supreme Court
21 precedent, Justices Alito and Thomas’s concurrence explained, inter alia, that stun guns
22 are, indeed, common.

23 20. In reaching this determination, the concurrence elucidated that “[t]he more
24 relevant statistic is that hundreds of thousands of Tasers and stun guns have been sold
25 to private citizens, who it appears may lawfully possess them in 45 States.” *Id.*
26 (quotation omitted).

27 21. The raw number of arms and the number of jurisdictions in which those
28

1 arms are available are, therefore, the only specific commonality factors that any
2 Justices have provided to date.

3 22. In referring to both stun guns and Tasers, the *Caetano* concurrence applied
4 its commonality analysis to bearable—carryable, *Heller*, 554 U.S. at 584—handheld
5 electroshock weapons as a “class of arms,” *Caetano*, 136 S. Ct. at 1031, rather than to
6 a subset of those weapons defined by certain features.

7 23. Attached hereto as **Exhibit 3** is a true and correct copy of *Caetano v.*
8 *Massachusetts*, 136 S. Ct. 1027 (2016).

9 24. Applying those factors here, California bans arms that are common, and
10 thus protected by the Second Amendment.

11 JURISDICTIONAL ANALYSIS

12 25. Following the approach taken in *Caetano*, I conducted research on and
13 reviewed the various state “assault weapon” bans throughout the U.S. in order to
14 determine the number of jurisdictions that prohibit and/or restrict semiautomatic
15 centerfire firearms with various features, like those listed in California Penal Code
16 § 30515.

17 26. Only five other states have bans that arguably approach California’s in
18 their severity.

19 27. **Connecticut** bans the possession of “assault weapons,” which it defines
20 as “[a]ny selective-fire firearm capable of fully automatic, semiautomatic or burst fire
21 at the option of the user,” a list of specified makes and models of semiautomatic rifles
22 and pistols, and semiautomatic firearms that contain certain external features like a
23 “folding or telescopic stock” or a “forward pistol grip.” Conn. Gen. Stat. Ann.
24 § 53-202a; Conn. Gen. Stat. Ann. § 53-202c.

25 28. Attached hereto as **Exhibit 4** is a true and correct copy of Conn. Gen. Stat.
26 Ann. § 53-202a; Conn. Gen. Stat. Ann. § 53-202c.

27 29. **Maryland** makes it illegal to “possess, sell, offer to sell, transfer,
28

1 purchase, or receive an assault weapon” in the state. Md. Code Ann., Crim. Law
 2 § 4-303. Maryland defines “assault weapon” as “(1) an assault long gun; (2) an assault
 3 pistol; or (3) a copycat weapon.” Md. Code Ann., Crim. Law § 4-301(d). Maryland
 4 defines “assault long gun” and “assault pistol” by reference to two lists of specified
 5 firearms, “or their copies” (for long guns) and “or a copy” (for pistols).

6 30. Attached hereto as **Exhibit 5** is a true and correct copy of Md. Code Ann.,
 7 Crim. Law §§ 4-301(b)-(d), 4-303; and Md. Pub. Safety § 5-101(r)(2).

8 31. **Massachusetts** based its “assault weapon” ban on the federal ban from
 9 1994—the Public Safety and Recreational Firearms Use Protection Act, Pub. L. No.
 10 103-322, §§ 110101-06, 108 Stat. 1796, 1996-2010 (1994). Massachusetts law
 11 provides that, “No person shall sell, offer for sale, transfer or possess an assault weapon
 12 or a large capacity feeding device that was not otherwise lawfully possessed on
 13 September 13, 1994.” Mass. Gen. Laws Ann. ch. 140, § 131M.

14 32. Attached hereto as **Exhibit 6** is a true and correct copy of Mass. Gen.
 15 Laws Ann. ch. 140, § 131M.

16 33. **New Jersey** prohibits several dozen “assault firearms” by name, in
 17 addition to any firearm “substantially identical” to those listed by name. New Jersey
 18 also prohibits arms capable of accepting, a “semi-automatic shotgun with either a
 19 magazine capacity exceeding six rounds, a pistol grip, or a folding stock”; a “semi-
 20 automatic rifle with a fixed magazine capacity exceeding 10 rounds”; a “part or
 21 combination of parts designed or intended to convert a firearm into an assault firearm,
 22 or any combination of parts from which an assault firearm may be readily assembled
 23 if those parts are in the possession or under the control of the same person.”; and a
 24 “firearm with a bump stock attached.” N.J. Stat. Ann. § 2C:39-1w.

25 34. Attached hereto as **Exhibit 7** is a true and correct copy of N.J. Stat. Ann.
 26 § 2C:39-1w.

27 35. **New York** prohibits “assault weapons,” which it defines as “(a) a
 28

1 semiautomatic rifle that has an ability to accept a detachable magazine and has at least
 2 one of” a number of external features, like a “folding or telescoping stock” or “a pistol
 3 grip that protrudes conspicuously beneath the action of the weapon”; “(b) a
 4 semiautomatic shotgun that has at least one of” a separate list of external features, or
 5 “(c) a semiautomatic pistol that has an ability to accept a detachable magazine and has
 6 at least one of” a third list of external features; or “(d) a revolving cylinder shotgun.”
 7 N.Y. Penal Law § 265.00, 22.

8 36. Attached hereto as **Exhibit 8** is a true and correct copy of N.Y. Penal Law
 9 § 265.00, 22.

10 37. A few other states have restrictions, but not prohibitions, on similar
 11 semiautomatic, centerfire firearms with various features (*e.g.*, pistol grip,
 12 folding/collapsible stock, flash suppressors, vertical forward grip, etc.).

13 38. **Hawaii** bans “assault pistols,” but not “assault rifles.” Haw. Rev. Stat.
 14 Ann. § 134-8. “‘Assault pistol’ means a semiautomatic pistol that accepts a detachable
 15 magazine and has two or more” of a list of external features, including “[a]n
 16 ammunition magazine that attaches to the pistol outside of the pistol grip” and a
 17 “manufactured weight of fifty ounces or more when the pistol is unloaded.” Haw. Rev.
 18 Stat. Ann. §§ 134-1, 134-4.

19 39. Attached hereto as **Exhibit 9** is a true and correct copy of Haw. Rev. Stat.
 20 Ann. §§ 134-1, 134-4, and 134-8.

21 40. **Minnesota** applies some restrictions to “semiautomatic military-style
 22 assault weapons,” which are defined as any of a listed number of firearms and firearms
 23 that are similar enough to those expressly listed. Minn. Stat. Ann. § 624.712, subd. 7.
 24 In Minnesota, purchasers of “semiautomatic military-style assault weapons” can
 25 acquire a transferee permit, if they qualify. Minn. Stat. Ann. § 624.7131. If the
 26 purchaser does not have a permit, the firearms dealer must submit a report with law
 27 enforcement so law enforcement has an opportunity to conduct a background check
 28

1 before the transfer occurs. Minn. Stat. Ann. § 624.7132, subd. 1. Nondealers
2 (i.e., private transferors), however, can complete a transfer of a “semiautomatic
3 military-style assault weapon” without submitting such a report. *Id.* at subd. 12.

4 41. Attached hereto as **Exhibit 10** is a true and correct copy of Minn. Stat.
5 Ann. §§ 624.712, subd. 7; 624.7131; and 624.7132, subd. 1 and subd. 12.

6 42. **Virginia** limits the possession of “assault firearms” to citizens and
7 permanent residents over 18. Va. Code Ann. § 18.2-308.2:01. “‘Assault firearm’ means
8 any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles
9 by action of an explosion of a combustible material and is equipped . . . with a magazine
10 which will hold more than 20 rounds of ammunition or designed by the manufacturer
11 to accommodate a silencer or equipped with a folding stock.” Va. Code Ann. § 18.2-
12 308.2:2(G).

13 43. Attached hereto as **Exhibit 11** is a true and correct copy of Va. Code Ann.
14 §§ 18.2-308.2:01 and 18.2-308.2:2(G).

15 44. Law-abiding citizens may thus possess some semiautomatic rifles in all
16 50 states, and any semiautomatic rifle in 44 states. Forty-one states treat all
17 semiautomatic firearms the same as every other legal firearm, without any additional
18 restrictions, regardless of the features attached to the firearm.

19 45. All of these above-listed prohibitions and restrictions were implemented
20 relatively recently, with California becoming the first state to implement any kind of
21 “assault weapon” ban in 1989. California did not prohibit semiautomatic centerfire
22 firearms according to their features until approximately a decade later.

23 46. There is no federal ban or restriction on semiautomatic firearms. The 1994
24 Public Safety and Recreational Firearms Use Protection Act, otherwise known as the
25 1994 Federal Assault Weapons Ban, was in effect from 1994 to 2004. It was permitted
26 to expire under its sunset provision because it was widely regarded as having been
27 ineffective in reducing crime.

47. Compared to the hundreds of thousands of hand-held electrical weapons that were lawfully possessed in 45 states, and thus in common use according to the *Caetano* concurrence, tens of millions of the rifles California bans as “assault weapons” are lawfully possessed in at least 44 states, and some are lawfully possessed in more than that number (i.e., some firearms banned in California may be owned in Connecticut, Maryland, Massachusetts, New Jersey, or New York, like “[a] semiautomatic, centerfire rifle that has an overall length of less than 30 inches.” Cal. Penal Code § 30515(a)(3)).

48. The firearms prohibited in California are therefore widely owned and accepted as a legitimate means of self-defense across the country.

CONCLUSIONS

49. My research leads me to the following conclusions:

50. The arms banned by California are owned in far greater numbers than the electroshock weapons at issue in *Caetano*. All are lawful in nearly as many, and some are lawful in more, jurisdictions than the arms at issue in *Caetano*.

51. Because *Heller* and the *Caetano* concurrence perform the commonality analysis at the “sort,” “kind,” or “class” level, it is no answer say that California is targeting merely an unprotected subcategory of firearms. *Caetano*, 136 S. Ct. at 1031; *Heller*, 554 U.S. at 624, 627. In the instant case, it would be most consistent with *Heller* and the *Caetano* concurrence for the commonality analysis to focus on whether long guns are in common use.¹

¹ Analogizing to *Heller*, long guns are at the same level of generality as handguns. The next more-general level would be firearms. The next more-specific level would be rifles (the ban of which plaintiffs here are challenging). The more-specific level after that would be semiautomatic rifles.

Analogizing to *Caetano*, long guns are at the same level of generality as handheld electroshock weapons. The next more-general level would be electroshock weapons. The next more-specific level would be stun guns (the ban of which Ms. Caetano was challenging).

**EXHIBITS
TABLE OF CONTENTS**

<u>Exhibit</u>	<u>Description</u>	<u>Page(s)</u>
1	George A. Mocsary, Curriculum Vitae	0001-0008
2	Conn. Gen. Stat. § 53-202(a); and Conn. Gen. Stat. § 53-202(c)	0009-0015
3	Md. Criminal Law Code Ann. § 4-301; Md. Criminal Law Code Ann. § 4-303; and Md. Pub. Safety §5-101(r)(2).	0016-0023
4	Mass. Gen. Laws Ann. Ch. 140, § 131M	0024-0026
5	N.J. Stat. Ann. § 2C:39-1w	0027-0037
6	N.Y. Penal Law §265.00, 22	0038-0052
7	Haw. Rev. Stat. Ann §§ 134-1, 134-4, 134-8	0053-0058
8	Minn. Stat. Ann. §§ 624.172, subd. 7; 624.7131; and 624.7132, subd.1 and subd. 12	0059-0068
9	Va. Code Ann. §§ 18.2-308.2:01, 18.2-308.2:2(G)	0069-0075

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished to all participants by and through the CM/ECF system.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 15, 2021

s/ George M. Lee

George M. Lee