



Written by [James Heiser](#) on January 24, 2011

Judge Overturns Calif. Ammunition Law

The provisions of a 2009 law — AB 962 — were scheduled to go into effect at the beginning of February. [As reported previously for *The New American*](#), "The adoption of AB 962 on October 11, 2009 is one more of the grave betrayals of the rights of Californians to occur under the misguided leadership of [RINO Governor Arnold Schwarzenegger](#), who refused to veto the bill, despite his veto of similar legislation in 2004. Various legal challenges have been raised to provisions of the new law, but unless there is court action before the end of January, the law will go into effect February 1, 2011."



Fresno County Superior Court Judge Jeffrey Hamilton's ruling forbids AB 962 from going into effect because it was manifestly unconstitutional. [As reported by the Associated Press](#) last week:

Fresno County Superior Court Judge Jeffrey Hamilton's oral ruling covers key sections of that law that rely on a state code defining handgun ammunition as "principally for use in pistols, revolvers, and other firearms capable of being concealed," a definition he said was so vaguely written it was unconstitutional.

The judge's decision blocks the creation of a licensing and registration system governing ammunition sales, and prevents gunshops from taking buyers' fingerprints, elements of the law that were set to go into effect on Feb. 1.

Regulations in some California cities limiting ammo sales, including in Sacramento and Los Angeles, will not be affected.

In point of fact, the legislation was so poorly crafted it is hard to believe that it was able to pass in the first place — even in California. *The Legislative Counsel Digest* declared concerning the bill's provisions:

This bill would, subject to exceptions, commencing February 1, 2011, require handgun ammunition vendors to obtain a thumbprint and other information from ammunition purchasers, as specified. A violation of these provisions would be a misdemeanor....

The bill would provide, subject to exceptions, that commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face transaction, with the deliverer or transferor being provided bona fide evidence of identity of the purchaser or other transferee. A violation of these provisions would be a misdemeanor.

The nebulousness used in defining ammunition meant that a virtual ban on all ammunition sales to Californians was implied; after all, practically every modern rifle round has also been used in handguns. Furthermore, the restrictions on the sale of "ammunition" would have covered a great deal more than ammunition:



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For purposes of this subdivision, "ammunition" shall include, but not be limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. "Ammunition" does not include blanks.

The collection of fingerprints for every sale of ammunition would have accomplished nothing with regard to actually stopping crime; it would, for example, do nothing to hinder someone intent on committing a crime such as recently took place in Tucson, Arizona, where Jared Loughner allegedly bought his ammunition hours before shooting Rep. Gabrielle Giffords and numerous other victims. However, the collection of such information would have created a database for tracing the actions of law-abiding citizens. What would have happened if a computer program later developed by the State determined there was something "wrong" or "troubling" about a citizen's decision to purchase ammunition? If Americans are worried about what will happen if they buy "too much" pseudoephedrine, just wait till people who have never spent a day at a gun range start determining how much ammunition is "too much."

For the moment, Judge Hamilton's ruling has put a hold on such developments in California. Undoubtedly, those who oppose the Second Amendment of the U.S. Constitution will continue seeking to exploit the Tucson tragedy by pressing to further undermine the citizen's right of self-defense. However, when even California's Left wing find itself reined in on this fundamental right, perhaps there is still some hope for the rule of law.



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