

14-0319-cv

United States Court of Appeals *for the* Second Circuit

JUNE SHEW, STEPHANIE CYPHER, PETER OWENS, BRIAN MCCLAIN,
HILLER SPORTS, LLC, MD SHOOTING SPORTS, LLC, CONNECTICUT
CITIZENS' DEFENSE LEAGUE, COALITION OF CONNECTICUT
SPORTSMEN, RABBI MITCHELL ROCKLIN, STEPHEN HOLLY,

Plaintiffs-Appellants,

– v. –

DANNEL P. MALLOY, in his official capacity as Governor of the State of
Connecticut, KEVIN T. KANE, in his official capacity as Chief State's Attorney
of the State of Connecticut, REUBEN F. BRADFORD, in his official capacity as
Commissioner of the Connecticut Department of Emergency Services and Public

(For Continuation of Caption See Inside Cover)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

JOINT APPENDIX **Volume 5 of 10 (Pages A-1153 to A-1436)**

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magazines are not limited to military firearms, most traditional semiautomatic sporting firearms, designed to accommodate a detachable magazine, have a relatively small magazine capacity.²⁶

The working group emphasized that these characteristics had to be looked at as a whole to determine whether the overall configuration of each of the assault-type rifles under review placed the rifle fairly within the semiautomatic assault rifle type. The semiautomatic assault rifles shared all the above military assault rifle characteristics other than being machineguns.²⁷

The working group also addressed the scope of the term "sporting purposes." It concluded that the term should be given a narrow interpretation that focuses on the traditional sports of hunting and organized competitive target shooting. The working group made this determination by looking to the statute, its legislative history, applicable case law, the work of the FEP, and prior interpretations by ATF. In addition, the working group found that the reference to sporting purposes was intended to stand in contrast to military and law enforcement applications. Consequently, it determined that police/combat-type competitions should not be treated as sporting activities.²⁸

The working group then evaluated whether the semiautomatic assault rifle type of firearm is generally recognized as particularly suitable for or readily adaptable to traditional sporting applications. This examination took into account technical and marketing data, expert opinions, the recommended uses of the firearms, and information on the actual uses for which the weapons are employed in this country. The working group, however, did not consider criminal use as a factor in its analysis of the importability of this type of firearm.

After analyzing this information, the working group concluded that semiautomatic assault rifles are not a type of firearm generally recognized as particularly suitable for or readily adaptable to sporting purposes. Accordingly, the working group concluded that semiautomatic assault rifles should not be authorized for importation under section 925(d)(3). However, the working group found that some of the assault-type rifles under review (the Valmet Hunter and .22 rimfire caliber rifles), did not fall within the semiautomatic assault rifle type. In the case of the Valmet Hunter, the working group found that although it was based on the operating mechanism of the AK47 assault rifle, it had been substantially

²⁶ 1989 report at 6 (footnote omitted).

²⁷ The semiautomatic assault rifles were semiautomatic versions of machineguns.

²⁸ 1989 report at 9-11.

changed so that it was similar to a traditional sporting rifle.²⁹ Specifically, it did not have any of the military configuration features identified by the working group, except for the ability to accept a detachable magazine.

Following the 1989 study, ATF took the position that a semiautomatic rifle with any of the eight military configuration features identified in the 1989 report, other than the ability to accept a detachable magazine, failed the sporting purposes test and, therefore, was not importable.

Gun South, Inc. v. Brady

Concurrent with its work on the 1989 report, ATF was involved in litigation with Gun South, Inc. (GSI). In October 1988 and February 1989, ATF had granted GSI permits to import AUG-SA rifles. As mentioned previously, in March and April of 1989, ATF imposed a temporary suspension on the importation of rifles being reviewed in the 1989 study, which included the AUG-SA rifle. GSI filed suit in Federal court, seeking to prohibit the Government from interfering with the delivery of firearms imported under permits issued prior to the temporary suspension.

The court of appeals found that the Government had the authority to suspend temporarily the importation of GSI's AUG-SA rifles because the GCA "impliedly authorizes" such action.³⁰ In addition, the court rejected GSI's contention that the suspension was arbitrary and capricious because the AUG-SA rifle had not physically changed, explaining the argument "places too much emphasis on the rifle's structure for determining whether a firearm falls within the sporting purpose exception. While the Bureau must consider the rifle's physical structure, the [GCA] requires the Bureau to equally consider the rifle's use."³¹ In addition, the court found that ATF adequately had considered sufficient evidence before imposing the temporary suspension, citing evidence ATF had considered

demonstrating that semiautomatic assault-type rifles were being used with increasing frequency in crime.³²

²⁹ This finding reflects the fact that the operating mechanism of the AK47 assault rifle is similar to the operating mechanism used in many traditional sporting rifles.

³⁰ Gun South, Inc. v. Brady, 877 F.2d 858 (11th Cir. 1989). The court of appeals issued its ruling just days before the 1989 report was issued. However, the report was complete before the ruling was issued.

³¹ Id.

³² Id.

Although GSI sued ATF on the temporary suspension of its import permits, once the 1989 report was issued, no one pursued a lawsuit challenging ATF's determination that the semiautomatic assault rifles banned from importation did not meet the sporting purposes test.³³

Violent Crime Control and Law Enforcement Act of 1994

On September 13, 1994, Congress passed the Violent Crime Control and Law Enforcement Act of 1994,³⁴ which made it unlawful, with certain exceptions, to manufacture, transfer, or possess semiautomatic assault weapons as defined by the statute.³⁵ The statute defined semiautomatic assault weapons to include 19 named models of firearms (or copies or duplicates of the firearms in any caliber);³⁶ semiauto-matic rifles that have the ability to accept detachable magazines and have at least two of five features specified in the law; semiautomatic pistols that have the ability to accept detachable magazines and have at least two of five features specified in the law; and semiautomatic shotguns that have at least two of four features specified in the law.³⁷ However, Congress

³³ After the 1989 report was issued, Mitchell Arms, Inc. asserted takings claims against the Government based upon the suspension and revocation of four permits allowing for the importation of semiautomatic assault rifles and ATF's temporary moratorium on import permits for other rifles. The court found for the Government, holding the injury complained of was not redressable as a taking because Mitchell Arms did not hold a property interest within the meaning of the Just Compensation Clause of the Fifth Amendment. Mitchell Arms v. United States, 26 Cl. Ct. 1 (1992), aff'd, 7 F.3d 212 (Fed. Cir. 1993), cert. denied, 511 U.S. 1106 (1994).

³⁴ Pub. L. No. 103-22. Title XI, Subtitle A of this act may be cited as the "Public Safety and Recreational Firearms Use Protection Act."

³⁵ 18 U.S.C. section 922(v).

³⁶ Chapter 18 U.S.C. section 921(a)(30)(A) states that the term "semiautomatic assault weapon" means "any of the firearms, or copies or duplicates of the firearms in any caliber, known as -," followed by a list of named firearms. Even though section 921(a)(3) defines "firearm" as used in chapter 18 to mean, in part, "the frame or receiver of any such weapon," the use of "firearm" in section 921(a)(30)(A) has not been interpreted to mean a frame or receiver of any of the named weapons, except when the frame or receiver actually is incorporated in one of the named weapons.

Any other interpretation would be contrary to Congress' intent in enacting the assault weapon ban. In the House Report to the assault weapon ban, Congress emphasized that the ban was to be interpreted narrowly. For example, the report explained that the present bill was more tightly focused than earlier drafts which gave ATF authority to ban any weapon which "embodies the same configuration" as the named list of guns in section 921(a)(30)(A); instead, the present bill "contains a set of specific characteristics that must be present in order to ban any additional semiautomatic assault weapons [beyond the listed weapons]." H. Rep. 103-489 at 21.

³⁷ 18 U.S.C. section 921(a)(30).

exempted from the assault weapon ban any semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition and any semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine.³⁸

Although the 1994 law was not directly addressing the sporting purposes test in section 925(d)(3), section 925(d)(3) had a strong influence on the law's content. The technical work of ATF's 1989 report was, to a large extent, incorporated into the 1994 law. The House Report to the 1994 law explained that although the legal question of whether semiautomatic assault weapons met section 925(d)(3)'s sporting purposes test "is not directly posed by [the 1994 law], 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."³⁹ As in the 1989 study, Congress focused on the external features of firearms, rather than on their semiautomatic operating mechanism.

The 1994 law also made it unlawful to possess and transfer large capacity ammunition feeding devices manufactured after September 13, 1994.⁴⁰ A large capacity ammunition feeding device was generally defined as a magazine, belt, drum, feed strip, or similar device that has the capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition.⁴¹

Congress passed these provisions of the 1994 law in response to the use of semiautomatic assault weapons and large capacity ammunition feeding devices in crime. Congress had been presented with much evidence demonstrating that these weapons were "the weapons of choice among drug dealers, criminal gangs, hate groups, and mentally deranged persons bent on mass murder."⁴² The House Report to the 1994 law recounts numerous crimes that had occurred involving semiautomatic assault weapons and large capacity magazines that were originally designed and produced for military assault rifles.⁴³

³⁸ 18 U.S.C. sections 922(v)(3)(C)&(D).

³⁹ H. Rep. No. 103-489, at 17, n. 19.

⁴⁰ 18 U.S.C. section 922(w).

⁴¹ 18 U.S.C. section 921(a)(31).

⁴² H. Rep. No. 103-489, at 13.

⁴³ H. Rep. No. 103-489, at 14-15.

In enacting the semiautomatic assault weapon and large capacity ammunition feeding device bans, Congress emphasized that it was not preventing the possession of sporting firearms. The House Report, for example, stated that the bill differed from earlier bills in that "it is designed to be more tightly focused and more carefully crafted to clearly exempt legitimate sporting guns."⁴⁴ In addition, Congress specifically exempted 661 long guns from the assault weapon ban which are "most commonly used in hunting and recreational sports."⁴⁵

Both the 1994 law and its legislative history demonstrate that Congress recognized that ammunition capacity is a factor in determining whether a firearm is a sporting firearm. For example, large capacity ammunition feeding devices were banned, while rifles and shotguns with small ammunition capacities were exempted from the assault weapon ban. Moreover, the House Report specifically states that the ability to accept a large capacity magazine was a military configuration feature which was not "merely cosmetic," but "serve[d] specific, combat-functional ends."⁴⁶ The House Report also explains that, while "[m]ost of the weapons covered by the [ban] come equipped with magazines that hold 30 rounds [and can be replaced with magazines that hold 50 or even 100 rounds], . . . [i]n contrast, hunting rifles and shotguns typically have much smaller magazine capabilities--from 3-5."⁴⁷

Finally, it must be emphasized that the semiautomatic assault weapon ban of section 922(v) is distinct from the sporting purposes test governing imports of section 925(d)(3). Clearly, any weapon banned under section 922(v) cannot be imported into the United States because its possession in the United States would be illegal. However, it is possible that a weapon not defined as a semiautomatic assault weapon under section 922(v) still would not be importable under section 925(d)(3). In order to be importable, the firearm must be of a type generally recognized as particularly suitable for or readily adaptable to sporting purposes regardless of its categorization under section 922(v). The

Secretary's discretion under section 925(d)(3) remains intact for all weapons not banned by the 1994 statute.

The Present Review

Prior to the November 14, 1997, decision to conduct this review, certain members of

⁴⁴ H. Rep. No. 103-489, at 21.

⁴⁵ H. Rep. No. 103-489, at 20. None of these 661 guns are study rifles.

⁴⁶ H. Rep. No. 103-489, at 18.

⁴⁷ H. Rep. No. 103-489, at 19 (footnote omitted).

Congress strongly urged that it was necessary to review the manner in which the Treasury Department is applying the sporting purposes test to the study rifles, in order to ensure that the present practice is consistent with section 925(d)(3) and current patterns of gun use. The fact that it had been nearly 10 years since the last comprehensive review of the importation of rifles (with many new rifles being developed during this time) also contributed to the decision to conduct this review.

DEFINING THE TYPE OF WEAPON UNDER REVIEW

Section 925 (d) (3) provides that the Secretary shall authorize the importation of a firearm if it is of a "type" that meets the sporting purposes test. Given this statutory mandate, we had to determine whether the study rifles suspended from importation fell within one type of firearm. Our review of the study rifles demonstrated that all were derived from semiautomatic assault rifles that failed to meet the sporting purposes test in 1989 but were later found to be importable when certain military features were removed.

Within this group, we determined that virtually all of the study rifles shared another important feature: The ability to accept a detachable large capacity magazine (e.g., more than 10 rounds) that was originally designed and produced for one of the following military assault rifles: AK47, FN-FAL, HK91 or 93, SIG SG550, or Uzi. (This is the only military configuration feature cited in the 1989 study that remains with any of the study rifles).

We determined that all of the study rifles that shared both of these characteristics fell within a type of firearm which, for the purposes of this report, we call "large capacity military magazine rifles" or "LCMM rifles." It appears that only one study rifle, the VEPR caliber .308--which is based on the AK47 design--does not fall within this type because it does not have the ability to accept a large capacity military magazine.

SCOPE OF "SPORTING PURPOSES"

As in the 1989 study, we had to determine the scope of "sporting purposes" as used in section 925(d)(3). Looking to the statute, its legislative history, the work of the Firearms Evaluation Panel (see exhibit 6), and prior ATF interpretations, we determined sporting purposes should be given a narrow reading, incorporating only the traditional sports of hunting and organized competitive target shooting (rather than a broader interpretation that could include virtually any lawful activity or competition.)

In terms of the statute itself, the structure of the importation provisions suggests a somewhat narrow interpretation. Firearms are prohibited from importation (section 922(l)), with four specific exceptions (section 925(d)). A broad interpretation permitting a firearm to be imported because someone may wish to use it in some lawful shooting activity would render the general prohibition of section 922(l) meaningless.

Similarly, as discussed in the "Background" section, the legislative history of the GCA indicates that the term sporting purposes narrowly refers to the traditional sports of hunting and organized competitive target shooting. There is nothing in the history to indicate that it was intended to recognize every conceivable type of activity or competition that might employ a firearm.

In addition, the FEP specifically addressed the informal shooting activity of "plinking" (shooting at randomly selected targets such as bottles and cans) and determined that it was not a legitimate sporting purpose under the statute. The panel found that, "while many persons participate in this type of activity and much ammunition was expended in such endeavors, it was primarily a pastime and could not be considered a sport for the purposes of importation. . . ." (See exhibit 6.)

Finally, the 1989 report determined that the term sporting purposes should be given a narrow reading incorporating the traditional rifle sports of hunting and organized competitive target shooting. In addition, the report determined that the statute's reference to sporting purposes was intended to stand in contrast with military and law enforcement applications. This is consistent with ATF's interpretation in the context of the Striker-12 shotgun and the USAS-12 shotgun. It is also supported by the court's decision in Gilbert Equipment Co. v. Higgins.

We received some comments urging us to find "practical shooting" is a sport for the purposes of section 925(d)(3).⁴⁸ Further, we received information showing that practical shooting is gaining in popularity in the United States and is governed by an organization that has sponsored national events since 1989. It also has an international organization.

While some may consider practical shooting a sport, by its very nature it is closer to police/combat-style competition and is not comparable to the more traditional types of sports, such as hunting and organized competitive target shooting. Therefore, we are not convinced that practical shooting does, in fact, constitute a sporting purpose under section 925(d)(3).⁴⁹ However, even if we were to assume for the sake of argument that practical shooting is a sport for the purposes of the statute, we still would have to decide whether a firearm that could be used in practical shooting meets the sporting purposes test. In other words, it still would need to be determined whether the firearm is of a type that is generally recognized as particularly suitable for or readily adaptable to practical shooting and other sporting purposes.⁵⁰ Moreover, the legislative history makes clear that the use of a military weapon in a practical shooting competition would not make that weapon

⁴⁸ Practical shooting involves moving, identifying, and engaging multiple targets and delivering a number of shots rapidly. In doing this, practical shooting participants test their defensive skills as they encounter props, including walls and barricades, with full or partial targets, "no-shoots," steel reaction targets, movers, and others to challenge them.

⁴⁹ As noted earlier, ATF has taken the position that police/combat-style competitions do not constitute a "sporting purpose." This position was upheld in Gilbert Equipment Co., 709 F. Supp. at 1077.

⁵⁰ Our findings on the use and suitability of the LCMM rifles in practical shooting competitions are contained in the "Suitability for Sporting Purposes" section of this report.

sporting: “if a military weapon is used in a special sporting event, it does not become a sporting weapon. It is a military weapon used in a special sporting event.”⁵¹ While none of the LCMM rifles are military weapons, they still retain the military feature of the ability to accept a large capacity military magazine.

⁵¹ 114 Cong. Rec. 27461-462 (1968) (Sen. Dodd).

METHOD OF STUDY

As explained in the “Executive Summary” section of this report, the purpose of this study is to review whether modified semiautomatic assault rifles are properly importable under 18 U.S.C. section 925(d)(3). More specifically, we reexamined the conclusions of the 1989 report as applied today to determine whether we are correct to allow importation of the study rifles that have been modified by having certain military features removed. To determine whether such rifles are generally recognized as particularly suitable for or readily adaptable to sporting purposes, the Secretary must consider both the physical features of the rifles and the actual uses of the rifles.⁵² Because it appears that all of the study rifles that have been imported to date have the ability to accept a large capacity military magazine,⁵³ all of the information collected on the study rifles’ physical features and actual uses applies only to the LCMM rifles.

Physical features:

The discussion of the LCMM rifles’ physical features are contained in the “Suitability for Sporting Purposes” section of this report.

Use:

We collected relevant information on the use of the LCMM rifles. Although the 1989 study did not consider the criminal use of firearms in its importability analysis, legislative history demonstrates and the courts have found that criminal use is a factor that can be considered in determining whether a firearm meets the requirements of section 925(d)(3).⁵⁴ Accordingly, we decided to consider the criminal use of the LCMM rifles in the present analysis.

The term “generally recognized” in section 925(d)(3) indicates that the Secretary should base his evaluation of whether a firearm is of a type that is particularly suitable for or readily adaptable to sporting purposes, in part, on a “community standard” of the firearm’s use.⁵⁵ The community standard “may change over time even though the firearm remains the same. Thus, a changing pattern of use may significantly affect whether a firearm is generally recognized as particularly suitable for or readily adaptable to a sporting purpose.”⁵⁶ Therefore, to assist the Secretary in determining whether the LCMM rifles presently are of a type generally recognized as particularly suitable for or readily adaptable to sporting purposes, we gathered information from the relevant “community.” The relevant community was defined as persons and groups who are

⁵² Gun South, Inc., 877 F.2d at 866.

⁵³ The VEPR caliber .308 discussed on page 16 has not yet been imported.

⁵⁴ 114 Cong. Rec. S 5556, 5582, 5585 (1968)(“[t]he entire intent of the importation section [of the sporting purposes test] is to get those kinds of weapons that are used by criminals and have no sporting purposes”) (Sen. Dodd); Gun South, Inc., 877 F.2d at 866.

⁵⁵ Gun South, Inc., 877 F.2d at 866.

⁵⁶ Id.

knowledgeable about the uses of these firearms or have relevant information about whether these firearms are particularly suitable for sporting purposes. We identified more than 2,000 persons or groups we believed would be able to provide relevant, factual information on these issues. The individuals and groups were selected to obtain a broad range of perspectives on the issues. We conducted surveys to obtain specific information from hunting guides, editors of hunting and shooting magazines, organized competitive shooting groups, State game commissions, and law enforcement agencies and organizations. Additionally, we asked industry members, trade associations, and various interest and information groups to provide relevant information.⁵⁷ A detailed presentation of the surveys and responses is included as an appendix to this report.

We also reviewed numerous advertisements and publications, both those submitted by the editors of hunting and shooting magazines and those collected internally, in our search for material discussing the uses of the LCMM rifles. Further, we collected importation data, tracing data, and case studies.⁵⁸

Our findings on use are contained in the “Suitability for Sporting Purposes” section of this report.

⁵⁷ **Hunting guides:** Guides were asked about specific types of firearms used by their clients. The guides were an easily definable group, versus the entire universe of hunters. We obtained the names of the hunting guides surveyed from the States.

Editors of hunting and shooting magazines: Editors were surveyed to determine whether they recommended the LCMM rifles for hunting or organized competitive target shooting and whether they had written any articles on the subject. The list of editors we surveyed was obtained from a directory of firearms-related organizations.

Organized competitive shooting groups: Organized groups were asked whether they sponsored competitive events with high-power semiautomatic rifles and whether the LCMM rifles were allowed in those competitions. We felt it was significant to query those who are involved with organized events rather than unofficial activities with no specific rules or guidelines. As with the editors above, the list of groups was obtained from a directory of firearms-related organizations.

State game commissions: State officials were surveyed to determine whether the use of the LCMM rifles was prohibited or restricted for hunting in each State.

Law enforcement agencies and organizations: Specific national organizations and a sampling of 26 police departments across the country were contacted about their knowledge of the LCMM rifles' use in crime. The national organizations were surveyed with the intent that they would gather input from the wide range of law enforcement agencies that they represent or that they would have access to national studies on the subject.

Industry members and trade associations: These groups were included because of their knowledge on the issue.

Interest and information groups: These organizations were included because of their wide range of perspectives on the issue.

⁵⁸ To assist us with our review of the crime-related information we collected, we obtained the services of Garen J. Wintemute, MD, M.P.H. Director of the Violence Prevention Research Program, University of California, Davis, and Anthony A. Braga, Ph.D., J.F.K. School of Government, Harvard University.

SUITABILITY FOR SPORTING PURPOSES

The next step in our review was to evaluate whether the LCMM rifles, as a type, are generally recognized as particularly suitable for or readily adaptable to hunting and organized competitive target shooting.⁵⁹ The standard applied in making this determination is high. It requires more than a showing that the LCMM rifles may be used or even are sometimes used for hunting and organized competitive target shooting; if this were the standard, the statute would be meaningless. Rather, the standard requires a showing that the LCMM rifles are especially suitable for use in hunting and organized competitive target shooting.

As discussed in the “Method of Study” section, we considered both the physical features of the LCMM rifles and the actual uses of the LCMM rifles in making this determination.

Physical Features

The ability to accept a detachable large capacity magazine that was originally designed and produced for one of the following military assault rifles: AK47, FN-FAL, HK91 or 93, SIG SG550, or Uzi.

Although the LCMM rifles have been stripped of many of their military features, they all still have the ability to accept a detachable large capacity magazine that was originally designed and produced for one of the following military assault rifles: AK47, FN-FAL, HK91 and 93, SIG SG550, or Uzi; in other words, they still have a feature that was designed for killing or disabling an enemy. As the 1989 report explains:

Virtually all modern military firearms are designed to accept large, detachable magazines. This provides the soldier with a fairly large ammunition supply and the ability to rapidly reload. Thus, large capacity magazines are indicative of military firearms. While detachable magazines are not limited to military firearms, most traditional

⁵⁹ One commenter suggests that the Secretary has been improperly applying the “readily adaptable to sporting purposes” provision of the statute. Historically, the Secretary has considered the “particularly suitable for or readily adaptable to” provisions as one standard. The broader interpretation urged by the commenter would make the standard virtually unenforceable. If the Secretary allowed the importation of a firearm which is readily adaptable to sporting purposes, without requiring it actually to be adapted prior to importation, the Secretary would have no control over whether the adaptation actually would occur following the importation.

semiautomatic sporting firearms, designed to accommodate a detachable magazine, have a relatively small magazine capacity.⁶⁰

Thus, the 1989 report found the ability to accept a detachable large capacity magazine originally designed and produced for a military assault rifle was a military, not a sporting, feature. Nevertheless, in 1989 it was decided that the ability to accept such a large capacity magazine, in the absence of other military configuration features, would not be viewed as disqualifying for the purposes of the sporting purposes test. However, several important developments, which are discussed below, have led us to reevaluate the weight that should be given to the ability to accept a detachable large capacity military magazine in the sporting purposes test.

Most significantly, we must reevaluate the significance of this military feature because of a major amendment that was made to the GCA since the 1989 report was issued. In 1994, as discussed in the “Background” section of this report, Congress passed a ban on large capacity ammunition feeding devices and semiautomatic assault weapons.⁶¹ In enacting these bans, Congress made it clear that it was not preventing the possession of sporting firearms.⁶² Although the 1994 law was not directly addressing the sporting purposes test, section 925(d)(3) had a strong influence on the law’s content. As discussed previously, the technical work of ATF’s 1989 report was, to a large extent, incorporated into the 1994 law.

Both the 1994 law and its legislative history demonstrate that Congress found that ammunition capacity is a factor in whether a firearm is a sporting firearm. For example, large capacity ammunition feeding devices were banned, while rifles and shotguns with small ammunition capacities were exempted from the assault weapon ban. In other words, Congress found magazine capacity to be such an important factor that a semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition will not be banned, even if it contains all five of the assault

⁶⁰ 1989 report at 6 (footnote omitted). This was not the first time that ATF considered magazine capacity to be a relevant factor in deciding whether a firearm met the sporting purposes test. See Gilbert Equipment Co., 709 F. Supp. at 1089 (“the overall appearance and design of the weapon (especially the detachable box magazine . . .) is that of a combat weapon and not a sporting weapon.”)

⁶¹ The ban on large capacity ammunition feeding devices does not include any such device manufactured on or before September 13, 1994. Accordingly, there are vast numbers of large capacity magazines originally designed and produced for military assault weapons that are legal to transfer and possess (“grandfathered” large capacity military magazines). Presently these grandfathered large capacity military magazines fit the LCMM rifles.

⁶² See, for example, H. Rep. No. 103-489, at 21.

weapon features listed in the law. Moreover, unlike the assault weapon ban in which a detachable magazine and at least two physical features are required to ban a rifle, a large capacity magazine in and of itself is banned.

In addition, the House Report specifically states that the ability to accept a large capacity magazine is a military configuration characteristic that is not "merely cosmetic," but "serve[s] specific, combat-functional ends."⁶³ The House Report also explains that large capacity magazines

make it possible to fire a large number of rounds without re-loading, then to reload quickly when those rounds are spent. 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. . . . In contrast, hunting rifles and shotguns typically have much smaller magazine capabilities--from 3-5.⁶⁴

Congress specifically exempted 661 long guns from the assault weapon ban that are "most commonly used in hunting and recreational sports."⁶⁵ The vast majority of these long guns do not use large capacity magazines. Although a small number of the exempted long guns have the ability to accept large capacity magazines, only four of these exempted long guns were designed to accept large capacity military magazines.⁶⁶

The 1994 law also demonstrates Congress' concern about the role large capacity magazines and firearms with the ability to accept these large capacity magazines play in

⁶³ H. Rep. No. 103-489, at 18.

⁶⁴ H. Rep. No. 103-489, at 19 (footnote omitted). The fact that 12 States place a limit on the magazine capacity allowed for hunting, usually 5 or 6 rounds, is consistent with this analysis. (See exhibit 7).

⁶⁵ H. Rep. 103-489, at 20.

⁶⁶ These four firearms are the Iver Johnson M-1 carbine, the Iver Johnson 50th Anniversary M-1 carbine, the Ruger Mini-14 autoloading rifle (without folding stock), and the Ruger Mini Thirty rifle. All of these weapons are manufactured in the United States and are not the subject of this study. In this regard, it should also be noted that Congress can distinguish between domestic firearms and foreign firearms and impose different requirements on the importation of firearms. For example, Congress may ban the importation of certain firearms although similar firearms may be produced domestically. See, for example, B-West Imports v. United States, 75 F.3d 633 (Fed. Cir. 1996).

crime. The House Report for the bill makes reference to numerous crimes involving these magazines and weapons, including the following:⁶⁷

The 1989 Stockton, California, schoolyard shooting in which a gunman with a semiautomatic copy of an AK47 and 75-round magazines fired 106 rounds in less than 2 minutes. Five children were killed and twenty-nine adults and children were injured.

The 1993 shooting in a San Francisco, California, office building in which a gunman using 2 TEC DC9 assault pistols with 50-round magazines killed 8 people and wounded 6 others.

A 1993 shooting on the Long Island Railroad that killed 6 people and wounded 19 others. The gunman had a Ruger semiautomatic pistol, which he reloaded several times with 15-round magazines, firing between 30 to 50 rounds before he was overpowered.

The House Report also includes testimony from a representative of a national police officers' organization, which reflects the congressional concern with criminals' access to firearms that can quickly expel large amounts of ammunition:

In the past, we used to face criminals armed with a cheap Saturday Night Special that could fire off six rounds before [re]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 preservation. The six-shot .38 caliber service revolver, standard law enforcement issue for years, is just no match against a criminal armed with a semiautomatic assault weapon.⁶⁸

Accordingly, by passing the 1994 law, Congress signaled that firearms with the ability to accept detachable large capacity magazines are not particularly suitable for sporting purposes. Although in 1989 we found the ability to accept a detachable large capacity military magazine was a military configuration feature, we must give it more weight, given this clear signal from Congress.

The passage of the 1994 ban on large capacity magazines has had another effect. Under the 1994 ban, it generally is unlawful to transfer or possess a large capacity magazine

⁶⁷ H. Rep. No. 103-489, at 15 (two of these examples involve handguns).

⁶⁸ H. Rep. 103-489, at 13-14 (footnote omitted).

manufactured after September 13, 1994. Therefore, if we require the LCMM rifles to be modified so that they do not accept a large capacity military magazine in order to be importable, a person will not be able to acquire a newly manufactured large capacity magazine to fit the modified rifle. Thus, the modified rifle neither will be able to accept a grandfathered large capacity military magazine, nor can a new large capacity magazine be manufactured to fit it. Accordingly, today, making the ability to accept a large capacity military magazine disqualifying for importation will prevent the importation of firearms which have the ability to expel large amounts of ammunition quickly without reloading.

This was not the case in 1989 or prior to the 1994 ban.

It is important to note that even though Congress reduced the supply of large capacity military magazines by passing the 1994 ban, there are still vast numbers of grandfathered large capacity military magazines available that can be legally possessed and transferred. These magazines currently fit in the LCMM rifles. Therefore, the 1994 law did not eliminate the need to take further measures to prevent firearms imported into the United States from having the ability to accept large capacity military magazines, a nonsporting factor.

Another impetus for reevaluating the existing standard is the development of modified weapons. The 1989 report caused 43 different models of semiautomatic assault rifles to be banned from being imported into the United States. The effect of that determination was that nearly all semiautomatic rifles with the ability to accept detachable large capacity military magazines were denied importation. Accordingly, at the time, there was no need for the ability to accept such a magazine to be a determining factor in the sporting purposes test. This is no longer the case. As discussed earlier, manufacturers have modified the semiautomatic assault rifles disallowed from importation in 1989 by removing all of their military configuration features, except for the ability to accept a detachable magazine. As a result, semiautomatic rifles with the ability to accept detachable large capacity military magazines (and therefore quickly expel large amounts of ammunition) legally have been entering the United States in significant numbers. Accordingly, the development of these modified weapons necessitates reevaluating our existing standards.

Thus, in order to address Congress' concern with firearms that have the ability to expel large amounts of ammunition quickly, particularly in light of the resumption of these weapons coming into the United States, the ability to accept a detachable large capacity military magazine must be given greater weight in the sporting purposes analysis of the LCMM rifles than it presently receives.⁶⁹

⁶⁹ A firearm that can be easily modified to accept a detachable large capacity military magazine with only minor adjustments to the firearm or the magazine is considered to be a firearm with the ability to accept these magazines. The ROMAK4 is an example of such a firearm: With minor modifications to either the

Derived from semiautomatic assault rifles that failed to meet the sporting purposes test in 1989 but were later found importable when certain military features were removed.

All rifles that failed to meet the sporting purposes test in 1989 were found to represent a distinctive type of rifle distinguished by certain general characteristics that are common to the modern military assault rifle. Although the LCMM rifles are based on rifle designs excluded from importation under the 1989 standard, they all were approved for import when certain military features were removed. However, the LCMM rifles all still maintain some characteristics common to the modern military assault rifle. Because the outward appearance of most of the LCMM rifles continues to resemble the military assault rifles from which they are derived, we have examined the issue of outward appearance carefully. Some might prefer the rugged, utilitarian look of these rifles to more traditional sporting guns. Others might recoil from using these rifles for sport because of their nontraditional appearance. In the end, we concluded that appearance alone does not affect the LCMM rifles' suitability for sporting purposes. Available information leads us to believe that the determining factor for their use in crime is the ability to accept a detachable large capacity military magazine.

Use

In the 1989 study, ATF found that all rifles fairly typed as semiautomatic assault rifles should be treated the same. Accordingly, the report stated "[t]he fact that there may be some evidence that a particular rifle of this type is used or recommended for sporting purposes should not control its importability. Rather, all findings as to suitability of these rifles as a whole should govern each rifle within this type."⁷⁰ We adopt the same approach for the present study.

Use for hunting:

The information we collected on the actual use of the LCMM rifles for hunting medium or larger game suggests that, with certain exceptions, the LCMM rifles sometimes are used for hunting; however, their actual use in hunting is limited.⁷¹ In fact, there are some

firearm or a large capacity magazine that was originally designed and produced for a semiautomatic assault rifle based on the AK47 design, the ROMAK4 has the ability to accept the magazine.

⁷⁰ 1989 report at 11.

⁷¹ We targeted the surveys toward the hunting of medium and larger game (e.g., turkey and deer) because the LCMM rifles chamber centerfire cartridges and therefore likely would be most suitable for hunting this type of game. We also learned that the LCMM rifles were used to shoot certain varmints (e.g., coyotes and groundhogs), which are generally considered to be pests, not game. Many commented that the LCMM

general restrictions and prohibitions on the use of any semiautomatic rifle for hunting game. Almost half of the States place restrictions on the use of semiautomatic rifles in hunting, mostly involving magazine capacity (5-6 rounds) and what can be hunted with the rifles (see exhibit 7).

Of the 198 hunting guides who responded to our survey, only 26 stated that they had clients who used the LCMM rifles on hunting trips during the past 2 hunting seasons and only 10 indicated that they recommend the LCMM rifles for hunting. In contrast, the vast majority of the guides (152) indicated that none of their clients used the LCMM rifles on hunting trips during the past 2 hunting seasons. In addition, the hunting guides indicated that the most common semiautomatic rifles used by their clients were those made by Browning and Remington.⁷² We found significant the comments of the hunting guides indicating that the LCMM rifles were not widely used for hunting.

Of the 13 editors of hunting and shooting magazines who responded to our survey, only 2 stated that their publications recommend specific types of centerfire semiautomatic rifles for use in hunting medium or larger game. These two respondents stated that they recommend all rifles that are safe and of appropriate caliber for hunting, including the LCMM rifles. However, they did not recommend the LCMM rifles based on the Uzi design for hunting big game; these rifles use a 9mm cartridge, which is not an appropriate caliber for this type of game, according to the editors. It is important to note that the LCMM rifles use different cartridges. The LCMM rifles based on the FN-FAL, SIG SG550, and HK91 and 93 designs are chambered for either the .308 Winchester cartridge or the .223 Remington cartridge, depending on the specific model; the LCMM rifles based on the Uzi design are chambered for the 9mm Parabellum cartridge; and the majority of the LCMM rifles based on the AK47 design are chambered for the 7.62 x 39mm cartridge (some are chambered for the .223 Remington cartridge).

Of the five interest and information groups that responded to our survey, three supported the use of the LCMM rifles for hunting. However, one of these groups stated that the

rifles were particularly useful on farms and ranches because of their ruggedness, utilitarian design, and reliability.

⁷² According to a 1996 study conducted for the Fish and Wildlife Service, only 2 percent of big game hunters surveyed used licensed hunting guides. Therefore, it should be noted that the information provided by the guides we surveyed may not be representative of all hunters. However, we believe that the hunting guides' information is reliable and instructive because of their high degree of experience with and knowledge of hunting.

ammunition used by the LCMM rifle models based on the Uzi design were inadequate for shooting at long distances (i.e., more than 100 yards).

Out of the 70 published articles reviewed from various shooting magazines, only 5 contained relevant information. One of these five articles stated that, in the appropriate calibers, the LCMM rifles could make “excellent” hunting rifles. Two of the articles stated that the 7.62 x 39mm cartridge (used in LCMM rifles based on the AK47 design) could be an effective hunting cartridge. One of the articles that recommended the rifles also recommended modifications needed to improve their performance in hunting. None of the articles suggested that LCMM rifles based on the Uzi design were good hunting rifles. Thus, although the LCMM rifles could be used in hunting, the articles provided limited recommendations for their use as hunting weapons.

In their usage guides, ammunition manufacturers recommend the .308 and the 7.62 x 39mm cartridges (used in LCMM rifles based on the FN-FAL and HK 91 designs, and the AK47 design respectively) for medium game hunting. However, the usage guides do not identify the 9mm cartridge (used in the Uzi design rifles) as being suitable for hunting.

A majority of the importers who provided information said that the LCMM rifles they import are used for hunting deer and similar animals. However, they provided little evidence that the rifles were especially suitable for hunting these animals. Two of the importers who responded also provided input from citizens in the form of letters supporting this position. The letters show a wide variety of uses for the LCMM rifles, including deer hunting, plinking, target shooting, home defense, and competitive shooting.

Our review of all of this information indicates that while these rifles are used for hunting medium and larger game, as well as for shooting varmints, the evidence was not persuasive that there was widespread use for hunting. We did not find any evidence that the ability to accept a large capacity military magazine serves any hunting purpose. Traditional hunting rifles have much smaller magazine capabilities. Furthermore, the mere fact that the LCMM rifles are used for hunting does not mean that they are particularly suitable for hunting or meet the test for importation.

Use for organized competitive target shooting:

Of the 31 competitive shooting groups we surveyed that stated they have events using high-power semiautomatic rifles, 18 groups stated that they permit the use of the LCMM rifles for all competitions. However, 13 respondents stated that they restrict or prohibit the LCMM rifles for some competitions, and one group stated that it prohibits the LCMM

rifles for all competitions. These restrictions and prohibitions generally were enacted for the following reasons:

1. High-power rifle competitions generally require accuracy at ranges beyond the capabilities of the 9mm cartridge, which is used by the LCMM rifles based on the Uzi design.
2. The models based on the AK47 design are limited to competitions of 200 yards or less because the 7.62 x 39mm cartridge, which is used by these models, generally has an effective range only between 300 and 500 yards.
3. Certain matches require U.S. military service rifles, and none of the LCMM rifles fall into this category.

The LCMM rifles are permitted in all United States Practical Shooting Association (USPSA) rifle competitions. The USPSA Practical Shooting Handbook, Glossary of Terms, states that “[y]ou can use any safe firearm meeting the minimum caliber (9mm/.38) and power factor (125PF) requirements.” The USPSA has stated that “rifles with designs based on the AR15, AK47, FN-FAL, HK91, HK93, and others are allowed and must be used to be competitive.” Moreover, we received some information indicating that the LCMM rifles actually are used in practical shooting competitions.⁷³ However, we did not receive any information demonstrating that an LCMM rifle’s ability to accept large capacity military magazines was necessary for its use in practical shooting competitions.

A couple of the interest groups recommended the LCMM rifles for organized competitive target shooting.

None of the 70 published articles read mentioned the use of the LCMM rifles in organized competitive target shooting.

All of the major ammunition manufacturers produce .308 Winchester ammunition (which is used in the LCMM rifle models based on the HK 91 and FN-FAL designs) and .223 Remington ammunition (which is used in the HK 93, the SIG SG550, and some of the study rifle models based on the AK47 design) specifically for competitive shooting for rifles. The major manufacturers and advertisers of 9mm ammunition (which is used in the LCMM rifles based on the Uzi design) identify it as being suitable for pistol target shooting and self-defense.

⁷³ Merely because a rifle is used in a sporting competition, the rifle does not become a sporting rifle. 114 Cong. Rec. 27461-462 (1968).

A majority of the importers who provided information stated that the LCMM rifles they import are permitted in and suitable for organized competitive target shooting. Two of the importers who responded also provided input from citizens in the form of letters and petitions supporting this position. However, the importers provided little evidence that the rifles were especially suitable for organized competitive target shooting.

The information collected on the actual use of the LCMM rifles for organized competitive target shooting suggests that, with certain exceptions, the LCMM rifles usually may be used and sometimes are used for organized competitive target shooting; however, their suitability for this activity is limited. In fact, there are some restrictions and prohibitions on their use. The use of the rifles in competitive target shooting appears more widespread than for hunting and their use for practical shooting was the most significant. Although we are not convinced that practical shooting does in fact constitute a sporting purpose under section 925(d), we note that there was no information demonstrating that rifles with the ability to accept detachable large capacity military magazines were necessary for use in practical shooting. Once again, the presence of this military feature on LCMM rifles suggests that they are not generally recognized as particularly suitable for or readily adaptable to sporting purposes.

Use in crime:

To fully understand how the LCMM rifles are used, we also examined information available to us on their use in crime. Some disturbing trends can be identified, and it is clear the LCMM rifles are attractive to criminals.

The use of LCMM rifles in violent crime and firearms trafficking is reflected in the cases cited below. It should be noted that the vast majority of LCMM rifles imported during the period 1991-1997 were AK47 variants, which explains their prevalence in the cited cases.

North Philadelphia, Pennsylvania

From April 1995 to November 1996, a convicted felon used a straw purchaser to acquire at least 55 rifles, including a number of MAK90s. The rifles were then trafficked by the prohibited subject to individuals in areas known for their high crime rates. In one case, the rifles were sold from the parking lot of a local elementary school.

Oakland, California

On July 8, 1995, a 32-year-old Oakland police officer assisted a fellow officer with a vehicle stop in a residential area. As the first officer searched the rear compartment of the stopped vehicle, a subject from a nearby residence used a Norinco model NMH 90 to shoot the 32-year old officer in the back. The officer later died from the wound.

El Paso, Texas

On April 15, 1996, after receiving information from the National Tracing Center, ATF initiated an undercover investigation of a suspected firearms trafficker who had purchased 326 MAK90 semiautomatic rifles during a 6-month period. The individual was found to be responsible for illegally diverting more than 1,000 firearms over the past several years. One of the MAK90 rifles that the subject had purchased was recovered from the scene of a 1996 shootout in Guadalajara, Mexico, between suspected drug traffickers and Mexican authorities. Another MAK90 was recovered in 1997 from the residence of a former Mexican drug kingpin following his arrest for drug-related activities.

Charlotte, North Carolina

On May 24, 1996, four armed subjects—one with a MAK90 rifle—carried out a home invasion robbery during which they killed the resident with a 9mm pistol. All four suspects were arrested.

Dallas, Texas

In September 1997, an investigation was initiated on individuals distributing crack cocaine from a federally subsidized housing community. During repeated undercover purchases of the narcotics, law enforcement officials noticed that the suspects had firearms in their possession. A search warrant resulted in the seizure of crack cocaine, a shotgun, and a North China Industries model 320 rifle.

Chesterfield, Virginia

In November 1997, a MAK90 rifle was used to kill two individuals and wound three others at a party in Chesterfield, Virginia.

Orange, California

In December 1997, a man armed with an AKS 762 rifle and two other guns drove to where he was previously employed and opened fire on former coworkers, killing four and injuring three, including a police officer.

Baltimore, Maryland

In December 1997, a search warrant was served on a homicide suspect who was armed at the time with three pistols and a MAK90 rifle.

We also studied import and trace information to learn whether the LCMM rifles are used in crime.

Between 1991 and 1997, there were 425,114 LCMM rifles imported into the United States. This represents 7.6 percent of the approximately 5 million rifles imported during this period. The breakdown of the specific variants of LCMM rifles imported follows:

AK-47 variants:	377,934
FN-FAL variants:	37,534
HK variants:	6,495
Uzi variants:	3,141
SIG SG550 variants:	10

During this same time period, ATF traced 632,802 firearms.⁷⁴ This included 81,842 rifles of which approximately 3,176 were LCMM rifles.⁷⁵ While this number is relatively low compared to the number of total traces, it must be viewed in light of the small number of LCMM rifles imported during this time period and the total number of rifles, both imported domestic, that were available in the United States. A more significant trend is reflected in figure 1.

⁷⁴ ATF traces crime guns recovered and submitted by law enforcement officials. A crime gun is defined, for purposes of firearms tracing, as any firearm that is illegally possessed, used in a crime, or suspected by law enforcement of being used in a crime. Trace information is used to establish links between criminals and firearms, to investigate illegal firearm trafficking, and to identify patterns of crime gun traces by jurisdiction. A substantial number of firearms used in crime are not recovered by law enforcement agencies and therefore not traced. In addition, not all recovered crime guns are traced. Therefore, trace requests substantially underestimate the number of firearms involved in crimes, and trace numbers contain unknown statistical biases. These problems are being reduced as more law enforcement agencies institute policies of comprehensive crime gun tracing.

⁷⁵ The vast majority of LCMM rifles traced during this time period were AK47 variants. Specifically, AK47 variants comprised 95.6 percent of the LCMM rifles traced. This must be viewed within the context that 88 percent of the LCMM rifles imported during this period were AK47 variants.

Firearms Traces 1991-1997

Year	Total Firearms Traced	Total Rifles Traced	Total Assault ⁷⁶ Rifles Traced	Total LCMM Rifles Traced
1991	42,442	6,196	656	7
1992	45,134	6,659	663	39
1993	54,945	7,690	852	182
1994	83,137	9,201	735	596
1995	76,847	9,988	717	528
1996	136,062	17,475	1,075	800
1997	194,235	24,633	1,518	1,024
Cumulative Total	632,802	81,842	6,216	3,176

Figure 1

The figures in this table show that between 1991 and 1994, trace requests involving LCMM rifles increased rapidly, from 7 to 596. During the same period, trace requests for assault rifles increased at a slower rate, from 656 to 735. The years 1991 to 1994 are significant because they cover a period between when the ban on the importation of semiautomatic assault rifles was imposed and before the September 13, 1994, ban on semiautomatic assault weapons was enacted. Thus, during the years leading up to the 1994 ban, traces of LCMM rifles were increasing much more rapidly than the traces of the rifles that had been the focus of the 1989 ban, as well as the rifles that were the focus of the 1994 congressional action.

We also compared patterns of importation with trace requests to assess the association of LCMM rifles with criminal involvement. The comparison shows that importation of LCMM rifles in the early 1990s was followed immediately by a rapid rise in the number of trace requests involving LCMM rifles. This is shown in figures 2 and 3.

⁷⁶ For purposes of this table, assault rifles include (1) semiautomatic assault rifles banned from importation in 1989 but still available domestically because they had been imported into the United States prior to the ban, (2) domestically produced rifles that would not have qualified for importation after 1989, and (3) semiautomatic assault rifles that were banned in 1994.

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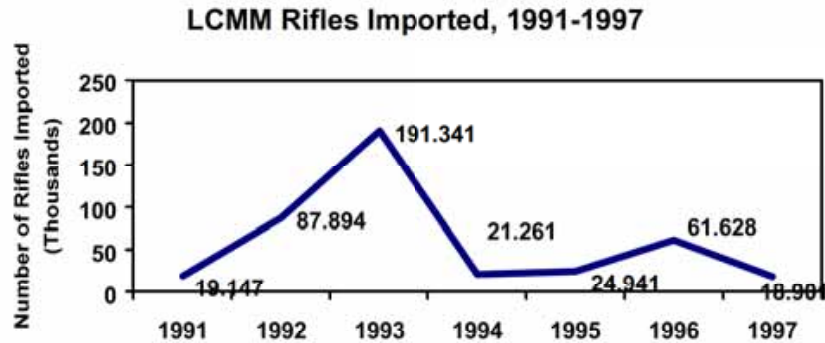


Figure 2

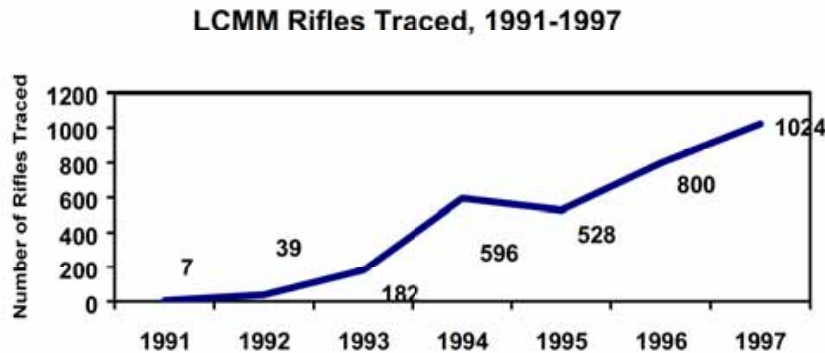


Figure 3

Two aspects of the relationship between importation and trace request patterns are significant. First, the rapid rise in traces following importation indicates that, at least in some cases, very little time elapsed between a particular LCMM rifle's importation and its recovery by law enforcement. This time lapse is known as "time to crime." A short time to crime can be an indicator of illegal trafficking. Therefore, trace patterns suggest what the case examples show: LCMM rifles have been associated with illegal trafficking. Second, while LCMM rifles have not been imported in large numbers since 1994,⁷⁷ the number of trace requests for LCMM rifles continues to rise. This reflects a sustained and

⁷⁷ One reason is that there has been an embargo on the importation of firearms from China since May 1994.

continuing pattern of criminal association for LCMM rifles despite the fact that there were fewer new LCMM rifles available.⁷⁸ Moreover, it is reasonable to conclude that if the importation of LCMM rifles resumes, the new rifles would contribute to the continuing rise in trace requests for them.⁷⁹

All of the LCMM rifles have the ability to accept a detachable large capacity military magazine. Thus, they all have the ability to expend large amounts of ammunition quickly. In passing the 1994 ban on semiautomatic assault rifles and large capacity ammunition feeding devices, Congress found that weapons with this ability are attractive to criminals.⁸⁰ Thus, we can infer that the LCMM rifles may be attractive to criminals because in some ways they remain akin to military assault rifles, particularly in their ability to accept a detachable large capacity military magazine.

⁷⁸ The increase in trace requests also reflects the fact that law enforcement officials were making trace requests for all types of firearms much more frequently beginning in 1996. There were 76,847 trace requests in 1995, 136,062 trace requests in 1996, and 194,235 trace requests in 1997. Traces for assault rifles were increasing by approximately the same percentage as traces for LCMM rifles during these years.

⁷⁹ In addition to looking at case studies and tracing and import information, we attempted to get information on the use of the LCMM rifles in crime by surveying national law enforcement agencies and organizations, as well as metropolitan police departments. Twenty-three national law enforcement agencies and organizations were surveyed and five responded. Three of the respondents stated they had no information. The other two provided information that was either outdated or not specific enough to identify the LCMM rifles.

The 26 metropolitan police departments surveyed provided the following information:

- 17 departments had no information to provide.
- 5 departments stated that the LCMM rifles were viewed as crime guns.
- 1 department stated that the LCMM rifles were nonsporting.
- 2 departments stated that the LCMM rifles were used to hunt coyotes in their areas.
- 1 department stated that the LCMM rifles were used for silhouette target shooting.

⁸⁰ H. Rep. No. 103-489, at 13, 18, 19.

DETERMINATION

In 1989, ATF determined that the type of rifle defined as a semiautomatic assault rifle was not generally recognized as particularly suitable for or readily adaptable to sporting purposes. Accordingly, ATF found that semiautomatic assault rifles were not importable into the United States. This finding was based, in large part, on ATF's determination that semiautomatic assault rifles contain certain general characteristics that are common to the modern military assault rifle. These characteristics were designed for killing and disabling the enemy and distinguish the rifles from traditional sporting rifles. One of these characteristics is a military configuration, which incorporates eight physical features: Ability to accept a detachable magazine, folding/telescoping stocks, separate pistol grips, ability to accept a bayonet, flash suppressors, bipods, grenade launchers, and night sights. In 1989, ATF decided that any of these military configuration features, other than the ability to accept a detachable magazine, would make a semiautomatic assault rifle not importable.

Certain semiautomatic assault rifles that failed the 1989 sporting purposes test were modified to remove all of the military configuration features, except for the ability to accept a detachable magazine. Significantly, most of these modified rifles not only still have the ability to accept a detachable magazine but, more specifically, still have the ability to accept a large capacity military magazine. It appears that only one of the current study rifles, the VEPR caliber .308 (an AK47 variant), does not have the ability to accept a large capacity military magazine and, therefore, is not an LCMM rifle. Based on the standard developed in 1989, these modified rifles were found not to fall within the semiautomatic assault rifle type and were found to meet the sporting purposes test. Accordingly, these rifles were approved for import into the United States.

Members of Congress and others have expressed concerns that these modified semiautomatic assault rifles are essentially the same as the semiautomatic assault rifles determined to be not importable in 1989. In response to such concerns, the present study reviewed the current application of the sporting purposes test to the study rifles to determine whether the statute is being applied correctly and to ensure that the current use of the study rifles is consistent with the statute's criteria for importability.

Our review took another look at the entire matter. We reexamined the basic tenets of the 1989 study, conducted a new analysis of the physical features of the rifles, surveyed a wide variety of sources to acquire updated information relating to use and suitability, and assessed changes in law that might have bearing on the treatment of the study rifles.

This review has led us to conclude that the basic finding of the 1989 decision remains valid and that military-style semiautomatic rifles are not importable under the sporting purposes standard. Accordingly, we believe that the Department of the Treasury correctly has been denying the importation of rifles that had any of the distinctly military

configuration features identified in 1989, other than the ability to accept a detachable magazine. Our review, however, did result in a finding that the ability to accept a detachable large capacity magazine originally designed and produced for a military assault weapon should be added to the list of disqualifying military configuration features identified in 1989.

Several important changes have occurred since 1989 that have led us to reevaluate the importance of this feature in the sporting purposes test. Most significantly, by passing the 1994 bans on semiautomatic assault weapons and large capacity ammunition feeding devices, Congress sent a strong signal that firearms with the ability to expel large amounts of ammunition quickly are not sporting; rather, firearms with this ability have military purposes and are a crime problem. The House Report to the 1994 law emphasizes that the ability to accept a large capacity magazine “serve[s] specific, combat-functional ends.”⁸¹ Moreover, this ability plays a role in increasing a firearm’s “capability for lethality,” creating “more wounds, more serious, in more victims.”⁸² Furthermore, the House Report noted semiautomatic assault weapons with this ability are the “weapons of choice among drug dealers, criminal gangs, hate groups, and mentally deranged persons bent on mass murder.”⁸³

Moreover, we did not find any evidence that the ability to accept a detachable large capacity military magazine serves any sporting purpose. The House Report to the 1994 law notes that, while most of the weapons covered by the assault weapon ban come equipped with detachable large capacity magazines, hunting rifles and shotguns typically have much smaller magazine capacities, from 3 to 5 rounds.⁸⁴ Similarly, we found that a number of States limit magazine capacity for hunting to 5 to 6 rounds. We simply found no information showing that the ability to accept a detachable large capacity military magazine has any purpose in hunting or organized competitive target shooting.

Accordingly, we find that the ability to accept a detachable large capacity military magazine is a critical factor in the sporting purposes test that must be given the same weight as the other military configuration features identified in 1989.

The information we collected on the use and suitability of the LCMM rifles for hunting and organized competitive target shooting demonstrated that the rifles are not especially suitable for sporting purposes. Although our study found that the LCMM rifles, as a type, may sometimes be used for hunting, we found no evidence that they are commonly used for hunting. In fact, some of the rifles are unsuitable for certain types of hunting.

⁸¹ H. Rep. No. 103-489, at 18.

⁸² H. Rep. No. 103-489, at 19.

⁸³ H. Rep. No. 103-489, at 13.

⁸⁴ H. Rep. No. 103-489, at 19 (footnote omitted).

The information we collected also demonstrated that although the LCMM rifles, as a type, may be used for organized competitive target shooting, their suitability for these competitions is limited. There are even some restrictions or prohibitions on their use for certain types of competitions. In addition, we believe that all rifles which are fairly typed as LCMM rifles should be treated the same. Therefore, the fact that there may be some evidence that a particular rifle of this type is used or recommended for sporting purposes should not control its importability. Rather, all findings as to suitability of LCMM rifles as a whole should govern each rifle within this type. The findings as a whole simply did not satisfy the standard set forth in section 925(d)(3).

Finally, the information we gathered demonstrates that the LCMM rifles are attractive to certain criminals. We find that the LCMM rifles' ability to accept a detachable large capacity military magazine likely plays a role in their appeal to these criminals. In enacting the 1994 bans on semiautomatic assault weapons and large capacity ammunition feeding devices, Congress recognized the appeal large magazine capacity has to the criminal element.

Weighing all this information, the LCMM rifles, as a type, are not generally recognized as particularly suitable for or readily adaptable to sporting purposes. As ATF found in conducting its 1989 study, although some of the issues we confronted were difficult to resolve, in the end we believe the ultimate conclusion is clear and compelling. The ability of all of the LCMM rifles to accept a detachable large capacity military magazine gives them the capability to expel large amounts of ammunition quickly; this serves a function in combat and crime, but serves no sporting purpose. Given the high standard set forth in section 925(d)(3) and the Secretary's discretion in applying the sporting purposes test, this conclusion was clear.

This decision will in no way preclude the importation of true sporting firearms. It will prevent only the importation of firearms that cannot fairly be characterized as sporting rifles.

Individual importers with existing permits for, and applications to import involving, the LCMM rifles will be notified of this determination in writing. Each of these importers will be given an opportunity to respond and present additional information and arguments. Final action will be taken on permits and applications only after an affected importer has an opportunity to make its case.

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Exhibit 1

THE WHITE HOUSE
WASHINGTON

November 14, 1997

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

SUBJECT: Importation of Modified Semiautomatic
Assault-Type Rifles

The Gun Control Act of 1968 restricts the importation of firearms unless they are determined to be particularly suitable for or readily adaptable to sporting purposes. In 1989, the Department of the Treasury (the Department) conducted a review of existing criteria for applying the statutory test based on changing patterns of gun use. As a result of that review, 43 assault-type rifles were specifically banned from importation. However, manufacturers have modified many of those weapons banned in 1989 to remove certain military features without changing their essential operational mechanism. Examples of such weapons are the Galil and the Uzi.

In recent weeks Members of Congress have strongly urged that it is again necessary to review the manner in which the Department is applying the sporting purposes test, in order to ensure that the agency's practice is consistent with the statute and current patterns of gun use. A letter signed by 30 Senators strongly urged that modified assault-type weapons are not properly importable under the statute and that I should use my authority to suspend temporarily their importation while the Department conducts an intensive, expedited review. A recent letter from Senator Dianne Feinstein emphasized again that weapons of this type are designed not for sporting purposes but for the commission of crime. In addition, 34 Members of the House of Representatives signed a letter to Israeli Prime Minister Binyamin Netanyahu requesting that he intervene to stop all sales of Galils and Uzis into the United States. These concerns have caused the Government of Israel to announce a temporary moratorium on the exportation of Galils and Uzis so that the United States can review the importability of these weapons under the Gun Control Act.

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The number of weapons at issue underscores the potential threat to the public health and safety that necessitates immediate action. Firearms importers have obtained permits to import nearly 600,000 modified assault-type rifles. In addition, there are pending before the Department applications to import more than 1 million additional such weapons. The number of rifles covered by outstanding permits is comparable to that which existed in 1989 when the Bush Administration temporarily suspended import permits for assault-type rifles. The number of weapons for which permits for importation are being sought through pending applications is approximately 10 times greater than in 1989. The number of such firearms for which import applications have been filed has skyrocketed from 10,000 on October 9, 1997, to more than 1 million today.

My Administration is committed to enforcing the statutory restrictions on importation of firearms that do not meet the sporting purposes test. It is necessary that we ensure that the statute is being correctly applied and that the current use of these modified weapons is consistent with the statute's criteria for importability. This review should be conducted at once on an expedited basis. The review is directed to weapons such as the Uzi and Galil that failed to meet the sporting purposes test in 1989, but were later found importable when certain military features were removed. The results of this review should be applied to all pending and future applications.

The existence of outstanding permits for nearly 600,000 modified assault-type rifles threatens to defeat the purpose of the expedited review unless, as in 1989, the Department temporarily suspends such permits. Importers typically obtain authorization to import firearms in far greater numbers than are actually imported into the United States. However, gun importers could effectively negate the impact of any Department determination by simply importing weapons to the maximum amount allowed by their permits. The public health and safety require that the only firearms allowed into the United States are those that meet the criteria of the statute.

Accordingly, as we discussed, you will:

- 1) Conduct an immediate expedited review not to exceed 120 days in length to determine whether modified semiautomatic assault-type rifles are properly importable under the statutory sporting purposes test. The results of this review will govern action on pending and future applications for import permits, which shall not be acted upon until the completion of this review.

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Exhibit 1

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2) Suspend outstanding permits for importation of modified semiautomatic assault-type rifles for the duration of the 120-day review period. The temporary suspension does not constitute a permanent revocation of any license. Permits will be revoked only if and to the extent that you determine that a particular weapon does not satisfy the statutory test for importation, and only after an affected importer has an opportunity to make its case to the Department.

William J. Clinton

Exhibit 2

STUDY RIFLE MODELS

AK47 Variants:

MAK90*	SA2000
314*	ARM
56V*	MISR
89*	MISTR
EXP56A*	SA85M
SLG74	Mini PSL
NHM90*	ROMAK 1
NHM90-2*	ROMAK 2
NHM91*	ROMAK 4
SA85M	Hunter rifle
SA93	386S
A93	PS/K
AKS 762	VEPR caliber
VEPR	7.62 x 39mm
caliber .308	

FN-FAL Variants:

L1A1 Sporter
FAL Sporter
FZSA
SAR4800
X FAL
C3
C3A
LAR Sporter

HK Variants:

BT96
Centurian 2000
SR9
PSG1
MSG90
G3SA
SAR8

Uzi Variants:

Officers 9*
320 carbine*
Uzi Sporter

SIG SG550 Variants:

SG550-1
SG550-2

- These models were manufactured in China and have not been imported since the 1994 embargo on the importation of firearms from China.

Exhibit 3

STUDY RIFLES

The study rifles are semiautomatic firearms based on the AK47, FN-FAL, HK 91 and 93, Uzi, and SIG SG550 designs. Each of the study rifles is derived from a semiautomatic assault rifle. The following are some examples of specific study rifle models grouped by design type. In each instance, a semiautomatic assault rifle is shown above the study rifles for comparison.

AK47 Variants



AK47 semiautomatic assault rifle



MISR



ARM



MAK90



WUM 1

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Exhibit 3

FN-FAL Variants



FN-FAL semiautomatic assault rifle



LIA1 Sporter



SAR 4800

HK 91 and 93 Variants



HK91 semiautomatic assault rifle



SR9



SAR 8

Exhibit 3

Uzi Variants



Uzi semiautomatic assault rifle



320 carbine

SIG SG550 Variants

The following illustration depicts the configuration of a semiautomatic assault rifle based on the SIG SG550 design. No illustrations of modified semiautomatic versions are available.



SIG SG550 semiautomatic assault rifle

A-1189

DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS					
FACTORING CRITERIA FOR WEAPONS					
NOTE: The Bureau of Alcohol, Tobacco and Firearms reserves the right to preclude importation of any revolver or pistol which achieves an apparent qualifying score but does not adhere to the provisions of section 925(d)(3) of Amended Chapter 44, Title 18, U.S.C.					
PISTOL			REVOLVER		
MODEL:			MODEL:		
PREREQUISITES			PREREQUISITES		
1. The pistol must have a positive manually operated safety device. 2. The combined length and height must not be less than 10" with the height (right angle measurement to barrel without magazine or extension) being at least 4" and the length being at least 6"			1. Must pass safety test. 2. Must have overall frame (with conventional grips) length (not diagonal) of 4 1/4" minimum. 3. Must have a barrel length of at least 3".		
INDIVIDUAL CHARACTERISTICS	POINT VALUE	POINT SUB-TOTAL	INDIVIDUAL CHARACTERISTICS	POINT VALUE	POINT SUB-TOTAL
OVERALL LENGTH			BARREL LENGTH (<i>Muzzle to Cylinder Face</i>)		
FOR EACH 1/4" OVER 6"	1		LESS THAN 4"	0	
FRAME CONSTRUCTION			FOR EACH 1/4" OVER 4"	1/2	
INVESTMENT CAST OR FORGED STEEL	15		FRAME CONSTRUCTION		
INVESTMENT CAST OR FORGED HTS ALLOY	20		INVESTMENT CAST OR FORGED STEEL	15	
WEAPON WEIGHT W/MAGAZINE (<i>Unloaded</i>)			INVESTMENT CAST OR FORGED HTS ALLOY	20	
PER OUNCE	1		WEAPON WEIGHT (<i>Unloaded</i>)		
CALIBER			PER OUNCE	1	
.22 SHORT AND .25 AUTO	0		CALIBER		
.22 LR AND 7.65mm TO .380 AUTO	3		.22 SHORT TO .25 ACP	0	
9mm PARABELLUM AND OVER	10		.22 LR AND .30 TO .38 S&W	3	
SAFETY FEATURES			.38 SPECIAL	4	
LOCKED BREECH MECHANISM	5		.357 MAG AND OVER	5	
LOADED CHAMBER INDICATOR	5		MISCELLANEOUS EQUIPMENT		
GRIP SAFETY	3		ADJUSTABLE TARGET SIGHTS (<i>Drift or Click</i>)	5	
MAGAZINE SAFETY	5		TARGET GRIPS	5	
FIRING PIN BLOCK OR LOCK	10		TARGET HAMMER AND TARGET TRIGGER	5	
MISCELLANEOUS EQUIPMENT			SAFETY TEST		
EXTERNAL HAMMER	2		A Double Action Revolver must have a safety feature which automatically (or in a Single Action Revolver by manual operation) causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. The safety device must withstand the impact of a weight equal to the weight of the revolver dropping from a distance of 36" in a line parallel to the barrel upon the rear of the hammer spur, a total of 5 times.		
DOUBLE ACTION	10				
DRIFT ADJUSTABLE TARGET SIGHT	5				
CLICK ADJUSTABLE TARGET SIGHT	10				
TARGET GRIPS	5				
TARGET TRIGGER	2				
SCORE ACHIEVED <i>(Qualifying score is 75 points)</i>			SCORE ACHIEVED <i>(Qualifying score is 45 points)</i>		

Exhibit 5

MILITARY CONFIGURATION

1. Ability to accept a detachable magazine. Virtually all modern military firearms are designed to accept large, detachable magazines. This provides the soldier with a fairly large ammunition supply and the ability to rapidly reload. Thus, large capacity magazines are indicative of military firearms. While detachable magazines are not limited to military firearms, most traditional semiautomatic sporting firearms, designed to accommodate a detachable magazine, have a relatively small magazine capacity. Additionally, some States have a limit on the magazine capacity allowed for hunting, usually five or six rounds.
2. Folding/telescoping stock. Many military firearms incorporate folding or telescoping stocks. The main advantage of this item is portability, especially for airborne troops. These stocks allow the firearm to be fired from the folded position, yet it cannot be fired nearly as accurately as with an open stock. With respect to possible sporting uses of this feature, the folding stock makes it easier to carry the firearm when hiking or backpacking. However, its predominant advantage is for military purposes, and it is normally not found on the traditional sporting rifle.
3. Pistol grips. The vast majority of military firearms employ a well-defined separate pistol grip that protrudes conspicuously beneath the action of the weapon. In most cases, the "straight line design" of the military weapon dictates a grip of this type so that the shooter can hold and fire the weapon. Further, a pistol grip can be an aid in one-handed firing of the weapon in a combat situation. Further, such grips were designed to assist in controlling machineguns during automatic fire. On the other hand, the vast majority of sporting firearms employ a more traditional pistol grip built into the wrist of the stock of the firearm since one-handed shooting is not usually employed in hunting or organized competitive target competitions.
4. Ability to accept a bayonet. A bayonet has distinct military purposes. First, it has a psychological effect on the enemy. Second, it enables soldiers to fight in close quarters with a knife attached to their rifles. No traditional sporting use could be identified for a bayonet.
5. Flash suppressor. A flash suppressor generally serves one or two functions. First, in military firearms it disperses the muzzle flash when the firearm is fired to help conceal the shooter's position, especially at night. A second purpose of some flash suppressors is to assist in controlling the "muzzle climb" of the rifle, particularly when fired as a fully automatic weapon. From the standpoint of a traditional sporting firearm, there is no particular benefit in suppressing muzzle flash. Flash suppressors that also serve to dampen muzzle climb have a limited benefit in sporting uses by allowing the shooter to reacquire

Exhibit 5

the target for a second shot. However, the barrel of a sporting rifle can be modified by "magna-porting" to achieve the same result. There are also muzzle attachments for sporting firearms to assist in the reduction of muzzle climb. In the case of military-style weapons that have flash suppressors incorporated in their design, the mere removal of the flash suppressor may have an adverse impact on the accuracy of the firearm.

6. Bipods. The majority of military firearms have bipods as an integral part of the firearm or contain specific mounting points to which bipods may be attached. The military utility of the bipod is primarily to provide stability and support for the weapon when fired from the prone position, especially when fired as a fully automatic weapon. Bipods are available accessory items for sporting rifles and are used primarily in long-range shooting to enhance stability. However, traditional sporting rifles generally do not come equipped with bipods, nor are they specifically designed to accommodate them. Instead, bipods for sporting firearms are generally designed to attach to a detachable "slingswivel mount" or simply clamp onto the firearm.
7. Grenade launcher. Grenade launchers are incorporated in the majority of military firearms as a device to facilitate the launching of explosive grenades. Such launchers are generally of two types. The first type is a flash suppressor designed to function as a grenade launcher. The second type attaches to the barrel of the rifle by either screws or clamps. No traditional sporting application could be identified for a grenade launcher.
8. Night sights. Many military firearms are equipped with luminous sights to facilitate sight alignment and target acquisition in poor light or darkness. Their uses are generally for military and law enforcement purposes and are not usually found on sporting firearms since it is generally not legal to hunt at night.

Exhibit 6

[This document has been retyped for clarity.]

MEMORANDUM TO FILE

FIREARMS ADVISORY PANEL

The initial meeting of the Firearms Advisory Panel was held in Room 3313, Internal Revenue Building, on December 10, 1968, with all panel members present. Internal Revenue Service personnel in attendance at the meeting were the Director, Alcohol and Tobacco Tax Division, Harold Serr; Chief, Enforcement Branch, Thomas Casey; Chief, Operations Coordination Section, Cecil M. Wolfe, and Firearms Enforcement Officer, Paul Westenberger. Deputy Assistant Commissioner Compliance, Leon Green, visited the meeting several times during the day.

The Director convened the meeting at 10:00 a.m. by welcoming the members and outlining the need for such an advisory body. He then introduced the Commissioner of Internal Revenue, Mr. Sheldon Cohen, to each panel member.

Mr. Cohen spoke to the panel for approximately fifteen minutes. He thanked the members for their willingness to serve on the panel, explained the role of the panel and some of the background which led to the enactment of the Gun Control Act of 1968. Commissioner Cohen explained to the panel members the conflict of interest provisions of regulations pertaining to persons employed by the Federal Government and requested that if any member had any personal interest in any matter that came under discussion or consideration, he should make such interest known and request to be excused during consideration of the matter.

Mr. Seer then explained to the panel the areas in which the Division would seek the advice of the panel and emphasized that the role of the panel would be advisory only, and that it was the responsibility of the Service to make final decisions. He then turned the meeting over to the moderator, Mr. Wolfe.

Mr. Wolfe explained the responsibility of the Service under the import provisions of the Gun Control Act and under the Mutual Security Act. The import provisions were read and discussed.

The panel was asked to assist in defining Sporting purposes as used in the Act. It was generally agreed that firearms designed and intended for hunting and all types of organized competitive target shooting would fall within the sporting purpose category. A discussion was held on the so-called sport of Aplinging. It was the consensus that, while many persons

Exhibit 6

participated in the type of activity and much ammunition was expended in such endeavors, it was primarily a pastime and could not be considered a sport for the purposes of importation since any firearm that could expel a projectile could be used for this purpose without having any characteristics generally associated with target guns.

The point system that had been developed by the Division and another point system formula suggested and furnished by the Southern Gun Distributors through Attorney Michael Desalle, was explained and demonstrated to the panel by Paul Westenberger. Each panel member was given copies of the formulas and requested to study them and endeavor to develop a formula he believed would be equitable and could be applied to all firearms sought to be imported.

A model BM59 Beretta, 7.62 mm, NATO Caliber Sporter Version Rifle was presented to the panel and their advice sought as to their suitability for sporting purposes. It was the consensus that these rifles do have a particular use in target shooting and hunting. Accordingly, it was recommended that importation of this rifle together with the SIG-AMT 7.62mm NATO Caliber Sporting Rifle and the Cetme 7.62mm NATO Caliber Sporting Rifle be authorized for importation. Importation, however, should include the restriction that these weapons must not possess combination flash suppressors/grenade adaptors with outside diameters greater than 20mm (.22 mm is the universal grade adaptor size).

The subject of ammunition was next discussed. Panel members agreed that incendiary and tracer small arms ammunition have no use for sporting purposes. Accordingly, the Internal Revenue Service will not authorize these types of small arms ammunition importation. All other conventional small arms ammunition for pistols, revolvers, rifles and shotguns will be authorized.

The meeting was adjourned at 4:00 p.m.

C.M. Wolfe

Exhibit 7

STATE FISH AND GAME COMMISSION REVIEW

STATE RESTRICTION	RIFLE RESTRICTION	MAGAZINE RESTRICTION
Alabama	Not for turkey	
Alaska		
Arizona		Not more than five rounds
Arkansas	Not for turkey	
California		
Colorado		Not more than six rounds
Connecticut*	No rifles on public land	
Delaware	No rifles	
Florida		Not more than five rounds
Georgia	Not for turkey	
Hawaii		
Idaho	Not for turkey	
Illinois	Not for deer or turkey	
Indiana*	Not for deer or turkey	
Iowa	Not for deer or turkey No restrictions on coyote or fox	
Kansas		
Kentucky		
Louisiana	Not for turkey	
Maine*	Not for turkey	
Maryland*		

Exhibit 7

STATE RESTRICTION	RIFLE RESTRICTION	MAGAZINE RESTRICTION
Massachusetts	Not for deer or turkey	
Michigan	Not for turkey	Not more than six rounds
Minnesota		
Mississippi	Not for turkey	
Missouri	Not for turkey	Chamber and magazine not more than 11 rounds
Montana		
Nebraska		Not more than six rounds
Nevada	Not for turkey	
New Hampshire*	Not for turkey	Not more than five rounds
New Jersey	No rifles	
New Mexico	Not for turkey	
New York*		Not more than six rounds
North Carolina	Not for turkey	
North Dakota	Not for turkey	
Ohio	Not for deer or turkey	
Oklahoma		Not more than seven rounds for .22 caliber
Oregon*		Not more than five rounds
Pennsylvania*	No semiautomatics	

Exhibit 7

STATE RESTRICTION	RIFLE RESTRICTION	MAGAZINE RESTRICTION
Rhode Island	Prohibited except for woodchuck in summer	
South Carolina	Not for turkey	
South Dakota		Not more than five rounds
Tennessee	Not for turkey	
Texas		
Utah	Not for turkey	
Vermont		Not more than six rounds
Virginia*		
Washington	Not for turkey	
West Virginia		
Wisconsin		
Wyoming		

* Limited restrictions (e.g., specified areas, county restrictions, populated areas, time of day).

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DIRECTOR

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

O:F:S:DMS
3310

Dear Sir or Madam:

On November 14, 1997, the President and the Secretary of the Treasury decided to conduct a review to determine whether modified semiautomatic assault rifles are properly importable under Federal law. Under 18 U.S.C. section 925(d)(3), firearms may be imported into the United States only if they are determined to be of a type generally recognized as particularly suitable for or readily adaptable to sporting purposes. The firearms in question are semiautomatic rifles based on the AK47, FN-FAL, HK91, HK93, SIG SG550-1, and Uzi designs.

As part of the review, the Bureau of Alcohol, Tobacco and Firearms (ATF) is interested in receiving information that shows whether any or all of the above types of semiautomatic rifles are particularly suitable for or readily adaptable to hunting or organized competitive target shooting. We are asking that you voluntarily complete the enclosed survey to assist us in gathering this information. We anticipate that the survey will take approximately 15 minutes to complete.

Responses must be received no later than January 9, 1998; those received after that date cannot be included in the review. Responses should be forwarded to the Bureau of Alcohol, Tobacco and Firearms, Department HG, P.O. Box 50860, Washington, DC 20091. We appreciate any information you care to provide.

Sincerely yours,

John W. Magaw
John W. Magaw
Director

Enclosure

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ATF SURVEY OF HUNTING GUIDES
FOR RIFLE USAGE

Page 1 of 2

Please report only on those clients who hunted medium game (for example, turkey) or larger game (for example, deer) with a rifle.

For the purposes of this survey, please count only individual clients and NOT the number of trips taken by a client. For example, if you took the same client on more than one trip, count the client only once.

1. What is the approximate number of your clients who have ever used **manually operated rifles** during the past two hunting seasons of 1995 and 1996?

_____ number of clients.

2. What is the approximate number of your clients who have ever used **semiautomatic rifles** during the past two hunting seasons of 1995 and 1996?

_____ number of clients.

3. What is the approximate number of your clients who have ever used semiautomatic rifles whose design is based on the **AK 47, FN-FAL, HK91, HK93, SIG 550-1, or Uzi** during the past two hunting seasons of 1995 and 1996?

_____ number of clients.

4. From your knowledge, for your clients who use **semiautomatic rifles**, please list the three most commonly used rifles.

Make

Model

Caliber

5. Do you **recommend** the use of any specific rifles by your clients?

____ Yes (Continue to #6)

____ No (You are finished with the survey. Thank you.)

An agency may not conduct or sponsor, and a person is not required to respond to, the collection of information unless it displays a currently valid OMB control number.

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ATF SURVEY OF HUNTING GUIDES
FOR RIFLE USAGE

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6. If your answer to item 5 is "Yes", please identify the specific rifles you **recommend**.

Make Model Caliber

7. Do you **recommend** the use of any semiautomatic rifles whose design is based on the **AK 47, FN-FAL, HK91, HK93, SIG 550-1, or Uzi**?

Yes (Continue to #8) No (You are finished with the survey. Thank you.)

8. If your answer to item 7 is "Yes", please identify the specific rifles whose design is based on the **AK 47, FN-FAL, HK91, HK93, SIG 550-1, or Uzi** that you recommend.

Make Model Caliber

An agency may not conduct or sponsor, and a person is not required to respond to, the collection of information unless it displays a currently valid OMB control number.

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Hunting Guides

case	Number of clients Using			Recommend	
	Manual	Semiauto	AK47 et.al.	Any	AK47 et.al.
A 1	28	0	0	No	
A 2	100	10	0	Yes	No
A 3	18	0	0	No	
A 4	120	40	0	Yes	No
A 5	12	0	0	Yes	No
A 6	80	40	0	No	
A 7	275	25	0	No	
A 8					
A 9	0	0	0		
A 10	0				
A 11	2	5	0	Yes	Yes
A 12	12	0	0	Yes	No
A 13	10	6	0	No	No
A 14	5	7	0	No	
A 15	0	0	0		
A 16	20	0	0	No	No
A 17					
A 18	0	0	0	No	
A 19	17	6	0	No	
A 20	30	8	0	No	
A 21	117	7	0	Yes	No
A 22	160	0	0	Yes	No
A 23	23	1	0	Yes	No
A 24	100	5	0	Yes	No
A 25	210	10	0	Yes	No
A 26	12	4	1	Yes	Yes
A 27	24	3	0	Yes	No
A 28	20	15	0	Yes	No
A 29	4	0	0	No	No
A 30	4	0	0	Yes	No
A 31	100	5	0	No	No
A 32	1	0	0	No	No
A 33			0	No	No
A 34	142	1	0	No	
A 35	78	2	0	Yes	No
A 36	600	200		No	
A 37	20	13	1	No	
A 38	45	15	0	No	
A 39	100	10	0	No	
A 40	80	6	2	Yes	No
A 41	250	25	0	Yes	No
A 42	4	0	0	No	
A 43	14	2	0	No	No
A 44	171	15	0	Yes	No
A 45	54	6	0	Yes	No
A 46	10	6	0	No	
A 47	0	0	0	No	No
A 48	24	0	0	No	
A 49	180	2	0	Yes	No
A 50					
A 51					

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Hunting Guides

case	Number of clients Using			Recommend	
	Manual	Semiauto	AK47 et.al.	Any	AK47 et.al.
A 52	24	16	0	No	
A 53	600	100	12	No	
A 54	18	6	0	No	
A 55	0	0	0	No	
A 56	0	0	0	No	
A 57	40	4	0	No	
A 58					
A 59	40	10	0	No	No
A 60	60	2	0	No	No
A 61	63	4	0	Yes	No
A 62	40	4	0	No	
A 63	8	0	0	Yes	No
A 64	27	1	0	Yes	No
A 65	50	9	0	Yes	No
A 66	35	2	0	No	
A 67	6	0	0	Yes	No
A 68	6	3		No	
A 69	50	20	0	No	
A 70		0	0	Yes	No
A 71	27	1	0	Yes	
A 72	85	0	0	Yes	No
A 73	56	24	0	Yes	No
A 74	25	25	0	Yes	No
A 75	100	20	0	No	
A 76	50	15	3	No	
A 77	15	4	0	No	
A 78	12	0	0	Yes	No
A 79	75	0	0	No	
A 80					
A 81	0	0	0	No	
A 82	0	0	0	No	
A 83	12	4	0	No	No
A 84	40	0	0	Yes	No
A 85	24	0	0	No	
A 86	17	0	0	No	No
A 87	16	3	0	Yes	No
A 88	45	10	0	No	
A 89	11	7	7	Yes	Yes
A 90	35	1	0	Yes	No
A 91	25	2	0	Yes	No
A 92	0	0	0		
A 93	75	40	0	Yes	No
A 94	60	2	0	Yes	No
A 95	26	0	0	No	
A 96	20	0		No	No
A 97	65	11	0	Yes	No
A 98	40	5	0	Yes	No
A 99	26	5	0	No	
A 100	13	2	0	No	
A 101					
A 102	45	6	0	No	No

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Hunting Guides

case	Number of clients Using			Recommend	
	Manual	Semiauto	AK47 et.al.	Any	AK47 et.al.
A 103	120	4	0	No	
A 104				Yes	
A 105	150	50	0	No	No
A 106	80	20	0	Yes	No
A 107	40	0	0	No	No
A 108	10	0	0	No	
A 109	160	40	0	Yes	No
A 110	10	10	0	No	No
A 111	6	0	0	No	
A 112					
A 113	150	150	100	Yes	Yes
A 114	50	25	0	No	No
A 115	19	0	0	Yes	No
A 116	80	3	0	No	
A 117	40	10	0	Yes	No
A 118					
A 119	50	0	0	Yes	No
A 120	0	0	0	No	
A 121	0	0	0		
A 122	120	15	0	Yes	No
A 123	10	0	0	Yes	No
A 124	22	0	0	Yes	No
A 125	40	40	20	No	
A 126	50	10	0	Yes	No
A 127	60	20	0	Yes	No
A 128	14	0	0	No	No
A 129	13	16	4	No	
A 130	80	4	0	Yes	No
A 131	12	2	0	Yes	No
A 132		4	0	Yes	No
A 133	50	26	7	No	No
A 134	12	0	0	No	
A 135	2	10	3	No	
A 136	2	1	1	Yes	No
A 137	28	0	0	Yes	No
A 138	45	10		No	
A 139	46	59	0	Yes	No
A 140			0	Yes	No
A 141	40	10	0	No	No
A 142	70	20	0	Yes	No
A 143	50	3	0	No	No
A 144	60	6	0	Yes	No
A 145	140	0	0	Yes	No
A 146	20	4	1	Yes	No
A 147	10	1	0	Yes	No
A 148	0	0	0	No	No
A 149	37	0	0	Yes	No
A 150			0	Yes	No
A 151	6	10	0	No	No
A 152	110	5	0	No	
A 153	15	17		Yes	No

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Hunting Guides

case	Number of clients Using			Recommend	
	Manual	Semiauto	AK47 et.al.	Any	AK47 et.al.
A 154	18	4	0	No	
A 155	25	3	0	Yes	No
A 156	60	6	3	No	
A 157	20	0	0	No	
A 158	88	46	0	No	No
A 159	68	19	3	Yes	Yes
A 160	25	5	0	No	
A 161	15	0	0	No	
A 162	75	10	0	No	
B 1				No	
C 1	25	0	0	Yes	No
C 2	55	10	6	Yes	Yes
C 3	60	30	0	No	
C 4	80	20	0	No	
C 5	10	0	0	No	No
C 6	25	6	0	No	
C 7	66	10	1	No	
C 8	24	0	0	Yes	No
C 9	10	15	15	No	
C 10	35	15	9	Yes	Yes
C 11			0	No	
C 12					No
C 13	25	10	0	No	
C 14	60	20	0	Yes	No
C 15	20	0	0	Yes	No
C 16	14	0	0	No	
C 17		0	0	Yes	No
C 18	18	25	5	Yes	Yes
C 19	125	50	5	Yes	No
C 20	20	5	2	No	
C 21		0	0	Yes	No
C 22	30	0	0	No	No
C 23	150	20	0	Yes	No
C 24	60	0	0	No	
C 25	16	7	6	Yes	Yes
C 26	300	650	400	No	
C 27	20	15	8	Yes	Yes
C 28	3	5	2	No	
C 29	45	6	0	Yes	No
C 30				No	
C 31	30	0	0	Yes	No
C 32			0	Yes	No
C 33	35	4	0	Yes	No
C 34	25	5	0	Yes	No
C 35				Yes	No

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Q4. Three most commonly used rifles				
case	Make	Other Make	Model	Caliber
A 1				
A 2				
A 3				
A 4	Browning		BAR	300
A 5				
A 6	Remington		742	30.06
A 7	Browning		BAR	30.06, .270, 7MM, 300 Mag
A 8				
A 9				
A 10				
A 11	Remington		740-7400	20, 30
A 12				
A 13	Remington		700	7 mm mag
A 14	Remington		7400	270
A 15				
A 16				
A 17				
A 18				
A 19	Browning			30.06
A 20	Remington		742	30.06
A 21				
A 22				
A 23	Browning		?	300 mag
A 24	Remington			30.06
A 25	Remington			30.06
A 26	Browning		BAR	30.06
A 27	Remington			30.06
A 28		?	?	06
A 29				
A 30				
A 31	Browning		automatics	
A 32				
A 33				
A 34	Remington			.3006
A 35	Browning			7 mm
A 36	Browning			30.06
A 37	Browning		BAR	30.06
A 38	Browning		br	7 mm, 300win, 30.06
A 39	Remington		7600	.270 win, .30-06, .280 rem
A 40	Browning		Bar mark II	300 win mag
A 41	Remington			
A 42				
A 43	Remington		7600	243 - 7 mm mag
A 44				30.06, 300 winmag, .338, 270
A 45	Browning		BAR Automatic	30.06

Hunting Guides

Q4. Three most commonly used rifles				
A 46	Browning		BAR	7 mm, 30.06
A 47				
A 48				
A 49				
A 50				
A 51				
A 52	Browning		BAR	7 mm mag/30.06
A 53	Browning		BAR	30.06, 300 wm
A 54	Browning		BAR	30.06
A 55				
A 56				
A 57	Browning		semi-auto	300 mag
A 58				
A 59				
A 60				
A 61	Browning			30.06
A 62	Browning			7 mm
A 63	Browning		BAR	.270 - 300 win mag
A 64	Browning		BAR	30.06
A 65	Browning		semi-auto	.308
A 66	Browning			
A 67				
A 68	Remington		7400	30.06
A 69	Browning			
A 70				
A 71	Browning		Not sure	
A 72				
A 73	Browning		BARR	30.06
A 74	Browning		BAR	300
A 75	Remington		7400 old 752	270 and 30.06
A 76	Browning		BAR	308, 30.06, 300win, 338 win
A 77	Remington			308
A 78	Browning			300, 270, 30.06
A 79				
A 80				
A 81				
A 82				
A 83				30 caliber or bigger for elk
A 84				
A 85				
A 86				
A 87	Browning			30.06 and 7 mm
A 88	Browning		BAR	7 mm, .300, .270
A 89	Other	Russian	SKS	7.62
A 90	Browning			1 or 2 in over 50 years
A 91	Browning			300 win mag

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Q4. Three most commonly used rifles				
A 92				
A 93				
A 94	Browning		BAR	
A 95				
A 96				
A 97	Browning		BAR	300-06-270
A 98	Browning			300, 30.06
A 99	Other	Savage		7 mm
A 100	Browning		?	7 mm mag
A 101				
A 102	Browning	Only 1 I recall	BAR	30.06
A 103				
A 104				
A 105				
A 106	Browning		BAR	300 win mag
A 107				
A 108				
A 109	Browning			30.06
A 110	Remington		700	30.06, 270, 7 mm
A 111				
A 112				
A 113	Other	Weatherby		300 mag
A 114	Browning			7 m mag
A 115				
A 116				
A 117	Browning			
A 118				
A 119				
A 120				
A 121				
A 122	Browning		U/K	.338 mag
A 123				
A 124				
A 125				
A 126	Remington		742	243, 30.06
A 127	Winchester		?	30.06
A 128	Winchester			270, 306
A 129	Browning		BAR	7 mm and 243
A 130	Browning			30.06
A 131	Browning		BAR	.7 mm mag
A 132	Remington			30.06
A 133			AK 47	223
A 134				
A 135	Remington			270
A 136	Browning		BAR	
A 137				

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Q4. Three most commonly used rifles				
A 138	Winchester			30.06
A 139	Browning		BAR	270, 7 mm
A 140	Browning			7 mm
A 141				
A 142	Browning			7 mm mag
A 143				
A 144	Browning			30.06
A 145				
A 146	Browning		BDL	7mg
A 147	Browning		BAR	308
A 148				
A 149				
A 150	Remington			
A 151	Browning		BAR	308
A 152	Remington			various 270 - 338
A 153	Browning			30
A 154	Browning		BAR	7 mm mag
A 155				30.06
A 156	Other	BAR		
A 157				
A 158	Remington		280	280
A 159	Browning			7 mm mag
A 160	Remington		Semiauto	30.06
A 161				
A 162	Browning			30.06
B 1				.308, 30-06, .270
C 1				
C 2	Other	AK-47	Antelope Hunter	30
C 3	Browning		Auto	30.06
C 4	Browning		Bar	7mm
C 5				
C 6				
C 7	Browning			30.06
C 8				
C 9	Other	FN-FAL		308
C 10	Remington		742	30.06
C 11	Browning			306
C 12				
C 13	Remington			.06 - 7mm
C 14	Browning		BAR	7mm
C 15				
C 16				
C 17				
C 18	Ruger		Ranch Rifle	223
C 19	Other	AK47		
C 20	Browning		BAR	300 win mag

Hunting Guides

Q4. Three most commonly used rifles				
C 21	Other	Bolt-action or pump		
C 22				
C 23	Browning			30.06
C 24				
C 25	Other	AK47		7.62-39
C 26	Other	HK	93	.308
C 27	Browning		BAR	7mm
C 28	Other	Norinco	SKS Type 56	7.62X39
C 29	Browning		BAR	30.06 -.300
C 30				
C 31				
C 32	Browning			3.06 - 7mm
C 33	Remington			30.06
C 34	Remington		741	.270 - 30.06
C 35	Remington			.270
A 1				
A 2				
A 3				
A 4	Remington		7400	30.06
A 5				
A 6	Browning			30.06
A 7	Remington		700	30.03, 270, 7 mm
A 8				
A 9				
A 10				
A 11	Winchester		100	30
A 12				
A 13	Winchester		70	300 mag
A 14	Remington		7400	30.06
A 15				
A 16				
A 17				
A 18				
A 19	Remington		7400	30.06
A 20	Browning			7 mm mag
A 21				
A 22				
A 23				
A 24	Browning			30.06
A 25	Browning			30.03 to 300 mag
A 26	Remington		Fieldmaster	30.06
A 27				
A 28				
A 29				
A 30				
A 31	Remington		automatics	

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Q4. Three most commonly used rifles				
A 32				
A 33				
A 34				
A 35				
A 36	Remington			270 - 30.06
A 37	Remington		7400	30.06
A 38				
A 39	Browning		BAR	.270 win, 7 mm mag
A 40	Remington		7400	30.06
A 41	Browning			
A 42				
A 43	Browning		BAR	243 - 7 mm mag
A 44				
A 45				
A 46	Remington		1100	12 gauge
A 47				
A 48				
A 49				
A 50				
A 51				
A 52	Remington		7400	30.06
A 53	Remington		7400/742	30.06
A 54				
A 55				
A 56				
A 57	Remington		semi-auto	30.06
A 58				
A 59				
A 60				
A 61	Other	Savage		7 mm mag
A 62	Remington			30.06
A 63	Remington		742	.270 - 30.06
A 64				
A 65	Winchester		semi-auto	.308
A 66	Remington			
A 67				
A 68	Remington		7400	.308
A 69	Remington			
A 70				
A 71	Remington		742	30.06
A 72				
A 73	Remington			30.06
A 74	Remington		7600	30.06
A 75	Browning		BAR	270/338 and 30.06
A 76	Other	AK-47		30
A 77	Remington			30.06

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Q4. Three most commonly used rifles				
A 78	Remington		?	300, 270, 30.06
A 79				
A 80				
A 81				
A 82				
A 83				
A 84				
A 85				
A 86				
A 87	Remington			30.06
A 88	Remington		742, 7400	30.06, .270
A 89	Other	Heckler-Koch	HK91	308
A 90	Remington			
A 91	Remington			30.06
A 92				
A 93				
A 94				
A 95				
A 96				
A 97				
A 98	Remington		760	.300, 30.06, 270
A 99	Browning			7 mm
A 100	Remington		742	30.06
A 101				
A 102				
A 103				
A 104				
A 105				
A 106				
A 107				
A 108				
A 109	Winchester			308
A 110				
A 111				
A 112				
A 113	Remington		700	7 mm mag
A 114	Remington		742 Wingmaster	30.06
A 115				
A 116				
A 117	Remington			
A 118				
A 119				
A 120				
A 121				
A 122				
A 123				

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Q4. Three most commonly used rifles				
A 124				
A 125				
A 126	Ruger		22	
A 127	Marlin		?	.308
A 128	Remington			7 m
A 129				
A 130				
A 131	Browning		BAR	30.06
A 132				
A 133	Ruger		Mini 14	223
A 134				
A 135	Remington			243
A 136	Other	HK 91		
A 137				
A 138	Browning			308
A 139	Remington		742	30.06 - 6 mm
A 140	Remington			30.06
A 141				
A 142	Browning			300 win mag
A 143				
A 144	Browning			7 mm mag
A 145				
A 146	Browning		BDL	300
A 147				
A 148				
A 149				
A 150	Winchester			
A 151	Remington		742	30.06
A 152	Ruger			various 270 - 338
A 153	Winchester			30
A 154	Browning		BAR	30.06
A 155				
A 156	Other	AK-47		
A 157				
A 158	Winchester			338
A 159	Remington			30.06
A 160				
A 161				
A 162	Remington		742	30.06, 270
B 1				
C 1				
C 2				
C 3	Winchester		Auto	30.06
C 4	Browning		Bar	338
C 5				
C 6				

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Hunting Guides

Q4. Three most commonly used rifles				
C 7	Remington			30.06
C 8				
C 9	Other	Uzi		9mm
C 10	Other	AK-47	Hunter	7.62x39
C 11	Other	Weatherby		300
C 12				
C 13	Winchester			.06 - 7mm
C 14	Browning			300
C 15				
C 16				
C 17				
C 18	Other	AK-47		
C 19	SigArms		550-1	
C 20	Ruger		Mini 14	.223
C 21				
C 22				
C 23	Remington		742	30.06
C 24				
C 25	Other	MAK-90		7.62-39
C 26	Other	HK	91	0.223
C 27	Remington		7400 Series	30.06
C 28	Remington		7600	30.06
C 29	Remington		742	.308 - 3.06
C 30				
C 31				
C 32	Remington			30.06 - 7mm
C 33	Browning			300 win
C 34	Browning			.270 - 30.06
C 35	Browning			300
A 1				
A 2				
A 3				
A 4	Ruger		Mini 14	223
A 5				
A 6	Other	Savage		270
A 7				
A 8				
A 9				
A 10				
A 11				
A 12				
A 13	Browning		A-bolt	270
A 14				
A 15				
A 16				
A 17				

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Q4. Three most commonly used rifles				
A 18				
A 19				
A 20				
A 21				
A 22				
A 23				
A 24				
A 25				
A 26	Other	China	SKS	7.62x37
A 27				
A 28				
A 29				
A 30				
A 31				
A 32				
A 33				
A 34				
A 35				
A 36	Winchester			270 - 30.06
A 37				
A 38				
A 39				
A 40	Ruger			44 mag
A 41				
A 42				
A 43	Ruger			223 - 30.06
A 44				
A 45				
A 46				
A 47				
A 48				
A 49				
A 50				
A 51				
A 52				
A 53	Ruger		Mini-14	.223
A 54				
A 55				
A 56				
A 57	Ruger		semi-auto	35 cal
A 58				
A 59				
A 60				
A 61				
A 62	Ruger		Mini 14	223
A 63				

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Q4. Three most commonly used rifles				
A 64				
A 65				
A 66				
A 67				
A 68				
A 69				
A 70				
A 71				
A 72				
A 73				
A 74	Browning		BAR	30.06
A 75				
A 76	Remington			30.06, 270
A 77	Browning			300
A 78				
A 79				
A 80				
A 81				
A 82				
A 83				
A 84				
A 85				
A 86				
A 87				
A 88				
A 89	Other	Springfield Armory	FNG	308
A 90				
A 91				
A 92				
A 93				
A 94				
A 95				
A 96				
A 97				
A 98				
A 99				
A 100				
A 101				
A 102				
A 103				
A 104				
A 105				
A 106				
A 107				
A 108				
A 109				

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Q4. Three most commonly used rifles				
A 110				
A 111				
A 112				
A 113	Other	All		30.06
A 114	Remington		721	270
A 115				
A 116				
A 117				
A 118				
A 119				
A 120				
A 121				
A 122				
A 123				
A 124				
A 125				
A 126	Browning	Remington	Shotguns	12 gauge
A 127	Remington			.308 or 30.06
A 128	Other	Savage		308
A 129				
A 130				
A 131				
A 132				
A 133	Browning		BAR	7 mm
A 134				
A 135	Browning		742	30.06
A 136	Other	AK 47		
A 137				
A 138				
A 139	Other	Weatherby		300 m
A 140				
A 141				
A 142				
A 143				
A 144				
A 145				
A 146	Ruger		#1	7 mag
A 147				
A 148				
A 149				
A 150	Browning			
A 151				
A 152	Browning			various 270 - 338
A 153				
A 154	Browning		BAR	8 mm mag
A 155				

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Q4. Three most commonly used rifles				
A 156	Other	Uzi		
A 157				
A 158	Browning			300
A 159				
A 160				
A 161				
A 162				
B 1				
C 1				
C 2				
C 3	Browning		Auto	270
C 4	Browning		Bar	300
C 5				
C 6				
C 7				
C 8				
C 9	Other	HK91		
C 10	Browning		BAR	30.06
C 11				
C 12				
C 13	Browning			300
C 14				
C 15				
C 16				
C 17				
C 18				
C 19				
C 20	Other	AK47		7.62 x 39
C 21				
C 22				
C 23	Remington		742	308, 270
C 24				
C 25		M1-A1		.223
C 26				
C 27	Winchester	Various	M1 Garand	30.06
C 28				
C 29			M1A1	30.06
C 30				
C 31				
C 32				
C 33				
C 34				
C 35				

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Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 1				
A 2	Ruger			30.06
A 3				
A 4	Other	Weatherby	Mark V	300
A 5				30.06
A 6				
A 7				
A 8				
A 9				
A 10				
A 11				
A 12				
A 13				
A 14				
A 15				
A 16				
A 17				
A 18				
A 19				
A 20				
A 21	Winchester			30.06, .270
A 22	Remington		700	7 mm or larger
A 23	Winchester		70	25 to 30
A 24	Remington		710	30.06
A 25		Any make	Bolt action	Does not recommend
A 26	Winchester		70	30.06 or larger
A 27	Other	Weatherby		300
A 28	Other	bolt action		270 and up
A 29				
A 30		hunter's choice		.270
A 31				
A 32				
A 33				
A 34				
A 35	Winchester		70	300 win mag
A 36				
A 37				
A 38				
A 39				
A 40	Remington			30.06 - 300 win mag
A 41				
A 42				
A 43				
A 44				30.06, 300winmag, 338, 270
A 45	Browning		Bolt Action	25.06 - 328

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Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 46				
A 47				
A 48				
A 49	Other	Weatherby		300 mag
A 50				
A 51				
A 52				
A 53				
A 54				
A 55				
A 56				
A 57				
A 58				
A 59				
A 60				
A 61	Remington		Bolt Action	300 mag
A 62				
A 63	Other	bolt action repeating rifles		30.06 to .338 winmag
A 64	Winchester		70	338
A 65	Remington		bolt action	308,25-06,243,7 mm mag,30.06,22-250,300 mag all
A 66				
A 67	Ruger		#1	7 mm, 30.06, 7 mm mag
A 68				
A 69				
A 70	Other		Bolt Action	30.06
A 71				300 mag
A 72	Other	Any make	Any model	7 mm, 270, 30.06, 25.06
A 73				
A 74	Browning		BAR	300 win mag
A 75				
A 76				
A 77				
A 78	Browning		Bolt action	
A 79				
A 80				
A 81				
A 82				
A 83				
A 84				
A 85				
A 86				
A 87	Remington		700	30.06, 7 mm, 270
A 88				
A 89	Other	Russian	SKS	7.62
A 90	Other	Weatherby		7 mm mag

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Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 91	Remington		700	7 mag
A 92				
A 93	Winchester		70	300 mag
A 94	Other	Any bolt action		270 or larger
A 95				
A 96				
A 97	Other	Any bolt action		30 or larger, on semiauto same
A 98				
A 99				
A 100				
A 101				
A 102				
A 103				
A 104				
A 105				
A 106	Other	Weatherby		300 magnum
A 107				
A 108				
A 109	Remington		70	7 mm
A 110				
A 111				
A 112				
A 113				
A 114				
A 115				
A 116				
A 117				magnum
A 118				
A 119	Remington		700	7 mm
A 120				
A 121				
A 122				
A 123				
A 124				
A 125				
A 126				300 mag, 338 mag, 30.06
A 127				
A 128				
A 129				
A 130	Remington		700	7 mm magnum
A 131				
A 132	Other	Weatherby		300 mag
A 133				
A 134				
A 135				

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Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 136				
A 137	Remington		700	7 mm
A 138				
A 139	Browning		BAR	7 m or 270
A 140				
A 141				
A 142				30.06
A 143				
A 144	Browning			from 7 mm mag to 338 mag for deer and elk
A 145	Winchester			30.06
A 146	Browning		BDL	7 mag
A 147	Remington		700 BDL	7 mm
A 148				
A 149				
A 150	Browning		Bolt action	
A 151				
A 152				
A 153	Remington		700	30
A 154				
A 155	Other	Weatherby		300
A 156				
A 157				
A 158				
A 159	Browning	Ruger		243, 30.06, 7 mm mag, 340 weather, .338
A 160				
A 161				
A 162				
B 1				7.62 x 39
C 1	Other	Manually operated		
C 2	Ruger		77	300
C 3				
C 4				
C 5				
C 6				
C 7				
C 8	Remington		700	270
C 9				
C 10	Other	HK	91	.308
C 11				
C 12				
C 13				
C 14	Other	Bolt-action w/ belted mag		Calibers, make and model mean nothing
C 15	Other	Bolt-action		30.06-7mm
C 16				
C 17	Other	Bolt-action		

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Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
C 18	Ruger		Ranch Rifle	223
C 19				.243 and larger
C 20				
C 21				
C 22				
C 23	Other	Bolt-action		7mm mag
C 24				
C 25	Other	Savage		7mm mag
C 26				
C 27	Winchester		70	30.06
C 28				
C 29	Winchester		70	30.06 - .338
C 30				
C 31	Winchester		Manual, bolt	300
C 32	Remington		All	270 - 7mm
C 33	Winchester		70	30.06 - .300 win
C 34	Other	Bolt-action		270 or larger for elk and deer
C 35	Other	Bolt-action or semiautos		.270 or larger
A 1				
A 2	Remington			7 mm
A 3				
A 4	Winchester		70	300
A 5				
A 6				
A 7				
A 8				
A 9				
A 10				
A 11				
A 12				
A 13				
A 14				
A 15				
A 16				
A 17				
A 18				
A 19				
A 20				
A 21	Remington		70	30.06
A 22	Winchester		70	7 mm or larger
A 23	Remington		700	25 to 30
A 24	Remington			300 Mag
A 25				
A 26	Browning		A bolt	30.06 or larger
A 27				300 win mag, 30.06 or 270

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Hunting Guides

Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 28				
A 29				
A 30		hunter's choice		.308
A 31				
A 32				
A 33				
A 34				
A 35	Remington		700 BDL	7 mm
A 36				
A 37				
A 38				
A 39				
A 40	Winchester			30.06 - 300 win mag
A 41				
A 42				
A 43				
A 44				
A 45	Remington		Bolt Action	25.06 - 328
A 46				
A 47				
A 48				
A 49				
A 50				
A 51				
A 52				
A 53				
A 54				
A 55				
A 56				
A 57				
A 58				
A 59				
A 60				
A 61	Other	Savage	Bolt Action	7 mm mag
A 62				
A 63				
A 64	Remington		700	300 win mag
A 65	Other	Weatherby		
A 66				
A 67	Remington		Bolt Action	7 mm, 30.06, 7 mm mag
A 68				
A 69				
A 70			Pump	30.06
A 71				7 mm mag
A 72				

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Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 73				
A 74	Winchester		7C	300 win mag
A 75				
A 76				
A 77				
A 78	Remington		Bolt Action	
A 79				
A 80				
A 81				
A 82				
A 83				
A 84				
A 85				
A 86				
A 87	Browning			308, 7 mm, 30.06
A 88				
A 89	Other	Heckler-Koch	HK-91	308
A 90				
A 91	Winchester		70	300 mag
A 92				
A 93	Browning		Mark II	300 mag, 280-270-25.06
A 94				
A 95				
A 96				
A 97	Other	Semi-auto		30 cal or larger
A 98				
A 99				
A 100				
A 101				
A 102				
A 103				
A 104				
A 105				
A 106	Remington		700	300 win mag
A 107				
A 108				
A 109	Winchester			300 mag, 30.06
A 110				
A 111				
A 112				
A 113				
A 114				
A 115				
A 116				
A 117				

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Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 118				
A 119	Other	Weatherby		300
A 120				
A 121				
A 122				
A 123				
A 124				
A 125				
A 126				
A 127				
A 128				
A 129				
A 130				
A 131				
A 132	Other	Weatherby		700 mag
A 133				
A 134				
A 135				
A 136				
A 137	Other	Weatherby		300
A 138				
A 139	Remington		742	30.06 or 6 mm
A 140				
A 141				
A 142				7 mm recommended for deer and elk
A 143				
A 144	Other	Weatherby		from 7 mm mag to 338 for deer
A 145	Other	Weatherby		300
A 146	Browning		BDC	300
A 147				
A 148				
A 149				
A 150	Winchester		Bolt Action	
A 151				
A 152				
A 153	Remington		700	7 mm
A 154				
A 155	Other	Weatherby		7 mm
A 156				
A 157				
A 158				
A 159	Winchester	Remington		340 Weather - .338 mag
A 160				
A 161				
A 162				

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Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
B 1				
C 1				
C 2	Browning			300
C 3				
C 4				
C 5				
C 6				
C 7				
C 8	Remington		700	280
C 9				
C 10	Winchester		70	.270
C 11				
C 12				
C 13				
C 14				
C 15				
C 16				
C 17	Other	Pump		
C 18	Other	AK-47		
C 19				6mm
C 20				
C 21				
C 22				
C 23	Other	Bolt-action		.30
C 24				
C 25	Other	Bolt-action		30.06
C 26				
C 27	Ruger		77	.300 win mag
C 28				
C 29	Remington		700	30.06-.338
C 30				
C 31	Remington		Manual bolt	300
C 32	Browning		All	.270 - 7mm
C 33	Ruger		77	30.06 - .300 win
C 34				
C 35				
A 1				
A 2	Winchester			375
A 3				
A 4	Winchester		70	270
A 5				
A 6				
A 7				
A 8				
A 9				

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Hunting Guides

Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 10				
A 11				
A 12				
A 13				
A 14				
A 15				
A 16				
A 17				
A 18				
A 19				
A 20				
A 21	Remington		70	.270
A 22				
A 23	Other	Any bolt action	1-5 shotmag	25 to 30
A 24	Other	Weatherby		300 mag
A 25				
A 26				
A 27				
A 28				
A 29				
A 30				
A 31				
A 32				
A 33				
A 34				
A 35				
A 36				
A 37				
A 38				
A 39				
A 40	Ruger			30.06 - 300 win mag
A 41				
A 42				
A 43				
A 44				
A 45	Winchester		Bolt Action	25.06 - 328
A 46				
A 47				
A 48				
A 49				
A 50				
A 51				
A 52				
A 53				
A 54				

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Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 55				
A 56				
A 57				
A 58				
A 59				
A 60				
A 61	Other	Weatherby	Bolt Action	338 mag
A 62				
A 63				
A 64	Other	Weatherby Mark V		300 Wea Mag
A 65	Winchester	Browning		
A 66				
A 67	Winchester	Bolt Action		
A 68				
A 69				
A 70			Bolt Action	7 mm
A 71				
A 72				
A 73				
A 74	Browning		A Bolt	300 win mag
A 75				
A 76				
A 77				
A 78				
A 79				
A 80				
A 81				
A 82				
A 83				
A 84				
A 85				
A 86				
A 87	Other	Weatherby		300, 7 mm, 338
A 88				
A 89	Other	Springfield Armory	FNG	308
A 90				
A 91	Ruger		77	300 mag
A 92				
A 93	Ruger		M77	270, 26-06, 300 mag
A 94				
A 95				
A 96				
A 97				
A 98				
A 99				

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Hunting Guides

Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 100				
A 101				
A 102				
A 103				
A 104				
A 105				
A 106	Browning		1895	45-70 govt
A 107				
A 108				
A 109				
A 110				
A 111				
A 112				
A 113				
A 114				
A 115				
A 116				
A 117				
A 118				
A 119	Other	Savage		270 or 30.06
A 120				
A 121				
A 122				
A 123				
A 124				
A 125				
A 126				
A 127				
A 128				
A 129				
A 130				
A 131				
A 132				
A 133				
A 134				
A 135				
A 136				
A 137				
A 138				
A 139				
A 140				
A 141				
A 142				300 winmag recommended
A 143				
A 144	Remington	Weatherby		from 270 to 338 for deer and elk

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Hunting Guides

Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
A 145	Remington			270
A 146	Ruger		#1	7 mag
A 147				
A 148				
A 149				
A 150				All bolt action with a round nose point
A 151				
A 152				
A 153				
A 154				
A 155				
A 156				
A 157				
A 158				
A 159				300mag,416Rigby,375mag,270 mag,500 nitroexpress
A 160				
A 161				
A 162				
B 1				
C 1				
C 2	Other	Sako		300
C 3				
C 4				
C 5				
C 6				
C 7				
C 8				
C 9				
C 10	Winchester		100	.308
C 11				
C 12				
C 13				
C 14				
C 15				
C 16				
C 17	Other	Weatherby		243 to 300
C 18				
C 19				
C 20				
C 21				
C 22				
C 23				
C 24				
C 25				
C 26				

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Q 6. Rifles recommended for clients				
case	Make	Other Make	Model	Caliber
C 27	Springfield		M Garard	30.06 - 308
C 28				
C 29	Browning		A bolt	30.06 - .338
C 30				
C 31				
C 32	Ruger		All	.270 - 7 mm
C 33	Browning		A bolt	30.06 - 300 win
C 34				
C 35				

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Q 8. Recommended rifles based on AK47 et.al.				
case	Make	Other Make	Model	Caliber
A	26	AK47		7.62x37
A	89	Other	Russian	7.62
A	113	FN-FAL		
A	159	AK47		
C	2	AK47	Antelope and Varmints and Target Shooters	30
C	10	AK47		7.62x39
C	18	AK47		
C	25	AK47		7.62
C	27	FN-FAL		308
A	26		SKS	7.62x37
A	89	HK91		308
A	113		HK 99	
C	2	AK47	Antelope and Varmints and Target Shooters	243
C	10	HK91		308
C	25		MAK 90	7.62
C	27		Century L1A1	308
A	89	Other	Springfield Armory	FNG
A	113	HK93		
C	10	HK93		223
C	25		M-15	223
C	27	HK91	And clones	308

Additional Comments by Hunting Guides

Additional comments:

- (8) The respondent answered questions 1, 2, 3, and 5 with "None of your business." He then stated in question 4: "It's none of your business what kind, make, model or how many guns law abiding citizens of the U.S. own, prefer to shoot."
- (9) The respondent wrote that he was no longer in business but that he had owned a waterfowl operation and upland bird operation (shotguns only). He added that assault rifles were not true sporting rifles and that they should be limited to use by the military and law enforcement agencies. However, he felt that true sporting weapons that can be modified into some "quasi-assault weapons" should not be restricted. He stated that he supported the effort to get military weapons off the streets but did not want the rights of true sportsmen to be affected.
- (10) Although licensed, the respondent did not guide anyone during the past year.
- (11) The respondent stated in question 6 that he recommends any legal caliber rifle that client is comfortable with and that is capable of killing the desired game.
- (12) For question 6, the respondent replied that he didn't recommend any specific make or model, other than whatever his clients are most comfortable using so long as the weapons are legal for the particular game.
- (15) The respondent stated that his organization was solely recreational wildlife watching and photography.
- (17) The respondent did not answer the questions but informed us that it is illegal in Hawaii to hunt turkey with a rifle.
- (23) The respondent stated that the study rifles were more suitable for militants than sportsmen. He added, "If they want to use these weapons let them go back to the service and use them to defend our country, not against it."
- (25) The respondent stated that, in his 35 years of conducting big game hunts, he had never seen any of the study rifles used for hunting. He suggested that the rifles are made to kill people, not big game.
- (26) The respondent recommended bolt-action rifles for his clients but stated that he doesn't demand that they use such rifles. The respondent recommended the study rifles in close-range situations in which there are multiple targets that may pose a danger to the hunter (e.g., coyotes, foxes, mountain lions, and bears).
- (27) The respondent stated that he recommended the study rifles for hunting but not any specific make.

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- (32) The respondent said that most of his clients are bow or pistol hunters. He said that there is little if any use for the study rifles in his outfitting service because it focuses on hunts of mountain lions and bighorn sheep. However, he did recommend the study rifles on target ranges and in competitive shooting situations and cited his right to bear arms.
- (35) The respondent recommended bolt-action rifles for his clients.
- (40) The respondent stated that semiautomatic rifles (such as the AK47) and others are useful for predator hunting.
- (41) The respondent said that he recommended only ranges of calibers deemed suitable but not makes and models of specific rifles.
- (44) The respondent recommended the following calibers for hunting without any specific makes or models: 30.06, 300 Win mag, 338, and 270.
- (47) The respondent stated: "You are asking questions about certain makes of assault rifles, but you are going to end up going after ALL semiautomatic guns. I've spent about 21 years HUNTING with shotguns and I've used semiautomatic models. If you go down the list of times that one new law didn't end up being a whole slco [sic] of other laws I would be surprised. Maybe some face-to-face with these weapons would be a good thing for politicians. If they see how they are used in 'the Real World' then they may make better amendments."
- (49) The respondent specifically recommended the study rifles only for grizzly bears or moose.
- (50) The respondent stated that his business involved waterfowl hunting, which uses only shotguns.
- (51) The respondent replied: "It is my opinion this is a one sided survey, and does not tell the real meaning and purpose of the survey. And that is to ban all sporting arms in the future. The way this survey is presented is out of line."
- (53) The respondent stated: "I recommend to all my hunters that they join the NRA, vote Republican, and buy a good semi-auto for personal defense."
- (57) The respondent stated that most of his clients use bolt-action rifles. He suggested that semiautomatics are not as accurate as bolt-action rifles.
- (58) The respondent stated that the survey did not pertain to his waterfowl hunting business since only shotguns are used. He added that he did not believe semiautomatics in general present any more threat to the public than other weapons or firearms. However, he suggested that cheaply made assault-type rifles imported from China and other countries are inaccurate and not suitable for hunting.
- (59) The respondent stated that he had no knowledge of the semiautomatic rifles beyond 30.06 or similar calibers for hunting. He added that he did not have a use for "automatic" weapons.

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- (64) The respondent stated: "We need to look at weapons and determine what the designer's intent was for the weapon. We really don't need combat weapons in the hunting environment. I personally would refuse to guide for anyone carrying such a weapon."
- (65) The respondent recommended the following calibers for hunting: 7mm, 30.06, .308, .708, 25.06, .243, 22.250, and 300 mag. However, he stated that the study rifles are of no use to the sporting or hunting community whatsoever.
- (71) The respondent stated that he mainly hunts elk but did not recommend any additional information about specific firearms except for using 300 mag and 7 mm mag calibers.
- (73) The respondent recommended any bolt-action or semiautomatic in the 30 or 7mm calibers. However, he stated that he doesn't allow his clients to use any models based on assault rifles: "They are not needed for hunting. A good hunter does not have these."
- (78) The respondent recommended bolt-action rifles for hunting, particularly Browning and Remington.
- (80) Although the respondent stated that he does not conduct guides, he did not see a reason to allow any rifles other those manufactured specifically for hunting and sport shooting: "All assault rifles are for fighting war and killing humans."
- (82) The respondent stated that he used shotguns only.
- (84) The respondent said that he did not allow semiautomatic or automatic rifles in his business. He specifically recommended manually operated rifles.
- (90) The respondent stated that all the semiautomatics like AK47s are absolutely worthless and that he found no redeeming hunting value in any AK47 type of rifle. He further explained that the purpose of hunting is to use the minimum number of shells, not the maximum: "I have only known 1 [person] in 50 years to use an AK47. He shot the deer about 30 times. That wasn't hunting, it was murder." He suggested that he would be willing to testify in Congress against such weapons.
- (92) The respondent stated that he had been contacted in error, as he was not in the hunting guide business.
- (98) The respondent recommended any rifle that a client can shoot the best.
- (101) The respondent wrote a letter saying that his business was too new to provide us with useful information about client use; however, he stated that the Chinese AK47 does a proficient job on deer and similar sizes of game and may be the only rifle that some poor people could afford. He said that he is willing to testify to Congress about the outrageous price of certain weapons.
- (102) The respondent did not recommend rifles but recommended calibers .270, 30.06, .300, and 7mm.

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- (103) The respondent stated that he had clients who used semiautomatic rifles, but he didn't know which makes or models.
- (104) The respondent recommended any legal weapons capable of killing game, "including the types mentioned under the 2nd amendment."
- (105) The respondent stated that the semiautomatic rifles used by his clients were Remingtons.
- (112) The respondent stated that he could not provide any useful information because his business was too new.
- (113) The respondent recommended whatever is available to knock down an elk. He recommended specific calibers: 30.06, 300, or 338.
- (115) The respondent questioned why anyone would use a semiautomatic firearm to hunt game: "Anyone using such horrible arms should be shot with one themselves. Any big game animal does not have a chance with a rifle and now you say people can use semiautomatic rifles."
- (116) The respondent had had three clients who used semiautomatics with 30.06 and 270-caliber ammunition; however, he didn't know the makes or models.
- (118) The survey questions were not answered, but the respondent wrote: "This is a stupid survey. No one contends they hunt much for big game with an AK47. The debate is over the right to own one, which the 2nd amendment says we can."
- (119) The respondent recommended bolt-action rifles for hunting.
- (121) The respondent stated that he uses only shotguns in his operation.
- (122) The respondent recommended rifles with the calibers of .270 - 30.06 or larger to the .300 mag or .338 mag. However, he said that anything other than a standard semiautomatic sporting rifle is illegal in Colorado, where his business is conducted.
- (123) The respondent, who is a bighorn sheep outfitter, stated that the semiautomatic rifles have no place in big game hunting. He recommended basic hunting rifles with calibers of 270 or 30.06.
- (124) The respondent, who hunts mainly deer and elk, recommended calibers 270, 30.06, 300 mag, 7mm, 8mm, or 338.
- (125) The respondent said that his clients did use semiautomatics, but he didn't have any specific information about which ones.
- (126) The respondent stated that the study rifles should remain in one's home or on private property. He would like to have some for personal use but would not recommend them for hunting. He further expressed his displeasure with the Brady bill and stated that criminals need to be held accountable for their actions.
- (127) The respondent, who hunts mostly elk and deer, said that the AK47 is not powerful enough to hunt elk; however, it may be ideal for smaller game, like deer or antelope. He recommended any rifles of 30.06 caliber or larger for hunting.

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- (131) The respondent recommended bolt-action rifles for his clients with calibers .24, .25, 7 mm, or .30. He cited his preference because of fewer moving parts, their ease to fix, and their lack of sensitivity to weather conditions in the field. He added, however, that he had seen the study rifles used with good success.
- (132) The respondent stated that the study rifles are not worth anything in cold weather.
- (133) The respondent recommended handguns for hunting in calibers 41 or 44 mag.
- (136) The respondent did not recommend any rifles by make, but he did recommend a caliber of .308 or larger for elk.
- (140) The respondent recommended any good bolt or semiautomatic in 270 caliber and up. He added: "I feel the government is too involved in our lives and seek too much control over the people of our country. I am 65 yrs old and see more of our freedom lost every day. I believe in our country but I have little faith in [organizations] like the A.T.F."
- (145) The respondent stated: "Don't send these guns out west. Thanks!"
- (148) The respondent did not hunt turkey or deer and had no additional information to provide.
- (149) The respondent said that he recommends specific rifles to his clients if they ask, usually 270 to 7mm caliber big game rifles.
- (150) The respondent recommended Winchester, Remington, or any other autoloading hunting rifle.
- (152) The respondent said that he recommended caliber sizes but not specific rifles.
- (159) The respondent recommended any gun with which a client can hit a target. He stated that the AK47 could be used for hunting and target shooting.
- (174) The respondent recommended bolt-action rifles to his clients.
- (175) The respondent said that most of his deer-hunting clients use bolt-action rifles, such as Rugers and Remingtons, in calibers of 30.06, 270, or 243. In his duck guide service, only shotguns are used.
- (180) The respondent wrote: "We agree people should not be allowed to have semiautomatics and automatics. This does not mean that you silly bastards in Washington need to push complete or all gun control."
- (182) The respondent felt that the survey is biased because it didn't ask about hunting varmints. He stated that many of the study rifles are suitable for such activity.
- (184) The respondent did not recommend single shots or automatics and only allows bolt action or pumps for use by his clients.

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- (188) The respondent wrote that the study guns are good for small game hunting: "I have very good luck with them as they are small, easy to handle, fast-shooting and flat firing guns."
- (192) The respondent submitted a letter with the survey: "I do not recommend the use of semiautomatic weapons for hunting in my area. Most of these weapons are prone to be unreliable because the owner does not know how to properly care for them in adverse weather. The FN-FAL, HK91, HK93, and SIG SG550-1 are excellent and expensive weapons very much suited to competition shooting.
- "Have you surveyed the criminal element on their choice of weapons? I suspect the criminal use of the six weapons you mentioned do law-abiding citizens compare a very small percentage to the same weapon used. I realize that even one wrongful death is too many but now can you justify the over 300,000 deaths per year from government supported tobacco?
- "Gun control does not work - it never has and it never will. What we need are police that capture criminals and a court system with the fortitude to punish them for their crimes."
- (198) The respondent stated that this was his first year in and that it was mainly a bow-hunting business.

A-1238

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DIRECTOR

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

DEC 10 1997

O:F:S:DMS
3310

Dear Sir or Madam:

On November 14, 1997, the President and the Secretary of the Treasury decided to conduct a review to determine whether modified semiautomatic assault rifles are properly importable under Federal law. Under 18 U.S.C. section 925(d)(3), firearms may be imported into the United States only if they are determined to be of a type generally recognized as particularly suitable for or readily adaptable to sporting purposes. The firearms in question are semiautomatic rifles based on the AK47, FN-FAL, HK91, HK93, SIG SG550-1, and Uzi designs.

As part of the review, the Bureau of Alcohol, Tobacco and Firearms (ATF) is interested in receiving information that shows whether any or all of the above types of semiautomatic rifles are particularly suitable for or readily adaptable to hunting or organized competitive target shooting. We are asking that your organization voluntarily complete the enclosed survey to assist us in gathering this information. We anticipate that the survey will take approximately 15 minutes to complete.

Responses must be received no later than 30 days following the date of this letter; those received after that date cannot be included in the review. Responses should be forwarded to the Bureau of Alcohol, Tobacco and Firearms, Department HSE, P.O. Box 50860, Washington, DC 20091. We appreciate any information you care to provide.

Sincerely yours,

John W. Magaw
John W. Magaw
Director

Enclosure

A-1239

ATF SURVEY OF HUNTING/SHOOTING EDITORS
FOR RIFLE USAGE

Page 1 of 2

1. Does your publication recommend specific types of centerfire semiautomatic rifles for use in hunting medium game (for example, turkey) or larger game (for example, deer)?

___ Yes (Continue) ___ No (Skip to #3)

2. If your answer to item 1 is "Yes", please identify the specific centerfire semiautomatic rifles you recommend.

<u>Make</u>	<u>Model</u>	<u>Caliber</u>

3. Does your publication recommend against the use of any semiautomatic rifles whose design is based on the AK 47, FN-FAL, HK91, HK93, SIG 550-1, or Uzi for use in hunting medium game (for example, turkey) or larger game (for example, deer)?

___ Yes (Continue) ___ No (Skip to #5)

___ Yes, in certain circumstances. Please explain _____

(Continue)

4. If your answer to item 3 is "Yes" or "Yes, in certain circumstances", please identify the specific rifles that you recommend against using for hunting medium game (for example, turkey) or larger game (for example, deer)?

<u>Make</u>	<u>Model</u>	<u>Caliber</u>

5. Does your publication recommend specific types of centerfire semiautomatic rifles for use in high-power rifle competition?

___ Yes (Continue) ___ No (Skip to #7)

An agency may not conduct or sponsor, and a person is not required to respond to, the collection of information unless it displays a currently valid OMB control number.

A-1240

ATF SURVEY OF HUNTING/SHOOTING EDITORS
FOR RIFLE USAGE

Page 2 of 2

6. If your answer to item 5 is "Yes", please identify the specific centerfire semiautomatic rifles you recommend.

<u>Make</u>	<u>Model</u>	<u>Caliber</u>

7. Does your publication recommend **against** the use of any semiautomatic rifles whose design is based on the AK 47, FN-FAL, HK91, HK93, SIG 550-1, or Uzi for use in **high-power rifle competition**?

___ Yes (Continue) ___ No (Skip to #9)

___ Yes, in certain circumstances. Please explain _____

_____ (Continue)

8. If your answer to item 7 is "Yes" or "Yes, in certain circumstances", please identify the specific rifles your publication recommends **against** using for **high-power rifle competition**.

<u>Make</u>	<u>Model</u>	<u>Caliber</u>

9. Have you or any other author who contributes to your publication written any articles since 1989 concerning the use of semiautomatic rifles and their suitability for use in hunting or organized competitive shooting? (Exclude Letters to the Editor.)

___ Yes (Continue) ___ No (You are finished with the survey. Thank you.)

10. If your answer to item 9 is "Yes", please submit a copy of the applicable article(s). Any material you are able to provide will be very beneficial to our study. Please indicate the publication, issue date and page for each article.

An agency may not conduct or sponsor, and a person is not required to respond to, the collection of information unless it displays a currently valid OMB control number.

Editors

Comments:

2. If your answer to item 1 is "Yes," please identify the specific centerfire rifles you recommend:
 - (8) Anything except Uzis.
 - (9) All study rifles except Uzi.
 - (12) See attached articles.
3. Please explain circumstances to question 3: Does your publication recommend against the use of any semiautomatic rifles whose design is based on the AK 47, FN-FAL, HK91, HK93, SIG 550-1, or Uzi for use in hunting medium game (for example, turkey) or larger game (for example, deer)?
 - (12) When the caliber is inappropriate or illegal for the specific game species.
4. Other rifle make recommendations in response to question 4: If your answer to item 3 is "Yes" or "Yes, in certain circumstances," please identify the specific rifles that you recommend against using for hunting medium game (for example, turkey) or larger game (for example, deer)?
 - (12) See attached articles.

The following two items are for the responses to question 6: If your answer to item 5 is "Yes," please identify the specific centerfire semiautomatic rifles you recommend:

Model

- (5) Springfield M1A and Colt AR-15.

Caliber

- (5) 7.62m (M1A) and .223 (Colt).

The following items are for questions 9 and 10 on articles written and the submission of these articles with the survey.

Article 1

- (8) No articles enclosed.
- (9) Semiautomatic Takes Tubb to HP Title.
- (10) No articles attached.

Article 2

- (9) AR-15 Spaceguns Invading Match.

A-1242



DIRECTOR

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DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

DEC 10 1997

O:F:S:DMS
3310

Dear Sir or Madam:

On November 14, 1997, the President and the Secretary of the Treasury decided to conduct a review to determine whether modified semiautomatic assault rifles are properly importable under Federal law. Under 18 U.S.C. section 925(d)(3), firearms may be imported into the United States only if they are determined to be of a type generally recognized as particularly suitable for or readily adaptable to sporting purposes. The firearms in question are semiautomatic rifles based on the AK47, FN-FAL, HK91, HK93, SIG SG550-1, and Uzi designs.

As part of the review, the Bureau of Alcohol, Tobacco and Firearms (ATF) is interested in receiving information that shows whether any or all of the above types of semiautomatic rifles are particularly suitable for or readily adaptable to hunting or organized competitive target shooting. We are asking that your organization voluntarily complete the enclosed survey to assist us in gathering this information. We anticipate that the survey will take approximately 15 minutes to complete.

Responses must be received no later than 30 days following the date of this letter; those received after that date cannot be included in the review. Responses should be forwarded to the Bureau of Alcohol, Tobacco and Firearms, Department FG, P.O. Box 50860, Washington, DC 20091. We appreciate any information you care to provide.

Sincerely yours,

A handwritten signature in black ink that reads "John W. Magaw". The signature is written in a cursive, flowing style.

John W. Magaw
Director

Enclosure

A-1243

OMB No. 1512-0542

ATF SURVEY OF STATE FISH AND GAME COMMISSIONS
FOR RIFLE USAGE

Page 1 of 2

State: _____

1. Do the laws in your state place any prohibitions or restrictions (other than seasonal) on the use of **high-power** rifles for **hunting medium game (for example, turkey) or larger game (for example, deer)**?

____ Yes (*Continue*) ____ No (*Skip to #2*)

1a. If "Yes", please cite law(s) and briefly describe the restrictions.

2. Do the laws in your state place any prohibitions or restrictions (other than seasonal) on the use of **semiautomatic** rifles for **hunting medium game (for example, turkey) or larger game (for example, deer)**?

____ Yes (*Continue*) ____ No (*Skip to #3*)

2a. If "Yes", please cite law(s) and briefly describe the restrictions.

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A-1244

**ATF SURVEY OF STATE FISH AND GAME COMMISSIONS
FOR RIFLE USAGE**

Page 2 of 2

(Continue)

3. What, if any, is the minimum caliber or cartridge dimensions that may be used for hunting medium game (for example, turkey) or larger game (for example, deer)?

Caliber: _____ OR Dimensions: _____

_____ There is no minimum.

4. Does your commission or state collect any data on the types of rifles used in your state for hunting medium game (for example, turkey) or larger game (for example, deer)?

_____ Yes *(Continue)* _____ No *(You are finished with the survey. Thank you.)*

4a. If "Yes", please provide hard copies of any such available data for the past two hunting seasons of 1995 and 1996. Any data that you provide will be most beneficial to our study.

If you would like us to contact you regarding the data, please provide your name and phone number.

Name: _____ Phone: _____

An agency may not conduct or sponsor, and a person is not required to respond to, the collection of information unless it displays a currently valid OMB control number.

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Survey Fish and Game Commissions for Rifle Usage

STATE	Restrictions		Minimum Caliber or Cartridge		Q5
	Q1	Q2	Q3	Q4	
	HiPwr	Semiauto	Minimum Caliber	Minimum Cartridge	Collect Data
Alabama	Yes	Yes	Any center fire rifle	None	No
Alaska	Yes	No	No Centerfire for big game		No
Arizona	No	Yes	.22 mag or larger		No
Arkansas	Yes	No	None	None	No
California	No	No	See Question 1a	See Question 1a	No
Colorado	Yes	Yes	0.24		No
Connecticut	Yes	Yes			
Delaware	Yes	Yes			
Florida	Yes	Yes	No rimfire for deer		No
Georgia	Yes	No	.22 Centerfire or larger		No
Hawaii	No	No			
Idaho	Yes	Yes	.22 rimfire		No
Illinois	Yes	Yes	None	None	No
Indiana	Yes	Yes	None		No
Iowa	Yes	Yes	not provided		No
Kansas	Yes	Yes	.23 caliber or larger		No
Kentucky	No	No			
Louisiana	Yes	No	.22 Centerfire		No
Maine	Yes	No	.22 mag or larger		No
Maryland	Yes	Yes			
Massachusetts	Yes	No	None	None	Yes
Michigan	Yes	Yes	.23 or larger		No
Minnesota	Yes	No	0.23	1.285"	No
Mississippi	Yes	No	None	None	No
Missouri	Yes	Yes	None	None	No
Montana	No	No	None		No
Nebraska	No	No			
Nevada	No	No			No
New Hampshire	Yes	Yes		above .22 rimfire	No
New Jersey	Yes	Yes	None	None	No
New Mexico	Yes	No	.24 centerfire or larger		No
New York	Yes	Yes	Must be centerfire		No
North Carolina	Yes	No	None	None	No
North Dakota	Yes	Yes	.22 Centerfire or larger		No
Ohio	Yes	No	None	None	No
Oklahoma	Yes	Yes	.22 magnum		No
Oregon	Yes	Yes	.22 or .24 or larger		No
Pennsylvania	Yes	Yes	None	None	No
Rhode Island	Yes	Yes		.229 maximum	No
South Carolina	Yes	No	Must be larger than .22		No
South Dakota	Yes	No	None	None	No
Tennessee	Yes	Yes	.24 or larger caliber		No
Texas	Yes	No	None	None	No
Utah	Yes	No		None	No
Vermont	Yes	No			No
Virginia	Yes	Yes	.23 caliber for deer		No
Washington	Yes	Yes	.240 or larger for coyote		No
West Virginia	No	No		Any centerfire	No
Wisconsin	Yes	No	.22 caliber or larger		No
Wyoming	Yes	No		23/100 bullet dia.	No

State Fish and Game Commissions

Restrictions for High Powered Rifles

1a. Please cite law(s) and briefly describe the restrictions.

Alabama

(19) No automatic weapons, no silenced weapons.

Alaska

(23) Bison hunters must use a caliber capable of firing a 200-grain bullet having 2,000 pounds of energy at 100 yards.

Arkansas

(11) No rifles for turkey.

California

(22) Centerfire for big game, 10 gauge or smaller for resident small game.

Colorado

(10) Semiautomatic rifle may not hold more than 6 rounds.

Connecticut

(39) Shotgun only on public lands. Can use any type of rifle on private land.

Delaware

(40) No rifles - shotguns/muzzle loaders only.

Florida

(25) Machine guns and silencers not permitted for any hunting.

Georgia

(29) No hi-power rifles allowed for turkey hunting.

Hawaii

(49) Must have discharge of 1200 foot pounds.

Idaho

(30) No hi-power rifles allowed for hunting turkey.

Illinois

(12) Turkey or deer may not be hunted with rifle. Deer may not be hunted with muzzle loading rifle. No restriction on rifles for coyote, fox, and woodchuck, etc.

Indiana

(34) No hi-power rifles allowed for deer or turkey hunting. Limited restrictions for specified areas.

Iowa

(26) Cannot use rifles for turkey or deer, only shotgun or bow and arrow. No difference if public or private lands. For coyote or fox, there is no restriction on rifles, magazine size, or caliber.

Kansas

(33) Must use ammunition specifically designed for hunting.

Louisiana

- (6) No rifles for turkey hunting. Rifles for deer hunting must be no smaller than .22 centerfire.

Maine

- (32) No hi-power rifles for turkey and water fowl. Some limited restrictions for specific areas.

Maryland

- (42) Some restrictions based on county. They are allowed in western and southern Maryland. Shotguns only in and around Baltimore and Washington, D.C.

Massachusetts

- (14) Rifles not permitted for hunting deer and turkey.

Michigan

- (27) No turkey hunting with hi-power rifle. No night hunting with hi-power rifle. Deer hunting with hi-power rifle allowed only in lower southern peninsula. Limited restrictions for specific areas.

Minnesota

- (13) Caliber must be at least .23. Ammunition must have a case length of at least 1.285". .30 caliber M1 carbine cartridge may not be used.

Mississippi

- (15) Restricts turkey hunting to shotguns. However quadriplegics may hunt turkey with a rifle.

Missouri

- (5) Rifles not permitted for turkey. Self loading firearms for deer may not have a combined magazine + chamber capacity of more than 11 cartridges.

Nebraska

- (43) Allowed and frequently used, but magazine capacity maximum is six rounds.

Nevada

- (1) Answer to #3 refers to NAS 501.150 and NAS 503.142. Not for turkey.

New Hampshire

- (7) Magazine capacity no more than 5 rounds. Prohibits full metal jacket bullets for hunting. Prohibits deer hunting with rifles in certain towns.

New Jersey

- (17) No rifles.

New Mexico

- (31) No hi-power rifles allowed for hunting turkey.

New York

- (24) No semiautomatics with a magazine capacity of greater than 6 rounds; machineguns and silencers not permitted for any hunting. Limited restrictions for specific areas.

North Carolina

- (20) Centerfire rifles not permitted for turkey hunting.

North Dakota

(28) No hi-power rifles for turkey hunting.

Ohio

(3) Prohibits high power rifles for turkey, deer and migratory birds. High power rifles can be used on all other legal game animals.

Oklahoma

(8) Centerfire rifles only for large game. Magazines for .22 centerfire rifles may not hold more than 7 rounds.

Oregon

(2) OAR 635-65-700(1) must be .24 caliber or larger center fire rifle, no full automatic; OAR 635-65-700(2) hunters shall only use centerfire rifle .22 caliber; OAR-65-700(5) no military or full jacket bullets in original or altered form. Limited restrictions for specific areas.

Pennsylvania

(16) Rifles not permitted in Philadelphia & Pittsburgh areas.

Rhode Island

(44) .22 center fire during the summer for woodchucks.

South Carolina

(18) No rifle for turkey, rifle for deer must be larger than .22 caliber

South Dakota

(50) Magazine not more than five rounds.

Tennessee

(37) No hi-power rifles allowed for turkey hunting.

Texas

(21) Rimfire ammunition not permitted for hunting deer, antelope, and bighorn sheep; machine guns and silencers not permitted for hunting any game animals.

Utah

(9) No rifles for turkey hunting.

Vermont

(47) Turkey size less than 10 gauge. Deer/moose/beaver, no restriction on caliber.

Virginia

(48) 23 caliber or larger for deer and bear. No restrictions for turkey. No magazine restrictions, shotgun limited to 3 shells. Restrictions vary from county to county - approximately 90 different rifle restrictions in the State of Virginia based on the county restrictions. Sawed-off firearms are illegal to own unless with a permit, if barrel less than 16 inches for rifle, and 18 inches for shotgun.

Washington

(46) Hunting turkey limited to shotguns. Small game limited to shotguns.

Wisconsin

(36) No .22 rimfire rifles for deer hunting.

Wyoming

(4) Big game and trophy animals, firearm must have a bore diameter of at least 23/100 of an inch.

Restrictions for Semiautomatic Rifles

2a. Please cite law(s) and briefly describe the restrictions.

Alabama

(19) Turkey may not be hunted with a centerfire rifle or rimfire rifle. Semiautomatic rifles of proper caliber are legal for all types of hunting. No restrictions on magazine capacity, except wildlife management areas where centerfire rifles are restricted to 10 round max.

Arizona

(38) Magazine cannot hold more than 5 rounds.

Colorado

(10) Semiautomatic rifle may not hold more than 6 rounds.

Connecticut

(39) Shotgun only on public lands. Any type of rifle can be used on private land.

Delaware

(40) No rifles - shotguns/muzzle loaders only.

Florida

(25) No semiautomatic centerfire rifles having a magazine capacity greater than 5 rounds.

Idaho

(30) No hi-power rifles (including semiautomatic) allowed for turkey hunting.

Illinois

(12) See #1.

Indiana

(34) No hi-power rifles allowed for turkey hunting.

Iowa

(26) Cannot use rifles for turkey or deer, only shotgun or bow and arrow. No difference in public or private land. For coyote or fox, there is no restriction on rifle, magazine size, or caliber.

Kansas

(33) Must use ammunition specifically designed for hunting.

Maryland

(42) Some restrictions. Based on county. Shotguns only in and around Baltimore and Washington, D.C.

Michigan

(27) Unlawful to hunt with semiautomatic rifles capable of holding more than 6 rounds in magazine and barrel. Rimfire (.22 cal) rifles excluded from restrictions.

Missouri

(5) Combined magazine + chamber capacity may not be more than 11 cartridges.

New Hampshire

(7) Turkey may not be hunted with rifles. Rifles may not have magazine capacity of more than 5 cartridges.

New Jersey

(17) No rifles.

New York

(24) No semiautomatics with a magazine capacity of greater than 6 rounds.

North Dakota

(28) No hi-power rifles (including semiautomatics) may be used for hunting turkey.

Oklahoma

(8) See #1.

Oregon

(2) OAR 635-65-700(1) and (2) limits magazine capacity to no more than 5 cartridges.

Pennsylvania

(16) Semiautomatic rifles are not lawful for hunting in Pennsylvania.

Rhode Island

(44) Cannot use semiautomatic during the winter, only during the summer months for woodchucks (during daylight from April 1 to September 30).

Tennessee

(37) No hi-power rifles, including semiautomatics, allowed for turkey hunting.

Vermont

(47) Semiautomatic 5 rounds or less.

Virginia

(48) Semiautomatics are legal wherever rifles can be used. 23 caliber or larger for deer and bear. No restrictions for turkey. No magazine restrictions, shotgun limited to 3 shells. Restrictions vary from county to county - approximately 90 different rifle restrictions in the State of Virginia based on the county restrictions. Sawed-off firearms are illegal to own unless with a permit, if barrel less than 16 inches for rifle, and 18 inches for shotgun. Striker 12 - drums holds 12 or more rounds and is illegal.

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Washington

(46) Cannot use fully automatic for hunting.

West Virginia

(45) Cannot use fully automatic firearms for hunting.

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Comments Provided by Law Enforcement Agencies

- (1) No research.
- (2) No research.
- (3) NOBLE and others forwarded information to a U.S. Senator on circumstances concerning police officers killed or injured by these weapons. No data was provided.
- (4) No research.
- (7) The organization stated: "Most of the data available on guns and crime does not provide the detail needed to identify the types of guns listed. . . . We have conducted several surveys that refer to assault rifles generically, including the Survey of Inmates in State Correctional Facilities 1991, Survey of Inmates in Local Jails 1995, and the Survey of Adults on Probation 1995. The data on assault weapons has not been analyzed in the recently released Survey of Adults on Probation 1995 or in the yet to be released Survey of Inmates in Local Jails 1995.

"Our report Guns Used in Crime includes the results of an analysis of the stolen data from the FBI's National Crime Information Center database. Our analysis was limited to general categories of guns and calibers of handguns. The recent evaluation of the assault weapons ban funded by the National Institute of Justice analyzed a more recent set of the same data with an emphasis on assault weapons. The results of this evaluation were reported in Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994."

"BJS [Bureau of Justice Statistics] supports the Firearms Research Information System (FARIS). . . . This database contains firearms-related information from surveys, research, evaluations, and statistical reports. . . . We queried this database for any research on assault weapons. The results of the query include both the reports listed above, as well as several others. Please note that in BJS's report Guns Used in Crime refers to the report Assault Weapons and Homicide in New York City prepared by one of our grantees. While the data are from 1993, the report provides interesting insights into the use of assault weapons and homicide. Another source of data on assault weapons and crime is the FBI's Law Enforcement Officers Killed and Assaulted series, which records the type of gun used in killings of police officers. Several of the reports listed in the FARIS query used these data, including Cop Killers: Assault Weapons Attacks on America's Police, and Cops Under Fire: Law Enforcement Officers Killed with Assault Weapons or Guns with High Capacity Magazines."

- (9) Guns in America: National Survey on Private Ownership and Use of Firearms (May 1997) states: The 1994 NSPOF (National Survey of Private Ownership of Firearms) estimates for the total number of privately owned firearms is 192 million: 65 million handguns, 70 million rifles, 49 million shotguns, and 8 million other long guns.

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DIRECTOR

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

DEC 10 1997

O:F:S:DMS
3310

Dear Sir or Madam:

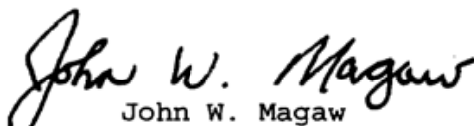
On November 14, 1997, the President and the Secretary of the Treasury decided to conduct a review to determine whether modified semiautomatic assault rifles are properly importable under Federal law. Under 18 U.S.C. section 925(d)(3), firearms may be imported into the United States only if they are determined to be of a type generally recognized as particularly suitable for or readily adaptable to sporting purposes. The firearms in question are semiautomatic rifles based on the AK47, FN-FAL, HK91, HK93, SIG SG550-1, and Uzi designs.

As part of the review, the Bureau of Alcohol, Tobacco and Firearms (ATF) is interested in receiving information that shows whether any or all of the above types of semiautomatic rifles are particularly suitable for or readily adaptable to hunting or organized competitive target shooting.

Although ATF is not required to seek public comment on this study, the agency would appreciate any factual, relevant information concerning the sporting use suitability of the rifles in question.

Your voluntary response must be received no later than 30 days from the date of this letter; those received after that date cannot be included in the review. Please forward your responses to the Bureau of Alcohol, Tobacco and Firearms, Department TA, P.O. Box 50860, Washington, DC 20091.

Sincerely yours,


John W. Magaw
Director

Comments Provided by Industry Members and Trade Associations

- (12) The respondent felt that definitions and usage should be subject to rulemaking. The respondent stated that limits on "sporting" use do not take into account firearms technology and its derivative uses among millions of disparate consumers. Millions of gun owners currently engage in informal target competition.

The respondent stated that the firearms are suitable for sporting purposes and that ATF's practice of making "ad hoc" revisions to import criteria disrupts legitimate commerce. The respondent recommends that all changes to criteria should be subject to rulemaking.

- (19) The respondent submitted a brochure and a statement supported by seven letters from FFL's who sell the SLR-95 and 97 and ROMAK 1 and 2. The respondent and all the supporting letters attest to the suitability of these guns for hunting because (1) they are excellent for deer or varmint hunting; (2) they are used by many for target shooting; (3) their ammunition is readily available and affordable; and (4) they are excellent for young/new hunters because of low recoil, an inexpensive purchase price, durability, and light weight, as well as being designed only for semiautomatic fire.
- (20) One respondent submitted results of its independently conducted survey, which consisted of 30 questions. The results of the survey suggest that 36 percent of those queried actually use AK47-type rifles for hunting or competition, 38 percent use L1A1-type rifles for hunting or competition, and 38 percent use G3-type rifles for hunting or competition. Other uses include home defense, noncompetitive target shooting, and plinking. Of those queried who do not currently own these types of rifles, 35 percent would use AK-type rifles for hunting or competition, 36 percent would use L1A1-type rifles for hunting or competition, and 37 percent would use G3-type rifles for hunting or competition.
- (22) The respondent claims that the majority of the study rifles' length and calibers can be used only for sporting purposes. The respondent asserts that the only technical detail remaining after the 1989 decision that is similar to a military rifle is the locking system. After 1989, the imported rifles have no physical features of military assault rifles. All have features which can be found on any semiautomatic sporting/hunting rifle.

However, the respondent writes that the Uzi-type carbines are "not suitable for any kind of sporting events other than law enforcement and military competitions because the caliber and locking system do not allow precise shooting over long distances."

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- (23) One respondent, who imports the SAR-8 and SAR-4800 that are chambered for .308 Winchester ammunition, states that neither rifle possesses any of the characteristics of either the 1989 determination or the 1994 law. The respondent states that both are permitted in match rifle and other competitions. The respondent states that only two questions should be considered to determine hunting suitability of a rifle: Whether the caliber is adequate to take one or more game species and whether the gun is safe and reliable. The respondent states that there is no factual or legal basis to conclude that the rifles are not "particularly suitable" for sporting purposes.
- (24) The respondent writes: "The particular firearms differ from other guns that are universally acceptable only in cosmetic ways. There is no functional difference between semiautomatic firearms based on the external features that have been keyed on in an attempt to implement the import restrictions of the 1994 Crime Bill. As further attempts to differentiate functionally identical firearms by these features for the purposes of culling out those that might be politically suitable for an administrative import ban is wrong."
- (25) The respondent writes that the SLG95 was developed exclusively for hunting and competitive shooting. The respondent points out that it is capable of single firing only and cannot be reassembled for use as an automatic weapon. It is made for endurance and accuracy to 300 meters.
- (26) The respondent recommends AK47 variants specifically, but believes all study rifles are suitable or adaptable for sporting. The respondent states that a Galil-chambered .308/.223 with a two-position rear sight, adjustable front sight, or scope mount channel, are reliable, durable, accurate, and suitable for hunting and organized competitive shooting. The respondent states that the Uzi, which chambers 9mm and 40 S&W, two-position rear sight, and an adjustable front sight is suitable for organized competitive target shooting.
- (27) The respondent states that the SIG-SG550-1, in its original configuration, never possessed assault rifle features. The respondent states that it was built as a semiautomatic, not a fully automatic that was converted or modified to semiautomatic. It does have protruding pistol grip, and its ergonomics are geared toward its original design of goal-precision shooting. The respondent says that the name "Sniper" was a marketing decision, and it is extremely popular in .223 competitions. Its price isolates the gun to the competitor/collector.

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- (28) Letters from H&K users were submitted in support of their continued importation and use as sporting arms. Specifically, the SR9 and PSG1 were said to be clearly suitable and utilized daily for hunting and target shooting. The respondent states that sport is defined as "an active pastime, diversion, recreation" and that the use of these is all the justification needed to allow their importation. The PSG1 has been imported since 1974, and the SR9 since 1990. The semiautomatic feature dates to turn of the century.

The respondent states that the cost would dissuade criminals from using them. The respondent refers to ATF's reports "Crime Gun Analysis (17 Communities)" and "Trace Reports 1993-1996" to show that the H&K SR9 and PSG1 are not used in crime. In the 4-year period covered by the reports, not one was traced.

- (29) The respondent faults the 1989 report both for not sufficiently addressing the issue of ready adaptability, as well as for the limited definition of sporting purposes. The respondent states that sport is defined as "that which diverts, and makes mirth; pastime, diversion." The respondent says that the NRA sponsors many matches, and personally attests to the FN-FAL and HK91 as being perfectly suitable for such matches. The respondent states that the rifles are also used for hunting deer, rabbits, and varmints. Further, the respondent remarks that the use of these rifles in crime is minuscule.

Importer/Individual Letters

On January 15, 1998, the study group received a second submission from Heckler and Koch, dated January 14, 1998. It transmitted 69 letters from individuals who appeared to be answering an advertisement placed in Shotgun News by Heckler and Koch. The study group obtained a copy of the advertisement, which requested that past and current owners of certain H&K rifles provide written accounts of how they use or used these firearms. The advertisement stated that the firearms in question, the SR9 and the PSG1, were used for sporting purposes such as hunting, target shooting, competition, collecting, and informal plinking. The advertisement also referred to the 120-day study and the temporary ban on importation, indicating that certain firearms may be banned in the future.

Synopses of Letters:

1. The writer used his SR9 to hunt deer (photo included).
2. The writer used his SR9 to hunt deer (photo included).
3. The writer used his SR9 for informal target shooting and plinking.
4. The writer used his SR9 for target practice and recreation.
5. The writer (a police officer) used SR9 to hunt. Said that it's too heavy and expensive for criminals.

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6. The writer used his SR9 for competition.
7. The writer used H&K rifles such as these around the farm to control wild dog packs.
8. The writer used his SR9 to hunt deer.
9. The writer used his SR9 to hunt, participate in target practice, and compete.
10. The writer used his H&K rifles for informal target shooting.
11. The writer used his SR9 to hunt elk because it's rugged, and to shoot targets.
12. The writer used his SR9 to target practice.
13. The writer used his HK91 to hunt varmints and compete in military rifle matches.
14. The writer does not use the firearms but is familiar with their use for target shooting, hunting, and competition.
15. The writer uses HK firearms for DCM marksmanship competition.
16. The writer used his HK93 for 100-yard club matches and NRA-high power rifle matches.
17. The writer does not own the firearms but enjoys shooting sports and collecting.
18. The writer used his HK91 to hunt deer, boar, and mountain goat and in high-power match competitions.
19. The writer used his SR9 to shoot targets and for competitions.
20. The writer used his HK91 to shoot varmints, hunt small and big game, and shoot long-range silhouettes.
21. The writer used his SR8 to hunt deer, target shoot, and plink.
22. The writer used his HK93 to shoot in club competitions.
23. The writer used his SR9 to shoot targets because the recoil does not impact his arthritis.
24. The writer (a police officer) does not own the firearm but never sees HKs used in crime.
25. The writer used his HKs for target shooting, competition, and collection.
26. The writer does not own the firearms but likes recreational target shooting.
27. Writer does not own the firearms but states, "Don't ban."

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28. The writer used his SR9 for hunting deer, varmints, and groundhogs; for target shooting; and for occasional competitions.
29. The writer used his SR9 to hunt deer because it's accurate, rugged, and reliable.
30. The writer used his SR9 to hunt deer and elk.
31. The writer used his SR9 to target shoot.
32. The writer used his SR9 to hunt deer and target shoot.
33. The writer used his HK91 to shoot military rifle 100-yard competitions.
34. The writer used his SR9 for hunting varmints and coyotes, for target shooting, and for competitions.
35. The writer used his SR9 to hunt deer and target shoot.
36. The writer (a former FBI employee) used his SR9 for hunting varmints and for precision and target shooting.
37. The writer used his HK for target shooting and competition.
38. The writer used his SR9 for informal target shooting and plinking and his HK91 for bowling pin matches, high-power rifle competitions, informal target shooting, and plinking.
39. The writer used his SR9 to plink and shoot targets, saying it's too heavy for hunting.
40. The writer has an HK91 as part of his military collection and indicates it may be used for hunting.
41. The writer used his SR9 to target shoot.
42. The writer used his SR9 to hunt deer and target shoot.
43. The writer does not own the firearms but says, "Don't ban."
44. The writer used his SR9 and HK93 for hunting deer, for target shooting, and for home defense.
45. The writer states, "Don't ban."
46. Writer states, "Don't ban."
47. Writer states, "Don't ban."
48. The writer owns an SR9; no use was reported.
49. Writer used his SR9 to compete in club matches and "backyard competitions."
50. The writer used his HK to hunt boar and antelope.

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51. The writer states, "Don't ban."
52. The writer (a police officer) does not own the firearms but states that they are not used by criminals.
53. The writer used his HK91 to hunt deer.
54. The writer (a police trainer) says that the PSG1 is used for police sniping and competitive shooting because it's accurate. He says that it's too heavy to hunt with and has attached an article on the PSG1.
55. The writer used her two PSG1s for target shooting and fun.
56. The writer used his SR9 and PSG1 to hunt and target shoot.
57. The writer used his two PSG1s to hunt and target shoot.
58. The writer provides an opinion that the SR9 is used to hunt and target shoot.
59. The writer used his PSG1 for hunting deer and informal target shooting.
60. The writer used his PSG1 to target shoot and plink.
61. The writer states, "Don't ban."
62. The writer used his HK91 to target shoot.
63. The writer used his HK91 to target shoot.
64. The writer (a U.S. deputy marshal) used his SR9 to shoot at the range.
65. The writer used his SR9 to hunt deer and coyotes.
66. The writer used his SR9 to competitively target shoot.
67. The writer used his SR9 to hunt deer and bear.
68. The writer uses military-type rifles like these for predator control on the farm.
69. The writer used his SR9 to target shoot, plink, and compete in DCM matches.

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Comments Provided by Interest Groups

- (7) Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994, Final Report. March 13, 1997.
- (8) Identical comments were received from five members of the JPFO. They are against any form of gun control or restriction regardless of the type of firearm. References are made comparing gun control to Nazi Germany.
- (9) The respondent contends that police/military-style competitions, "plinking," and informal target shooting should be considered sporting. Note: The narrative was provided in addition to survey that Century Arms put on the Internet.

The respondent questions ATF's definition of "sporting" purposes. The respondent contends that neither the Bill of Rights nor the Second Amendment places restrictions on firearms based on use.

- (13) Citing the 1989 report, the respondent states that the drafters of the report determined what should be acceptable sports, thus excluding "plinking."

The respondent states that appearance (e.g., military looking) is not a factor in determining firearms' suitability for sporting purposes. It is their function or action that should determine a gun's suitability. Over 50 percent of those engaged in Practical Rifle Shooting use Kalashnikov variants. Further, citing U.S. vs. Smith (1973), the "readily adaptable" determination would fit all these firearms.

- (14) The respondent states that the vast majority of competitive marksmen shoot either domestic or foreign service rifles. Only 2-3 participants at any of 12 matches fire bolt-action match rifles. If service rifles have been modified, they are permitted under NRA rule 3.3.1.

The respondent says that attempts to ban these rifles "is a joke."

- (15) The respondent states that these firearms are used by men and women alike throughout Nebraska. All of the named firearms are used a lot all over the State for hunting. The AK47 has the same basic power of a 30/30 Winchester. All of these firearms function the same as a Browning BAR or a Remington 7400. Because of their design features, they provide excellent performance.
- (16) The respondent states that the Bill of Rights does not show the second amendment connected to "sporting purposes." The respondent says that all of the firearms in question are "service rifles," all can be used in highpower rifle competition (some better than others), but under no circumstances should "sporting use" be used as a test to determine whether they can be sold to the American public. The respondent states that "sporting use" is a totally bogus question.

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- (17) The respondent's basic concern is that the scope of our survey is significantly too narrow (i.e., not responsive to the Presidential directive, too narrow to address the problem, and inadequate to the task). The respondent states, "We do not indicate that our determination will impact modifications made to skirt law. We rely on the opinions of the 'gun press.' At a minimum, the Bureau should deny importation of: any semiautomatic capable of accepting with a capacity of more than 10 rounds, and any semiautomatic rifle with a capacity to accept more rounds than permitted by the State with the lowest number of permitted rounds. Deny any semiautomatic that incorporates cosmetically altered 'rule-beating' characteristics. Deny any semiautomatic that can be converted by using parts available domestically to any of the 1994 banned guns/characteristics. Deny any semiautomatic manufactured by any entity controlled by a foreign government. OR manufactured by a foreign entity that also manufactures, assembles or exports assault-type weapons. Deny any semiautomatic that contains a part that is a material component of any assault type weapon made, assembled, or exported by the foreign entity which is the source of the firearm proposed to be imported."

"A material component of any assault type weapon, assembled or exported by the foreign entity, which is, the source of the firearms proposed to be imported. The gun press has fabricated 'sporting' events to justify these weapons. The manner in which we are proceeding is a serious disservice to the American people."

Attachments: That Was Then. This is Now: Assault Weapons: Analysis, New Research, and Legislation; Assault Weapons and Accessories in America; and Cop Killers. All authored by the Violence Policy Center.

- (30) The respondent states, "At least for handguns, and among young adult purchasers who have a prior criminal history, the purchase of an assault-type firearm is an independent risk factor for later criminal activity on the part of the purchaser."

NOTE: The above study was for assault-type handguns used in criminal activity versus other handguns. The study involved only young adults, and caution should be used in extending these results to other adults and purchasers of rifles. However, the respondent states, it is plausible that findings for one class of firearms may pertain to another closely related class.

- (31) The 1996 National Survey of Fishing, Hunting and Wildlife-Associated Recreation. The publication outlines 1996 expenditures for guide use and percentage of hunters using guides for both big game and small game hunting.

- (32) In a memo from the Center to Prevent Handgun Violence the sections are Legal Background, History of Bureau Application of the "Sporting Purposes" Test, The Modified Assault Rifles under Import Suspension Should Be Permanently Barred from Importation, [The Galils and Uzis Should Be Barred from Importation Because They Are Banned by the Federal Assault Weapon Statute, and All the Modified Assault Rifles Should Be Barred from Importation Because They Fail the Sporting Purposes Test]. The conclusion states: "The modified assault rifles currently under suspended permits should be permanently barred from importation because they do not meet the sporting purposes test for importation under the Gun Control Act of 1968 and because certain of the rifles [Galils and Uzis] also are banned by the 1994 Federal assault weapon law."

Comments Provided by Individuals

- (10) The respondent does not recommend the Uzi, but he highly recommends the others for small game and varmints. He feels that the calibers of these are not the caliber of choice for medium or large game; however, he believes that the SIG and H&K are the best-built semiautomatics available.

He can not and will not defend the Uzi, referring to it as a "piece of junk."

The respondent feels that because of their expense and their being hard to find, the study rifles (excluding the Uzi) would not be weapons of choice for illegal activities.

- (11) The respondent questions ATF's definition of "sporting" and "organized shooting." He feels that ATF's definition is too narrow and based on "political pressure."

The respondent feels that the firearms are especially suitable for competitive shooting and hunting and that the restrictions on caliber and number of cartridges should be left to the individual States. He has shot competitively for 25 years.

- (18) The respondent specifically recommends the MAK90 for hunting because its shorter length makes for easier movement through covered areas, it allows for quicker follow-up shots, its open sights allow one to come up upon a target more quickly, and it provides a quicker determination of whether a clear shot exists through the brush than with telescopic sighting.

- (21) The respondent states that the second amendment discusses "arms," not "sporting arms." The respondent further states that taxpayer money was spent on this survey and ATF has an agenda. A gun's original intent (military) has nothing to do with how it is used now. "The solution to today's crime is much the same as it always has been, proper enforcement of existing laws, not the imposition of new freedom-restricting laws on honest people."

Information on Articles Reviewed

- (1) Describes limited availability of Uzi Model B sporter with thumbhole stock.
- (2) Describes rifle and makes political statement concerning 1989 ban.
- (3) Describes Chinese copy of Uzi with thumbhole stock.
- (4) Quality sporting firearms from Russia.
- (5) Short descriptions of rifles and shotguns available. Lead-in paragraph mentions hunting. Does not specifically recommend any of the listed weapons for hunting.
- (6) Geared to retail gun dealers, provides list of available products. States L1A1 Sporter is pinpoint accurate and powerful enough for most North American big game hunting.
- (7) Discusses the use of the rifle for hunting bear, sheep, and coyotes. Describes accuracy and ruggedness. NOTE: The rifle is a pre-1989 ban assault rifle.
- (8) Deals primarily with performance of the cartridge. Makes statement that AK 47-type rifle is adequate for deer hunting at woods ranges.
- (9) Discusses gun ownership in the United States. Highlighted text (not by writers) includes the National Survey of Private Ownership of Firearms that was conducted by Chilton Research Services of Drexel Hill, Pennsylvania during November and December 1994: 70 million rifles are privately held, including 28 million semiautomatics.
- (10) Discusses pre-1989 ban configuration. Describes use in hunting, and makes the statement that "in the appropriate calibers, the military style autoloaders can indeed make excellent rifles, and that their ugly configuration probably gives them better handling qualities than more conventional sporters as the military discovered a long time ago."
- (15) Not article - letter from Editor of Gun World magazine discussing "sport" and various competitions. Note: Attached submitted by Century Arms.
- (16) Letter addressed to "To Whom It May Concern" indicating HK91 (not mentioned but illustrated in photos) is suitable for hunting and accurate enough for competition. Note: Submitted by Century Arms.
- (17) Describes a competition developed to test a hunter's skill. Does not mention any of the rifles at issue.
- (18) Not on point - deals with AR 15.
- (19) Describes function, makes political statement.
- (20) Discusses function and disassembly of rifle.
- (21) Not on point - deals with AR 15 rifle.

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- (22) Discusses competition started to show sporting use of rifles banned for sale in California. Unknown if weapons in study were banned in California in 1990.
- (23) Not on point - deals with national matches.
- (24) Not on point - deals with various surplus military rifles.
- (25) Deals with 7.62x39mm ammunition as suitable for deer hunting and mentions the use in SKS rifles, which is a military style semiautomatic but not a part of the study.
- (26) Not on point - deals with reloading.
- (27) Not on point - deals with reloading.
- (28) Not on point - deals with AR15 rifles in competition.
- (29) Not on point - deals with the SKS rifle.
- (30) Not on point - deals with national matches.
- (31) Not on point - deals with national matches.
- (32) Not on point - deals with national matches.
- (33) Not on point - deals with national matches at Camp Perry.
- (34) Not on point - deals with national matches at Camp Perry.
- (35) Not on point - deals with 1989 national matches at Camp Perry.
- (36) Not on point - deals with Browning BAR sporting semiautomatic rifles.
- (38) Not on point - deals with AR15, mentions rifle in caliber 7.62 x 39.
- (39) Not on point - deals with bullet types.
- (40) Not on point - deals with reloading.
- (41) Discusses tracking in snow. Rifles mentioned do not include any rifles in study.
- (42) Deals with deer hunting in general.
- (43) Deals with rifles for varmint hunting. Does not mention rifles in study.
- (44) Not on point - deals with hunting pronghorn antelope.
- (45) Deals with various deer rifles.
- (46) Not on point - deals with two Browning rifles' recoil reducing system.
- (47) Not on point - deals with bolt-action rifles.
- (48) Not on point - deals with ammunition.

- (49) Deals with modifications to AR15 trigger for target shooting.
- (50) Not on point - deals with M1 Garand as a target rifle.
- (51) Not on point - deals with reloading.
- (52) Deals with impact of banning semiautomatic rifles would have on competitors at Camp Perry.
- (53) Deals with economic impact in areas near Camp Perry if semiautomatic rifles banned. Reprint from Akron Beacon Journal.
- (54) Deals with training new competitive shooters - mentions sporting use of assault rifles, i.e., AR15.
- (55) Not on point - article about Nelson Shew.
- (56) Not on point - deals with reloading.
- (57) Not on point - deals with shooting the AR15.
- (58) Not on point - article about AR15 as target rifle.
- (59) Not on point - article about well known competitive shooter.
- (67) Not on point - deals with reloading.
- (68) Discusses semiautomatic versions of M14.
- (69) Discusses gas operation.
- (70) Discusses right adjustment on M1 and M1A rifles.
- (71) Discusses M1A and AR15-type rifles modified to remove them from assault weapon definition, and their use in competition.
- (72) Deals with AR15 type rifle.
- (73) Not on point - deals with AR15.
- (74) Not on point - deals with target rifle based on AR15/M16.
- (75) Not on point - deals with SKS rifle.
- (76) Not on point - deals with reloading 7.62x39mm cartridge.
- (77) Not on point - deals with reloading. Mentions 7.62x39mm.
- (78) Not on point - deals with ammunition performance.
- (79) Deals with .223 Remington caliber ammunition as a hunting cartridge.
- (80) Describes M1A (semiautomatic copy of M14) as a target rifle.
- (81) Not on point - deals with bullet design.
- (82) Not on point - deals with ammunition performance.

Information on Advertisements Reviewed

- (11) Indicates rifles are rugged, reliable and accurate.
- (12) Describes rifles, lists price.
- (13) Sporting versions of AK 47 and FAL.
- (14) Sporting version of AK 47, reliable, accurate.
- (61) Catalog of ammunition - lists uses for 7.62x39mm ammunition.
- (62) Catalog of ammunition - lists uses for 7.62x39mm ammunition.
- (63) Catalog of ammunition - lists uses for 7.62x39mm ammunition.
- (64) Catalog of ammunition - lists uses for 9mm ammunition.
- (65) Catalog of ammunition - lists uses for 9mm ammunition.
- (66) Catalog of ammunition - lists recommended uses for 9mm ammunition.

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EXHIBIT 20

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U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

ATF

Study on the Importability of Certain Shotguns



Firearms and Explosives Industry Division

January 2011

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Study on the Importability of Certain ShotgunsExecutive Summary

The purpose of this study is to establish criteria that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will use to determine the importability of certain shotguns under the provisions of the Gun Control Act of 1968 (GCA).

The Gun Control Act of 1968 (GCA) generally prohibits the importation of firearms into the United States.¹ However, pursuant to 18 U.S.C. § 925(d), the GCA creates four narrow categories of firearms that the Attorney General must authorize for importation. Under one such category, subsection 925(d)(3), the Attorney General shall approve applications for importation when the firearms are generally recognized as particularly suitable for or readily adaptable to sporting purposes (the “sporting purposes test”).

After passage of the GCA in 1968, a panel was convened to provide input on the sporting suitability standards which resulted in factoring criteria for handgun importations. Then in 1989, and again in 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) conducted studies to determine the sporting suitability and importability of certain firearms under section 925(d)(3). However, these studies focused mainly on a type of firearm described as “semiautomatic assault weapons.” The 1989 study determined that assault rifles contained a variety of physical features that distinguished them from traditional sporting rifles. The study concluded that there were three characteristics that defined semiautomatic assault rifles.²

The 1998 study concurred with the conclusions of the 1989 study, but included a finding that “the ability to accept a detachable large capacity magazine originally designed and produced for a military assault weapon should be added to the list of disqualifying military configuration features identified in 1989.”³ Further, both studies concluded that the scope of “sporting purposes” did not include all lawful activity, but was limited to traditional sports such as hunting, skeet shooting, and trap shooting. This effectively narrowed the universe of firearms considered by each study because a larger number of firearms are “particularly suitable for or readily adaptable to a sporting purpose” if plinking⁴ and police or military-style practical shooting competitions are also included as a “sporting purpose.”⁵

Although these studies provided effective guidelines for determining the sporting purposes of rifles, ATF recognized that no similar studies had been completed to determine the sporting

¹ Chapter 44, Title 18, United States Code (U.S.C.), at 18 U.S.C. § 922(l).

² These characteristics were: (a) a military configuration (ability to accept a detachable magazine, folding/telescoping stocks, pistol grips, ability to accept a bayonet, flash suppressors, bipods, grenade launchers, and night sights); (b) a semiautomatic version of a machinegun; and (c) chambered to accept a centerfire cartridge case having a length of 2.25 inches or less. *1989 Report and Recommendation on the Importability of Certain Semiautomatic Rifles (1989 Study)* at 6-9.

³ *1998 Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Rifles (1998 Study)* at 2.

⁴ “Plinking” is shooting at random targets such as bottles and cans. 1989 Report at 10.

⁵ *1989 Report* at 8-9; *1998 Study* at 18-19.

suitability of shotguns. A shotgun study working group (working group) was assigned to perform a shotgun study under the § 925(d)(3) sporting purposes test. The working group considered the 1989 and 1998 studies, but neither adopted nor entirely accepted findings from those studies as conclusive as to shotguns.

Sporting Purpose

Determination of whether a firearm is generally accepted for use in sporting purposes is the responsibility of the Attorney General (formerly the Secretary of the Treasury). As in the previous studies, the working group considered the historical context of “sporting purpose” and that Congress originally intended a narrow interpretation of sporting purpose under § 925(d)(3).

While the 1989 and 1998 studies considered all rifles in making their recommendations, these studies first identified firearm features and subsequently identified those activities believed to constitute a legitimate “sporting purpose.” However, in reviewing the previous studies, the working group believes that it is appropriate to first consider the current meaning of “sporting purpose” as this may impact the “sporting” classification of any shotgun or shotgun features. For example, military shotguns, or shotguns with common military features that are unsuitable for traditional shooting sports, may be considered “particularly suitable for or readily adaptable to sporting purposes” if military shooting competitions are considered a generally recognized sporting purpose. Therefore, in determining the contemporary meaning of sporting purposes, the working group examined not only the traditional sports of hunting and organized competitive target shooting, but also made an effort to consider other shooting activities.

In particular, the working group examined participation in and popularity of practical shooting events as governed by formal rules, such as those of the United States Practical Shooting Association (USPSA) and International Practical Shooting Confederation (IPSC), to determine whether it was appropriate to consider these events a “sporting purpose” under § 925(d)(3). While the number of members reported for USPSA is similar to the membership for other shotgun shooting organizations,⁶ the working group ultimately determined that it was not appropriate to use this shotgun study to determine whether practical shooting is “sporting” under § 925(d)(3). A change in ATF’s position on practical shooting has potential implications for rifle and handgun classifications as well. Therefore, the working group believes that a more thorough and complete assessment is necessary before ATF can consider practical shooting as a generally recognized sporting purpose.

The working group agreed with the previous studies in that the activity known as “plinking” is “primarily a pastime” and could not be considered a recognized sport for the purposes of

⁶ Organization websites report these membership numbers: for the United States Practical Shooting Association, approx. 19,000; Amateur Trapshooting Association, over 35,000 active members; National Skeet Shooting Association, nearly 20,000 members; National Sporting Clays Association, over 22,000 members; Single Action Shooting Society, over 75,000 members.

importation.⁷ Because almost any firearm can be used in that activity, such a broad reading of “sporting purpose” would be contrary to the congressional intent in enacting section 925(d)(3). For these reasons, the working group recommends that plinking not be considered a sporting purpose. However, consistent with past court decisions and Congressional intent, the working group recognized hunting and other more generally recognized or formalized competitive events similar to the traditional shooting sports of trap, skeet, and clays.

Firearm Features

In reviewing the shotguns used for those activities classified as sporting purposes, the working group examined State hunting laws, rules, and guidelines for shooting competitions and shooting organizations; industry advertisements and literature; scholarly and historical publications; and statistics on participation in the respective shooting sports. Following this review, the working group determined that certain shotgun features are not particularly suitable or readily adaptable for sporting purposes. These features include:

- (1) Folding, telescoping, or collapsible stocks;
- (2) bayonet lugs;
- (3) flash suppressors;
- (4) magazines over 5 rounds, or a drum magazine;
- (5) grenade-launcher mounts;
- (6) integrated rail systems (other than on top of the receiver or barrel);
- (7) light enhancing devices;
- (8) excessive weight (greater than 10 pounds for 12 gauge or smaller);
- (9) excessive bulk (greater than 3 inches in width and/or greater than 4 inches in depth);
- (10) forward pistol grips or other protruding parts designed or used for gripping the shotgun with the shooter’s extended hand.

Although the features listed above do not represent an exhaustive list of possible shotgun features, designs or characteristics, the working group determined that shotguns with any one of these features are most appropriate for military or law enforcement use. Therefore, shotguns containing any of these features are not particularly suitable for nor readily adaptable to generally recognized sporting purposes such as hunting, trap, sporting clay, and skeet shooting. Each of these features and an analysis of each of the determinations are included within the main body of the report.

⁷ 1989 Study at 10; 1998 Study at 17.

Study on the Importability of Certain Shotguns

The purpose of this study is to establish criteria that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will use to determine the importability of certain shotguns under the provisions of the Gun Control Act of 1968 (GCA).

Background on Shotguns

A shotgun is defined by the GCA as “a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.”⁸

Shotguns are traditional hunting firearms and, in the past, have been referred to as bird guns or “fowling” pieces. They were designed to propel multiple pellets of shot in a particular pattern that is capable of killing the game that is being hunted. This design and type of ammunition limits the maximum effective long distance range of shotguns, but increases their effectiveness for small moving targets such as birds in flight at a close range. Additionally, shotguns have been used to fire slugs. A shotgun slug is a single metal projectile that is fired from the barrel. Slugs have been utilized extensively in areas where State laws have restricted the use of rifles for hunting. Additionally, many States have specific shotgun seasons for deer hunting and, with the reintroduction of wild turkey in many States, shotguns and slugs have found additional sporting application.

Shotguns are measured by *gauge* in the United States. The gauge number refers to the “number of equal-size balls cast from one pound of lead that would pass through the bore of a specific diameter.”⁹ The largest commonly available gauge is 10 gauge (.0775 in. bore diameter). Therefore, a 10 gauge shotgun will have an inside diameter equal to that of a sphere made from one-tenth of a pound of lead. By far, the most common gauges are 12 (0.729 in. diameter) and 20 (0.614 in. diameter). The smallest shotgun that is readily available is known as a “.410,” which is the diameter of its bore measured in inches. Technically, a .410 is a 67 gauge shotgun.

Background on Sporting Suitability

The GCA generally prohibits the importation of firearms into the United States.¹⁰ However, the statute exempts four narrow categories of firearms that the Attorney General shall authorize for importation. Originally enacted by Title IV of the Omnibus Crime Control and Safe Streets Act of 1968,¹¹ and amended by Title I of the GCA¹² enacted that same year, this section provides, in pertinent part:

⁸ 18 U.S.C. § 921(a)(5).

⁹ The Shotgun Encyclopedia at 106.

¹⁰ 18 U.S.C. § 922(l).

¹¹ Pub. Law 90-351 (June 19, 1968).

¹² Pub. Law 90-618 (October 22, 1968).

the Attorney General shall authorize a firearm . . . to be imported or brought into the United States . . . if the firearm . . . (3) is of a **type** that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 and is **generally recognized as particularly suitable for or readily adaptable to sporting purposes**, excluding surplus military firearms, except in any case where the Secretary has not authorized the importation of the firearm pursuant to this paragraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled.¹³ (Emphasis added)

This section addresses Congress' concern that the United States had become a "dumping ground of the castoff surplus military weapons of other nations,"¹⁴ in that it exempted only firearms with a generally recognized sporting purpose. In recognizing the difficulty in implementing this section, Congress gave the Secretary of the Treasury (now the Attorney General) the discretion to determine a weapon's suitability for sporting purposes. This authority was ultimately delegated to what is now ATF. Immediately after discussing the large role cheap imported .22 caliber revolvers were playing in crime, the Senate Report stated:

[t]he difficulty of defining weapons characteristics to meet this target without discriminating against sporting quality firearms, was a major reason why the Secretary of the Treasury has been given fairly broad discretion in defining and administering the import prohibition.¹⁵

Indeed, Congress granted this discretion to the Secretary even though some expressed concern with its breadth:

[t]he proposed import restrictions of Title IV would give the Secretary of the Treasury unusually broad discretion to decide whether a particular type of firearm is generally recognized as particularly suitable for, or readily adaptable to, sporting purposes. If this authority means anything, it permits Federal officials to differ with the judgment of sportsmen expressed through consumer preference in the marketplace....¹⁶

Since that time, ATF has been responsible for determining whether firearms are generally recognized as particularly suitable for or readily adaptable to sporting purposes under the statute.

¹³ 18 U.S.C. § 925(d)(3). In pertinent part, 26 U.S.C. § 5845(a) includes "a shotgun having a barrel or barrels of less than 18 inches in length."

¹⁴ 90 P.L. 351 (1968).

¹⁵ S. Rep. No. 1501, 90th Cong. 2d Sess. 38 (1968).

¹⁶ S. Rep. No. 1097, 90th Cong. 2d Sess. 2155 (1968) (views of Senators Dirksen, Hruska, Thurmond, and Burdick). In Gun South, Inc. v. Brady, 877 F.2d 858, 863 (11th Cir. 1989), the court, based on legislative history, found that the GCA gives the Secretary "unusually broad discretion in applying section 925(d)(3)."

On December 10, 1968, the Alcohol and Tobacco Tax Division of the Internal Revenue Service (predecessor to ATF) convened a “Firearm Advisory Panel” to assist with defining “sporting purposes” as utilized in the GCA. This panel was composed of representatives from the military, law enforcement, and the firearms industry. The panel generally agreed that firearms designed and intended for hunting and organized competitive target shooting would fall into the sporting purpose criteria. It was also the consensus that the activity of “plinking” was primarily a pastime and therefore would not qualify. Additionally, the panel looked at criteria for handguns and briefly discussed rifles. However, no discussion took place on shotguns given that, at the time, all shotguns were considered inherently sporting because they were utilized for hunting or organized competitive target competitions.

Then, in 1984, ATF organized the first large scale study aimed at analyzing the sporting suitability of certain firearms. Specifically, ATF addressed the sporting purposes of the Striker-12 and Streetsweeper shotguns. These particular shotguns were developed in South Africa as law enforcement, security and anti-terrorist weapons. These firearms are nearly identical 12-gauge shotguns, each with 12-round capacity and spring-driven revolving magazines. All 12 rounds can be fired from the shotguns within 3 seconds.

In the 1984 study, ATF ruled that the Striker-12 and the Streetsweeper were not eligible for importation under 925(d)(3) because they were not “particularly suitable for sporting purposes.” In doing this, ATF reversed an earlier opinion and specifically rejected the proposition that police or combat competitive shooting events were a generally accepted “sporting purpose.” This 1984 study adopted a narrow interpretation of organized competitive target shooting competitions to include the traditional target events such as trap and skeet. ATF ultimately concluded that the size, weight and bulk of the shotguns made them difficult to maneuver in traditional shooting sports and, therefore, these shotguns were not particularly suitable for or readily adaptable to these sporting purposes. At the same time, however, ATF allowed importation of a SPAS-12 variant shotgun because its size, weight, bulk and *modified* configuration were such that it was particularly suitable for traditional shooting sports.¹⁷ The Striker-12 and Streetsweeper were later classified as “destructive devices” pursuant to the National Firearms Act.¹⁸

In 1989, and again in 1998, ATF conducted studies to determine whether certain rifles could be imported under section 925(d)(3). The respective studies focused primarily on the application of the sporting purposes test to a type of firearm described as a “semiautomatic assault weapon.” In both 1989 and 1998, ATF was concerned that certain semiautomatic assault weapons had been approved for importation even though they did not satisfy the sporting purposes test.

¹⁷ Private letter Ruling of August 9, 1989 from Bruce L. Weinger, Chief, Firearms and Explosives Division.

¹⁸ See ATF Rulings 94-1 and 94-2.

1989 Study

In 1989, ATF announced that it was suspending the importation of several semiautomatic assault rifles pending a decision on whether they satisfied the sporting criteria under section 925(d)(3). The 1989 study determined that assault rifles were a “type” of rifle that contained a variety of physical features that distinguished them from traditional sporting rifles. The study concluded that there were three characteristics that defined semiautomatic assault rifles:

- (1) a military configuration (ability to accept a detachable magazine, folding/telescoping stocks, pistol grips, ability to accept a bayonet, flash suppressors, bipods, grenade launchers, and night sights);
- (2) semiautomatic version of a machinegun;
- (3) chambered to accept a centerfire cartridge case having a length of 2.25 inches or less.¹⁹

The 1989 study then examined the scope of “sporting purposes” as used in the statute.²⁰ The study noted that “[t]he broadest interpretation could take in virtually any lawful activity or competition which any person or groups of persons might undertake. Under this interpretation, any rifle could meet the “sporting purposes” test.²¹ The 1989 study concluded that a broad interpretation would render the statute useless. The study therefore concluded that neither plinking nor “police/combat-type” competitions would be considered sporting activities under the statute.²²

The 1989 study concluded that semiautomatic assault rifles were “designed and intended to be particularly suitable for combat rather than sporting applications.”²³ With this, the study determined that they were not suitable for sporting purposes and should not be authorized for importation under section 925(d)(3).

1998 Study

The 1998 study was conducted after “members of Congress and others expressed concern that rifles being imported were essentially the same as semiautomatic assault rifles previously determined to be nonimportable” under the 1989 study.²⁴ Specifically, many firearms found to be nonimportable under the 1989 study were later modified to meet the standards outlined in the study. These firearms were then legally imported into the country under section 925(d)(3). ATF commissioned the 1998 study on the sporting suitability of semiautomatic rifles to address concerns regarding these modified firearms.

¹⁹ 1989 Report and Recommendation on the ATF Working Group on the Importability of Certain Semiautomatic Rifles (1989 Study).

²⁰ *Id.* at 8.

²¹ *Id.*

²² *Id.* At 9.

²³ *Id.* At 12.

²⁴ 1998 Study at 1.

The 1998 study identified the firearms in question and determined that the rifles shared an important feature—the ability to accept a large capacity magazine that was originally designed for military firearms. The report then referred to such rifles as Large Capacity Military Magazine rifles or “LCMM rifles.”²⁵

The study noted that after 1989, ATF refused to allow importation of firearms that had any of the identified non-sporting features, but made an exception for firearms that possessed only a detachable magazine. Relying on the 1994 Assault Weapons Ban, the 1998 study noted that Congress “sent a strong signal that firearms with the ability to expel large amounts of ammunition quickly are not sporting.”²⁶ The study concluded by adopting the standards set forth in the 1989 study and by reiterating the previous determination that large capacity magazines are a military feature that bar firearms from importation under section 925(d)(3).²⁷

Present Study

While ATF conducted the above mentioned studies on the sporting suitability of rifles, to date, no study has been conducted to address the sporting purposes and importability of shotguns. This study was commissioned for that purpose and to ensure that ATF complies with its statutory mandate under section 925(d)(3).

Methodology

To conduct this study, the working group reviewed current shooting sports and the sporting suitability of common shotguns and shotgun features. At the outset, the working group recognized the importance of acknowledging the inherent differences between rifles, handguns and shotguns. These firearms have distinct characteristics that result in specific applications of each weapon. Therefore, in conducting the study, the working group generally considered shotguns without regard to technical similarities or differences that exist in rifles or handguns.

The 1989 and 1998 studies examined particular features and made sporting suitability determinations based on the generally accepted sporting purposes of *rifles*. These studies served as useful references because, in recent years, manufacturers have produced shotguns with features traditionally found only on rifles. These features are typically used by military or law enforcement personnel and provide little or no advantage to sportsmen.

Following a review of the 1989 and 1998 studies, the working group believed that it was necessary to first identify those activities that are considered legitimate “sporting purposes” in the modern era. While the previous studies determined that only “the traditional sports of hunting and organized competitive target shooting” would be considered “sporting,”²⁸ the working group recognized that sporting purposes may evolve over time. The working group felt

²⁵ 1998 Study at 16.

²⁶ 1998 Study at 3.

²⁷ The 1994 Assault Weapons Ban expired Sept. 13, 2004, as part of the law's sunset provision.

²⁸ 1998 Study at 16

that the statutory language supported this because the term “generally recognized” modifies, not only firearms used for shooting activities, but also the shooting activities themselves. This is to say that an activity is considered “sporting” under section 925(d)(3) if it is generally recognized as such.²⁹ Therefore, activities that were “generally recognized” as legitimate “sporting purposes” in previous studies are not necessarily the same as those activities that are “generally recognized” as sporting purposes in the modern era. As stated above, Congress recognized the difficulty in legislating a fixed meaning and therefore gave the Attorney General the responsibility to make such determinations. As a result, the working group did not simply accept the proposition that sporting events were limited to hunting and traditional trap and skeet target shooting. In determining whether an activity is now generally accepted as a sporting purpose, the working group considered a broad range of shooting activities.

Once the working group determined those activities that are generally recognized as a “sporting purpose” under section 925(d)(3), it examined numerous shotguns with diverse features in an effort to determine whether any particular firearm was particularly suitable for or readily adaptable to those sports. In coming to a determination, the working group recognized that a shotgun cannot be classified as sporting merely because it may be used for a sporting purpose. During debate on the original bill, there was discussion about the meaning of the term “sporting purposes.” Senator Dodd stated:

Here again I would have to say that if a military weapon is used in a special sporting event, it does not become a sporting weapon. It is a military weapon used in a special sporting event As I said previously the language says no firearms will be admitted into this country unless they are genuine sporting weapons.³⁰

In making a determination on any particular feature, the working group considered State hunting laws, currently available products, scholarly and historical publications, industry marketing, and rules and regulations of organization such as the National Skeet Shooting Association, Amateur Trapshooting Association, National Sporting Clays Association, Single Action Shooting Society, International Practical Shooting Confederation (IPSC), and the United States Practical Shooting Association (USPSA). Analysis of these sources as well as a variety of shotguns led the working group to conclude that certain shotguns were of a type that did not meet the requirements of section 925(d)(3), and therefore, could not lawfully be imported.

²⁹ ATF previously argued this very point in *Gilbert Equipment Company, Inc. v. Higgins*, 709 F.Supp. 1071, 1075 (S.D. Ala. 1989). The court agreed, noting, “according to Mr. Drake, the bureau takes the position...that an event has attained general recognition as being a sport before those uses and/or events can be ‘sporting purposes’ or ‘sports’ under section 925(d)(3). See also Declaration of William T. Drake, Deputy Director, Bureau of Alcohol, Tobacco and Firearms.

³⁰ 114 Cong. Rec. 27461-462 (1968).

Analysis

A. Scope of Sporting Purposes

In conducting the sporting purposes test on behalf of the Attorney General, ATF examines the physical and technical characteristics of a shotgun and determines whether those characteristics meet this statutory requirement. A shotgun's suitability for a particular sport depends upon the nature and requirements inherent to that sport. Therefore, determining a "sporting purpose" was the first step in this analysis under section 925(d)(3) and is a critical step of the process.

A broad interpretation of "sporting purposes" may include any lawful activity in which a shooter might participate and could include any organized or individual shooting event or pastime. A narrow interpretation of "sporting purposes" would clearly result in a more selective standard governing the importation of shotguns.

Consistent with previous ATF decisions and case law, the working group recognized that a sport or event must "have attained general recognition as being a 'sport,' before those uses and/or events can be 'sporting purposes' or 'sports' under Section 925(d)(3)."³¹ The statutory language limits ATF's authority to recognize a particular shooting activity as a "sporting purpose," and therefore requires a narrow interpretation of this term. As stated however, the working group recognized that sporting purposes may change over time, and that certain shooting activities may become "generally recognized" as such.

At the present time, the working group continues to believe that the activity known as "plinking" is not a generally recognized sporting purpose. There is nothing in the legislative history of the GCA to indicate that section 925(d)(3) was meant to recognize every conceivable type of activity or competition that might employ a firearm. Recognition of plinking as a sporting purpose would effectively nullify section 925(d)(3) because it may be argued that *any* shotgun is particularly suitable for or readily adaptable to this activity.

The working group also considered "practical shooting" competitions. Practical shooting events generally measure a shooter's accuracy and speed in identifying and hitting targets while negotiating obstacle-laden shooting courses. In these competitions, the targets are generally stationary and the shooter is mobile, as opposed to clay target shooting where the targets are moving at high speeds mimicking birds in flight. Practical shooting consist of rifle, shotgun and handgun competitions, as well as "3-Gun" competitions utilizing all three types of firearm on one course. The events are often organized by local or national shooting organizations and attempt to categorize shooters by skill level in order to ensure competitiveness within the respective divisions. The working group examined participation in and popularity of practical shooting events as governed under formal rules such as those of the United States Practical Shooting Association (USPSA) and International Practical Shooting Confederation (IPSC) to see

³¹ *Gilbert at 1085.*

if it is appropriate to consider these events a legitimate “sporting purpose” under section 925(d)(3).

The USPSA currently reports approximately 19,000 members that participate in shooting events throughout the United States.³² While USPSA’s reported membership is within the range of members for some other shotgun shooting organizations,³³ organizations involved in shotgun hunting of particular game such as ducks, pheasants and quail indicate significantly more members than any of the target shooting organizations.³⁴ Because a determination on the sporting purpose of practical shooting events should be made only after an in-depth study of those events, the working group determined that it was not appropriate to use this shotgun study to make a definitive conclusion as to whether practical shooting events are “sporting” for purposes of section 925(d)(3). Any such study must include rifles, shotguns and handguns because practical shooting events use all of these firearms, and a change in position by ATF on practical shooting or “police/combat-type” competitions may have an impact on the sporting suitability of rifles and handguns. Further, while it is clear that shotguns are used at certain practical shooting events, it is unclear whether shotgun use is so prevalent that it is “generally recognized” as a sporting purpose. If shotgun use is not sufficiently popular at such events, practical shooting would have no effect on any sporting suitability determination of shotguns. Therefore, it would be impractical to make a determination based upon one component or aspect of the practical shooting competitions.

As a result, the working group based the following sporting suitability criteria on the traditional sports of hunting, trap and skeet target shooting.

B. Suitability for Sporting Purposes

The final step in our review involved an evaluation of shotguns to determine a “type” of firearm that is “generally recognized as particularly suitable or readily adaptable to sporting purposes.” Whereas the 1989 and 1998 studies were conducted in response to Congressional interest pertaining to a certain “type” of firearm, the current study did not benefit from a mandate to focus upon and review a particular type of firearm. Therefore, the current working group determined that it was necessary to consider a broad sampling of shotguns and shotgun features that may constitute a “type.”

Whereas rifles vary greatly in size, function, caliber and design, historically, there is less variation in shotgun design. However, in the past several years, ATF has witnessed increasingly diverse shotgun design. Much of this is due to the fact that some manufacturers are now applying rifle designs and features to shotguns. This has resulted in a type of shotgun that has

³² See www.uspsa.org.

³³ Organization websites report these membership numbers: for the United States Practical Shooting Association, approx. 19,000; Amateur Trapshooting Association, over 35,000 active members; National Skeet Shooting Association, nearly 20,000 members; National Sporting Clays Association, over 22,000 members; Single Action Shooting Society, over 75,000 members.

³⁴ Organization websites report these membership numbers: Ducks Unlimited, U.S adult 604,902 (Jan. 1, 2010); Pheasants/Quail Forever, over 130,000 North American members (2010) <http://www.pheasantfest.org/page/1/PressReleaseViewer.jsp?pressReleaseId=12406>.

features or characteristics that are based on tactical and military firearms. Following a review of numerous shotguns, literature, and industry advertisements, the working group determined that the following shotgun features and design characteristics are particularly suitable for the military or law enforcement, and therefore, offer little or no advantage to the sportsman. Therefore, we recognized that any shotgun with one or more of these features represent a “type” of firearm that is not “generally recognized as particularly suitable or readily adaptable to sporting purposes” and may not be imported under section 925(d)(3).

(1) Folding, telescoping or collapsible stock.

Shotgun stocks vary in style, but sporting stocks have largely resembled the traditional design.³⁵ Many military firearms incorporate folding or telescoping stocks. The main advantage of this feature is portability, especially for airborne troops. These stocks allow the firearm to be fired from the folded or retracted position, yet it is difficult to fire as accurately as can be done with an open or fully extended stock. While a folding stock or telescoping stock makes it easier to carry the firearm, its predominant advantage is for military and tactical purposes. A folding or telescoping stock is therefore not found on the traditional sporting shotgun. Note that certain shotguns may utilize adjustable butt plates, adjustable combs, or other designs intended only to allow a shooter to make small custom modifications to a shotgun. These are not intended to make a shotgun more portable, but are instead meant to improve the overall “fit” of the shotgun to a particular shooter. These types of adjustable stocks are sporting and are, therefore, acceptable for importation.

(2) Bayonet Lug.

A bayonet lug is generally a metal mount that allows the installation of a bayonet onto the end of a firearm. While commonly found on rifles, bayonets have a distinct military purpose. Publications have indicated that this may be a feature on military shotguns as well.³⁶ It enables soldiers to fight in close quarters with a knife attached to their firearm. The working group discovered no generally recognized sporting application for a bayonet on a shotgun.

(3) Flash Suppressor.

Flash suppressors are generally used on military firearms to disperse the muzzle flash in order to help conceal the shooter’s position, especially at night. Compensators are used on military and commercial firearms to assist in controlling recoil and the “muzzle climb” of the shotgun. Traditional sporting shotguns do not have flash suppressors or compensators. However, while compensators have a limited benefit for shooting sports because they allow the shooter to quickly reacquire the target for a second shot, there is no particular benefit in suppressing muzzle flash in

³⁵ Exhibit 1.

³⁶ *A Collector’s Guide to United States Combat Shotguns* at 156.

sporting shotguns. Therefore, the working group finds that flash suppressors are not a sporting characteristic, while compensators are a sporting feature. However, compensators that, in the opinion of ATF, actually function as flash suppressors are neither particularly suitable nor readily adaptable to sporting purposes.

(4) Magazine over 5 rounds, or a Drum Magazine.

A magazine is an ammunition storage and feeding device that delivers a round into the chamber of the firearm during automatic or semiautomatic firing.³⁷ A magazine is either integral (tube magazine) to the firearm or is removable (box magazine). A drum magazine is a large circular magazine that is generally detachable and is designed to hold a large amount of ammunition.

The 1989 Study recognized that virtually all modern military firearms are designed to accept large, detachable magazines. The 1989 Study noted that this feature provides soldiers with a large ammunition supply and the ability to reload rapidly. The 1998 Study concurred with this and found that, for rifles, the ability to accept a detachable large capacity magazine was not a sporting feature. The majority of shotguns on the market today contain an integral “tube” magazine. However, certain shotguns utilize removable box magazine like those commonly used for rifles.³⁸

In regard to sporting purposes, the working group found no appreciable difference between integral tube magazines and removable box magazines. Each type allowed for rapid loading, reloading, and firing of ammunition. For example, “speed loaders” are available for shotguns with tube-type magazines. These speed loaders are designed to be preloaded with shotgun shells and can reload a shotgun with a tube-type magazine in less time than it takes to change a detachable magazine.

However, the working group determined that magazines capable of holding large amounts of ammunition, regardless of type, are particularly designed and most suitable for military and law enforcement applications. The majority of state hunting laws restrict shotguns to no more than 5 rounds.³⁹ This is justifiable because those engaged in sports shooting events are not engaging in potentially hostile or confrontational situations, and therefore do not require the large amount of immediately available ammunition, as do military service members and police officers.

Finally, drum magazines are substantially wider and have considerably more bulk than standard clip-type magazines. They are cumbersome and, when attached to the shotgun, make it more difficult for a hunter to engage multiple small moving targets. Further, drum magazines are generally designed to contain more than 5 rounds. Some contain as many as 20 or more

³⁷ Steindler's New Firearms Dictionary at 164.

³⁸ See Collector's Guide to United States Combat Shotguns at 156-7, noting that early combat shotguns were criticized because of their limited magazine capacity and time consuming loading methods.

³⁹ Exhibit 2.

rounds.⁴⁰ While such magazines may have a military or law enforcement application, the working group determined that they are not useful for any generally recognized sporting purpose. These types of magazines are unlawful to use for hunting in most states, and their possession and manufacture are even prohibited or restricted in some states.⁴¹

(5) Grenade Launcher Mount.

Grenade launchers are incorporated into military firearms to facilitate the launching of explosive grenades. Such launchers are generally of two types. The first type is a flash suppressor designed to function as a grenade launcher. The second type attaches to the barrel of the firearm either by screws or clamps. Grenade launchers have a particular military application and are not currently used for sporting purposes.

(6) Integrated Rail Systems.⁴²

This refers to a mounting rail system for small arms upon which firearm accessories and features may be attached. This includes scopes, sights, and other features, but may also include accessories or features with no sporting purpose, including flashlights, foregrips, and bipods. Rails on the sides and underside of shotguns—including any accessory mount—facilitate installation of certain features lacking any sporting purpose. However, receiver rails that are installed on the top of the receiver and barrel are readily adaptable to sporting purposes because this facilitates installation of optical or other sights.

(7) Light Enhancing Devices.

Shotguns are generally configured with either bead sights, iron sights or optical sights, depending on whether a particular sporting purpose requires the shotgun to be pointed or aimed.⁴³ Bead sights allow a shooter to “point” at and engage moving targets at a short distance with numerous small projectiles, including birds, trap, skeet and sporting clays. Iron and optical sights are used when a shooter, firing a slug, must “aim” a shotgun at a target, including deer, bear and turkeys.⁴⁴ Conversely, many military firearms are equipped with sighting devices that utilize available light to facilitate night vision capabilities. Devices or optics that allow illumination of a target in low-light conditions are generally for military and law enforcement purposes and are not typically found on sporting shotguns because it is generally illegal to hunt at night.

⁴⁰ Exhibit 3.

⁴¹ See, e.g., Cal Pen Code § 12020; N.J. Stat. § 2C:39-9.

⁴² Exhibit 4.

⁴³ NRA Firearms Sourcebook at 178.

⁴⁴ Id.

(8) Excessive Weight.⁴⁵

Sporting shotguns, 12 gauge and smaller, are lightweight (generally less than 10 pounds fully assembled),⁴⁶ and are balanced and maneuverable. This aids sportsmen by allowing them to carry the firearm over long distances and rapidly engage a target. Unlike sporting shotguns, military firearms are larger, heavier, and generally more rugged. This design allows the shotguns to withstand more abuse in combat situations.

(9) Excessive Bulk.⁴⁷

Sporting shotguns are generally no more than 3 inches in width or more than 4 inches in depth. This size allows sporting shotguns to be sufficiently maneuverable in allowing hunters to rapidly engage targets. Certain combat shotguns may be larger for increased durability or to withstand the stress of automatic fire. The bulk refers to the fully assembled shotgun, but does not include magazines or accessories such as scopes or sights that are used on the shotgun. For both width and depth, shotguns are measured at the widest points of the action or housing on a line that is perpendicular to the center line of the bore. Depth refers to the distance from the top plane of the shotgun to the bottom plane of the shotgun. Width refers to the length of the top or bottom plane of the firearm and measures the distance between the sides of the shotgun. Neither measurement includes the shoulder stock on traditional sporting shotgun designs.

(10) Forward Pistol Grip or Other Protruding Part Designed or Used for Gripping the Shotgun with the Shooter's Extended Hand.⁴⁸

While sporting shotguns differ in the style of shoulder stock, they are remarkably similar in fore-end design.⁴⁹ Generally, sporting shotguns have a foregrip with which the shooter's forward hand steadies and aims the shotgun. Recently, however, some shooters have started attaching forward pistol grips to shotguns. These forward pistol grips are often used on tactical firearms and are attached to those firearms using the integrated rail system. The ergonomic design allows for continued accuracy during sustained shooting over long periods of time. This feature offers little advantage to the sportsman. Note, however, that the working group believes that pistol grips for the trigger hand are prevalent on shotguns and are therefore generally recognized as particularly suitable for sporting purposes.⁵⁰

While the features listed above are the most common non-sporting shotgun features, the working group recognizes that other features, designs, or characteristics may exist. Prior to importation, ATF will classify these shotguns based upon the requirements of section 925(d)(3). The working

⁴⁵ See generally Gilbert.

⁴⁶ Shotgun Encyclopedia 2001 at 264.

⁴⁷ Exhibit 5.

⁴⁸ Exhibit 6.

⁴⁹ See Exhibit 1. See generally NRA Firearms Sourcebook at 121-2.

⁵⁰ See Exhibit 1.

group expects the continued application of unique features and designs to shotguns that may include features or designs based upon traditional police or military tactical rifles. However, even if a shotgun does not have one of the features listed above, it may be considered “sporting” only if it meets the statutory requirements under section 925(d)(3). Further, the simple fact that a military firearm or feature *may* be used for a generally recognized sporting purposes is not sufficient to support a determination that it is sporting under 925(d)(3). Therefore, as required by section 925(d)(3), in future sporting classifications for shotguns, ATF will classify the shotgun as sporting only if there is evidence that its features or design characteristics are generally recognized as particularly suitable for or readily adaptable to generally recognized sporting purposes.

The fact that a firearm or feature was initially designed for military or tactical applications, including offensive or defensive combat, may indicate that it is not a sporting firearm. This may be overcome by evidence that the particular shotgun or feature has been so regularly used by sportsmen that it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. Such evidence may include marketing, industry literature and consumer articles, scholarly and historical publications, military publications, the existence of State and local statutes and regulations limiting use of the shotgun or features for sporting purposes, and the overall use and the popularity of such features or designs for sporting purposes according to hunting guides, shooting magazines, State game commissioners, organized competitive hunting and shooting groups, law enforcement agencies or organizations, industry members and trade associations, and interest and information groups. Conversely, a determination that the shotgun or feature was originally designed as an improvement or innovation to an existing sporting shotgun design or feature will serve as evidence that the shotgun is sporting under section 925(d)(3). However, any new design or feature must still satisfy the sporting suitability test under section 925(d)(3) as outlined above.

The Attorney General and ATF are not limited to these factors and therefore may consider any other factor determined to be relevant in making this determination. The working group recognizes the difficulty in applying this standard but acknowledges that Congress specifically intended that the Attorney General perform this function. Therefore, the working group recommends that sporting determinations for shotguns not specifically addressed by this study be reviewed by a panel pursuant to ATF orders, policies and procedures, as appropriate.

Conclusion

The purpose of section 925(d)(3) is to provide a limited exception to the general prohibition on the importation of firearms without placing “any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms...”⁵¹ Our determinations will in no way preclude the importation of true sporting shotguns. While it will certainly prevent the importation of certain shotguns, we believe that

⁵¹ 90 P.L. 351 (1968).

those shotguns containing the enumerated features cannot be fairly characterized as “sporting” shotguns under the statute. Therefore, it is the recommendation of the working group that shotguns with any of the characteristics or features listed above not be authorized for importation.

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Shotgun Stock Style Comparison

Exhibit I

“Straight” or “English” style stock (Ruger Red Label):



“Pistol grip” style stock (Browning Citori):



“Pistol grip” style stock (Mossberg 935 Magnum Turkey):



“Thumbhole” style stock (Remington SP-10):



Stock with Separate Pistol Grip



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Exhibit 2

Hunting Statutes by State

State	Gauge	Mag Restriction / plugged with one piece filler requiring disassembly of gun for removal	Attachments	Semi-Auto	Other
Alabama	10 gauge or smaller;	(Species specific) 3 shells			1
Alaska	10 gauge or smaller				
Arizona	10 gauge or smaller	5 shells			
Arkansas	≤ 10 gauge; some zones ≥ .410; ≥ 20 gauge for bear	(Species specific) 3 shells			
California	≤ 10 gauge; Up to 12 gauge in some areas	(Species specific) 3 shells			
Colorado	≥ 20 gauge; Game Mammals ≤ 10 gauge	3 shells			
Connecticut	≤ 10-gauge	(Species specific) 3 shells	telescopic sights		
Delaware	20, 16, 12, 10 gauge	3 shells		Muzzleloaders may be equipped with scopes	2
Florida	Muzzleloading firing ≥ 2 balls ≥ 20-gauge; Migratory birds ≤ 10-gauge; opossums - single-shot .41 -gauge shotguns	(Species specific) 3 shells			
Georgia	≥ 20-gauge; Waterfowl ≤ 10-gauge	5 shells	Scopes are legal		
Hawaii	≤ 10 gauge	(Species specific) 3 shells			
Idaho			some scopes allowed		3
Illinois	20 - 10 gauge; no .410 or 28 gauge allowed	3 shells			
Indiana		(Species specific) 3 shells	Laser sights are legal		

Hunting Statutes by State

Iowa	10-, 12-, 16-, and 20-gauge			
Kansas	≥ 20 gauge; ≤ 10 gauge,	(Species specific) 3 shells	Telescopic sights (scopes)	
Kentucky	up to and including 10-gauge, includes .410-	(Species specific) 3 shells		
Louisiana	≤ 10 gauge	3 shells	Nuisance Animals; infrared, laser sighting devices, or night vision devices	Auto-loading illegal if hold more than 6 cartridges
Maine	10 - 20 gauge	(Species specific) 3 shells	may have any type of sights, including scopes	
Maryland	Muzzle loading ≥ 10 gauge ; Shotgun ≤ 10-gauge	(Species specific) 3 shells	may use a telescopic sight on muzzle loading firearm	
Massachusetts	≤ 10 gauge	(Species specific) 3 shells		Illegal: semi-automatic holding > 6 shells in barrel and magazine combined
Michigan	any gauge	(Species specific) 3 shells		
Minnesota	≤ 10 gauge	(Species specific) 3 shells	Scopes allowed on primitive weapons	
Mississippi	any gauge	(Species specific) 3 shells		
Missouri	≤ 10 gauge	(Species specific) 3 shells		
Montana	≤ 10 gauge	(Species specific) 3 shells		
Nebraska	≥ 20 gauge	(Species specific) 3 shells		Illegal: semi-automatic holding > 6 shells in barrel and magazine combined
Nevada	≤ 10 gauge; ≥ 20 gauge	(Species specific) 3 shells		
New Hampshire	10 - 20 gauge	(Species specific) 3 shells		
New Jersey	≤ 10 gauge; ≥ 20 gauge; or .410 caliber	(Species specific) 3 shells	Require adjustable open iron, peep sight or scope affixed if hunting with slugs. Telescopic sights Permitted	
New Mexico	≥ 28 gauge, ≤ 10 gauge	(Species specific) 3 shells	scopes allowed	No semi-automatic firearm with a capacity to hold more than 6 rounds
New York	Big game ≥ 20 gauge			

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Exhibit 2

Hunting Statutes by State

North Carolina	≤ 10 gauge	(Species specific) 3 shells	
North Dakota	≥ 410 gauge; no ≤ 10 gauge	3 shells (repealed for migratory birds)	
Ohio	≤ 10 gauge	(Species specific) 3 shells	
Oklahoma	≤ 10 gauge	(Species specific) 3 shells	
Oregon	≤ 10 gauge; ≥ 20 gauge	(Species specific) 3 shells	Scopes (permanent and detachable), and sights allowed for visually impaired
Pennsylvania	≤ 10 gauge; ≥ 12 gauge	(Species specific) 3 shells	
Rhode Island	10, 12, 16, or 20-gauge	5 shells	
South Carolina		(Species specific) 3 shells	
South Dakota	(Species specific) ≤ 10 gauge	5 shells	
Tennessee	Turkey; ≥ 28 gauge	(Species specific) 3 shells	No auto-loading firearm holding > 6 cartridges
Texas	≤ 10 gauge	(Species specific) 3 shells	May be equipped with sighting devices
Utah	≤ 10 gauge; ≥ 20 gauge	(Species specific) 3 shells	scoping or laser sighting devices used by disabled hunters
Vermont	≥ 12 gauge	(Species specific) 3 shells	
Virginia	≤ 10 gauge	(Species specific) 3 shells	
Washington	≤ 10 gauge	(Species specific) 3 shells	
West Virginia		(Species specific) 3 shells	
Wisconsin	10, 12, 16, 20 and 28 gauge; no .410 shotgun for deer/bear	(Species specific) 3 shells	
Wyoming			
1	Shotgun/rifle combinations (drilling) permitted		
2	large game training course - Students in optional proficiency qualification bring their own pre-zeroed, ≥ .243 , scoped shotgun no firearm that, in combination with a scope, sling and/or any attachments, weighs more than 15 pounds		
3			
4	no relevant restrictive laws concerning shotguns		

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Exhibit 2

General Firearm Statutes by State

State	Source	Semi-Auto Restrictions	Attachments	Prohibited* (in addition to possession of short-barrel or sawed-off shotguns by non-authorized persons, e.g., law enforcement officers for official duty purposes)
Alabama	Alabama Code, title 13:			
Alaska	Alaska Statutes 11.61.200.(h)			
Arizona	Arizona Rev. Statutes 13-3101.B.	single shot	silencer prohibited	
Arkansas	Arkansas Code Title 5, Chapter 73.			
California	California Penal Code, Part 4, 12276. and San Diego Municipal Code 53.31.	San Diego includes under "assault weapon," any shotgun with a magazine capacity of more than 6 rounds		"Assault weapons": Franchi SPAS 12 and LAW 12; Striker 12; Streetsweeper type S/S Inc. ; semiautomatic shotguns having both a folding or telescoping stock and a pistol grip protruding conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip; semiautomatic shotguns capable of accepting a detachable magazine; or shotguns with a revolving cylinder.
Colorado	2 CCR 406-203			
Connecticut	Connecticut Gen. Statutes 53-202a.			"Assault weapons": Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns
D.C	7-2501.01.			

Exhibit 2

General Firearm Statutes by State

Delaware	7.1. § 711.			
Florida	Florida statutes, Title XLVI.790.001.			
Georgia				
Hawaii	Hawaii Rev. Statutes, Title 10., 134-8.		silencer prohibited	
Idaho	Idaho Code, 18-3318.			
Illinois	Code of Ordinances, City of Aurora 29-43.	Aurora includes under "assault weapon," any shotgun with a magazine capacity of more than 5 rounds		"Assault weapons": Street Sweeper and Striker 12 revolving cylinder shotguns or semiautomatic shotguns with either a fixed magazine with a capacity over 5 rounds or an ability to accept a detachable magazine and has at least a folding / telescoping stock or a pistol grip that protrudes beneath the action of firearm and which is separate and apart from stock

7.1. § 711. Hunting with automatic-loading gun prohibited; penalty
 (a) No person shall hunt for game birds or game animals in this State, except as authorized by state-sanctioned federal depredation/conservation orders for selected waterfowl species, with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than 3 shells, the magazine of which has not been cut off or plugged with a filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than 3 shells at 1 time, in the magazine and chamber combined.
 (b) Whoever violates this section shall be guilty of a class C environmental misdemeanor.
 (c) Having in one's possession, while in the act of hunting game birds or game animals, a gun that will hold more than 3 shells at one time in the magazine and chamber combined, except as authorized in subsection (a) of this section, shall be prima facie evidence of violation of this section.

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Exhibit 2

General Firearm Statutes by State

Indiana	Indiana Code 35-47-1-10. and Municipal Code of the City of South Bend 13-95.	South Bend under "assault weapon" firearms which have threads, lugs, or other characteristics designed for direct attachment of a silencer, bayonet, flash suppressor, or folding stock; as well as any detachable magazine, drum, belt, feed strip, or similar device which can be readily made to accept more than 15. rounds	South Bend includes under "assault weapon," any shotgun with a magazine capacity of more than 9 rounds
Iowa	Iowa Code, Title XVI. 724.1.		
Kansas			
Kentucky	Kentucky Revised Statutes- 150.360		
Louisiana	Louisiana RS 56:116.1		
Maine	Maine Revised Statutes 12.13.4.915.4. §1214. F.		
Maryland	Maryland Code 5-101.		

Includes as an offensive weapon, "a firearm which shoots or is designed to shoot more than one shot, without manual reloading, by a single function of the trigger"

"Assault weapons": F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun; Steyr-AUG-SA semi-auto; Holmes model 88 shotgun; Mossberg model 500 Bullpup assault shotgun; Street sweeper assault type shotgun; Sinker 12 assault shotgun in all formats; Daewoo USAS 12 semi-auto shotgun

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Exhibit 2

General Firearm Statutes by State

Massachusetts	Massachusetts Gen L. 140.121.	under "assault weapon"; any shotgun with (fixed or detachable) magazine capacity of more than 5 rounds	"Assault weapons": revolving cylinder shotguns, e.g., Street Sweeper and Striker 12; also "Large capacity weapon" includes any semiautomatic shotgun fixed with large capacity feeding device (or capable of accepting such), that uses a rotating cylinder capable of accepting more than 5 shells
Michigan	II.2.1. (2)		
Minnesota	Minnesota Statutes 624.711		"Assault weapons": Street Sweeper and Striker-12 revolving cylinder shotgun types as well as USAS-12 semiautomatic shotgun type
Mississippi	Mississippi Code 97-37-1.		
Missouri	Code of State Regulations 10-7.410(1)(G)		silencer prohibited
Montana			
Nebraska	Nebraska Administrative Code Title 163 Chapter 4 001.		
Nevada	Nevada Revised Statutes 503.150 1.		
New Hampshire			
New Jersey	New Jersey Statutes 23:4-13. and 23:4-44. and New Jersey Rev. Statutes 2C39-1.w.	magazine capacity of no more than 5 rounds	"Assault weapons": any shotgun with a revolving cylinder, e.g. "Street Sweeper" or "Striker 12" Franchi SPAS 12 and LAW 12 shotguns or USAS 12 semi-automatic type shotgun; also any semi-automatic shotgun with either a magazine capacity exceeding 6 rounds, a pistol grip, or a folding stock
New Mexico	New Mexico Administrative Code 19.31.6.7H., 19.31.11.10N., 19.31.13.10M. and 19.31.17.10N.		

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Exhibit 2

General Firearm Statutes by State

<p>New York</p>	<p>New York Consolidated Laws 265.00, 22, and Code of the City of Buffalo 1801B.</p>	<p>magazine capacity of no more than 5 rounds</p> <p>sighting device making a target visible at night may classify a shotgun as an assault weapon</p>	<p>"Assault weapons": Any semiautomatic shotgun with at least two of the following: folding or telescoping stock; pistol grip that protrudes conspicuously beneath the action of the weapon; fixed magazine capacity in excess of five rounds; an ability to accept a detachable magazine; or any revolving cylinder shotguns, e.g., Street Sweeper and Striker 12; Buffalo 1801B. Assault Weapon: (2) A center-fire rifle or shotgun which employs the force of expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger, and which has: (a) A flash suppressor attached to the weapon reducing muzzle flash; (c) A sighting device making a target visible at night; (d) A barrel jacket surrounding all or a portion of the barrel, to dissipate heat therefrom; or (e) A multi-burst trigger activator. (3) Any stockless pistol grip shotgun.</p>
<p>North Carolina</p>	<p>North Carolina Gen. Statutes 14-288.8</p>	<p>silencer prohibited</p>	
<p>North Dakota</p>	<p>North Dakota Century Code 20.1-01-09. Section 20.1-04-10. SHOTGUN SHELL-HOLDING CAPACITY RESTRICTION, repealed/eliminated</p>		
<p>Ohio</p>	<p>Ohio Rev. Code 2923.11 and Columbus City Codes 2323.11.</p>	<p>magazine capacity of no more than 5 rounds</p>	<p>semiautomatic shotgun that was originally designed with or has a fixed magazine or detachable magazine with a capacity of more than five rounds. Columbus includes under "Assault weapon" any semi-automatic shotgun with two or more of the following: pistol grip that protrudes conspicuously beneath the receiver of the weapon; folding, telescoping or thumbhole stock; fixed magazine capacity in excess of 5 standard 2-3/4, or longer, rounds; or ability to accept a detachable magazine; also any shotgun with revolving cylinder</p>
<p>Oklahoma</p>			
<p>Oregon</p>	<p>Oregon Rev. Statutes 166.272.</p>	<p>silencer prohibited</p>	
<p>Pennsylvania</p>	<p>Title 34 Sec. 2308. (a)(4) and (b)(1)</p>		
<p>Rhode Island</p>	<p>Rule 7, Part III, 3.3 and 3.4</p>		
<p>South Carolina</p>	<p>SECTION 50-11-310. (E) and ARTICLE 3. SUBARTICLE 1. 123.40</p>		

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Exhibit 2

General Firearm Statutes by State

South Dakota	South Dakota Codified Laws 22.1.2. (8)	silencer prohibited
Tennessee		
Texas		
Utah	Utah Administrative Code R657-5-9. (1), R657-6-6. (1) and R657-9-7.	
Vermont		
Virginia	Virginia Code 18.2-308.	magazine capacity no more than 7 rounds (not applicable for hunting or sport shooting)
Washington	Washington Administrative Code 232-12-047	
West Virginia	West Virginia statute 8-12-5a.	
Wisconsin	Wisconsin Administrative Code – NR 10.11 and NR 10.12	
Wyoming	Wyoming Statutes, Article 3. Rifles and Shotguns [Repealed] and 23-3-112.	silencer prohibited

"Assault weapons": Striker 12's commonly called a "streetsweeper," or any semi-automatic folding stock shotgun of like kind with a spring tension drum magazine capable of holding twelve shotgun shells prohibited

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Exhibit 3

Drum Magazine



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Integrated Rail System

Exhibit 4

Sporting



Sporting



Non-Sporting



Non-Sporting



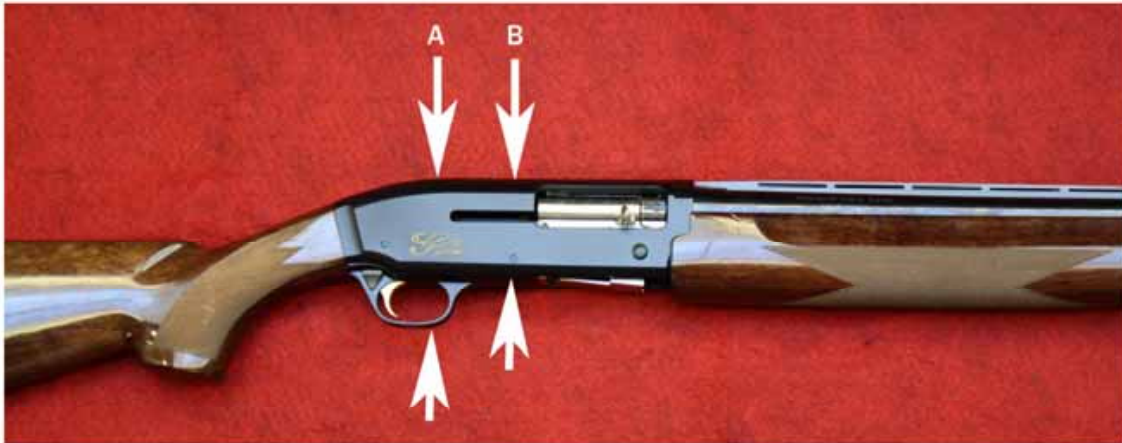
A-1300

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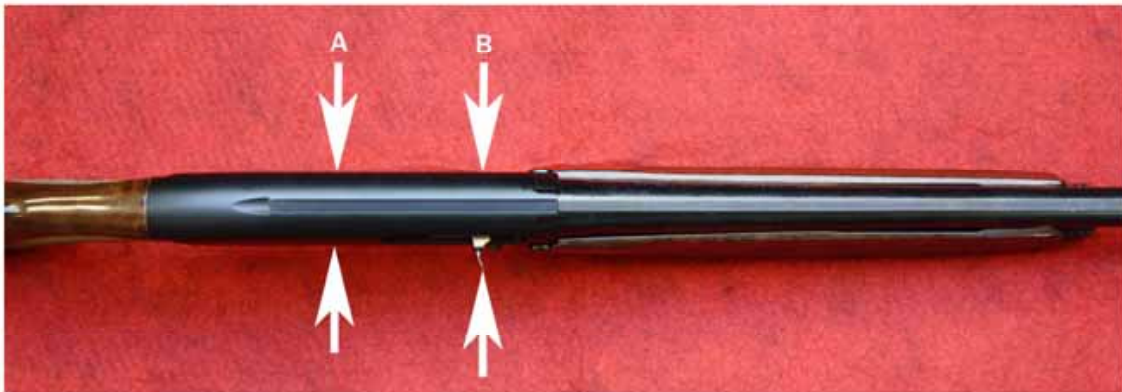
Bulk Measurements

Exhibit 5

Depth refers to the distance from the top plane of the shotgun to the bottom plane of the shotgun. Depth measurement "A" below is INCORRECT; it includes the trigger guard which is not part of the frame or receiver. Depth measurement "B" below is CORRECT; it measures only the depth of the frame or receiver:



Width refers to the length of the top or bottom pane of the firearm and measures the distance between the sides of the shotgun. Width measurement "A" below is CORRECT; it measures only the width of the frame or receiver. Width measurement "B" below is INCORRECT; it includes the charging handle which is not part of the frame or receiver:



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Forward Pistol Grip

Exhibit 6



A-1302

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EXHIBIT 21

HEINONLINE

Citation: 5 Bernard D. Reams Jr. The Omnibus Anti-Crime Act A
History of the Violent Crime Control and Law
Act of 1994 Public Law 103-322 September 13 1994 1

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103D CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } 103-489

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—

"(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 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
 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 ZKB 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

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 Rifle
 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
 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 RGEExpress 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

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"
 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

Anachuta 1910 Super Match II
 Anachuta 54.18MS Silhouette Rifle
 Anachuta Super Match 54 Target Model 2013
 Anachuta 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
 Finnhav 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-UJT Rifle
 Steyr-Mannlicher SSG P-I Rifle
 Steyr-Mannlicher SSG P-III Rifle
 Steyr-Mannlicher SSG P-IV Rifle
 Tanner Standard UJT 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

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 596-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, 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

Charles Daly Lux Over/Under
 E.A.A./Sabatti Sporting Clays Pro-Gold O/U
 E.A.A./Sabatti Falcon-Mon Over/Under
 Kassnar 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
 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
 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

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

³Hearing 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.

⁵Hearing 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

⁶Hearing 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.”)

⁷Hearing 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).

⁸Hearing 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).

⁹Hearing 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

¹⁷Hearing 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).

¹⁸U.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.

¹⁹The 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.

²⁰An 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.

²¹U.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 AFT 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-capability 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

²⁹ 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 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.

³⁰ 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.

³¹ 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 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.

³² 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 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(1)(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(1)(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(1)(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

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 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 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
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
Hova Lightning Bolt-Action Rifle
Hova Realtrec 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

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
Armcor 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 990l 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
Armcor Model 14P Bolt-Action Rifle
Armcor 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

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
Vcere 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 Skeeet 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
 Kassnar 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
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 Piuma 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) * * *

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(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.

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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

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.

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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.

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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.

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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.

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EXHIBIT 22

2008 Edition

Regulating Guns in America



An Evaluation and
Comparative Analysis of Federal,
State and Selected Local Gun Laws



A Publication of

Legal Community Against Violence

expertise, information & advocacy to end gun violence

Assault Weapons

Background

Assault weapons are a class of semi-automatic firearms designed with military features to allow rapid and accurate spray firing. They are not designed for "sport;" they are designed to kill humans quickly and efficiently. Features such as pistol grips and the ability to accept a detachable magazine clearly distinguish assault weapons from standard sporting firearms by enabling assault weapons to spray large amounts of fire quickly and accurately.

Assault weapons have been used in many high-profile shooting incidents, including the 1999 Columbine High School massacre in Colorado, the 1993 office shooting at the 101 California Street building in San Francisco, and the December 2007 shopping mall killings in Omaha, Nebraska. Some assault rifles are also accurate enough for use as sniper rifles, as illustrated by the Washington, D.C.-area sniper shootings in October 2002.

A recent study analyzing FBI data shows that 20% of the law enforcement officers killed in the line of duty from 1998 to 2001 were killed with an assault weapon.¹ Anecdotal evidence from law enforcement leaders suggests that military-style assault weapons are increasingly being used against law enforcement by drug dealers and gang members.² In response, law enforcement agencies are upgrading their arsenals to include more assault weapons.³

There is widespread public support for banning assault weapons. For example, 77% of likely 2004 presidential election voters supported renewal of the federal assault weapon ban, while only 21% opposed renewal.⁴ Sixty-five percent of Americans favored *strengthening* the federal assault weapon ban, including 51% of gun owners.⁵ Sixty-seven percent of *Field & Stream* readers did not consider assault weapons to be legitimate sporting guns.⁶

Summary of Federal Law

On September 13, 1994, Congress adopted the Violent Crime Control and Law Enforcement Act of 1994. That Act amended the Gun Control Act of 1968, making it "unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon."⁷

¹ Violence Policy Center, "Officer Down" — *Assault Weapons and the War on Law Enforcement, Section One: Assault Weapons, the Gun Industry, and Law Enforcement* (May 2003), at <http://www.vpc.org/studies/officeone.htm>.

² International Association of Chiefs of Police (IACP), *Taking a Stand: Reducing Gun Violence in Our Communities* 26-7 (Sept. 2007).

³ See, e.g., Susan Candiotti, *Cops Find Themselves in Arms Race with Criminals*, Cable News Network, Nov. 6, 2007, available at <http://www.cnn.com/2007/US/11/05/cops.guns/index.html> (last visited Nov. 26, 2007); Kevin Johnson, *Police Needing Heavier Weapons*, USA Today, Feb. 20, 2007, at 1A.

⁴ Third Way, *Taking Back the Second Amendment: Seven Steps Progressives Must Take to Close the Gun Gap* 5 (Jan. 2006), at http://third-way.com/data/product/file/21/taking_back_2nd_amendment.pdf.

⁵ Consumer Federation of America, *Consumers Strongly Support Renewing and Strengthening the Federal Assault Weapons Ban* 3 (Feb. 2004).

⁶ Field & Stream, *The 2003 National Hunting Survey* (July 2003).

⁷ 18 U.S.C. § 922(v)(1). All references to sections of the Violent Crime Control and Law Enforcement Act of 1994, codified at 18 U.S.C. § 921 *et seq.*, are to the sections as they appeared on September 12, 2004.

The term "semiautomatic assault weapon" was defined to include 19 named firearms and copies of those firearms, as well as certain semi-automatic rifles, pistols and shotguns with at least two specified characteristics from a list of features.⁸ The two-feature test and the inclusion in the list of features that were purely cosmetic in nature created a loophole that allowed manufacturers to successfully circumvent the law by making minor modifications to the weapons they already produced.

The 1994 Act also banned the transfer and possession of any "large capacity ammunition feeding device," defined to include magazines manufactured after the enactment of the Act that are capable of holding more than 10 rounds of ammunition.⁹

The 1994 Act did not, however, prohibit the continued transfer or possession of assault weapons or large capacity ammunition magazines manufactured before the law's effective date. Manufacturers took advantage of this loophole by boosting production of assault weapons and large capacity magazines in the months leading up to the ban, creating a legal stockpile of these items. As a result, assault weapons and large capacity magazines continued to be readily available – and legal – nationwide, except where specifically banned by state or local law.

In addition, the assault weapon ban was enacted with a sunset clause, providing for its expiration after ten years. Despite overwhelming public support for its renewal, Congress and the President allowed the assault weapon ban to expire on September 13, 2004. Thus, semi-automatic, military style weapons that were formerly banned under the federal law are now legal unless banned by state or local law.¹⁰

SUMMARY OF STATE ASSAULT WEAPON LAWS

Seven states have enacted laws banning assault weapons: California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey and New York. In addition, Maryland, Minnesota and Virginia regulate assault weapons. The District of Columbia bans certain assault weapons indirectly, through laws banning other classes of weapons.

Assault weapon bans can be categorized according to: (1) the definition(s) of "assault weapon;" (2) the activities that are prohibited; (3) whether pre-ban weapons are grandfathered; (4) whether grandfathered weapons must be registered; and (5) how transfer and possession of grandfathered weapons are treated.

⁸ 18 U.S.C. § 921(a)(30).

⁹ 18 U.S.C. §§ 921(a)(31), 922(w)(1). Additional information about large capacity ammunition magazines is contained in the section entitled Large Capacity Ammunition Magazines.

¹⁰ The 2007 report by the International Association of Chiefs of Police recommended that Congress enact an effective ban on military-style assault weapons. See *Taking a Stand: Reducing Gun Violence in Our Communities*, *supra* note 2, at 26-7.

State Bans

California	Cal. Penal Code §§ 12275 – 12290
Connecticut	Conn. Gen. Stat. §§ 53-202a – 53-202o
Hawaii (assault pistols)	Haw. Rev. Stat. Ann. §§ 134-1, 134-4, 134-8
Maryland (assault pistols)	Md. Code Ann., Crim. Law §§ 4-301 – 4-306
Massachusetts	Mass. Gen. Laws ch. 140, §§ 121, 122, 123, 131, 131M
New Jersey	N.J. Stat. Ann. §§ 2C:39-1w, 2C:39-5, 2C:58-5, 2C:58-12, 2C:58-13
New York	N.Y. Penal Law §§ 265.00(22), 265.02(7), 265.10

State Regulations

Maryland	Md. Code Ann., Pub. Safety § 5-101(p)
Minnesota	Minn. Stat. §§ 624.712 – 624.7141
Virginia	Va. Code Ann. §§ 18.2-287.4, 18.2-308.2:01, 18.2-308.2:2, 18.2-308.7, 18.2-308.8

Other Laws

District of Columbia	D.C. Code Ann. §§ 7-2501.01(10), (12), 7-2502.01, 7-2502.02, 7-2551.01, 7-2551.02
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States that include a list of assault weapons banned by name

California
Connecticut
Maryland (assault pistols)
Massachusetts
New Jersey
New York

States that provide a generic feature definition of assault weapon (asterisks indicate states that use a one-feature test)

California*
Connecticut
Hawaii (assault pistols only)
Massachusetts
New Jersey*
New York

States that require registration of grandfathered weapons

California
Connecticut
Hawaii
Maryland
New Jersey

States that generally prohibit the transfer of grandfathered weapons

California
Connecticut
Hawaii
Maryland

States that limit the places a grandfathered weapon may be possessed or require a license for possession

California

Connecticut

Massachusetts (license)

New Jersey (license)

Description of State Laws Banning Assault Weapons

1. *Definition:* Most state assault weapon bans prohibit specific weapons by listing them by name. Some bans also list features that, when present, make a gun an assault weapon. These are known as generic feature tests. Generic feature tests, emphasizing high capacity and enhanced control during firing, are intended to identify assault weapons based on the military features that enhance a weapon's lethality. Generic feature tests that require a weapon to have only one of a list of features are more comprehensive than those that require two. A one-feature test captures more assault weapons and makes it harder for the gun industry to evade the law by modifying the weapon.

California and New Jersey have the most comprehensive approaches to defining assault weapons. California law also bans roughly 75 assault weapon types, models and series by name and provides a one-feature generic test for rifles and pistols. New Jersey bans roughly 65 assault weapon types, models and series and uses a one-feature generic test for shotguns.¹¹ New Jersey also bans parts that may be readily assembled into an assault weapon. The generic feature tests in most other bans, including the expired federal ban, are two-feature tests.¹²

Connecticut, Hawaii (assault pistols only), Massachusetts and New York use the definition of "assault weapon" from the expired federal law. Connecticut and Hawaii use the generic feature definition from the federal law. Massachusetts and New York use both the federal law's generic feature definition and its list of named weapons.

2. *Prohibited Activities:* Assault weapon bans vary as to which activities are prohibited. California and Connecticut prohibit the broadest range of activities. Both prohibit possession, distribution, importation, transportation, and keeping or offering for sale of assault weapons.¹³ In addition, California prohibits the manufacture and transfer of assault weapons, while Connecticut also prohibits giving an assault weapon to another person. New Jersey's law is also comprehensive, prohibiting the manufacture, transportation, sale, shipping, transfer, disposing and possession of assault weapons.

¹¹ California's definition of assault weapon also includes a semi-automatic, centerfire rifle or pistol with a fixed magazine capacity exceeding 10 rounds; a semi-automatic, centerfire rifle less than 30 inches in length; and a semi-automatic shotgun with two listed features, or the ability to accept a detachable magazine, or a revolving cylinder. New Jersey also bans semi-automatic rifles with a fixed magazine capacity exceeding 15 rounds.

¹² Like the expired federal assault weapon ban, many of the state bans also include in their generic feature definitions some features that are purely cosmetic, such as bayonet mounts and grenade launchers. Defining a firearm as an assault weapon based on such cosmetic features creates a loophole, making it possible for manufacturers to evade the ban by making cosmetic modifications to their weapons. Columbus, Ohio's assault weapon ban (*see infra* p. 25) is the best example of a ban that does not include cosmetic features in its definition of assault weapon.

¹³ In 2006 California amended its law to make possession of an assault weapon a public nuisance. Cal. Penal Code § 12282.

3. *Grandfathering*: Assault weapon bans differ in their treatment of pre-ban weapons. Each state grandfathers pre-ban weapons. However, California, Connecticut, Hawaii, Maryland and New Jersey also require registration of such weapons.¹⁴ New Jersey's law is particularly strong because only assault weapons with a legitimate target-shooting purpose may be registered (effectively requiring over 60 models, types and series of assault weapons to be transferred out of state, rendered inoperable, or surrendered to law enforcement). California, Connecticut, Hawaii, and Maryland prohibit transfer of all or most grandfathered weapons. Only California and Connecticut limit the places where a grandfathered weapon may be possessed.¹⁵ In Massachusetts and New Jersey, grandfathered weapons may only be sold and possessed if the owner has a license.

Description of State Regulations Governing Assault Weapons

1. *Maryland*: In addition to its ban on assault pistols, Maryland also regulates the sale of other assault weapons, defined to include a list of specified firearms or their copies. Assault weapons are defined as "regulated firearms" under state law, and transfers are subject to various regulations, including: requiring enhanced background checks on purchasers; requiring dealers to obtain a state license; and requiring private transfers to be processed through licensed dealers or a law enforcement agency. Additionally, purchasers: (1) must be age 21 or older; (2) are subject to a seven-day waiting period; and (3) are limited to one assault weapon in any 30-day period.¹⁶

2. *Minnesota*: Minnesota prohibits the possession of "semiautomatic military-style assault weapons" by persons under 18 years of age, as well as other prohibited persons, and imposes additional restrictions on transfers through firearms dealers.

3. *Virginia*: Virginia limits the knowing and intentional possession and transportation of certain semi-automatic "assault firearms" to citizens and permanent residents age 18 and older. These weapons may not be carried, loaded, in public places in certain cities and counties. Virginia also imposes a general ban on the importation, sale, possession and transfer of the "Striker 12" and semi-automatic folding stock shotguns of like kind, but does not refer to them as "assault firearms."

¹⁴ Registration is critical to any law that exempts pre-ban weapons. Without such a provision, it would be nearly impossible to enforce a possession ban because there would be no way to determine the date an individual acquired possession of a banned weapon.

¹⁵ California and Connecticut allow possession of a grandfathered assault weapon only at, or when being transported among: the possessor's property or workplace; the property of an expressly-consenting owner; a licensed gun dealer (for service or repair); certain target ranges; licensed shooting clubs; or an exhibition, display or education project about firearms approved by law enforcement or a recognized firearm-education entity. Cal. Penal Code § 12285(c); Conn. Gen. Stat. § 53-202d(d). California also allows possession of a grandfathered assault weapon on publicly owned land, provided it is specifically permitted by the managing authority. Cal. Penal Code § 12285(c)(6).

¹⁶ See Md. Code Ann., Pub. Safety §§ 5-101 – 5-143.

District of Columbia Regulations Governing Assault Weapons¹⁷

Although the District of Columbia does not have a specific ban on assault weapons, its handgun ban encompasses assault pistols and its machine gun ban encompasses firearms that can discharge “[s]emiautomatically, more than 12 shots without manual reloading.” Under a separate law, the District of Columbia imposes strict tort liability on manufacturers, importers and dealers of assault weapons for all direct and consequential damages that arise from injury or death due to the discharge of an assault weapon in the District (with limited exceptions).¹⁸

¹⁷ In 2007 the U.S. Court of Appeals for the District of Columbia Circuit struck down the District of Columbia’s strict laws banning most handgun possession in the District, and requiring lawfully owned firearms to be kept unloaded and disassembled or bound by a trigger lock or similar device. *Parker v. District of Columbia*, 478 F.3d 370 (D.C. Cir. 2007). The court held that the laws violate the Second Amendment, interpreting the Amendment to protect an individual right to keep and bear firearms unrelated to service in the militia. The U.S. Supreme Court granted *certiorari* on the following question: Whether the challenged provisions violate the Second Amendment rights of individuals who are not affiliated with any state-regulated militia, but who wish to keep handguns and other firearms for private use in their homes? *District of Columbia v. Heller*, 128 S. Ct. 645, 169 L. Ed. 2d 417 (2007). The Supreme Court is expected to issue its ruling in the case by June 2008.

¹⁸ D.C. Code Ann. §§ 7-2551.01 – 7-2551.03. In 2005, Congress passed and the President signed into law the Protection of Lawful Commerce in Arms Act (PLCAA). The PLCAA grants firearms dealers and others immunity from some civil lawsuits. 15 U.S.C. §§ 7901 - 7903. The Act includes, *inter alia*, the following exceptions:

- (ii) an action brought against a seller for negligent entrustment or negligence per se;
- (iii) an action in which a manufacturer or seller of a [firearm] knowingly violated a State or Federal statute applicable to the sale or marketing of the [firearm], and the violation was a proximate cause of the harm for which relief is sought, including –
 - (I) any case in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under Federal or State law with respect to the [firearm], or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a [firearm]; or
 - (II) any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a [firearm], knowing, or having reasonable cause to believe, that the actual buyer of the [firearm] was prohibited from possessing or receiving a firearm or ammunition under subsection (g) or (n) of section 922 of title 18, United States Code[.]

15 U.S.C. § 7903(5)(A)(ii),(iii).

The scope of the PLCAA and its exceptions is being tested in the courts in several pending cases. In *District of Columbia v. Beretta U.S.A. Corp.*, 2008 D.C. App. LEXIS 4 (D.C. Cir. 2008), the court affirmed a judgment on the pleadings in favor of defendants (various manufacturers, importers and distributors of firearms), concluding that the District’s claims under the Assault Weapon Manufacturing Strict Liability Act were barred by the PLCAA. See also *Ileto v. Glock, Inc.*, 421 F. Supp.2d 1274 (C.D. Cal. 2006) (granting defendants’ motion for judgment on the pleadings under PLCAA). By contrast, in 2005 a federal district court denied a motion to dismiss a suit brought by the City of New York against gun manufacturers and distributors alleging a public nuisance, finding that the case was not precluded by the PLCAA. *City of New York v. Beretta U.S.A. Corp.*, 401 F. Supp.2d 244, 298 (E.D.N.Y. 2005), *appeal pending*.

SUMMARY OF SELECTED LOCAL LAWS¹⁹ BANNING ASSAULT WEAPONSLocal Laws Banning Assault Weapons²⁰

Boston	1989 Mass. Acts 596, §§ 1-7
Chicago	Chicago, Ill., Code §§ 8-24-025, 8-20-030(h)
Cleveland	Cleveland, Ohio, Code §§ 628.01 – 628.99
Columbus	Columbus, Ohio, Code §§ 2323.11(L), (M), 2323.31, 545.04(a)
New York City	New York, N.Y., Admin. Code §§ 10-301(16), 10- 303.1; New York, N.Y., Rules tit. 38, § 17-01

Boston: With some exceptions, Boston prohibits possession, transfer, purchase and display of assault weapons, large capacity magazines and ammunition belts. “Assault weapons” are defined as semi-automatic rifles with a fixed magazine with a capacity exceeding ten rounds, shotguns with a fixed magazine with a capacity exceeding six rounds, and shotguns with a revolving cylinder. The definition also includes a list of named weapons and any rifle or shotgun determined to be an assault weapon by an assault weapon roster board. In addition, any rifle or shotgun that is substantially identical to a weapon included in the definition is deemed an assault weapon. Finally, any modified semi-automatic firearm with the same make, caliber and action as a weapon included in the definition is considered an assault weapon.

Within 90 days of the date the law took effect, any individual in lawful possession of an assault weapon and a firearm identification card for the weapon was permitted to apply for a license to possess it in his or her residence. Any person denied such a license was required to dispose of the weapon within 90 days of the denial. Any person lawfully in possession of an assault weapon obtained by bequest or intestate succession or recently added to the assault weapon roster has 90 days to apply for a license or dispose of the weapon.

Chicago: Chicago prohibits persons from selling, offering or displaying for sale, giving, lending, transferring, possessing or acquiring an assault weapon or “assault ammunition.”²¹ “Assault weapon” is defined to include a list of named weapons, and also includes any weapon that the Superintendent of Police defines as such by regulation. Chicago does not grandfather pre-ban assault weapons.

Cleveland: Cleveland prohibits any person from selling, offering or displaying for sale, giving, lending or transferring ownership of, acquiring or possessing any assault weapon. “Assault

¹⁹ This section is based on research and analysis of existing firearms laws in: Boston, Massachusetts; Chicago, Illinois; Hartford, Connecticut; Los Angeles, California; Newark, New Jersey; New York, New York; Omaha, Nebraska; and San Francisco, California. LCAV selected these cities because they are located in states that grant local jurisdictions broad authority to regulate firearms. It also includes existing laws in Cleveland and Columbus, Ohio. Note, however, that in 2006, the Ohio Legislature passed House Bill 347 (overriding the Governor’s veto), which created Ohio Rev. Code Ann. § 9.68(A), a provision that purports to preempt all local authority to regulate firearms with few, limited exceptions. Legal challenges to the law are pending. Additional information about state laws governing local authority to regulate firearms is contained in the section of this report titled “The Legal Background.”

²⁰ Los Angeles passed the country’s first ban on assault weapons in February 1989. That law prohibited the transfer and possession of assault weapons within the city. San Francisco also banned the possession, sale and transfer of assault weapons. Later that year, California became the first state to ban assault weapons and both Los Angeles and San Francisco subsequently repealed their laws.

²¹ Chicago defines “assault ammunition” as any ammunition magazine with a capacity of more than 12 rounds of ammunition.

weapons” are defined as semiautomatic rifles and handguns that accept a detachable magazine with a capacity of 20 rounds or more, and semiautomatic shotguns with a magazine capacity of more than six rounds. Cleveland does not grandfather pre-ban weapons.

Columbus: In 2005, Columbus, Ohio became the first major U.S. city to ban assault weapons after the expiration of the federal ban. Columbus prohibits any person from knowingly selling, offering or displaying for sale, giving, lending or transferring ownership of, or acquiring or possessing any assault weapon. “Assault weapons” are defined using a one-feature test for semi-automatic rifles and pistols, and a two-feature test for semi-automatic shotguns.²² In addition, the city defines as “assault weapons” semi-automatic pistols with fixed magazines, and centerfire rifles with fixed magazines, that have the capacity to accept more than 10 rounds of ammunition, and revolving cylinder shotguns. Columbus grandfathers pre-ban assault weapons provided they are registered. The owner of a registered assault weapon may not sell, give, lend or transfer ownership of that weapon.

New York City: New York City prohibits possession or transfer of any assault weapon. “Assault weapon” is defined to include any semiautomatic centerfire or rimfire rifle or semiautomatic shotgun with one or more of a list of specified features. The definition also includes features and/or models of firearms that are “particularly suitable for military and not sporting purposes” as determined by the police commissioner. The city’s rules contain a list of named weapons that also are included in the definition of assault weapon. New York City does not grandfather pre-ban weapons.²³

FEATURES OF COMPREHENSIVE LAW BANNING ASSAULT WEAPONS

The features listed below are intended to provide a framework from which policy options may be considered and debated. LCAV has not attempted to include every provision or every creative approach identified in the analysis above, nor have we addressed appropriate exceptions so that the regulation does not produce unintended consequences. A jurisdiction considering modifying existing, or developing new legislation in this area should consult with counsel to ensure its legal sufficiency and compatibility with existing codes and statutes, as appropriate.

- Definition of assault weapon is based on the generic features that characterize assault weapons (*California, New Jersey and Columbus have the most comprehensive definitions*)
- Definition of assault weapon is based on a one-feature test (*New Jersey uses a one-feature test for shotguns; California and Columbus use a one-feature test for rifles and pistols; New York City uses a one-feature test for rifles and shotguns*)
- Although a generic feature test is the most comprehensive approach, if the law also includes a list of banned weapons by name, it provides a mechanism authorizing an

²² Columbus’ definition of assault weapons is derived in large part from LCAV’s model law banning assault weapons, which is contained in LCAV’s April 2004 report (reprinted August 2005), *Banning Assault Weapons – A Legal Primer for State and Local Action*, available at http://www.lcav.org/library/reports_analyses/assaultweaponreport.asp. LCAV’s model law uses a one-feature test for shotguns as well as rifles and pistols.

²³ In addition to criminal penalties, any person who violates the city’s ban on assault weapons is subject to a civil penalty of up to \$25,000 for each assault weapon possessed or transferred. Such penalty is recoverable in a civil action by the city’s corporation counsel. New York, N.Y., Admin. Code § 10-303.1(c).

appropriate governmental official or agency to add new and/or modified models to the list (*Chicago, New York City*)

- Prohibited activities include possession, sale, purchase, transfer, loan, pledge, transportation, distribution, importation, and manufacture of assault weapons (*California, Connecticut and New Jersey have the broadest prohibitions*)
- Pre-ban weapons are not grandfathered and instead are to be rendered inoperable or removed from the jurisdiction (*Chicago, Cleveland, New York City*)
- Alternatively, if pre-ban weapons are grandfathered, there is a registration mechanism for grandfathered weapons, with strict limits on their transferability, use and storage²⁴ (*California, Connecticut, Hawaii, Maryland, New Jersey, Boston, Columbus*)

²⁴ See section on Registration of Firearms for features of comprehensive registration laws. The most comprehensive system of regulating the purchase, possession and ownership of firearms combines registration of firearms with licensing of gun owners. Additional information on licensing of firearm owners is contained in the section on Licensing of Gun Owners or Purchasers.

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EXHIBIT 23

A-1365

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JUNE SHEW, et al.	:	NO. 3:13-CV-0739 (AVC)
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
DANNEL P. MALLOY, et al.	:	
<i>Defendants.</i>	:	SEPTEMBER 25, 2013

AFFIDAVIT OF JAMES C. ROVELLA

James Rovella having been duly sworn, testifies and affirms as follows:

I am over eighteen years of age and understand the obligations of an oath.

1. I am the Chief of Police of the City of Hartford. I was sworn in as Hartford's 22nd Chief of Police on September 26, 2012. Prior to my swearing in, I served as Interim Chief from February 14, 2012.
2. I first joined the City of Hartford Police Department (HPD) as a recruit in 1981. My first assignments as a new police officer were to walk the beat on Barbour Street and Park Street, and patrol Charter Oak Terrace. In 1987, I became a detective in HPD's "Crimes Against Persons Unit", where I began specializing in homicide and cold case investigations.
3. In 2001, I retired from the HPD and began working as an Inspector with the State of Connecticut Division of Criminal Justice. I was promoted to Supervisory Inspector of the Chief State's Attorney's Office Cold Case Unit in 2006, and in 2009 I was appointed Chief Inspector for the Office of the Chief State's Attorney.
4. During my professional career, I have been recognized for my work as a police officer. I received the highest departmental award in HPD, the Chief's Medal of Heroism, and numerous letters of commendation and medals for Exemplary, Meritorious and Distinguished Service. I am a member of the Connecticut Chiefs of Police Association, FBI's Law Enforcement Executive Development Association (LEEDA), the International Association of Chiefs of Police (IACP), and the Police Executive Research Forum (PERF).
5. I currently live in the City of Hartford and my family has a long history in Hartford; my grandparents owned and operated the Travelers Market on Front Street and a meat

market on New Britain Avenue in Hartford's Southend. I was also educated in Hartford. I graduated from South Catholic High School in Hartford's Southend in 1976. I then went on to obtain a Bachelor of Arts degree in Criminal Justice and a Master's Degree in Public Administration from the University of Hartford in 1980 and 1982 respectively.

6. I make this declaration based on my personal knowledge from 32 years as a law enforcement officer, my review of portions of the "Gun Violence Prevention and Children's Safety Act", Public Act 13-3, as amended by Public Act 13-220, ("the Act") that pertain to firearms and large capacity magazines, records maintained by the Hartford Police Department and my knowledge of law enforcement safety issues from across the nation.
7. After reviewing the provisions of the Act related to firearms and large capacity magazines, I have concluded that it will help in the fight against gun violence, murder and personal injury that is such a serious and debilitating problem in Hartford. I believe the Act is a common sense and sensible gun control law that will improve public and law enforcement safety by removing large capacity magazines (LCMs) and military style firearms from our communities.
8. Like many of my fellow Chiefs of Police, I believe assault weapons and LCMs pose a real and serious threat to the public and law enforcement, and are not necessary, or even suitable, for reasonable home and self defense by civilians.
9. I have worked in law enforcement for 32 years, and most of my career has been working to prevent and investigate violent crime. I have witnessed firsthand the devastation that violent crime, and in particular gun crime, inflicts on our cities in Connecticut. Gun violence is a serious problem everywhere, but in my experience it is chronic and especially destructive in urban areas like Hartford. Hartford, like many urban communities, is more densely populated; its citizens are poorer and are therefore more easily and frequently victimized by gun violence.
10. In Connecticut, approximately 70% of the violent crime occurs in cities and many of those violent crimes involve guns. Guns are one of the few stolen items that actually increase in value after they are stolen. A gun stolen from a home in Simsbury can appear on the streets of Hartford and quickly be sold at a greater than market value and used in crime all in the same day.
11. The HPD has seized over 1700 firearms in just the last 5 years alone, and the number is over 2100 if one includes guns recovered through gun-by-back programs. (Exhibit 25, p. 5). In 2012, Hartford had its lowest number of gun shot victimizations in the past five years - 122 people. (Ex. 25, p. 10). I am working hard to continue this is downward trend.
12. Because gun violence is such an intractable and devastating problem in Hartford, I support any common sense gun regulation that strengthens registration and

background checks and helps law enforcement in our struggle to remove the most lethal form of firearms sold on the commercial market from our streets.

13. Assault weapons have been used in, or been present at, crimes committed in Hartford. As part of the preparation of my affidavit in this case, I directed my staff to inspect the Property Room at HPD headquarters and gather information about seizures of assault weapons since 2008. That information is contained in the table attached as Exhibit 24. I was surprised to learn that we had twenty-three assault rifles in our property room. Exhibit 24 shows from 2008 to 2012, the HPD seized at least an average of four assault weapons each year. I wish my department had more resources to carefully track data on every gun or magazine seized or found at a crime scene, but the information we do have, even though incomplete, demonstrates the presence of these dangerous weapons in my city.
14. Assault rifles and assault pistols are a serious threat to law enforcement on several different levels, and for that reason consume significant law enforcement resources. While most officers and police departments are not regularly confronted with situations involving assault weapons, and thankfully most will never experience the horror of having to respond to a mass shooting incident, it is something that all police departments, including mine, train for all the time. We also spend valuable public money to purchase things like body armor and our own assault rifles because we know our officers might face a shooter with a military style assault weapon.
15. Every day I am concerned that one of my officers or one of the citizens of Hartford will be faced with an assailant who possesses one of these military style weapons or LCMs. These weapons have the potential to transform even a routine police interaction into a deadly incident.
16. Assault weapons have been used to kill police and other law enforcement. There are several well-known incidents, both here in Connecticut and elsewhere in the country, in which assault weapons and large capacity magazines were used in shootings of law enforcement. (See e.g. Exhibit 40, *VPC Officer Down*). In fact, some of the high profile incidents in which law enforcement officers were shot with assault weapons brought about the escalation in weaponry and fire power that law enforcement are now required to carry to keep pace with the most heavily armed violent criminals.
17. Gun attacks on law enforcement with assault weapons and LCMs are more dangerous for law enforcement than gun shot incidents with conventional weapons and magazines because assault weapons with LCMs allow a shooter to engage law enforcement with suppressing fire and effectively hold-off and overwhelm an initial law enforcement response.
18. In North Hollywood, California in 1997, two shooters wearing full body armor, fired approximately 1,100 rounds from automatic and semiautomatic weapons, with LCMs. They wounded 11 police officers and seven civilians. Approximately 300 law enforcement officers ultimately responded to the scene before the shoot-out ended.

19. In another high-profile shootout in April 1986, two agents from the Federal Bureau of Investigation (FBI) were killed by bank robbery suspects wielding a Ruger Mini-14 assault rifle. Five other federal agents were wounded in the gun battle.
20. As recently as December 2012, a week after the mass killing of children and educators in Newtown, two first responders were gunned down in Webster, New York by a shooter who also used an assault rifle.
21. These are just a few of the more high profile and well known incidents involving assault weapons and LCMs in which law enforcement officers were shot or fired upon. It is not an exhaustive list, and I am sure there are other examples where officers were shot, shot at, or seriously feared for their lives because a person had an assault weapon. Many of those incidents are probably never reported and identified as involving assault weapons.
22. Information about the criminal use of assault weapons is not always accurately and completely compiled by law enforcement, perhaps due to constraints on law enforcement resources and because with the expiration of the federal ban on assault weapons the uniform, nationwide definition of assault weapons also expired. However, the studies that examine the offensive use of assault weapons and large capacity magazines against law enforcement officers indicate that many officers have been killed by them.
23. In one study prepared by the Violence Policy Center, using data obtained from the Federal Bureau of Investigation, the VPC showed that at least 41 of the 211 law enforcement officers slain in the line of duty between January 1, 1998, and December 31, 2001, were killed with weapons defined as assault weapons under the federal ban. (Exhibit 40). This twenty percent (20%) figure is a remarkable number, given that these types of semi-automatic weapons made up only less than 1% of the firearms owned in 1994. (Exhibit 26, Koper Aff. ¶¶ 17, 47).
24. Prohibiting civilian access to assault weapons and large capacity magazines assists law enforcement because it helps to ensure law enforcement has the greater fire power in confrontations with criminals. If law enforcement officers cannot overpower a shooter, then they simply cannot protect the public. Law enforcement officers should not be engaged in a perpetual "arms race" with criminals, and need greater assurance that we will not have to confront military weapons when we respond to a call.
25. While Connecticut has had an assault weapons ban since the enactment of Public Act 93-306, which became effective in 1994, Connecticut law did not prohibit the possession of LCMs until the passage of the 2013 Act. I welcome this addition to Connecticut's gun regulation because it makes sense.

26. I would actually favor enactment of a more stringent LCM ban than what is in the Act. My preferred approach would be to prohibit all LCMs immediately and not allow them to be possessed under a "grandfathering" provision. This would allow us to gain the full benefit of the Act sooner without having to wait for the old LCMs to be removed from circulation over time.
27. Large capacity magazines, some of which routinely hold as many as 20 or 30 rounds and even more, are a plague in urban environments and are dangerous to our citizens and law enforcement. LCMs allow a shooter to fire a massive number of rounds without having to take the time to reload. For example, in the mass killing that occurred in Newtown on December 14, 2012, it has been reported, although not yet confirmed by a State Police report, that the shooter fired approximately 154 rounds in about five minutes.
28. My staff was not able to gather detailed data about the use of LCMs in Hartford because magazines do not have serial numbers and simply are not tracked in our system.
29. Limiting the number of rounds in a magazine means that a shooter intent on spraying bullets at least has to pause periodically to change out his magazine. While a trained shooter can change a magazine in seconds in a controlled environment, the stress of the situation may substantially increase the time it takes a criminal to change the magazine during a criminal attack. In any event, sometimes seconds is all a police officer needs to respond and stop the attack. The short period of time required for a magazine change can be of value to victims too, because those fleeting seconds can provide an opportunity for him or her to either flee the area or attempt to thwart any ongoing gun attack.
30. In a mass shooting on the Long Island Railroad in 1993, victims on the railroad car were able to subdue the shooter when his magazine ran out. (Exhibit 49). In 2011, in the shooting in Tucson, Arizona in which Congresswoman Gabrielle Giffords was shot and a federal judge was killed along with several others, the shooter was tackled during a brief pause for a magazine change. (Exhibit 49)
31. In my opinion, the only situations where more than ten rounds are legitimately fired are in war, by law enforcement attempting to end a confrontation with a criminal or in a controlled environment at a shooting range or a shooting competition.
32. I understand that Plaintiffs contend that they have a need to possess a LCM but I strongly disagree. In my 32 years in law enforcement I am not aware of a single incident in Hartford, or even Connecticut, in which a responsible gun owner fired more than ten rounds for protection during a criminal attack.
33. I understand that the Act, in addition to listing specific weapons that are banned, also prohibits firearms that have one of the military style features listed for semiautomatic centerfire rifles, semiautomatic pistols and semiautomatic shotguns. I believe the

Act's strengthening of the law, by moving from a "two feature test" to a "one feature test" will advance public safety and help to combat the circumvention of the law by gun manufacturers who quickly modify minor aspects of their assault weapons and change the names of the firearm so that they can continue to sell virtually the same weapon in Connecticut. In addition to avoiding circumvention of the law, the features test bans features that contribute to the dangerousness of assault weapons. These features were designed for combat situations and have no place in civilian life.

34. For example, a folding or telescoping stock on a rifle or shotgun allows a shooter to make a large and powerful weapon much more compact, and therefore more concealable. This is a real danger for the citizens of Hartford and for my officers. My department frequently encounters situations where criminals wear bulky clothing like heavy sweatshirts in order to hide large and small firearms.
35. Pistol grips, thumbhole stocks and forward pistol grips for the nontrigger hand are military style features that allow the weapon to be held by the shooter in a stronger hand position that allows a shooter to hold the weapon steady and remain on target during rapid firing of the weapon. It helps the shooter to move quickly from human target to human target, purposes that are suitable for military uses but not civilian. The pistol grips and thumbhole stocks also allow a shooter to spray fire from the hip.
36. A barrel shroud disperses the heat generated by the weapon when it is fired. During rapid firing of the weapon, this feature allows a shooter to steady the weapon with a hand on or near the barrel without being burned.
37. A flash suppressor suppresses the flash caused by the firing of the weapon and helps a shooter hide from police in a dark environment. This may be an important feature in combat, but it is unnecessary for legitimate hunting or sporting purposes. The flash suppressor also helps a shooter quickly focus on his next human target.
38. A grenade launcher or flare launcher allows a shooter to launch grenades or flares, two functions that have no legitimate sporting, civilian or self-defense purpose. A silencer is useful to assassins but clearly has no purpose for sportsmen.
39. I understand that Plaintiffs claim in this case that they need assault weapons and LCMs in order to adequately defend themselves and their families in the event of a home invasion. Assault rifles in particular are not well suited for self defense in the home in an urban environment like Hartford because they typically take a .223 caliber round, which could easily pass through the walls of many dwellings and result in shooting of unintended victims such as family members, passers-by or neighbors.
40. The idea of average citizens keeping weapons of this lethality and power in their homes for routine home defense really concerns me, especially when combined with a LCM. The typical homeowner has little training in weapons; in many instances just the National Rifle Association (NRA) course that is taken to qualify for a gun permit in Connecticut. This type of training does not prepare a homeowner for the stress of a

gun confrontation. I would fear that a home owner would use the weapon recklessly in a stressful situation such as a home invasion and would respond disproportionately by firing off excessive rounds. This could result in serious personal injury to innocent bystanders and first responders. These are weapons for war zones, not the homes and streets of our communities.

41. I understand that the Plaintiffs also claim that they need LCMs for home defense. The only reason that a citizen would be disadvantaged by having to change out a magazine would be if she was engaged in rapid fire of her weapon. This is simply not an appropriate thing to do in home defense, particularly in an urban area.
42. Aside from assault weapons, the Act leaves almost all other types of guns, including handguns, rifles and shotguns, available to the public to use for self defense. Notably, it does not ban the sale, or require the registration of, semiautomatic rifles with detachable magazines that have no banned features.
43. If Plaintiffs are concerned about being able to actually hit an intruder in their home, it seems to me that a shotgun would be an appropriate weapon for home defense because it would spray a lot of pellets, and almost invariably hit the intruder while at the same time causing minimal collateral damage.
44. Even law enforcement officers hold back on the firepower that they use in dangerous environments and often load their rifles and shotguns with less powerful ammunition in an effort to minimize the chance of harming unintended victims. For example, HPD narcotics officers, who are often in very dangerous and uncertain situations, are trained to approach situations in urban environments with escalating firepower. When entering an area such as a multi-family dwelling, playground, or street, the first officer in line might carry a shotgun in which the first shell is standard shot, the second shell is buckshot, and the third shell is a deer slug. In all situations, a tremendous amount of thought and preparation goes into deciding whether to use certain ammunition in a particular physical environment.
45. The Act allows law enforcement and security personnel to continue to lawfully purchase assault weapons and large capacity magazines. These exemptions serve a vital public interest in ensuring that law enforcement are permitted to personally purchase and use these weapons on duty and off duty when needed. In my view law enforcement officers are never really "off duty" because they have sworn an oath that commands them to act. In Hartford, we often give our officers portable radios to keep with them off duty so that they can respond to radio calls for assistance on the police frequency. Officers' response to crime while off duty serves the public's interest.
46. Plaintiffs' claims that they have the same needs as law enforcement to possess these weapons and LCMs are not reasonable. Plaintiffs are not like law enforcement, even "off duty" law enforcement, because they do not have the professional obligation to respond to an emergency situation, to provide back up to on duty police officers, or to

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interrupt crimes whenever safe and practicable. They also have little to no tactical training on how to appropriately and responsibly use assault weapons in high stress situations.

47. I am aware of several incidents in which off duty Hartford police either helped a citizen in an emergency situation, helped to stop a crime in progress, or helped a fellow officer in responding to a crime scene.
48. Moreover, many officers own and possess assault weapons so that they can use them on the job. While the arms race with criminals has escalated over the past decades, the funding for police departments has not pace. Many officers spend their own money to purchase these weapons in order to have them available while on duty because police departments lack the funding to buy one for each officer who would like to carry one on duty.
49. The exemption in the Act allows the officers to own and possess their own assault rifle that they may then use on duty if they “qualify” on them and are trained on how to use them appropriately.
50. Law enforcement officers are also different from Plaintiffs because they are often the target of threats and violence, even while off duty. Law enforcement face risks even while off duty that average citizens, including Plaintiffs, likely do not. I doubt Plaintiffs regularly deal with multiple criminals during the regular course of their work day and then go home to face the risk of encountering them while off duty.
51. I understand that Plaintiffs claim that the Act does not advance any crime prevention goals. I strongly disagree with their position.
52. I know from firsthand experience as a police officer what works in reducing gun violence, and this law will help. In the past year, we have successfully reduced gun violence in Hartford by 30%. We have done this by centering on illegal use of firearms, illegal carry of firearms, illegal display of firearms, and the threatening use of firearms. We have also focused on the use of firearms in minor assaults and property damage.
53. In my experience there is no “one-size-fits all” solution to gun violence, and success is often the product of incremental steps that in the aggregate make a meaningful difference. I know from my review of the documents in this case that Plaintiffs dismiss the significance of the data showing assault weapons are only used in between 2% and 8% of gun crimes. While those percentages may be small, they represent a substantial number of crimes each year. If the Act can reduce the lethality of gun crimes because those weapons are no longer used, that will be significant. That reduction would mean lives saved, families preserved, and public resources that will be freed up to be used in better ways. Any Chief of Police I know, including myself, would welcome any policy initiative that could eliminate the weapons used in up to 8% of gun crime.

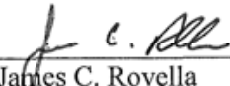
54. Removing these dangerous weapons and magazines from our streets also will aid law enforcement because it will decrease the level of anxiety and concern about them. I am glad that Connecticut has taken steps to prevent the escalation of weapons on our streets so that we will hopefully never have a time when officers routinely have to confront military assault rifles and assault pistols.
55. Gun violence imposes massive societal costs. When victims are killed there are huge unquantifiable costs to families and loved ones. Sadly, death is sometimes the least expensive outcome, in terms of pure financial costs to loved ones and society. In Hartford, where many of the victims of gun violence are very poor, sustaining a gun wound, even a non-life-threatening one, can impose massive costs in terms of medical care, rehabilitation, and lost income. These costs frequently are passed on to taxpayers and other citizens who have to pay for the care given to gun shot victims. As a result we all wait longer in hospitals and for other health services, like ambulances, because health care institutions are overwhelmed.
56. Any law that can minimize the number of shots fired from a weapon, the number of gun wounds sustained by a victim and decrease the lethality of the weapon would save a tremendous amount of public resources that can go to much better uses such as funding our public education, and repairing and rebuilding our cities.
57. I understand that Plaintiffs claim that the Act is unconstitutional because it is too vague to be understood. I am not an expert on all of the details of the Act and I am not expert on all the gun laws of the State of Connecticut but I can speak to the practical experience of how the pre-existing assault weapons ban has been enforced in my jurisdiction.
58. In my experience enforcing Connecticut's assault weapons ban for twenty years, police officers, when in doubt, ask questions before making any arrests. Officers do not arrest people immediately, but instead take reasonable steps to determine whether the weapon is covered by the ban. They might call the state police SLFU to inquire about a make and model, or call headquarters or maybe even someone in the department that she or he knows is more knowledgeable about firearms.
59. Police officers frequently enforce statutes that can be somewhat complicated, and that require citizens to undertake some effort to determine whether their conduct is prohibited. This Act does not appear to present more issues than other regulatory schemes we enforce every day.

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The foregoing is true and accurate to the best of my knowledge and belief.

FURTHER AFFIANT SAYTH NOT.


James C. Rovella

STATE OF CONNECTICUT)
)ss: Hartford, Connecticut
COUNTY OF HARTFORD)

Subscribed and sworn to before me, this 25 th day of September, 2013.


Commissioner of the Superior Court

CERTIFICATION

I hereby certify that on this 11th day of October, 2013, a copy of the foregoing Affidavit of James Rovella was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Maura Murphy Osborne
Assistant Attorney General

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EXHIBIT 24

A-1377

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Case #	Caliber	Make	Serial	Model
08-08727	5.45X39MM	ROMARM / CUGIR	2-15191-05	WASR-Z
08-23024	9 MM	INTRATEC	A008392	AB-10
08-28758	223 CAL	KELTEC	N225*	US16
08-35090	9 MM	INTRATEC	05729	TEC-9
08-35090	9 MM	INTRATEC	A007719	AB10
09-25620	9	BERETTA	CX02244	CX4 STORM
09-26725	223 CAL	OLYMPIC ARMS	SA4695	PCR98
10-21404	223 CAL	COLT	LH077628	SPORTER
10-27853	22 CAL	INTRATEC	027689	TEC-22
10-31569	9 MM	INTRATEC	115978	TEC-9
10-46499	762 CAL	POLYTECHNOLOGIES	10845	AK47
10-46499	223 cal	COLT	SL010839	AR15
10-46635	9 MM	IWI (ISREAL Weapon industry)	4822	UZI
10-5038	45 CAL	THOMPSON MACHINE GUN	318365	M1A
11-14399	9 MM	INTRATEC	A017612	AB10
11-29948	223 CAL	BUSHMASTER	L244060	SHORTY
11-44369	223 CAL	IZHMASH	H09164862T	SAIGA
12-12966	22 CAL	COLT	OBLITERATED	MATCH TARGET
12-5393	9 MM	INTRATEC	OBLITERATED	AB10
12-853	90 CAL	NORINCO	9385592	MAK90
13-20119	22 CAL	ARMS CORP	OBLIT	AK47/22
13-4142	223 CAL	IZHMASH	H06168128	SAIGA
13-4857		BUSHMASTER	L399065	AR 15

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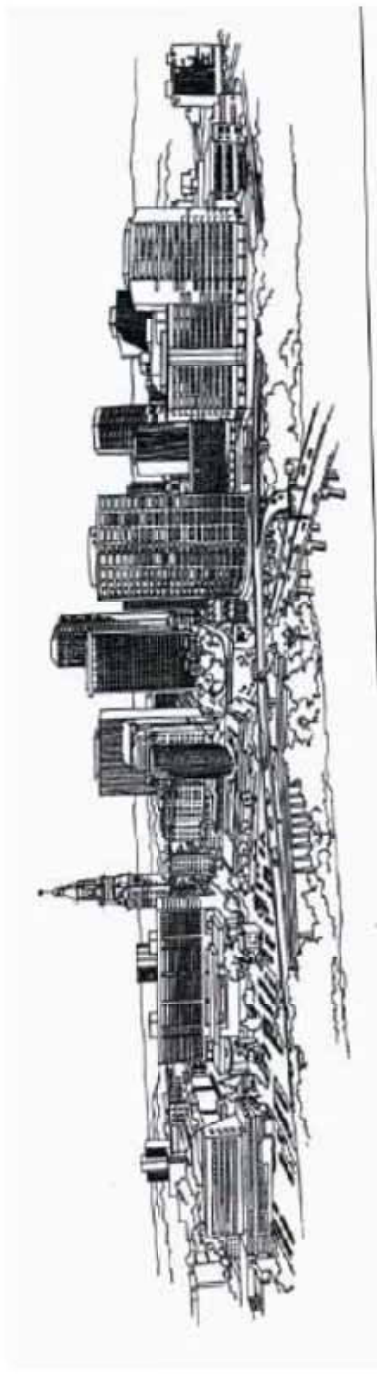
A-1379

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EXHIBIT 25

Hartford Police Department

2012 Year End Report



Serving the Capital City

CITY OF HARTFORD POLICE DEPARTMENT – JAMES C. ROVELLA, CHIEF OF POLICE

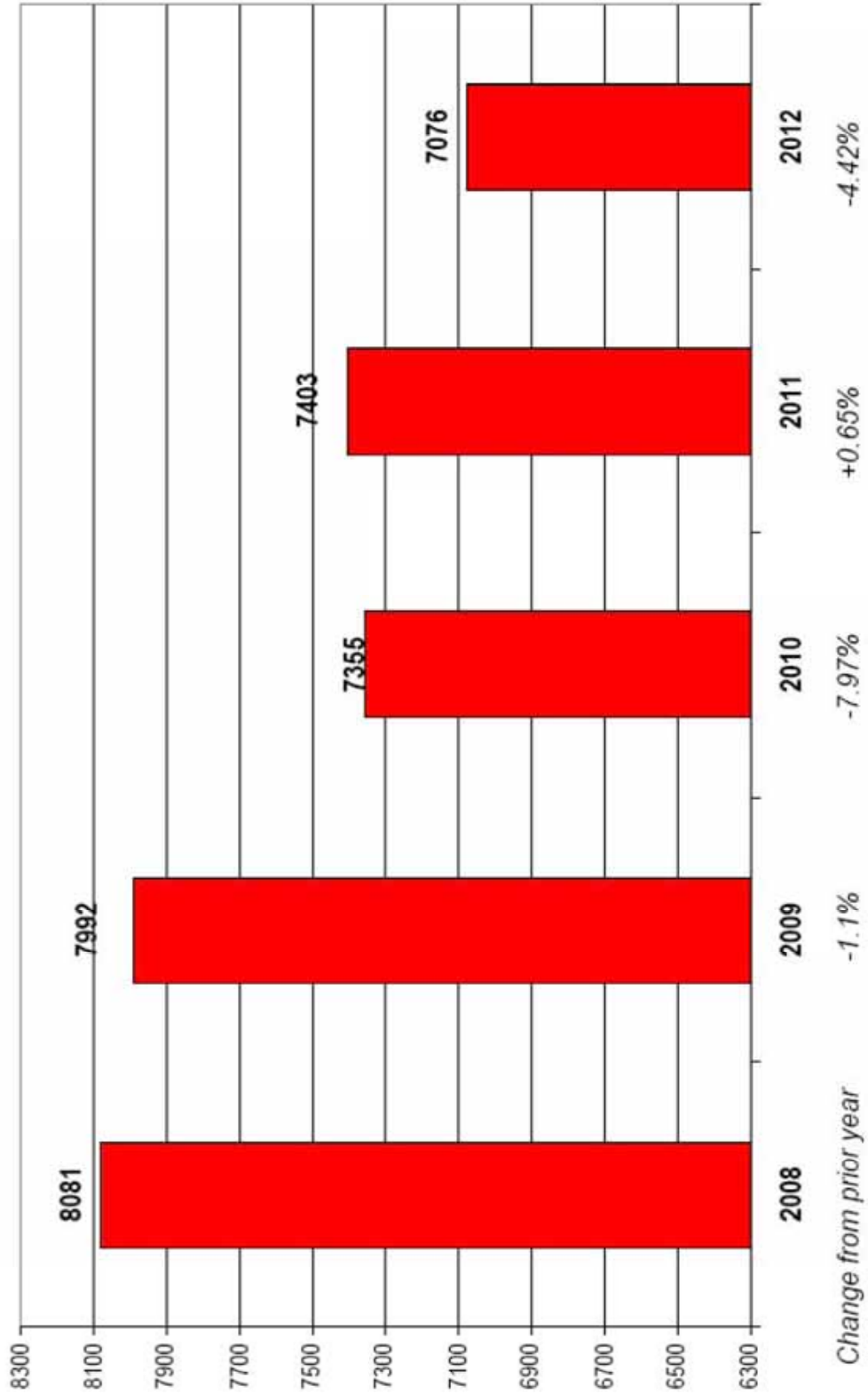
Notable Statistics

- All time low for Part 1 Crimes for the City of Hartford
- Lowest Homicide rate since 2004
- Aggravated Assault -9.8% from previous year
- Burglary -17.6% from previous year
- Record low in Auto Thefts
- Gun Buy Back Numbers Continue to Grow

A-1382

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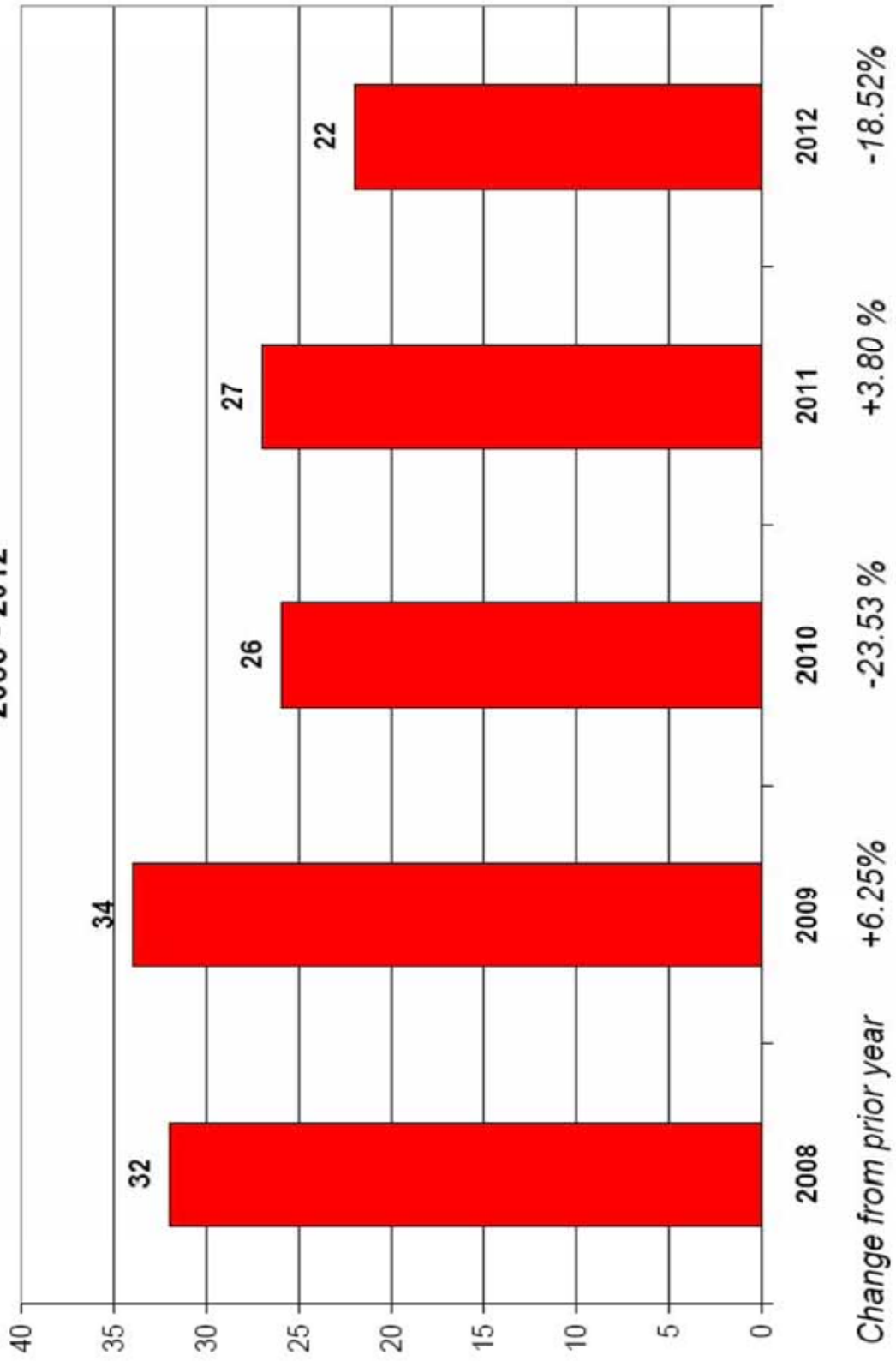
City of Hartford Part 1 Crimes Past 5 Years 2008 - 2012



A-1383

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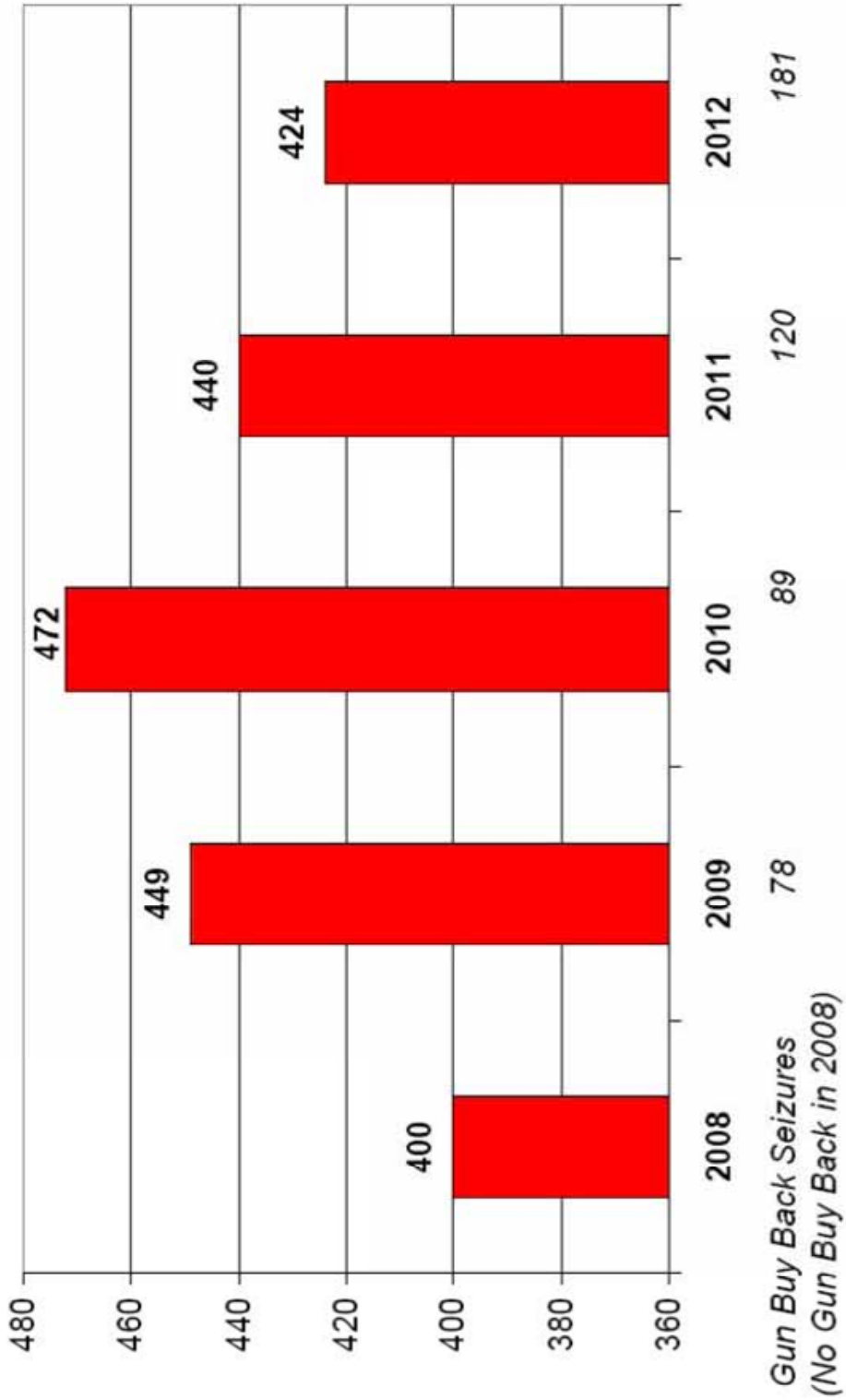
City of Hartford Homicides Past 5 Years 2008 - 2012



A-1384

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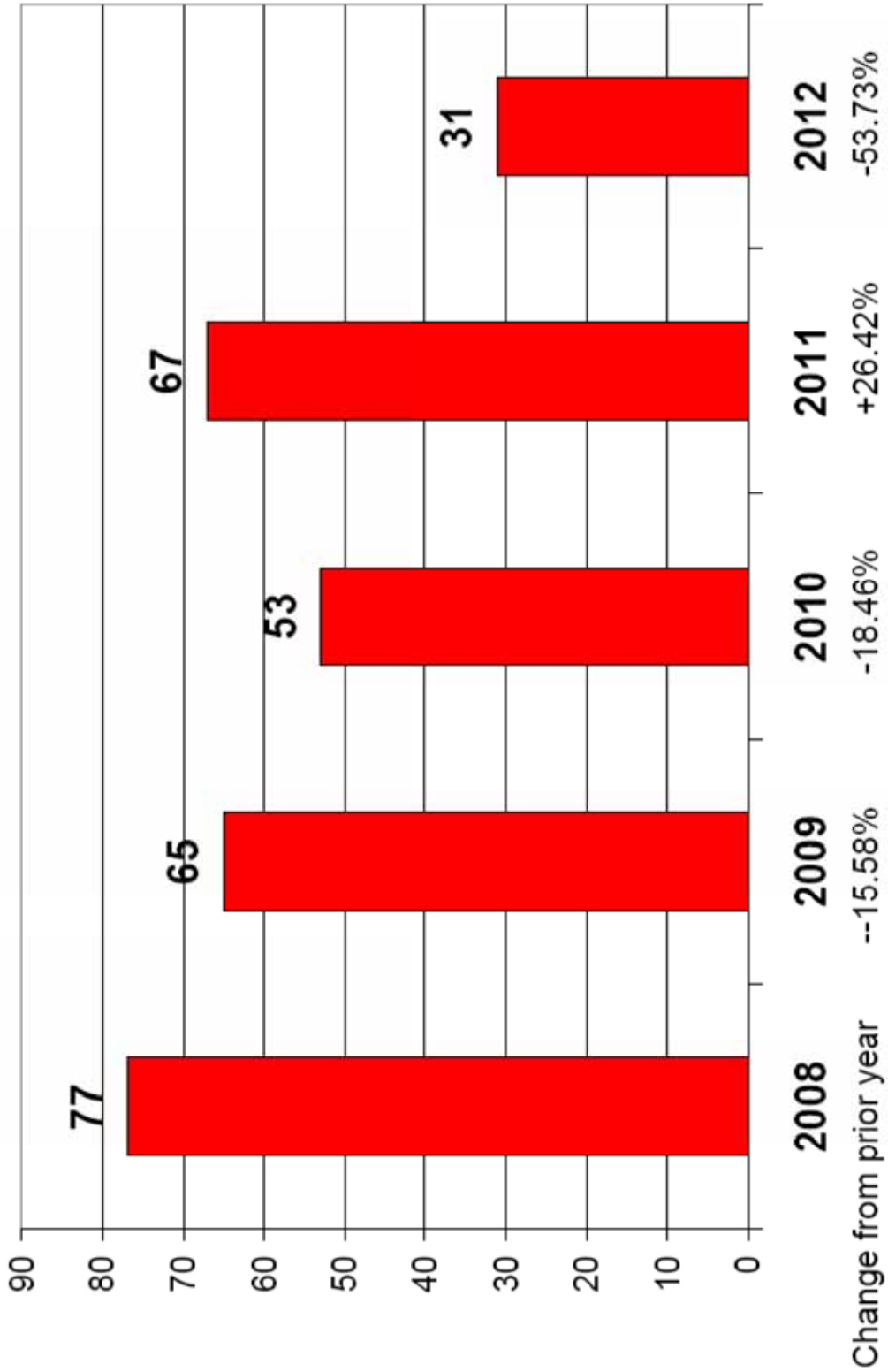
City of Hartford Firearms Seized Past 5 Years 2008 - 2012



A-1385

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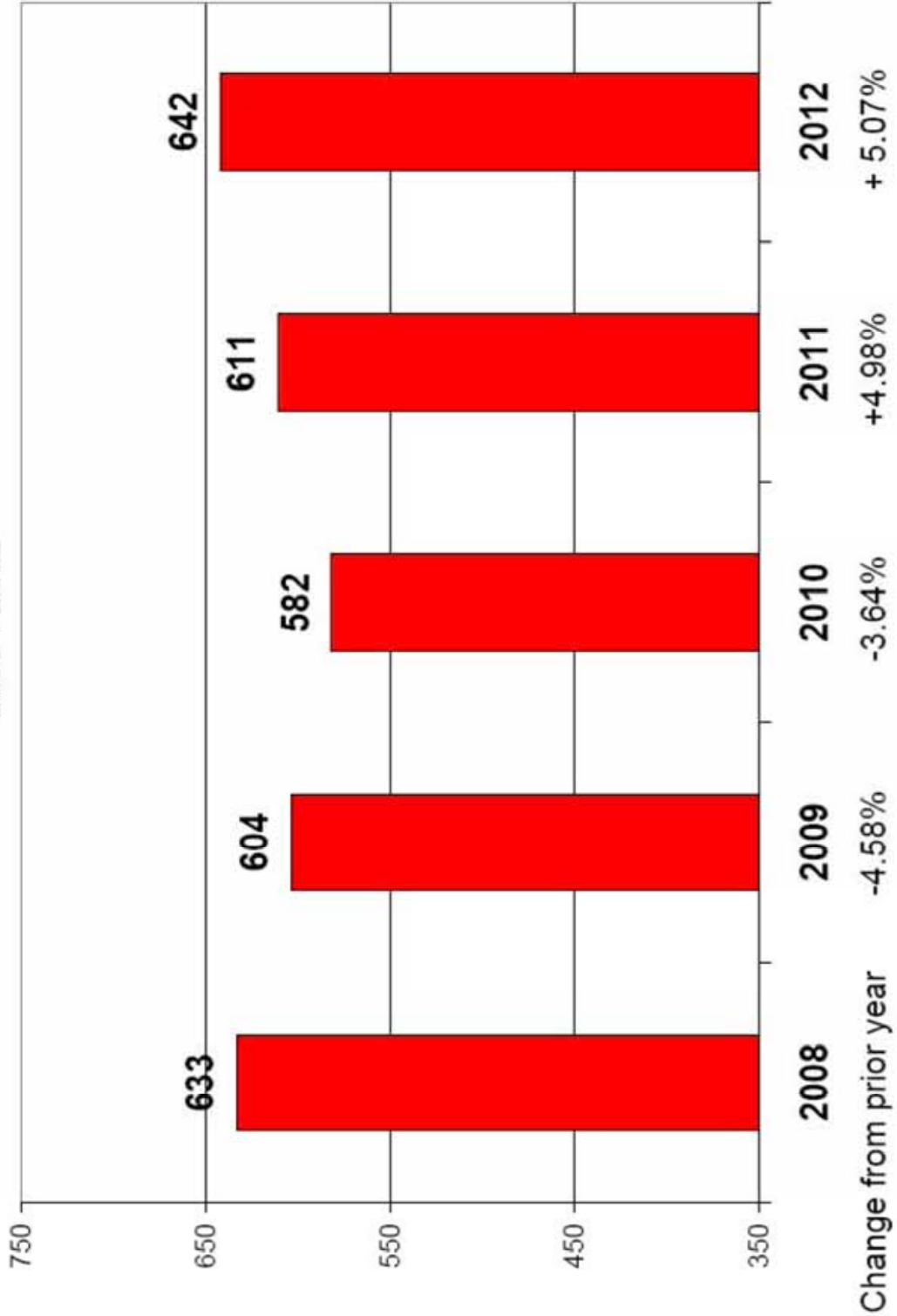
City of Hartford Rape Past 5 Years 2008 - 2012



A-1386

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City of Hartford Robberies Past 5 Years 2008 - 2012



Notable Statistics

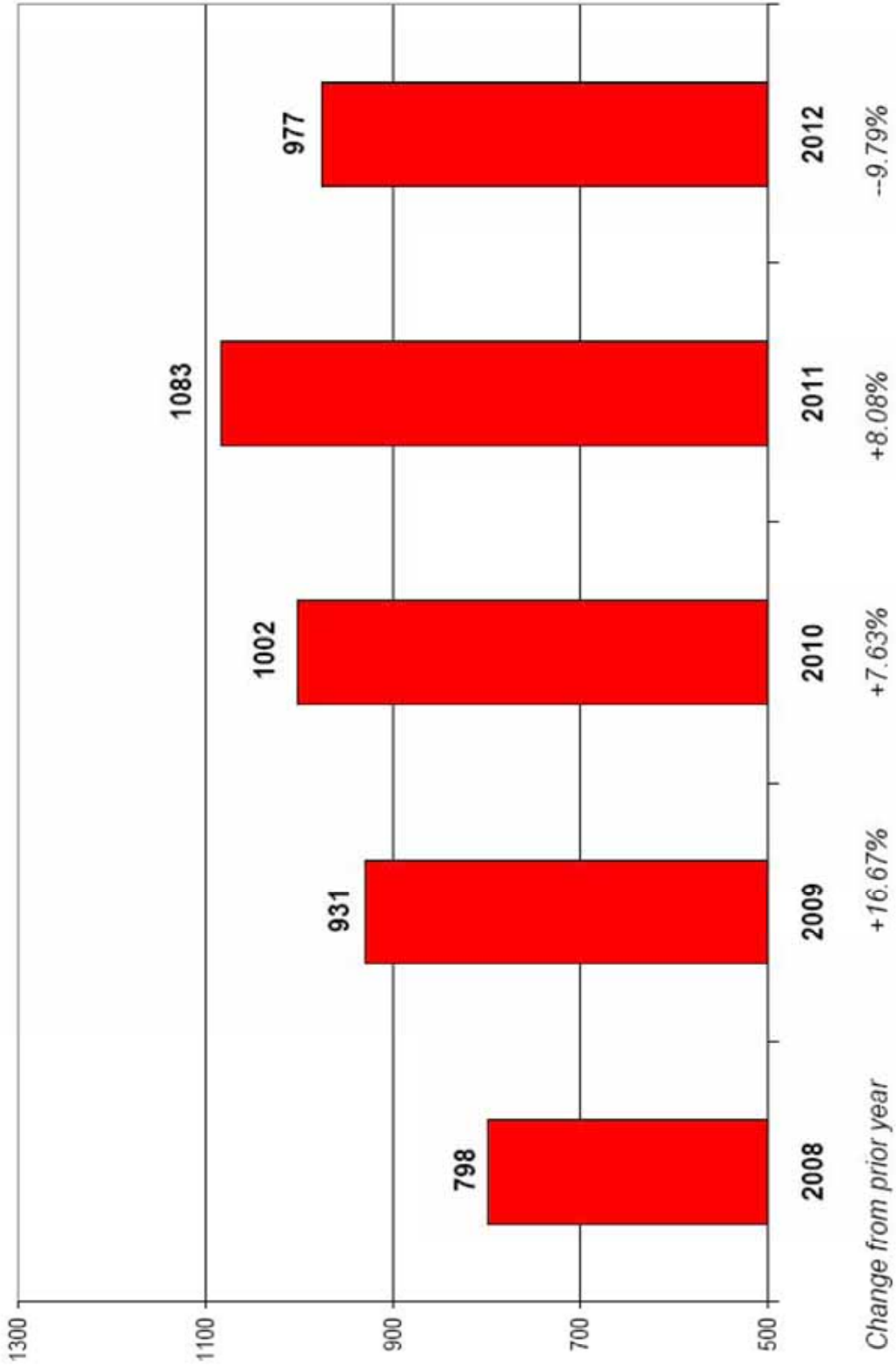
Total Persons Struck by Gun Fire -12.2%

- North East District Violent Crime Down
 - North East Homicides -35.7%
 - North East Persons Struck by Gun Fire -32.2%
- Robbery Arrests Increased 3.1%
 - North West Robbery Arrests Increased 83.3%
- Larceny Arrests Increased 1.4%
 - North West Larceny Arrests Increased 46.8%
 - North West Burglary Arrests Increased 51.7%
 - South East Auto Theft Arrests increased 45.5%

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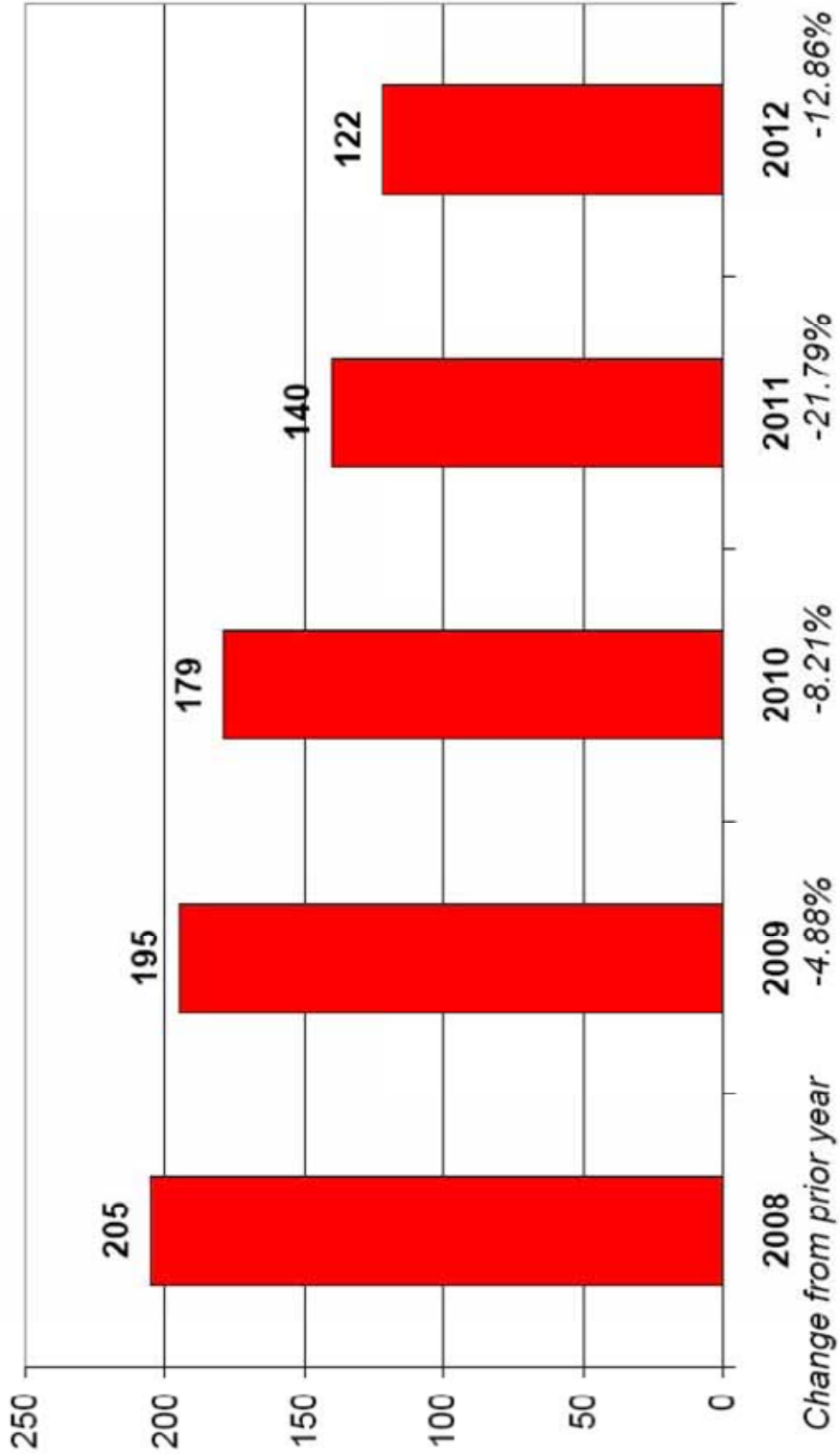
**City of Hartford
Aggravated Assault Past 5 Years
2008 - 2012**



A-1389

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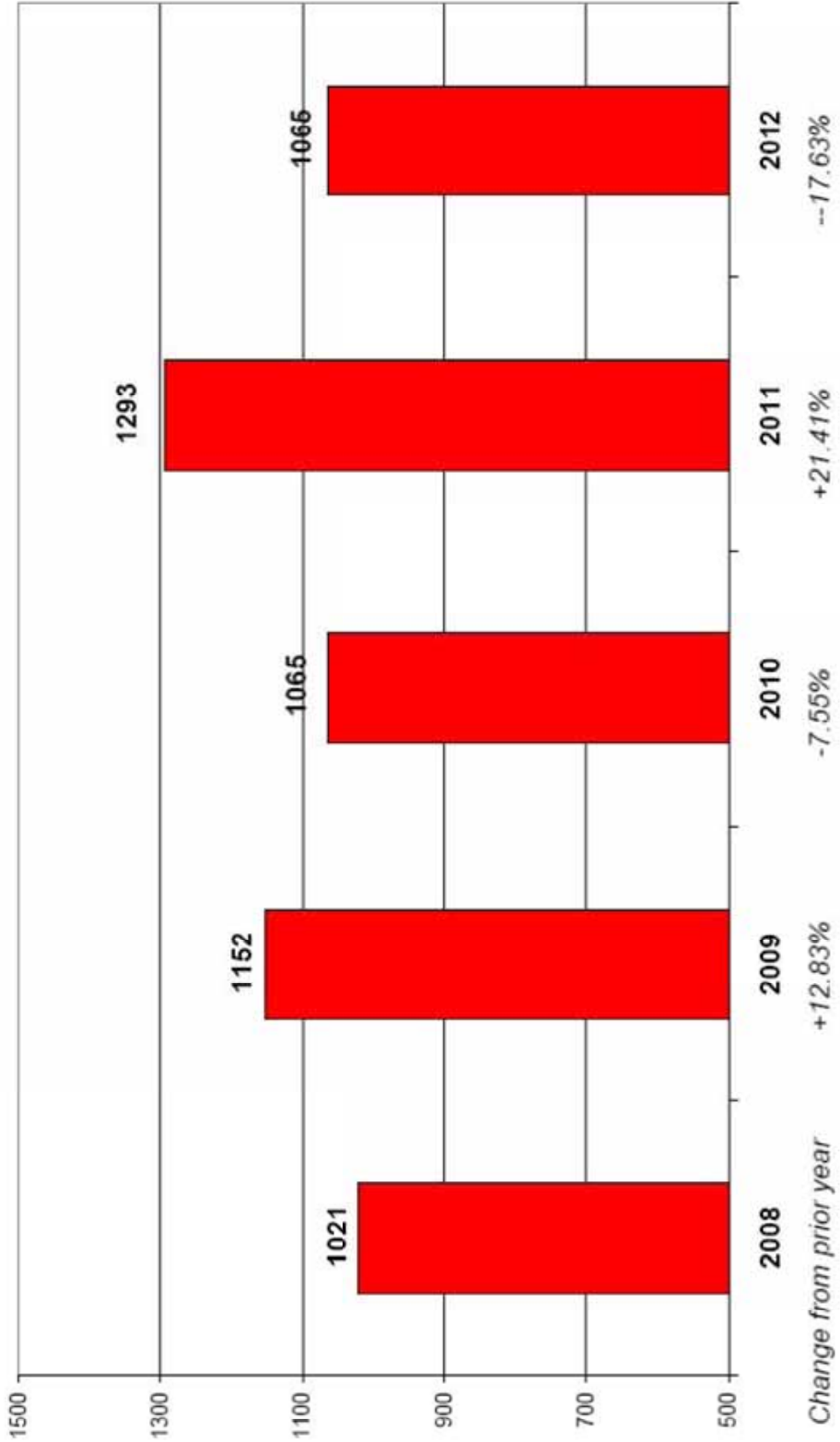
**City of Hartford
All Persons Struck by Gun Fire
Past 5 Years
2008 - 2012**



A-1390

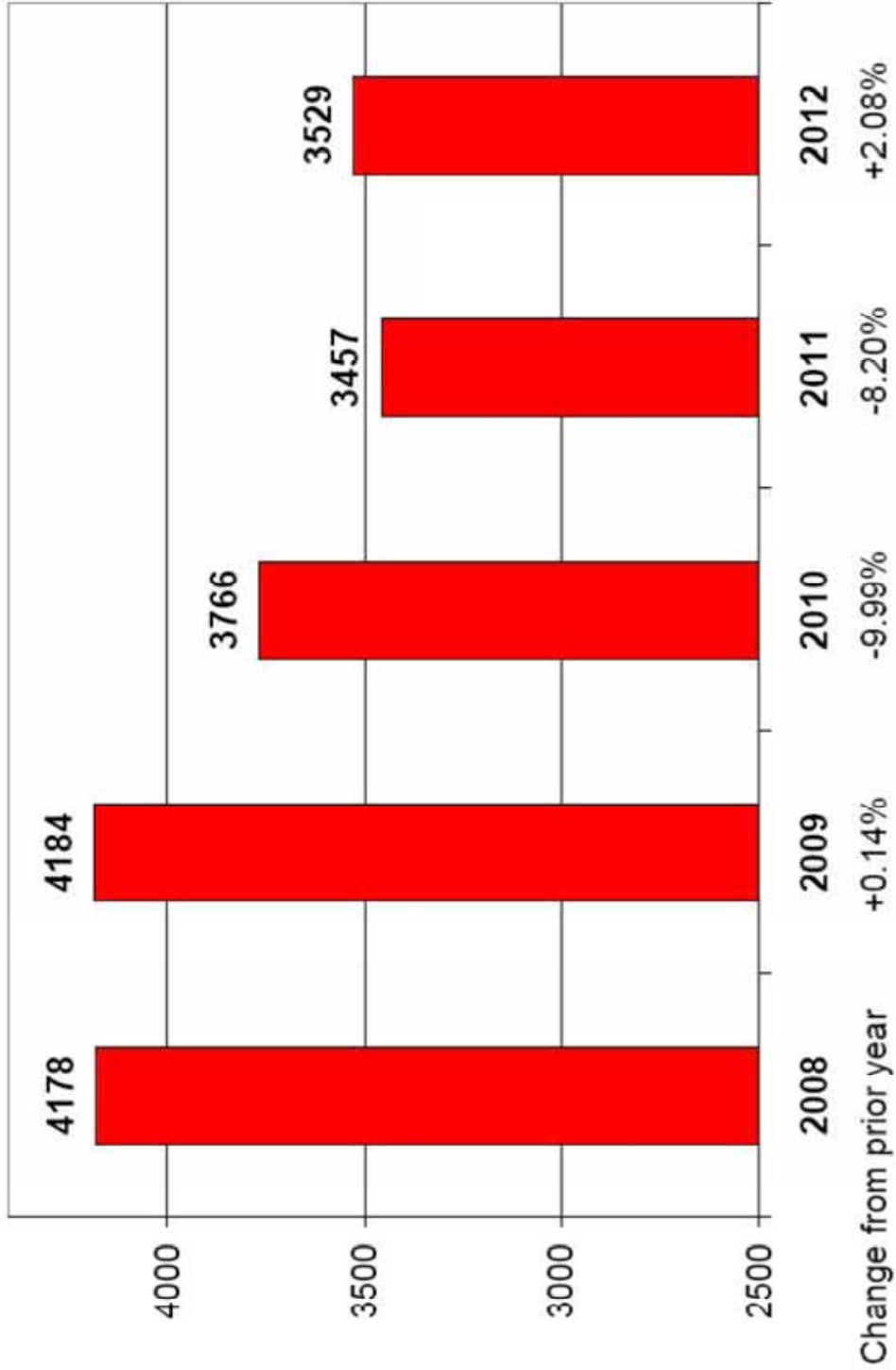
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City of Hartford
Burglary Past 5 Years
2008 - 2012



A-1391

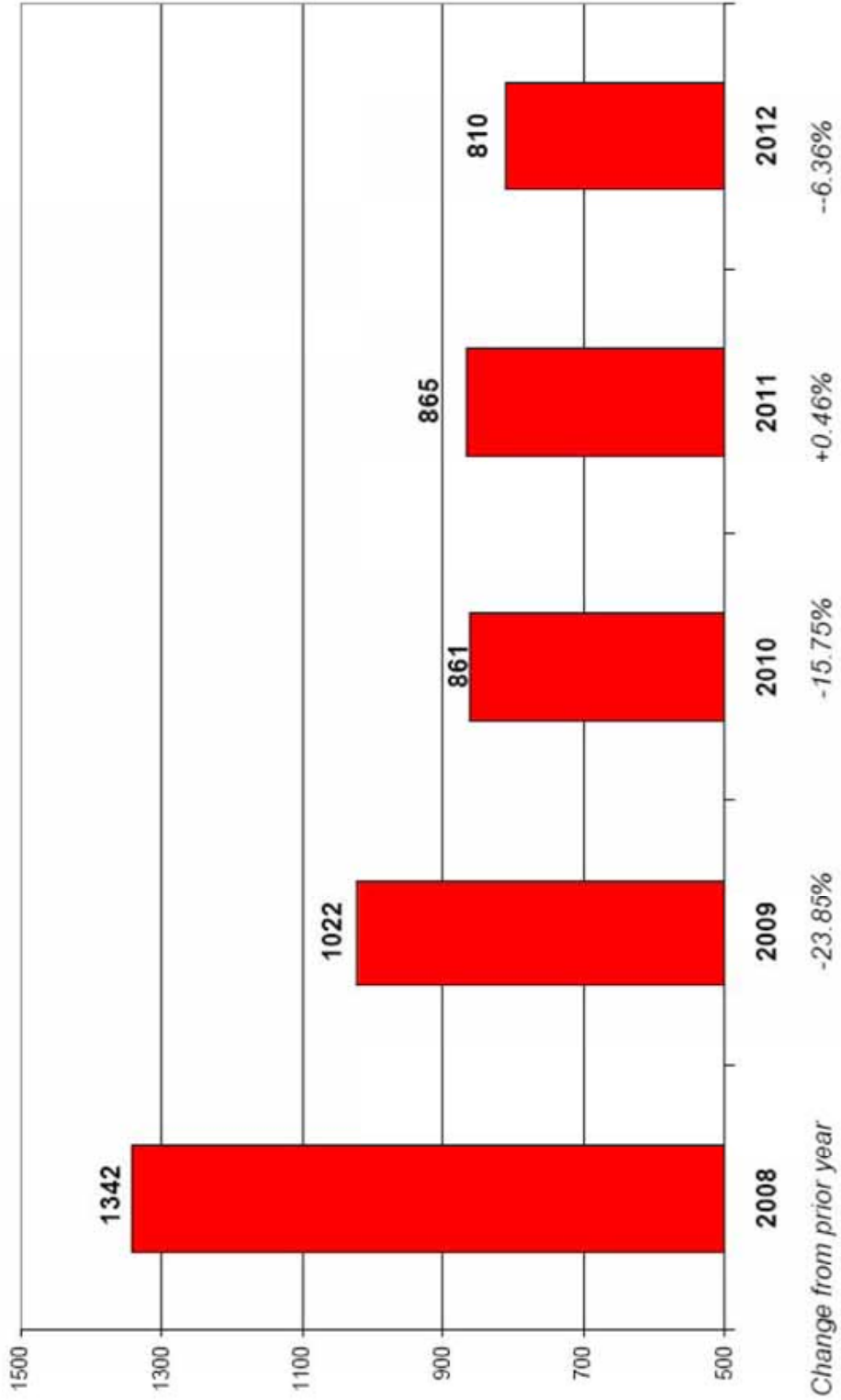
**City of Hartford
Larceny Past 5 Years
2008 - 2012**



A-1392

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**City of Hartford
Auto Theft Past 5 Years
2008 - 2012**



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EXHIBIT 26

A-1394

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JUNE SHEW, et al.	:	No. 3:13-CV-0739 (AVC)
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
DANNEL P. MALLOY, et al.	:	
<i>Defendants.</i>	:	SEPTEMBER 30, 2013

AFFIDAVIT OF CHRISTOPHER S. KOPER

1. My name is Christopher S. Koper. I am over eighteen years of age and I believe in the obligations of an oath.
2. I have read the Plaintiffs' First Amended Complaint in the above captioned matter, and am familiar with the claims set forth therein.
3. I am an Associate Professor for the Department of Criminology, Law and Society at George Mason University, in Fairfax, Virginia, and a senior fellow at George Mason's Center for Evidence-Based Crime Policy. A copy of my curriculum vitae is attached to the Defendants' motion as Exhibit 27.
4. I have been studying firearms issues since 1994. My primary areas of focus are firearms policy and policing issues.
5. In 1997, my colleague Jeffrey Roth and I conducted a study on the impact of Title XI, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994 (hereinafter the "federal assault weapons ban" or the "federal ban"), for the United States Department of Justice and the United States Congress.¹ I updated our original 1997 study in 2004,² and briefly revisited the issue again by re-examining my 2004 report in 2013.³ My 2004

¹ Jeffrey A. Roth & Christopher S. Koper, *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994: Final Report* (1997), attached to Defendants' motion as Exhibit 28 (hereinafter, "*Koper 1997*").

² Christopher S. Koper, *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003* (2004), attached to Defendants' motion as Exhibit 29 (hereinafter, "*Koper 2004*").

³ Christopher S. Koper, *America's Experience with the Federal Assault Weapons Ban, 1994-2004: Key Findings and Implications*, ch. 12, pp. 157-71 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Daniel S. Webster & Jon S. Vernick eds. 2013), attached to Defendants' motion as Exhibit 30 (hereinafter "*Koper 2013*").

and 2013 reports are the best resources for understanding my analysis of the impact of the federal ban. My 1997 report was based on limited data, especially with regard to the criminal use of large capacity magazines. As a result, my conclusions on the impact of the federal ban are most accurately and completely set forth in my 2004 and 2013 reports.

6. To my knowledge, the reports I authored are the only published academic studies to have examined the impacts of the federal bans on assault weapons and ammunition feeding devices holding more than ten rounds of ammunition (hereinafter referred to as “large-capacity magazines” or “LCMs”).⁴

SUMMARY OF FINDINGS

7. Based on my research, I found, among other things, that assault pistols are used disproportionately in crime in general, and that assault weapons more broadly were disproportionately used in murder and other serious crimes in some jurisdictions for which there was data. I also found that assault weapons and other firearms with large capacity magazines are used in a higher share of mass public shootings and killings of law enforcement officers.
8. The evidence also suggests that gun attacks with semiautomatics—especially assault weapons and other guns equipped with large capacity magazines—tend to result in more shots fired, more persons wounded, and more wounds per victim, than do gun attacks with other firearms. There is evidence that victims who receive more than one gunshot wound are substantially more likely to die than victims who receive only one wound. Thus, it appears that crimes committed with these weapons are likely to result in more injuries, and more lethal injuries, than crimes committed with other firearms.
9. In addition, there is some evidence to suggest that assault weapons are more attractive to criminals, due to the weapons’ military-style features and particularly large magazines.
10. Based on these and other findings in my studies discussed below, it is my considered opinion that Connecticut’s recently strengthened ban on assault weapons and newly enacted ban on large capacity magazines,⁵ and in particular its ban on LCMs which is in some ways stronger than the federal ban that I studied, is likely to advance Connecticut’s

⁴ As discussed below, there have been some additional studies about the impact and efficacy of the federal assault weapons ban conducted by non-academic institutions. In 2011, for example, the *Washington Post* published the results of its own investigation into the federal ban’s impact on the criminal use of LCMs in Virginia. See ¶¶57, 74, 81, *infra*. I also am aware of gun tracing analyses conducted by the federal Bureau of Alcohol Tobacco and Firearms (2003 Congressional Q&A memo provided to the author) and the Brady Center to Prevent Gun Violence (2004). These analyses are consistent with the findings of my studies regarding the decline in assault weapons as a percentage of crime gun traces between the pre-ban and post-ban periods.

⁵ See generally Public Act 13-3, An Act Concerning Gun Violence Prevention And Children’s Safety (hereinafter, “the Act”).

interest in protecting public safety. Specifically, it has the potential to: (1) reduce the number of crimes committed with assault weapons and other firearms with large capacity magazines; (2) reduce the number of shots fired in gun crimes; (3) reduce the number of gunshot victims in such crimes; (4) reduce the number of wounds per gunshot victim; (5) reduce the lethality of gunshot injuries when they do occur; and (6) reduce the substantial societal costs that flow from shootings.

I. Criminal Uses and Dangers of Assault Weapons and LCMs

11. The precise definition of “assault weapon” varies among the different federal, state, and local jurisdictions that have adopted bans on such weapons, although there is substantial overlap. Assault weapons are usually defined as a subset of semiautomatic weapons,⁶ and generally include semiautomatic pistols, rifles, and shotguns with military features that are conducive to military and potential criminal applications, but that are unnecessary in shooting sports or for self-defense.
12. The ability to accept a detachable magazine, including large capacity magazines, is a common feature in most assault weapon definitions, including Connecticut’s. However, LCMs can be and frequently are used with guns that fall outside of the definition of assault weapon.
13. One of the core rationales for banning or otherwise limiting the availability of both assault weapons and LCMs is that they are particularly dangerous, insofar as they are capable of and facilitate the wounding and killing of larger numbers of people because of their capacity for rapid firing of high numbers of rounds in a short period of time. The evidence supports this rationale. As discussed more fully below, attacks with semiautomatics—especially assault weapons and other guns with LCMs—generally result in more shots fired, persons wounded, and wounds per victim than do other gun attacks. *See Koper 2004*, p. 97. The rapid fire capability of these weapons thus increases the number and lethality of injuries from gun violence in which they are used.
14. Likely due to these characteristics, assault weapons and LCMs have been frequently and disproportionately used in mass public shootings and murders of law enforcement officers, crimes for which firearms with greater firepower would seem to be particularly desirable and effective. *See Koper 2004*, pp. 14-19, 87.
15. During the 1980s and early 1990s, for example, assault weapons and other semiautomatic firearms equipped with LCMs were involved in a number of highly publicized mass

⁶ A semiautomatic weapon is a gun that fires one bullet for each pull of the trigger and, after each round of ammunition is fired, automatically loads the next round and cocks itself for the next shot. This semiautomatic firing action permits a faster rate of fire relative to non-semiautomatic firearms. Semiautomatics, however, are not to be confused with fully automatic weapons (*i.e.*, machine guns), which fire continuously so long as the trigger is depressed. Fully automatic weapons have been illegal to own in the United States without a federal permit since 1934. *See Koper 2004*, p. 4 n.l.

shootings. These incidents heightened public concern about the accessibility of high powered, military-style weaponry, and other guns capable of discharging high numbers of rounds in a short period of time. Such incidents include:

- On July 18, 1984, James Huberty killed 21 persons and wounded nineteen others in a San Ysidro, California McDonald's restaurant, using an Uzi carbine, a shotgun, and another semiautomatic handgun equipped with a 25-round LCM;
- On January 17, 1989, Patrick Purdy used a civilian version of the AK-47 military rifle and a 75-round LCM to open fire in a schoolyard in Stockton, California, killing five children and wounding twenty nine other persons;
- On September 14, 1989, Joseph Wesbecker, armed with an AK-47 rifle, two MAC-11 handguns, a number of other firearms, and multiple 30-round magazines, killed seven and wounded fifteen people at his former workplace in Louisville, Kentucky;
- On October 16, 1991, George Hennard, armed with two semiautomatic handguns with LCMs (and reportedly a supply of extra LCMs), killed twenty two people and wounded another twenty three in Killgren, Texas; and
- On December 7, 1993, Colin Ferguson, armed with a handgun and multiple LCMs, opened fire on commuters on a Long Island Rail Road train, killing six and wounding nineteen.

See Koper 2004, p. 14.⁷

16. More recently, in the years since the expiration of the federal ban in 2004, there have been numerous other mass shooting incidents involving previously banned assault weapons and/or LCMs. Since 2007, for example, there have been at least fifteen incidents in which offenders using assault-type weapons or other semiautomatics with LCMs have wounded and/or killed eight or more people.⁸ Some of the more notorious of these incidents, both nationally and in Connecticut, include:

⁷ Additional details regarding these incidents were obtained from: Violence Policy Center, *Mass Shootings in the United States Involving High-Capacity Ammunition Magazines* (Washington, D.C. 2012) (hereinafter, "Violence Policy Center 2012"); Mark Follman, Gavin Aronsen & Deanna Pan, *US Mass Shootings, 1982-2012: Data from Mother Jones' Investigation* (updated Feb. 27, 2013), available at <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data> (hereinafter, "Follman, Aronsen & Pan 2013"); and Mark Follman, Gavin Aronsen & Jaeah Lee, *More Than Half of Mass Shooters Used Assault Weapons and High-Capacity Magazines* (Feb. 27, 2013), available at <http://www.motherjones.com/politics/2013/02/assault-weapons-high-capacity-magazines-mass-shootings-feinstein> (hereinafter, "Follman, Aronsen & Lee 2013").

⁸ See Violence Policy Center 2012; Follman, Aronsen & Pan 2013; Follman, Aronsen & Lee 2013. The reference above to 15 cases is based on a tabulation from these sources.

- Blacksburg, Virginia, April 16, 2007: Student Seung-Hui Cho killed thirty three (including himself) and wounded seventeen on the campus of Virginia Tech., armed with a handgun and multiple LCMs;
- Binghamton, New York, April 3, 2009: Jiverly Wong killed fourteen (including himself) and wounded four at the American Civic Association immigration center, armed with two handguns and a 30-round LCM;
- Tucson, Arizona, January 8, 2011: Jared Loughner, armed with a handgun and multiple LCMs, killed six and wounded thirteen, including Congresswoman Gabrielle Giffords and a federal judge;
- Aurora, Colorado, July 20, 2012: James Holmes killed twelve and wounded fifty eight in a movie theater, armed with a Smith & Wesson M&P15 assault rifle, 100-round LCMs, and other firearms; and
- Newtown, Connecticut, December 14, 2012: Adam Lanza killed twenty six (twenty of whom were young children) and wounded two at Sandy Hook Elementary School, armed with a Bushmaster AR-15-style assault rifle, two handguns, and multiple LCMs.⁹

See Koper 2013, p. 157-58.

A. Assault Weapons

17. Though estimates are imprecise, assault weapons represented only a small percentage of the gun stock in this country when the federal ban was enacted, accounting for less than 1% of the gun stock around 1990 and about 2.5% of guns produced domestically between 1989 and 1993. This suggests that they likely accounted for 1% or less of the civilian gun stock at the time of the ban. Numerous studies suggest, however, that assault weapons accounted for up to 8% of guns used in crime overall before the federal ban, with most studies suggesting they accounted for about 2%. Further, evidence from studies of gun buyers suggests that assault pistols are at higher risk of being used in crime than other types of handguns.
18. In addition, there is some evidence that assault weapons are used more disproportionately in certain kinds of serious crime—in particular mass public shootings and killing of law enforcement officers—relative to their market presence.
19. Several local and national police data sources that my colleagues and I analyzed indicate that, before the ban went into effect, the most common assault weapons prohibited by the federal ban accounted for up to 6% of murders, up to 9% of murders of law enforcement officers, up to 13% of all mass shootings in which four or more people died (figures discussed below show that assault weapons are more heavily represented in mass public shootings and mass shootings involving particularly high numbers of victims), and up to 4% of other serious crimes. *See Koper 2004*, p. 15.

⁹ Additional details regarding these incidents were obtained from: Violence Policy Center 2012; Follman, Aronsen & Pan 2013; and Follman, Aronsen & Lee 2013.

20. While the evidence suggests that assault weapons are used in a small share of gun crimes overall, these weapons pose particular dangers in connection with two very visible and destructive aspects of crime and violence: mass shootings and murders of police. See *Koper 2004*, pp. 14-19, 87.
21. For example, evidence from before the federal ban indicates that assault weapons and other semiautomatics with LCMs were involved in 40% of mass shooting incidents that occurred between 1984 and 1993 in which six or more persons were killed or a total of 12 or more were wounded. See *Koper 2004*, p. 14.¹⁰
22. More recently, a media investigation by *Mother Jones* magazine analyzed and compiled data on sixty two public mass shooting incidents that involved the death of four or more people between 1982 and 2012.¹¹ That study indicates that 42% of the incidents involved an assault weapon, and more than half of the perpetrators possessed assault weapons, LCMs, or both.
23. Working under my direction, a graduate student at George Mason University recently analyzed the *Mother Jones* data for his Master's thesis, and compared the number of deaths and fatalities across cases that involved assault weapons and large capacity magazines, and those that did not. With regard to assault weapons, although he found no difference in the average number of fatalities, he did find an increase in gunshot victimization. Specifically, he found that an average of 11.04 people were shot in public mass shootings involving assault weapons, compared to 5.75 people shot in non-assault weapon cases. This is a statistically significant finding, meaning that it was not likely due to chance. As a result, the total average number of people killed and injured in assault weapon cases was 19.27, compared to 14.06 in non-assault weapon cases.¹²
24. Assault weapons also appear to be used in a disproportionately high number of shootings of law enforcement officers. Specifically, although prior to the federal ban they represented less than 5% of crime guns in most data sources my colleagues and I analyzed, they were involved in 7% to 9% of gun murders of police from 1992 to 1994, and as many as 16% of gun murders of police in 1994 (the same year that the ban went into effect). See *Koper 2004*, p. 15 & n.12; *Koper 1997*, pp. 98-100.
25. This disproportionate use of assault weapons in these crimes is consistent with other data suggesting that the military features and large ammunition capacity of assault weapons

¹⁰ These figures are based on tabulations that I and my research team did using data reported in Gary Kleck, *Targeting Guns: Firearms and Their Control* (1997), pp. 124-26, 144.

¹¹ This investigation and compilation of data on mass shootings was done by reporters at *Mother Jones* magazine. See Follman, Aronsen & Pan 2013; Follman Aronsen & Lee 2013; Mark Follman, Gavin Aronsen & Deanna Pan, *A Guide to Mass Shootings in America* (updated Feb. 27, 2013), available at <http://www.motherjones.com/politics/2012/07/mass-shootings-map>.

¹² See Dillon, Luke. (2013). *Mass Shootings in the United States: An Exploratory Study of the Trends from 1982 to 2012*. Master's thesis. Fairfax, VA: Department of Criminology, Law and Society, George Mason University.

make them more attractive to criminals overall, and in particular to offenders with serious criminal histories, than to non-criminal gun owners. Perhaps the best evidence of this comes from a study of young adult handgun buyers in California that found buyers with minor criminal histories (*i.e.*, arrests or misdemeanor convictions that did not disqualify them from purchasing firearms) were more than twice as likely to purchase assault pistols than were buyers with no criminal history (4.6% to 2%, respectively). Those with more serious criminal histories were even more likely to purchase assault pistols: 6.6% of those who had been charged with a gun offense bought assault pistols, as did 10% of those who had been charged with two or more serious violent offenses. The study also found that assault pistol purchasers were more likely to be arrested subsequent to their purchases than were other gun purchasers. Among handgun purchasers with prior histories of violence, those who purchased assault-type pistols were three times as likely as other handgun purchasers to be subsequently charged with a new offense involving guns or violence. *See Koper 2004*, pp. 17-18.

26. Although less reliable, some survey studies have indicated even higher ownership of assault weapons among criminals and other high-risk individuals, particularly urban gang members. *See Koper 2004*, p. 16.

B. LCMs

27. LCMs appear to present even greater dangers to crime and violence than assault weapons alone, in part because they are more prevalent and can be and are used as ammunition feeding devices in both assault weapons and non-assault weapons.
28. Prior to the federal assault weapon and LCM bans, for example, guns with LCMs were used in roughly 13-26% of gun crimes. *See Koper 2004*, pp. 15, 18-19; *Koper 2013*, pp. 161-62.
29. And, in New York City, the New York State Division of Criminal Justice Services reported that, in 1993, at least 16%, and as many as 25%, of guns recovered in murder investigations were equipped with LCMs. *See Koper 2004*, p. 18.¹³
30. Like assault weapons, it also appears that firearms (assault and non-assault) with LCMs have been used disproportionately in killings of law enforcement officers. The available data indicates that LCMs were used in somewhere between 31% and 41% of gun murders of police before enactment of the federal ban. *See Koper 2004*, p. 18; *Koper 2013*, p. 162.
31. The evidence of public safety threat posed by LCMs is even stronger in the context of public mass shootings. Prior to the federal ban semiautomatics with LCMs (including assault weapons) were involved in 40% of the mass shooting incidents that occurred

¹³ The minimum estimate is based on cases in which discharged firearms were recovered, while the maximum estimate is based on cases in which recovered firearms were positively linked to the case with ballistics evidence. *See Koper 2004*, p. 18 n.15.

- between 1984 and 1993 in which six or more persons were killed or a total of 12 or more were wounded. See *Koper 2004*, p. 14; *Koper 2013*, p. 161. And the recent *Mother Jones* investigative report shows that, since 1982, half of all public mass shooters who killed four or more persons possessed LCMs when carrying out their attacks.¹⁴
32. Firearms with LCMs, both assault-type and non-assault-type, also are more destructive and cause more death and injury in gun crime.
 33. As discussed above, for example, a graduate student at George Mason University, working at my direction, recently analyzed the *Mother Jones* data as part of his Master's thesis. He compared cases where an LCM was known to have been used (or at least possessed by the shooter) against cases where either an LCM was not used or known to have been used. He found that the LCM cases (which included assault weapons) had significantly higher numbers of fatalities and casualties; an average of 10.19 fatalities in LCM cases compared to 6.35 fatalities in non-LCM/unknown cases. He found an average of 12.39 people were shot but not killed in public mass shooting involving LCMs, compared to just 3.55 people shot in the non-LCM/unknown LCM shootings. These findings reflect a total victim differential of 22.58 killed or wounded in the LCM cases compared to 9.9 in the non-LCM/unknown LCM cases.¹⁵ All of these differences were statistically significant and not a result of mere chance.
 34. In my own studies, I similarly found that from 1984 through 1993, offenders who clearly possessed assault weapons or other semiautomatics with LCMs on average wounded or killed more than twice as many victims compared to offenders who used other kinds of weapons (an average of twenty nine victims compared to thirteen) in mass shooting incidents that resulted in at least six deaths or at least twelve total gunshot victims. See *Koper 2004*, pp. 85-86; *Koper 2013*, p. 167.
 35. Localized studies of gunshot victimizations also corroborate this conclusion. Between 1992 and 1995, gun homicide victims in Milwaukee who were killed by guns with LCMs had 55% more wounds than those victims killed by non-LCM firearms. See *Koper 2004*, p. 86.
 36. In Jersey City in the 1990s, criminals who used semiautomatic pistols fired roughly 23% to 61% more shots and wounded 15% more people than did those who used revolvers. Although only 2.5% of those attackers fired more than ten shots, those incidents had a 100% injury rate and accounted for nearly 5% of all gunshot victims. *Koper 2004*, p. 84-85, 90-91; *Koper 2013*, p. 167.

¹⁴ See Follman, Aronsen & Lee 2013.

¹⁵ See Dillon, Luke. (2013). *Mass Shootings in the United States: An Exploratory Study of the Trends from 1982 to 2012*. Master's thesis. Fairfax, VA: Department of Criminology, Law and Society, George Mason University. The patterns were also very similar when comparing the LCM cases against just those cases in which it was clear that an LCM was not used (though this was a very small number).

37. The trend in more lethal and injurious outcomes of crimes committed with LCMs repeated itself in Baltimore. In an analysis I conducted of guns recovered by police in that city, I found, among other things, that guns used in incidents where a victim was shot were 17% to 26% more likely to have LCMs than guns used in gunfire cases with no wounded victims. Similarly, guns linked to murders were 8% to 17% more likely to have LCMs than guns linked to non-fatal gunshot victimizations. *See Koper 2004*, p. 87.
38. In short, while tentative, the available evidence suggests that, more often than not, attacks with semiautomatics—particularly those equipped with LCMs—result in more shots fired, more victims, and more wounds per victim. Increased numbers of shots fired in a gunfire incident is significant because it increases the number of gunshot victims, and because gunshot victims who are shot more than once are 63% more likely to die than victims who receive only one wound. *See Koper 2004*, p. 87.

II. The 1994 Federal Assault Weapons Ban

A. Provisions of the Federal Assault Weapons Ban

39. The federal assault weapons ban, which was enacted on September 13, 1994, prohibited and restricted the manufacture, transfer, and possession of certain semiautomatic firearms designated as assault weapons and certain LCMs. Pub. L. No. 103-322, tit. XI, subtit. A, 108 Stat. 1796, 1996-2010 (1994).
40. The federal assault weapons ban expired on September 13, 2004 by operation of the statute, and was not renewed by Congress. *Id.* § 1101 05(2).

Banned assault weapons and features

41. The federal ban was not a prohibition on all semiautomatic firearms; rather, it was directed against those semiautomatics firearms having features that are useful in military and criminal applications, but that are unnecessary or unsuitable in shooting sports or for self-defense.
42. Banned firearms were identified under the federal law in two ways. First, the federal ban specifically prohibited eighteen models and variations of semiautomatic weapons by name (*e.g.*, the Intratec TEC-9 pistol and the Colt AR-15 rifle), as well as revolving cylinder shotguns. The list also included a number of foreign rifles that the federal government had banned from importation into the country beginning in 1989 (*e.g.*, the Avtomat Kalashnikov models). Several of the weapons banned by name were civilian copies of military weapons that accepted ammunition magazines made for those military weapons.¹⁶

¹⁶ A list of the weapons banned by name in the 1994 law is set forth in Table 2-1 of *Koper 2004*, p. 5.

43. Second, the federal ban contained a “features test” provision that generally prohibited other semiautomatic weapons having two or more military-style features. Examples of such features include pistol grips on rifles, flash suppressors, folding rifle stocks, threaded barrels for attaching silencers, and the ability to accept detachable magazines.¹⁷

Banned LCMs

44. The federal ban also prohibited most ammunition feeding devices that could hold more than ten rounds of ammunition, which I have referred to herein as “large capacity magazines” or “LCMs.” The federal ban extended to LCMs or similar devices that had the capacity to accept more than ten rounds of ammunition, or that could be “readily restored or converted or to accept” more than ten rounds of ammunition.¹⁸

Exemptions and limitations to the federal ban

45. The federal ban contained several broad exemptions that delayed its impact. See *Koper 2004*, pp. 10-11. First, assault weapons and LCMs manufactured before the effective date of the ban were “grandfathered” in, and thus remained legal to not only own but also to transfer. Estimates suggest that there may have been upward of 1.5 million assault weapons and 25 to 50 million LCMs exempted from the federal ban. The statute also allowed the importation of an additional 4.8 million pre-ban LCMs into the country from 1994 through 2000, and an additional 42 million pre-ban LCMs from 2000-2004. See *Koper 2004*, p. 10; *Koper 2013*, pp. 160-61.
46. Furthermore, although the federal ban prohibited “copies or duplicates” of the assault weapons enumerated in the act, federal authorities applied this prohibition only to exact copies in enforcing this provision. The federal ban also did not apply to a semiautomatic weapon possessing only one military-style feature.¹⁹ Thus, many civilian rifles patterned after military weapons were legal under the ban with only slight modifications. See *Koper 2004*, pp. 10-11.²⁰

¹⁷ The “features test” of the federal assault weapon ban is described more fully in Table 2-2 of *Koper 2004*, p. 6, and in Table 12-1 of *Koper 2013*, p. 160.

¹⁸ The federal ban exempted attached tubular devices capable of operating only with .22 caliber rimfire ammunition.

¹⁹ Notwithstanding these “grandfathering” exemptions, any firearms imported into the country still must meet the “sporting purposes test” established under the federal Gun Control Act of 1968. In 1989, ATF determined that foreign semiautomatic rifles having any one of a number of named military features (including those listed in the features test of the federal ban) fail the sporting purposes test and cannot be imported into the country. In 1998, ATF added the ability to accept a LCM made for a military rifle to the list of disqualifying features. Consequently, it was possible for foreign rifles to pass the features test of the federal assault weapons ban but not meet the sporting purposes test for imports. See *Koper 2004*, p. 10 n.7.

²⁰ Examples of some of these modified, legal versions of banned guns are listed in Table 2-1 of *Koper 2004*, p. 5.

B. Impact of the Federal Assault Weapons Ban

Assault weapons

47. Prior to the federal ban, the best estimates suggest that there were approximately 1.5 million privately owned assault weapons in the United States as of 1993, and they likely accounted for 1% or less of the total civilian gun stock. *See Koper 2013*, pp. 160-61; *Koper 2004*, p. 10.
48. Manufacturers increased production and sale of assault weapons during the Congressional debate about the federal ban that was ultimately enacted in 1994. This surge in demand helped drive up the prices for many assault weapons (notably assault pistols) and appeared to make them less accessible and affordable to criminal users. *See Koper 2013*, pp. 162-63; *Koper 2004*, pp. 25-38.
49. After the federal assault weapons ban was enacted in 1994, crimes with assault weapons declined. In particular, across six major cities (Baltimore, Miami, Milwaukee, Boston, St. Louis, and Anchorage), the share of gun crimes involving assault weapons declined by 17% to 72%, based on data covering all or portions of the 1995-2003 post-ban period. *See Koper 2004*, pp. 2, 46-60; *Koper 2013*, p. 163.
50. The pattern from these six major cities is consistent with that found in the national data on guns recovered by law enforcement and reported to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) for investigative gun tracing.²¹ Specifically, although the interpretation is complicated by changes in tracing practices that occurred during this time, the national gun tracing data suggests that use of assault weapons in crime declined after 1994 because the percentage of gun trace requests submitted to ATF involving assault weapons fell 70% between 1992/93 and 2001/02 (from 5.4% to 1.6%). And, notably, this downward trend did not begin until 1994, the year the federal ban became effective. *See Koper 2004*, pp. 2, 39-46, 51-52; *Koper 2013*, p. 163.²²
51. In short, my research and analysis indicates that the criminal use of assault weapons declined after the federal assault weapons ban was implemented in 1994, independently of trends in gun crime. *See Koper 2004*, pp. 51-52; *Koper 2013*, p. 163.
52. The reduction in the use of assault pistols in crime was the biggest factor in criminal use of assault weapons. Assessment of trends in the use of assault rifles was complicated by

²¹ A gun trace is an investigation that typically tracks a gun from its manufacture to its first point of sale by a licensed dealer. It is undertaken by the ATF, upon request by a law enforcement agency. The trace is generally initiated when the requesting law enforcement agency provides ATF with a trace request including identifying information about the firearm, such as make, model and serial number. For the full discussion of the use of ATF gun tracing data, *see* section 6.2 of *Koper 2004*, pp. 40-46.

²² These findings are consistent with other tracing analyses conducted by ATF and the Brady Center to Prevent Gun Violence. *See Koper 2004*, p. 44 n.43.

the rarity of crimes with such rifles and by the substitution in some cases of post-ban rifles that were very similar to the banned models, but remained legal with slight modification. See ¶46, *supra*. The decline in assault weapon use was not completely offset by use of substitution assault weapon-type models. Even counting these substitute models, the share of crime guns that were assault weapons fell 24% to 60% across most of the local jurisdictions studied. Patterns in the local data sources also suggested that crimes with assault weapons were becoming increasingly rare as the years passed. See *Koper 2004*, pp. 46-52; *Koper 2013*, pp. 163-64.

53. Arriving at a nationwide estimate of the number of assault weapons crimes prevented due to the federal ban is made more complicated by the range of estimates of assault weapon use and changes therein derived from different data sources. Notwithstanding these complexities, it is my opinion based on my review of multiple data sources that the federal ban prevented a few thousand crimes with assault weapons annually. For example, using 2% as the best estimate of the percentage of gun crimes involving assault weapons prior to the ban, and 40% as a reasonable estimate of the post-ban drop in this figure, implies that almost 2,900 murders, robberies, and assaults with assault weapons were prevented in 2002 as a result of the federal ban. See *Koper 2004*, p. 52 n.61.²³

LCMs

54. Assessing trends in LCM use is much more difficult because there was, and is, no national data source on crimes with LCMs, and few local jurisdictions maintain this sort of information. Also LCMs, unlike firearms, do not have serial numbers and therefore are not always uniquely identifiable.
55. It was nevertheless possible to examine trends in the use of guns with LCMs in four jurisdictions: Baltimore, Milwaukee, Anchorage, and Louisville. In all four jurisdictions, the overall share of crime guns equipped with LCMs rose or remained steady through at least the late 1990s. This failure to reduce overall LCM use for at least several years after the federal ban was likely attributable to the immense stock of exempted pre-ban LCMs, which, as noted, was enhanced by post-ban imports. See *Koper 2004*, pp. 68-79; *Koper 2013*, p. 164.
56. Notwithstanding that initial increase, the criminal use of LCMs may have been starting to drop by the early 2000s. See *Koper 2013*, p. 164; *Koper 2004*, pp. 68-79. Although the data in the four cities I investigated were too limited and inconsistent to draw any clear overall conclusions in this regard, such a deferred decline in LCM use would make sense because of the grandfathering provision in the federal law, which delayed the

²³ It is likely that many of these crimes still were committed with other guns that the perpetrator substituted for the banned assault weapon. Even if that is the case, however, for the reasons discussed it is likely that the number of victims per shooting incident, and the number of wounds inflicted per victim, was diminished in some of those instances in which an assault weapon or LCM was no longer available to the assailant.

effectiveness of the ban by requiring more time for grandfathered LCMs to be taken out of circulation.

57. A later investigative study by the *Washington Post* in January 2011 provides some additional evidence that the ban may have reduced crimes with LCMs by the time it expired in 2004. In its study, the *Washington Post* analyzed data maintained by the Virginia State Police about guns recovered in crimes by local law enforcement officers across the state. Those data indicated that between 1994 and 2004, the period the federal ban was in effect, the share of crime guns with LCMs declined by roughly 31% to 44%, and then rebounded after the ban was allowed to expire. Specifically, although the percentage of recovered crime guns with LCMs generally ranged between 13% and 16% from 1994 through 2000, by the time the ban had a chance to run its full course through 2004 that percentage fell to 9% of crime guns recovered. Following expiration of the federal ban in 2004, the share of Virginia crime guns with an LCM rose again to 20% of recovered crime guns by 2010. See *Koper 2013*, p. 165.²⁴
58. Although it is difficult to extrapolate the Virginia data to the nation as a whole, these data do suggest that the federal ban may have been reducing the use of LCMs in gun crime by the time it expired in 2004, and that it could have had an even stronger impact had it remained in effect.

Results of the Federal Assault Weapons Ban

59. The federal ban's exemption of millions of pre-ban assault weapons and LCMs meant that the effects of the law would occur only gradually, and that those effects were growing when the ban expired in 2004. Nevertheless, while the ban did not appear to have a measurable effect on overall gun crime in terms of crimes committed (due to criminals' ability to substitute other guns in their crimes), the evidence does suggest a significant impact on the number of gun crimes involving assault weapons. Had it remained in effect over the long-term, moreover, it could have had a potentially significant impact on the number of crimes involving LCMs.

²⁴ The results of the *Washington Post's* original investigation (which are conveyed in *Koper 2013*, p. 165) are reported in David S. Fallis & James V. Grimaldi, *Va. Data Show Drop in Criminal Firepower During Assault Gun Ban*, Wash. Post, Jan. 23, 2011, available at <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/22/AR2011012203452.html>. Earlier this year, the *Post* updated this analysis and slightly revised the figures it reported by identifying and excluding from its counts more than one thousand .22-caliber rifles with large-capacity tubular magazines, which were not subject to the federal ban (and which are similarly not subject to Connecticut's ban). See David S. Fallis, *Data Indicate Drop in High-Capacity Magazines During Federal Gun Ban*, Wash. Post, Jan. 10, 2013, available at http://www.washingtonpost.com/investigations/data-point-to-drop-in-highcapacity-magazines-during-federal-gun-ban/2013/01/10/d56d3bb6-4b91-11e2-a6a6-aabac85e8036_story.html. This updated data, is reported above.

60. These implications are important. By reducing the number of crimes in which assault weapons and LCMs are used and forcing criminals to use less lethal weapons and magazines, the federal ban could have potentially prevented hundreds of gunshot victimizations annually. It also could have reduced the lethality and injuriousness of those gunshot victimizations that do occur by reducing the number of wounds per victim. *See Koper 2004*, p. 87.
61. Using the Jersey City data as a tentative guide, it is possible that the federal ban eventually could have reduced gunshot victimizations by up to 5% if it had remained in effect long enough to meaningfully reduce the number of LCMs in circulation. *See Koper 2013*, p. 167. Although that may be a small percentage, based on 2010 statistics from the Center for Disease Control and Prevention it would correlate to 3,241 fewer people being wounded or killed as a result of gun crime on an annual basis. *See id.* Even if the federal ban's effect would not have been that substantial, however, a smaller reduction in the number and lethality of gunshot victimizations could still have yielded significant societal benefits.
62. In addition to the inherent benefits of such reductions, the federal ban also potentially could have produced millions of dollars of cost savings per year in medical care alone. Some studies have shown, for example, that the lifetime medical costs for gunshot injuries are about \$28,894 (adjusted for inflation). Even if the federal ban would have been able to reduce gunshot victimizations by only 1%, that would result in roughly \$18,781,100 in lifetime medical cost savings from the shootings prevented each year.²⁵ *See Koper 2013*, pp. 166-67; *see also Koper 2004*, p. 100 n.118.
63. The cost savings potentially could have been substantially higher if one looks beyond just medical costs. For example, some estimates suggest that the full societal costs of gun violence—including medical, criminal justice, and other government and private costs (both tangible and intangible)—could be as high as \$1 million per shooting. Based on those estimates, even a 1% decrease in shootings could result in roughly \$650 million in cost savings to society from shootings prevented each year. *See Koper 2013*, pp. 166-67.

III. The Act Concerning Gun Violence Prevention And Children's Safety

64. As noted above, the State of Connecticut recently enacted the Act Concerning Gun Violence Prevention And Children's Safety ("the Act"). Among other things, the Act strengthened Connecticut's existing ban on assault weapons, which was similar to the standards set forth in the 1994 federal assault weapons ban. It also imposed a new ban on LCMs. I examine these prohibitions and restrictions on assault weapons and large-capacity magazines, and opine as to their potential impact and likely efficacy, below.²⁶

²⁵ These savings calculations are based on a report by the federal Centers for Disease Control and Prevention which indicated that there were 64,816 gun homicides and other non-fatal assault-related shootings in the United States in 2010. *See Koper 2013*, pp. 166-67.

²⁶ The Act is a comprehensive law that contains many other provisions, including new regulations on long guns, ammunition, firearm storage, mental health, and school safety. It also

A. Connecticut's Assault Weapons Ban

65. In the Act, Connecticut strengthened its existing assault weapons ban by updating the list of enumerated weapons and the military features test to make it more stringent, and more consistent with modern assault weapon features. Like the 1994 federal ban, Connecticut's previous ban consisted of both a list of specifically prohibited firearms, and a "features test" that generally prohibited semiautomatic weapons having two or more military-style features and, for rifles, that also had a detachable magazine.
66. The Act broadens the assault weapon ban by including a number of additional specifically identified semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic shotguns. It also prohibits any semiautomatic centerfire rifle or semiautomatic pistol that has a fixed magazine with the ability to accept more than ten rounds of ammunition, and any semiautomatic shotgun that has the ability to accept a detachable magazine or a revolving cylinder. P.A. 13-3, § 25(1)(B)-(D); *id.*, § 25(1)(E)(ii), (v), (vii), (viii).
67. It also provides that any semiautomatic centerfire rifle or semiautomatic pistol that has an ability to accept a detachable magazine need only have one of the listed enumerated military-style features to qualify as an assault weapon (instead of the two feature requirement that existed previously). It also amended the number and type of those prohibited features. *Id.*, § 25(1)(E)(i), (iv).
68. The Act does not ban any weapons that were lawfully possessed prior to its effective date. Thus, those who lawfully possessed assault weapons at that time may continue to do so as long as they obtain a certificate of possession for it and possess it in compliance with all applicable state laws and regulations. *Id.*, § 28(a), (f)

B. Connecticut's LCM Ban

69. The Act also imposed a ban on LCMs which, as noted, largely mirrors the 1994 federal ban. P.A. 13-3, § 23. As with assault weapons, the Act does not ban any LCMs that were lawfully possessed prior to its effective date. Those who lawfully possessed an LCM at that time may continue to do so as long as they declare it to the Department of Emergency Services and Public Protection, and possess it in compliance with all applicable state laws and regulations. *Id.*, § 23(e)(3), § 24(a), (f).
70. One important difference between the Connecticut and federal LCM ban is that, unlike the federal ban, the Act prohibits any individual who possesses a grandfathered LCM from selling or transferring it to another individual. Importantly, moreover, LCMs

establishes a deadly weapon offender registry, and increases the penalties for certain gun-related offenses. I limit my analysis here to Connecticut's bans on assault weapons and large-capacity magazines.

generally may not be imported into the state after the Act's effective date, including those produced before the effective date of the Act. *Id.*, § 23(b), (d), (f).

C. The Potential Impact and Efficacy of Connecticut's Bans

71. The Act was only recently passed and not all of its provisions have gone into effect, and I have not undertaken any study or analysis of its effects. Nevertheless, it is my considered opinion that, based on the similarities of the Act to the federal ban, the impacts of the federal ban and the ways in which the Act address some of the weaknesses of the federal ban, the Act is likely to advance Connecticut's interest in protecting public safety.
72. First, the Act strengthens the assault weapons ban by moving it to a "one-feature" test rather than the "two-feature" test that existed under the federal ban and Connecticut's original ban. This change is likely to substantially limit—if not eliminate—the ability of gun manufacturers to quickly adopt minor cosmetic changes to their firearms that make them technically legal but that circumvent the purpose and effect of the law to remove military style assault weapons from civilian use. In doing so, the Act is likely to meaningfully limit the number of weapons with military-style characteristics considered conducive to criminal applications in Connecticut, and to further reduce the use of such weapons in crime.
73. Second, Connecticut's LCM ban is more robust than the expired federal ban, and may be more effective more quickly. Unlike the grandfather provision in the federal ban, the grandfathered LCMs in Connecticut may not be sold or transferred after the effective date of the Act. Unlike the experience under the federal ban, moreover, banned LCMs in Connecticut may not be imported into the state after the Act's effective date. Although these changes will not eliminate the lag in effectiveness created by the grandfather provision, they likely will minimize it and thereby reduce the time it otherwise would take for the benefits of the LCM ban to take hold.
74. Even with the grandfather provision, it is my opinion that Connecticut's LCM ban is likely to have a meaningful impact on gun crime if allowed to operate over the long-run. As discussed, the analogous grandfather provision in the federal ban and the immense stock of pre-ban LCMs that existed in this country delayed any impact that the federal LCM ban could have had on the use of such weapons in crime. The *Washington Post* study found, however, that the number of recovered crime guns with LCMs in Virginia nevertheless was beginning to substantially decline just as the ban expired. This suggests that, had the federal ban been renewed by Congress in 2004 and not allowed to expire, it could have had a meaningful impact on the use of such weapons in crime. That impact likely would have increased the longer the ban remained in effect. Thus, although Connecticut's LCM ban contains an analogous grandfather provision, it is reasonable to assume that it likewise would have a meaningful impact on the use of LCMs in crime if allowed to operate over the long-term.
75. If that is the case, it is likely that the Act could have a meaningful impact on public safety. As discussed above, *see* ¶¶8, 32-38, *supra*, the available evidence suggests that

- attacks with semiautomatics, particularly assault weapons and other semiautomatics equipped with LCMs, result in more shots being fired, leading to both more injuries and injuries of greater severity. If the Act is allowed to operate over the long-term, it should reduce the number of LCMs in circulation and thereby reduce the number and lethality of gunshot victimizations. The potential benefits to victims and their families is obvious, and may well reduce the associated medical costs and overall costs to society. See *Koper 2004*, pp. 83-91, 100 n.118.
76. While the Act's provisions prohibiting and restricting assault weapons and large-capacity magazines certainly will not be a panacea for the gun violence epidemic in Connecticut or the United States more broadly, they appear to be reasonable and well-constructed measures that, like federal restrictions on fully automatic weapons and armor-piercing ammunition, will help prevent the spread of particularly dangerous weaponry.
77. In sum, therefore, it is my considered opinion, based on my nineteen years as a criminologist studying firearms generally and my detailed study of the federal assault weapon ban in particular, that Connecticut's bans on assault weapons and large-capacity magazines, and particularly its ban on LCMs, have the potential to prevent and limit shootings in the state over the long-run. In doing so, the Act is likely to advance Connecticut's interest in reducing the harms caused by gun violence.

IV. Plaintiffs' and Amici's Reliance On My Reports

78. I have read the Plaintiffs' brief in support of their motion for preliminary injunction (Document No. 15), their brief submitted in support of their motion for summary judgment (Document No. 62), and their Local Rule 56(a)(1) statement (Document No. 61). I also have read the briefs submitted by the *amici* in support of the Plaintiffs' motion (Document Nos. 33, 34, and 36). I hereby respond to those parties' reliance on, and characterizations of, the findings and conclusions in my reports.
79. As a general matter, the Plaintiffs and *amici* frequently cherry pick isolated statements from my studies and take them out of context. While the majority of their references to my works accurately quote from my reports, in most instances they do not reflect the totality of my discussion or the conclusions that I actually reached. The Plaintiffs and *amici* also rely heavily on my 1997 report which, as discussed above, was for the most part superseded by the more complete and up to date evidence contained in my 2004 and 2013 reports. I respond to some specific representations made by the Plaintiffs and *amici* below.
80. First, in the *amicus* brief filed by Pink Pistols, that group states that my reports support the conclusion that "this kind of legislation has no discernible impact on firearms violence." (Doc. 36 at 27). Specifically, they quote a variety of statements in my 1997 and 2004 reports to the effect that there is little evidence that such bans will have an impact on the lethality and injuriousness of gun violence based on indicators such as the number of victims per gun homicide incident, the number of gunshot wounds per victim,

or the proportion of gunshot victims with multiple wounds. (*Id.* at 27-28 and n.71). In doing so, Pink Pistols does not fully convey the conclusions in my reports.

81. My research revealed that gun crimes involving assault weapons and other guns with LCMs do result in more shots fired, more victims shot, more gunshots per victim, and more lethal injuries. Although it is true that my research team and I cannot clearly credit the federal ban with decreasing gunshot victimizations during the time it was in effect, as explained in my report, that is due in large part to the delay in the ban's effectiveness caused by its grandfather provision and the large stock of pre-ban LCMs that remained in circulation.²⁷ In other words, had the federal ban remained in effect long enough to reduce the stock of those pre-ban LCMs—which the *Washington Post* study suggests it may have begun to do just as it expired in 2004—it is more likely that we would have seen a corresponding drop in the gun violence lethality indicators discussed above.²⁸
82. Pink Pistols also quotes my 2004 report for the proposition that, “[s]hould it be renewed, the ban’s effects on gun violence are likely to be small at best and perhaps too small for reliable measurement”, that “the evidence is not strong enough for us to conclude that there was any meaningful effect [on gun violence] (i.e., that the effect was different from zero)”, and that “there is not a clear rationale for expecting the ban to reduce assaults and

²⁷ Pink Pistols cites my 1997 report for the proposition that “in fact, both ‘victims per incident’ and ‘the average number of gunshot wounds per victim’ *actually increased* under the Ban—although not by a statistically significant margin.” (Document 36 at 28 n.71, citing *Koper 1997* at 85-86, 88, 91). Notably, the increase to which I referred in my 1997 report occurred during a period in which we also saw an increase in the use of LCMs in gun crime due to the federal ban’s grandfathering provision and the large numbers of LCMs being imported into the country. See ¶¶55-58, *supra*. If anything, therefore, that finding corroborates the link between LCMs and increased lethality of gunshot victimizations.

²⁸ Pink Pistols contends that I concluded in my 2013 report that the *Washington Post* study nevertheless “showed no discernible reduction in the lethality or injuriousness of gun violence during the post-ban years.” (Doc. 36 at 29 n.75, quoting *Koper 2013*, p. 165). That is incorrect. My research team and I did not examine the *Washington Post* data to determine whether the drop in LCM use in Virginia during the last years of the federal ban correlated to a drop in the lethality or injuriousness of gun crime in that jurisdiction. Rather, our examination of the lethality of gun crime in the 2004 report was based on national data and data from a selected number of localities outside of Virginia. Further, the analyses in the 2004 report were limited to the first several years of the federal ban (they covered different portions of the 1995-2002 period, and most extended only through the late 1990s or through 2001), during which time we had not yet observed a reduction in the use of LCMs in crime. The *Washington Post* data suggests that LCM use may have declined more appreciably by 2004, but this was beyond the period I had studied for the 2004 report to the U.S. Department of Justice. Consequently, my conclusion that there was “no discernible reduction in the lethality or injuriousness of gun violence” during earlier portions of the ban when we had not seen a drop in LCM use in gun crime has no bearing on whether there would be such a reduction once the number of LCMs used in crime began to drop.

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robberies with guns.” (Doc. 36 at 27-29). While those are accurate quotes, they do not fully reflect the conclusions in my report on the efficacy of this kind of legislation.

83. Because criminals and mass shooters will be able to substitute legal firearms for the banned assault weapons and LCMs, it is true that this kind of legislation is unlikely to substantially reduce overall gun violence in terms of the number or rate of crimes committed. One should not conclude from that, however, that such bans will have no effect on public safety. As discussed above, if allowed to operate over the long-run, such bans can potentially reduce the number and lethality of gunshot victimizations by forcing criminals to substitute assault weapons and other weapons with LCMs with less destructive firearms. The effects on gun deaths and injuries overall would likely be small in percentage terms (and thus they could be difficult to measure reliably), but, as discussed above, even small reductions in gunshot victimizations could produce significant societal benefits.
84. Pink Pistols similarly cites my 2004 report for the proposition that “[s]tudies of state-law bans on AWs and LCMs likewise found that such bans ‘have not reduced crime.’” (Document 36 at 28 and n.73, quoting *Koper 2004*, p. 81 n.95). That, again, does not accurately reflect my conclusions in the 2004 report. In discussing the effect of state assault weapons bans, I noted that there are a few studies that have suggested that such bans have not reduced crime. I specifically noted, however, that it is hard to draw definitive conclusions from these studies for the following reasons: (1) there is little evidence on how state assault weapon bans affect the availability and use of assault weapons; (2) studies have not always examined the effects of these laws on gun homicides and shootings, the crimes that are arguably most likely to be affected by assault weapon bans; and (3) the state assault weapon bans that were passed prior to the federal ban (those in California, New Jersey, Hawaii, Connecticut, and Maryland) were in effect for only three months to five years (two years or less in most cases) before the imposition of the federal ban, after which they became largely redundant with the federal legislation and their effects more difficult to predict and estimate. Perhaps more importantly, most of these state laws either lacked LCM bans or had LCM bans that were less restrictive than that of the federal ban or Connecticut’s ban. Pink Pistols ignores these important qualifications that undermine the usefulness of the cited studies.
85. Second, both the National Rifle Association (“NRA”) and the Law Enforcement Legal Defense Fund (“LELDF”) argue that banning large capacity magazines will not advance public safety. In support of that conclusion they cite the findings in my reports that assailants fire an average of less than four shots in gun crimes, and rarely fire more than ten shots. (Doc. 33 at 19; Doc. 34 at 9-10). While those references to my studies are correct, they also do not fully reflect my conclusions.
86. Based on my study with Darin Reedy of handgun attacks in Jersey City, NJ, I found that assailants fired more than ten shots in 2.5% to 3% of gunfire incidents. As discussed above, however, my report specifically explains that those incidents had a 100% injury rate, and were responsible for 4.7% of the gunshot victimizations in our sample. The *amici* ignore this crucial piece of data, which was the whole point of that aspect of my

discussion in the report. It shows that, while rare, incidents in which more than ten shots are fired are especially lethal and injurious. They produce a disproportionate share of gunshot victimizations and are more likely to result in gunshot injuries or deaths. *See Koper 2004*, pp. 3, 90-91.

87. In addition to taking that data out of context, the *amici* completely ignore one of my central conclusions: gun crimes involving assault weapons and other weapons with LCMs tend to result in more victims wounded, more wounds per victim, and more lethal injuries than do gun crimes committed with other weapons. They likewise ignore the evidence that both assault weapons and other guns with LCMs are used disproportionately in mass killings and murders of law enforcement officers.
88. Third, the *amici* argue that assault weapons bans are not likely to reduce overall gun violence based on the finding in my reports that such weapons are only used in between 2% and 8% of gun crimes. (Doc. 33 at 14; Doc. 34 at 9; Doc. 36 at 27 and n. 69, 70). While these selective references to my studies technically are correct, they are again misleading. It ignores the fact that assault weapons were used more frequently and disproportionately in mass murders and killings of law enforcement officers. It also ignores the fact that gun crimes involving semiautomatics—including assault weapons and other firearms with LCMs—generally result in more shots fired, more victims, and more wounds per victim. Thus, although reducing the number of such weapons may not reduce the overall number of gun crimes due to the weapon substitution effect, it could reduce the number and lethality of gunshot victimizations in crimes in which such weapons otherwise would have been used. Any such reduction in gun crime or gun crime lethality—even if difficult to measure precisely relative to the overall level of gun violence in the nation—would have a meaningful impact for the victims of such crimes, and for society more broadly.

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The foregoing is true and accurate to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Christopher S. Koper
Christopher S. Koper

STATE OF VIRGINIA)
COUNTY OF Loudoun) ss: Granbliton, Virginia

Subscribed and sworn to before me, this 30 day of September, 2013.

Sarah Conrad
Notary Public
Commissioner of the Superior Court

SARAH YORK CONRAD
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7385612
My Commission Expires Nov. 30, 2014

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CERTIFICATION

I hereby certify that on this 11th day of October, 2013, a copy of the foregoing Affidavit of Christopher S. Koper was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Maura Murphy Osborne

Assistant Attorney General

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EXHIBIT 27

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Education

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1992	M.A., Criminology and Criminal Justice, University of Maryland
1988	B.A. (Summa cum Laude), Criminal Justice, University of Maryland

Career Brief

Dr. Christopher Koper is an Associate Professor in the Department of Criminology, Law and Society at George Mason University. He is also a senior fellow and co-director of the evidence-based policing research program in George Mason's Center for Evidence-Based Crime Policy. Prior to joining the faculty at George Mason, Dr. Koper was the Director of Research for the Police Executive Research Forum (PERF), a policing membership and research organization based in Washington, D.C. He holds a Ph.D. in criminology and criminal justice from the University of Maryland and has over 20 years of experiencing conducting criminological research at PERF, the University of Pennsylvania, the Urban Institute, the RAND Corporation, the Police Foundation, and other organizations, where he has written and published extensively on issues related to firearms, policing, federal crime prevention efforts, research methods, juvenile delinquency, and other topics. Dr. Koper has served as a lead or senior-level investigator for numerous projects funded by the U.S. Department of Justice, including Congressionally-mandated assessments of the 1994 federal assault weapons ban and the federal Community Oriented Policing Services (COPS) program. He is the co-creator of the [Evidence-Based Policing Matrix](#), a tool used by local and national organizations including the federal Bureau of Justice Assistance and the National Policing Improvement Agency of the United Kingdom to visualize research results on police effectiveness and translate those results for practitioners and policymakers. Dr. Koper's work on the methods of patrolling crime hot spots (often referred to as the "Koper curve" principal) is also used by numerous police agencies in the United States and abroad.

Professional Background

Associate Professor:	Department of Criminology, Law and Society, George Mason University (Aug. 2011-present)
Director of Research:	Police Executive Research Forum (May 2010-Aug. 2011)
Deputy Director of Research:	Police Executive Research Forum (Dec. 2007 – May 2010)
Behavioral / Social Scientist:	RAND Corporation (2007)
Senior Research Associate:	Jerry Lee Center of Criminology, University of Pennsylvania (2001 – 2006)
Research Associate:	The Urban Institute (1997 – 2001)
Faculty Research Scientist:	Department of Criminology and Criminal Justice, University of Maryland (1997)
Research Scientist:	Crime Control Institute (1994-1997)
Graduate Assistant:	Department of Criminology and Criminal Justice, University of Maryland: (1989-1994)
Social Science Program Specialist (Graduate Intern):	National Institute of Justice, U.S. Department of Justice (1990)
Consultant:	Police Foundation (1988-1989)

Journal Articles, Book Chapters, and Other Peer-Reviewed Publications

- Koper, Christopher S. 2013. "America's Experience with the Federal Assault Weapons Ban, 1994-2004: Key Findings and Implications." Pp. 157-171 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, edited by Daniel W. Webster and Jon S. Vernick. Baltimore, MD: Johns Hopkins University Press.
- Koper, Christopher S., Bruce G. Taylor, and Daniel J. Woods. 2013. "A Randomized Test of Initial and Residual Deterrence from Directed Patrol and Use of License Plate Readers at Crime Hot Spots". *Journal of Experimental Criminology* DOI 10.1007/s11292-012-9170-z.

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- Koper, Christopher S., Daniel J. Woods, and Bruce E. Kubu. 2012 (forthcoming). "Gun Violence Prevention Practices among Local Police in the United States." Accepted for publication in *Policing: An International Journal of Police Strategies and Management*.
- Koper, Christopher S. and Evan Mayo-Wilson. 2012. "Police Strategies to Reduce Illegal Possession and Carrying of Firearms: Effects on Gun Crime." *Campbell Systematic Reviews*. DOI: 10.4073/csr.2012.11. Available at: http://www.campbellcollaboration.org/reviews_crime_justice/index.php
- Lum, Cynthia, Cody W. Telep, Christopher S. Koper, and Julie Grieco. 2012. "Receptivity to Research in Policing." *Justice Research and Policy* 14(1): 61-95.
- Lum, Cynthia and Christopher S. Koper. 2012 (forthcoming). "Evidence-Based Policing." In the *Encyclopedia of Criminology and Criminal Justice*, editors in chief Gerben Bruinsma and David Weisburd. New York: Springer-Verlag.
- Lum, Cynthia and Christopher S. Koper. 2012 (forthcoming). "Evidence-Based Policing." In the *Encyclopedia of Community Policing and Problem Solving*, edited by Ken Peak. Thousand Oaks, CA: Sage.
- Taylor, Bruce, Christopher S. Koper, and Daniel Woods. 2012. "Combating Auto Theft in Arizona: A Randomized Experiment with License Plate Recognition Technology." *Criminal Justice Review* 37(1): 24-50.
- Lum, Cynthia, Julie Hibdon, Breanne Cave, Christopher S. Koper and Linda Merola. 2011. "License Plate Reader (LPR) Police Patrols in Crime Hot Spots: An Experimental Evaluation in Two Adjacent Jurisdictions." *Journal of Experimental Criminology* 7:321-345.
- Taylor, Bruce, Christopher S. Koper, and Daniel J. Woods. 2011. "A Randomized Control Trial of Different Policing Strategies at Hot Spots of Violent Crime." *Journal of Experimental Criminology* 7:149-181.
- Lum, Cynthia, Christopher S. Koper, and Cody W. Telep. 2011. "The Evidence-Based Policing Matrix." *Journal of Experimental Criminology* 7(1): 3-26.
- Lum, Cynthia and Christopher S. Koper. 2011. "Is Crime Prevention Relevant to Counter-Terrorism?" Pp. 129-150 in *Criminologists on Terrorism and Homeland Security*, edited by Brian Forst, Jack R. Greene, and James P. Lynch. Cambridge, United Kingdom: Cambridge University Press.
- Wiebe, Douglas J., Robert T. Krafty, Christopher S. Koper, Michael L. Nance, Michael R. Elliott, and Charles C. Branas. 2009. "Homicide and Geographic Access to Gun Dealers in the United States." *BMC Public Health* 9: 199-208.

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- Weiner, Janet, Douglas J. Wiebe, Therese S. Richmond, Kristen Beam, Alan L. Berman, Charles C. Branas, Rose A. Cheney, Tamera Coyne-Beasley, John Firman, Martin Fishbein, Stephen Hargarten, David Hemenway, Robert Jeffcoat, David Kennedy, Christopher S. Koper, and other members of the National Research Collaborative on Firearm Violence. 2007. "Reducing Firearm Violence: A Research Agenda." *Injury Prevention* 13:80-84.
- Koper, Christopher S. and Evan Mayo-Wilson. 2006. "Police Crackdowns on Illegal Gun Carrying: A Systematic Review of Their Impacts on Gun Crime." *Journal of Experimental Criminology* 2(2): 227-261.
- Koper, Christopher S. 2005. "Purchase of Multiple Firearms as a Risk Factor for Criminal Gun Use: Implications for Gun Policy and Enforcement." *Criminology and Public Policy* 4:749-778.
- Pierce, Glenn L., Anthony A. Braga, Raymond R. Hyatt, Jr., and Christopher S. Koper. 2004. "Characteristics and Dynamics of Illegal Firearms Markets: Implications for a Supply-Side Enforcement Strategy." *Justice Quarterly* 21:391-422.
- Reedy, Darin R. and Christopher S. Koper. 2003. "The Impact of Handgun Types on Gun Assault Outcomes: A Comparison of Attacks Involving Semiautomatic Pistols and Revolvers." *Injury Prevention* 9:151-155.
- Koper, Christopher S. 2002. "Federal Legislation and Gun Markets: How Much Have Recent Reforms of the Federal Firearms Licensing System Reduced Criminal Gun Suppliers?" *Criminology and Public Policy* 1:151-178.
- Koper, Christopher S. and Jeffrey A. Roth. 2002. "The Impact of the 1994 Federal Assault Weapons Ban on Gun Markets: An Assessment of Short-Term Primary and Secondary Market Effects." *Journal of Quantitative Criminology* 18:239-266.
- Koper, Christopher S. and Jeffrey A. Roth. 2001. "The Impact of the 1994 Federal Assault Weapons Ban on Gun Violence Outcomes: An Assessment of Multiple Outcome Measures and Some Lessons for Policy Evaluation." *Journal of Quantitative Criminology* 17:33-74.
- Koper, Christopher S. and Jeffrey A. Roth. 2001. "A Priori Assertions Versus Empirical Inquiry: A Reply to Kleck." *Journal of Quantitative Criminology* 17:81-88.
- Simpson, Sally S. and Christopher S. Koper. 1997. "The Changing of the Guard: Top Management Team Characteristics, Organizational Strain, and Antitrust Offending." *Journal of Quantitative Criminology* 13:373-404.
- Reprinted in *Corporate Crime* (2007), edited by Sally Simpson and Carole Gibbs. United Kingdom: Ashgate Publishing Limited.

- Gottfredson, Denise G. and Christopher S. Koper. 1997. "Race and Sex Differences in the Measurement of Risk for Delinquency and Drug Use." *Journal of Quantitative Criminology* 13:325-347.
- Koper, Christopher S. and Peter Reuter. 1996. "Suppressing Illegal Gun Markets: Lessons from Drug Enforcement." *Law and Contemporary Problems* 59:119-146.
- Reprinted in *The Economics of Corruption and Illegal Markets* (1999), edited by Gianluca Fiorentini and Stefano Zamagni. United Kingdom: Edward Elgar Publishing Ltd.
- Gottfredson, Denise G. and Christopher S. Koper. 1996. "Race and Sex Differences in the Prediction of Drug Use." *Journal of Consulting and Clinical Psychology* 64:305-313.
- Gottfredson, Denise G., Miriam D. Bernstein, and Christopher S. Koper. 1996. "Delinquency." Pp. 259-288 in *Handbook of Adolescent Health Risk Behavior*, edited by Ralph DiClemente, William Hansen, and Lynn Ponton. New York: Plenum Publishing.
- Koper, Christopher S. 1995. "Just Enough Police Presence: Reducing Crime and Disorderly Behavior by Optimizing Patrol Time in Crime Hot Spots." *Justice Quarterly* 12:649-672.
- Simpson, Sally S. and Christopher S. Koper. 1992. "Deterring Corporate Crime." *Criminology* 30:347-375.
- Uchida, Craig D., Laure W. Brooks, and Christopher S. Koper. 1990. "Danger to Police in Domestic Encounters: Assaults on Baltimore County Police, 1984-1986." *Criminal Justice Policy Review* 2:357-371.

Publications and Reports for Government Agencies

- Taylor, Bruce, Christopher S. Koper, and Daniel Woods. 2011. *Combating Auto Theft in Arizona: A Randomized Experiment with License Plate Recognition Technology*. Final report to the National Institute of Justice, U.S. Department of Justice. Washington, D.C.: Police Executive Research Forum. Available at: <http://www.policeforum.org/library/technology/FinalreportPERFLPRstudy12-7-11submittedtoNIJ.PDF>.
- Koper, Christopher S., Reagan M. Daly, and Jeffrey A. Roth. 2011. *The Impact of Policing and Other Criminal and Juvenile Justice Trends on Juvenile Violence in Large Cities, 1994-2000*. Report to the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Philadelphia: University of Pennsylvania.

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- Koper, Christopher S., Reagan M. Daly, and Jeffrey A. Roth. 2011. *Changes in Community Characteristics and Juvenile Violence during the 1990s: An Examination of Large Counties*. Report to the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Philadelphia: University of Pennsylvania.
- Roth, Jeffrey A., Christopher S. Koper, and Reagan M. Daly. 2011. *Explaining the "Whys" Behind Juvenile Crime Trends: A Review of Research on Community Characteristics, Developmental and Cultural Factors, and Public Policies and Programs*. Report to the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Philadelphia: University of Pennsylvania.
- Police Executive Research Forum. 2011. *Review of Use of Force in the Albuquerque Police Department*. Washington, DC. (Contributor).
- Guterbock, Thomas M., Christopher S. Koper, Milton Vickerman, Bruce Taylor, Karen E. Walker, and Timothy Carter. 2010. *Evaluation Study of Prince William County's Illegal Immigration Enforcement Policy: Final Report 2010*. Report to the Prince William County (Virginia) Police Department. Charlottesville, VA: Center for Survey Research (University of Virginia) and Police Executive Research Forum. Available at: <http://www.pwcgov.org/government/bocs/Documents/13188.pdf>
- Koper, Christopher S. and Evan Mayo-Wilson. 2010. *Police Strategies to Reduce Illegal Possession and Carrying of Firearms: Effects on Gun Crime*. Report to the Campbell Collaboration Crime and Justice Group and the National Policing Improvement Agency of the United Kingdom. Washington, D.C.: Police Executive Research Forum and Department of Social Policy and Social Work, Oxford University.
- Taylor, Bruce, Christopher S. Koper, and Daniel Woods. 2010. *A Randomized Control Trial of Different Policing Strategies at Hot Spots of Violent Crime*. Report to the Jacksonville, FL Sheriff's Office. (Funded by the Bureau of Justice Assistance, U.S. Department of Justice). Washington, D.C.: Police Executive Research Forum.
- Koper, Christopher, Debra Hoffmaster, Andrea Luna, Shannon McFadden, and Daniel Woods. 2010. *Developing a St. Louis Model for Reducing Gun Violence: A Report from the Police Executive Research Forum to the St. Louis Metropolitan Police Department*. (Funded by the Bureau of Justice Assistance, U.S. Department of Justice.) Washington, D.C.: Police Executive Research Forum.
- Taylor, Bruce, Daniel Woods, Bruce Kubu, Christopher Koper, Bill Tegeler, Jason Cheney, Mary Martinez, James Cronin, and Kristin Kappelman. 2009. *Comparing Safety Outcomes in Police Use-of-Force Cases for Law Enforcement Agencies that Have Deployed Conducted Energy Devices and a Matched Comparison Group that Have Not: A Quasi-Experimental Evaluation*. Report to the National Institute of Justice, U.S. Department of Justice. Washington, D.C.: Police Executive Research Forum. Available at:

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<https://www.ncjrs.gov/pdffiles1/nij/grants/237965.pdf>.

- Guterbock, Thomas M., Bruce Taylor, Karen Walker, Christopher S., Koper, Milton Vickerman, Timothy Carter, and Abdoulaye Diop. 2009. *Evaluation Study of Prince William County Police Immigration Enforcement Policy: Interim Report 2009*. Report to the Prince William County (Virginia) Police Department. Charlottesville, Virginia: Center for Survey Research (University of Virginia) in collaboration with the Police Executive Research Forum and James Madison University.
<http://www.pwcgov.org/default.aspx?topic=040074003460004636>
- Ridgeway, Greg, Nelson Lim, Brian Gifford, Christopher Koper, Carl Matthies, Sara Hajiamiri, and Alexis Huynh. 2008. *Strategies for Improving Officer Recruitment for the San Diego Police Department*. Research report. Santa Monica: RAND Corporation.
http://www.rand.org/pubs/monographs/2008/RAND_MG724.pdf
- Koper, Christopher S. 2007. *Crime Gun Risk Factors: Buyer, Seller, Firearm, and Transaction Characteristics Associated with Criminal Gun Use and Trafficking*. Report to the National Institute of Justice. Philadelphia: Jerry Lee Center of Criminology, University of Pennsylvania. www.ncjrs.gov/pdffiles1/nij/grants/221074.pdf
- Sullivan, Thomas, Michael Scheiern, and Christopher Koper. 2007. *Detainee Threat Assessment*. Briefing document prepared for Task Force 134, Multi-National Force—Iraq. Santa Monica: RAND Corporation.
- Koper, Christopher S. 2004. *Hiring and Keeping Police Officers*. Research-for-Practice Brief. Washington, D.C.: U.S. Department of Justice. www.ncjrs.gov/pdffiles1/nij/202289.pdf
- Koper, Christopher S. 2004. *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*. Report to the National Institute of Justice. Philadelphia: Jerry Lee Center of Criminology, University of Pennsylvania. www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf
- Koper, Christopher S., Ed Poole, and Lawrence W. Sherman. 2004. *A Randomized Experiment to Reduce Sales Tax Delinquency Among Pennsylvania Businesses: Are Threats Best?* Briefing slides prepared for the Pennsylvania Department of Revenue. Philadelphia: Jerry Lee Center of Criminology, University of Pennsylvania.
- Pierce, Glenn L., Anthony A. Braga, Christopher Koper, Jack McDevitt, David Carlson, Jeffrey Roth, Alan Saiz, Raymond Hyatt. 2003. *The Characteristics and Dynamics of Crime Gun Markets: Implications for Supply-Side Focused Enforcement Strategies*. Report to the National Institute of Justice. Boston: College of Criminal Justice, Northeastern University. www.ncjrs.gov/pdffiles1/nij/grants/208079.pdf

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- Koper, Christopher S., Gretchen E. Moore, and Jeffrey A. Roth. 2002. *Putting 100,000 Officers on the Street: A Survey-Based Assessment of the Federal COPS Program*. Report to the National Institute of Justice. Washington, D.C.: The Urban Institute. www.ncjrs.gov/pdffiles1/nij/grants/200521.pdf
- Koper, Christopher S. and Jeffrey A. Roth. 2002. *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets, 1994-2000*. Interim report to the National Institute of Justice. Washington, D.C.: The Urban Institute.
- Koper, Christopher S., Edward R. Maguire, and Gretchen E. Moore. 2001. *Hiring and Retention Issues in Police Agencies: Readings on the Determinants of Police Strength, Hiring and Retention of Officers, and the Federal COPS Program*. Report to the National Institute of Justice. Washington, D.C.: The Urban Institute. www.urban.org/Uploadedpdf/410380_Hiring-and-Retention.pdf
- Koper, Christopher S. and Jeffrey A. Roth. 2000. "Putting 100,000 Officers on the Street: Progress as of 1998 and Preliminary Projections Through 2003." Pp. 149-178 in Roth, Jeffrey A., Joseph F. Ryan, and others. *National Evaluation of the COPS Program -- Title I of the 1994 Crime Act*. Research Report. Washington, D.C.: U.S. Department of Justice. www.ncjrs.gov/pdffiles1/nij/183643.pdf
- Roth, Jeffrey A., Christopher S. Koper, Ruth White, and Elizabeth A. Langston. 2000. "Using COPS Resources," Pp. 101-148 in Roth, Jeffrey A., Joseph F. Ryan, and others. *National Evaluation of the COPS Program -- Title I of the 1994 Crime Act*. Research Report. Washington, D.C.: U.S. Department of Justice. www.ncjrs.gov/pdffiles1/nij/183643.pdf
- Roth, Jeffrey A. and Christopher S. Koper. 1999. *Impacts of the 1994 Assault Weapons Ban: 1994-1996*. Research-in-Brief. Washington, D.C.: U.S. Department of Justice. www.ncjrs.gov/pdffiles1/173405.pdf
- Koper, Christopher S., Jeffrey A. Roth, and Edward Maguire. 1998. "New Officers in Communities: From Expenditure to Deployment." Pp. 5-2 to 5-24 in Roth, Jeffrey A., Joseph F. Ryan and others. *National Evaluation of Title I of the 1994 Crime Act (COPS)*. Interim report to the National Institute of Justice. Washington, D.C.: The Urban Institute.
- Langston, Elizabeth A., Christopher S. Koper, and Jeffrey A. Roth. 1998. "Using COPS Resources." Pp. 4-1 to 4-46 in Roth, Jeffrey A., Joseph F. Ryan, and others. *National Evaluation of Title I of the 1994 Crime Act (COPS)*. Interim report to the National Institute of Justice. Washington, D.C.: The Urban Institute.
- Koper, Christopher S. 1997. *Gun Density Versus Gun Type: Did the Availability of More, or More Lethal, Guns Drive Up the Dallas Homicide Rate, 1980-1992?* Report to the National Institute of Justice. Washington, D.C.: Crime Control Institute.

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www.ncjrs.gov/pdffiles1/nij/grants/187106.pdf

- Roth, Jeffrey A. and Christopher S. Koper. 1997. *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994*. Report to the National Institute of Justice. Washington, D.C.: The Urban Institute.
http://www.urban.org/UploadedPDF/aw_final.pdf
- Harrell, Adele V., Shannon E. Cavanagh, Michele A. Harmon, Christopher S. Koper, and Sanjeev Sridharan. 1997. *Impact of the Children at Risk Program* (Volumes 1 and 2). Report to the National Institute of Justice. Washington, D.C.: The Urban Institute.
- Koper, Christopher S. 1995. "Reducing Gun Violence: A Research Program in Progress." Presentation summarized in *What To Do About Crime: The Annual Conference on Criminal Justice Research and Evaluation – Conference Proceedings*, pp. 58-60. Washington, D.C.: U.S. Department of Justice.
- Koper, Christopher S. 1993. *The Maryland Project: Community-Oriented Policing and Drug Prevention in Edgewood, Maryland*. Report to the Maryland Governor's Drug and Alcohol Abuse Commission. Special Topics on Substance Abuse, Report 93-3. College Park, MD: Center for Substance Abuse Research.

Other Publications, Reports, and Working Papers

- Lum, Cynthia, Christopher S. Koper, and Cody W. Telep. *The Evidence-Based Policing Matrix*. Online interactive tool available at: <http://gemini.gmu.edu/cebcp/Matrix.html>. Fairfax, VA: Center for Evidence-Based Crime Policy, George Mason University. Updated annually.
- Lum, Cynthia and Christopher S. Koper. 2012. "Incorporating Research into Daily Police Practice: The Matrix Demonstration Project." *Translational Criminology: The Magazine of the Center for Evidence-Based Crime Policy (George Mason University)*. Fall 2012:16-17. Available at: <http://gemini.gmu.edu/cebcp/TranslationalCrimFall2012.pdf>.
- Koper, Christopher S., Daniel J. Woods, and Bruce E. Kubu. 2012. *Gun Enforcement and Gun Violence Prevention Practices among Local Law Enforcement Agencies: A Research and Policy Brief*. Washington, DC: Police Executive Research Forum.
- Roush, Jamie and Christopher Koper. 2012. "From Research to Practice: How the Jacksonville, Florida Sheriff's Office Institutionalized Results from a Problem-Oriented, Hot Spots Experiment." *Translational Criminology: The Magazine of the Center for Evidence-Based Crime Policy (George Mason University)*. Winter 2012: 10-11. Available at: <http://gunston.gmu.edu/cebcp/TranslationalCrimWinter2012.pdf>.

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Koper, Christopher S. 2012. "A Study Conducted by PERF and Mesa Police Shows that LPRs Result in More Arrests." Presentation summarized in *How Are Innovations in Technology Transforming Policing?* Pp. 28-31. Washington, DC: Police Executive Research Forum. Available at: http://policeforum.org/library/critical-issues-in-policing-series/Technology_web2.pdf.

Aden, Hassan (with Christopher Koper). 2011. "The Challenges of Hot Spots Policing." *Translational Criminology: The Magazine of the Center for Evidence-Based Crime Policy (George Mason University)*. Summer 2011: 6-7. Available at: <http://gemini.gmu.edu/cebcp/translationalcrimsummer11.pdf>.

Police Executive Research Forum. 2010. *Guns and Crime: Breaking New Ground by Focusing on the Local Impact*. Washington, DC. (Contributor). Available at: <http://policeforum.org/library/critical-issues-in-policing-series/GunsandCrime.pdf>.

Koper, Christopher S., Bruce G. Taylor, and Bruce E. Kubu. 2009. *Law Enforcement Technology Needs Assessment: Future Technologies to Address the Operational Needs of Law Enforcement*. Washington, D.C.: Police Executive Research Forum in partnership with the Lockheed Martin Corporation. http://www.policeforum.org/upload/Lockheed%20Martin%20Report%20Final%203-16-2009_483310947_612009144154.pdf.

Koper, Christopher S. 2008. *Technology and Law Enforcement: An Overview of Applications, Impacts, and Needs*. Discussion paper prepared for the Law Enforcement Future Technologies Workshop (sponsored by the Police Executive Research Forum and the Lockheed Martin Corporation), Suffolk (Virginia), November.

Koper, Christopher S. 2008. *Policing Gun Violence: A Brief Overview*. Discussion paper prepared for the Police Executive Research Forum and the St. Louis Metropolitan Police Department.

Appears in Koper, Christopher, et al. 2010. *Developing a St. Louis Model for Reducing Gun Violence: A Report from the Police Executive Research Forum to the St. Louis Metropolitan Police Department*. Washington, D.C.: Police Executive Research Forum.

Police Executive Research Forum. 2008. *Violent Crime in America: What We Know About Hot Spots Enforcement*. Washington, DC. (Contributor). Available at: http://policeforum.org/library/critical-issues-in-policing-series/HotSpots_v4.pdf.

Koper, Christopher S. 2008. "PERF's Homicide Gunshot Survey." Presentation summarized in *Violent Crime in America: What We Know About Hot Spots Enforcement*, pp. 25-27. Washington, DC: Police Executive Research Forum. Available at: http://policeforum.org/library/critical-issues-in-policing-series/HotSpots_v4.pdf.

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- Koper, Christopher S. 2007. *Assessments of Corporate Culture and Prosecutorial Decisions by U.S. Attorneys: A Draft Research Proposal*. Concept paper prepared for the LRN-RAND Corporation Center for Corporate Ethics, Law, and Governance.
- Koper, Christopher S. 2004. "Disassembling the Assault-Gun Ban." Editorial. *The Baltimore Sun*: September 13.
- Koper, Christopher S. 2003. *Police Strategies for Reducing Illegal Possession and Carrying of Firearms: A Systematic Review Protocol Prepared for the Campbell Collaboration*. Published by the Campbell Collaboration Crime and Justice Group at <http://campbellcollaboration.org/lib>.
- Koper, Christopher S. 2002. *Testing the Generalizability of the Concealed Carry Hypothesis: Did Liberalized Gun Carrying Laws Reduce Urban Violence, 1986-1998?* Working Paper. Philadelphia: Jerry Lee Center of Criminology, University of Pennsylvania.
- Koper, Christopher S. 2002. *Gun Types Used in Crime and Trends in the Lethality of Gun Violence: Evidence from Two Cities*. Working Paper. Philadelphia: Jerry Lee Center of Criminology, University of Pennsylvania.
- Koper, Christopher S. 1995. *Gun Lethality and Homicide: Gun Types Used By Criminals and the Lethality of Gun Violence in Kansas City, Missouri, 1985-1993*. Ph.D. Dissertation. College Park, MD: Department of Criminal Justice and Criminology, University of Maryland. (Published by University Microfilms, Inc.: Ann Arbor, Michigan.)
- Koper, Christopher S. 1995. Review essay on *The Politics of Gun Control* by Robert J. Spitzer. *The Criminologist* 20:32-33.
- Koper, Christopher S. 1992. *The Deterrent Effects of Police Patrol Presence Upon Criminal and Disorderly Behavior at Hot Spots of Crime*. M.A. Thesis. College Park, MD: Department of Criminology and Criminal Justice, University of Maryland.
- Koper, Christopher S. 1989. *Quality Leadership and Community-Oriented Policing in Madison: A Progress Report on the EPD (Experimental Police District)*. Report prepared for the Police Foundation (Washington, D.C.).
- Portions reprinted in *Community Policing in Madison: Quality from the Inside Out* (1993). Report to the National Institute of Justice, U.S. Department of Justice by Mary Ann Wycoff and Wesley G. Skogan. Washington, D.C.: Police Foundation.
- Koper, Christopher S. 1989. *The Creation of Neighborhood-Oriented Policing in Houston: A Progress Report*. Report prepared for the Police Foundation (Washington, D.C.).

Koper, Christopher S. 1989. *External Resources for Police*. Report prepared for the Police Foundation (Washington, D.C.).

Funded Research

Selected projects as a principal or senior-level investigator

Co-Principal Investigator: "The Evidence-Based Policing Matrix Demonstration Project." \$749,237 grant from the Bureau of Justice Assistance (U.S. Department of Justice) to George Mason University. Awarded 2011.

Principal Investigator: "Realizing the Potential of Technology for Policing: A Multi-Site Study of the Social, Organizational, and Behavioral Aspects of Implementing Policing Technologies." \$592,151 grant from the National Institute of Justice (U.S. Department of Justice) to the Police Executive Research Forum and George Mason University (subcontractor). Awarded 2010.

Principal Investigator (Jan. 2011-Aug. 2011): "Community Policing Self-Assessment Tool Short Form, COPS Hiring Recovery Program Administration." \$85,444 subcontract from ICF International and the Office of Community Oriented Policing Services (U.S. Department of Justice) to the Police Executive Research Forum. Awarded 2011.

Principal Investigator: "National Study of Gun Enforcement and Gun Violence Prevention Practices Among Local Law Enforcement Agencies." \$70,400 grant from the Joyce Foundation to the Police Executive Research Forum. Awarded 2010.

Principal Investigator: "Development of the Community Policing Self-Assessment Tool Short Form." \$53,907 subcontract from ICF International and the Office of Community Oriented Policing Services (U.S. Department of Justice) to the Police Executive Research Forum. Awarded 2010.

Principal Investigator: "A Systematic Review of Research on Police Strategies to Reduce Illegal Gun Carrying." \$15,600 subcontract from George Mason University and the National Policing Improvement Agency of the United Kingdom to the Police Executive Research Forum. Awarded 2010.

Principal Investigator (2009-Aug. 2011) and consultant (Aug. 2011-present): "Hiring of Civilian Staff in Policing: An Assessment of the 2009 Byrne Program." \$549,878 grant from the National Institute of Justice (U.S. Department of Justice) to the Police Executive Research Forum. Awarded 2009.

Co-Principal Investigator (2005-2010): "Understanding and Monitoring the 'Whys' Behind Juvenile Crime Trends." \$2,249,290 grant from the Office of Juvenile Justice and Delinquency Prevention (U.S. Department of Justice) to the University of Pennsylvania (with subcontracts to

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the Police Executive Research Forum, 2009-2010). Initial and continuation awards, 2001-2005.

Principal Investigator (research director): "Police Interventions to Reduce Gun Violence: A National Examination." Supported through \$200,000 in funding from the Motorola Foundation to the Police Executive Research Forum. Awarded 2009.

Principal Investigator: "The Varieties and Effectiveness of Hot Spots Policing: Results from a National Survey of Police Agencies and a Re-Assessment of Prior Research." Supported through \$80,000 in funding from the Motorola Foundation to the Police Executive Research Forum. Awarded 2008.

Co-Principal Investigator: "Assessment of Technology Needs in Law Enforcement." \$185,866 contract from the Lockheed Martin Corporation to the Police Executive Research Forum. Awarded 2008.

Co-Principal Investigator: "An Evaluation of the Jacksonville Data Driven Reduction of Street Violence Project." \$650,008 grant from the Bureau of Justice Assistance (U.S. Department of Justice) to the Jacksonville Sheriff's Office and the Police Executive Research Forum (subcontractor). Awarded 2007.

Co-Principal Investigator: "A Randomized Experiment Assessing License Plate Recognition Technology in Mesa, Arizona." \$474,765 grant from the National Institute of Justice (U.S. Department of Justice) to the Police Executive Research Forum. Awarded 2007.

Co-Principal Investigator (evaluation director): "Developing a St. Louis Model for Reducing Gun Violence." \$500,000 grant from the Bureau of Justice Assistance (U.S. Department of Justice) to the St. Louis Metropolitan Police Department and the Police Executive Research Forum (subcontractor). Awarded 2007.

Co-Principal Investigator: "Evaluation Study of the Prince William County Police Immigration Enforcement Policy." \$282,129 contract from the Prince William County Police Department to the University of Virginia and the Police Executive Research Forum (subcontractor). Awarded 2008.

Principal Investigator: "Crime Gun Risk Factors: The Impact of Dealer, Firearm, Transaction, and Buyer Characteristics on the Likelihood of Gun Use in Crime." \$103,514 grant from the U.S. Department of Justice to the University of Pennsylvania. Awarded 2004.

Principal Investigator: "A Reassessment of the Federal Assault Weapons Ban." \$38,915 grant from the U.S. Department of Justice to the University of Pennsylvania. Awarded 2003.

Co-Principal Investigator: "Pennsylvania Fair Share Tax Project." \$100,000 grant from the Jerry Lee Foundation to the University of Pennsylvania. Awarded 2003.

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Principal Investigator: "The Impact of Dealer and Firearm Characteristics on the Likelihood of Gun Use in Crime." \$60,000 grant from the Smith Richardson Foundation to the University of Pennsylvania. Awarded 2001.

Principal Investigator: "Police Hiring and Retention Study." \$250,000 grant from the U.S. Department of Justice to the Urban Institute. Awarded 1999.

Co-Principal Investigator: "Analysis of Title XI Effects." \$301,826 grant from the U.S. Department of Justice to the Urban Institute. Awarded 1998.

Co-Principal Investigator: "Illegal Firearms Markets." \$499,990 grant from the U.S. Department of Justice to Northeastern University and the Urban Institute (subcontractor). Awarded 1997.

Co-Principal Investigator (director of national survey and evaluation task leader), 1997-2001: "Evaluation of Title I of the 1994 Crime Act." \$3,356,156 grant from the U.S. Department of Justice to the Urban Institute.

Co-Principal Investigator: "Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994." \$150,000 grant from the U.S. Department of Justice to the Urban Institute (subcontract later awarded to the Crime Control Institute). Awarded 1995.

Principal Investigator: "Gun Density Versus Gun Type: Did More, or More Lethal, Guns Drive Up the Dallas Homicide Rate, 1978-1992?" \$49,714 grant from the U.S. Department of Justice to the Crime Control Institute. Awarded 1994.

Other successful proposals written or co-authored:

Co-author and proposed Principal Investigator (research director): "Research and Policy Initiatives to Help Police Leaders Speak Out on Gun Violence in America." \$375,000 grant from the Joyce Foundation to the Police Executive Research Forum. Awarded 2011.

Co-author and proposed Co-Principal Investigator (evaluation director): "Demonstrating Innovation in Policing: Using Evidence-Based Strategies to Build Police Legitimacy and Reduce Violent Crime." \$599,896 grant from the Bureau of Justice Assistance to the Police Executive Research Forum. Awarded 2011.

Co-author and proposed Co-Principal Investigator: "Recruitment and Hiring Clearinghouse." \$499,763 grant from the Office of Community Oriented Policing Services, U.S. Department of Justice to the RAND Corporation. Awarded 2007.

Conference Presentations

Annual Symposium of the Center for Evidence-Based Crime Policy, George Mason University (2010-2012)

International Conference on Evidence-Based Policing, sponsored by the National Policing Improvement Agency of the United Kingdom and Cambridge University (2009, 2011)

Annual Jerry Lee Symposium on Criminology and Public Policy (2005, 2011)

Annual Stockholm Criminology Symposium (2006, 2010)

Annual meeting of the Police Executive Research Forum (2008-2009)

Annual meeting of the American Society of Criminology (1991-2001, 2003-2006, 2008-2012)

14th World Congress of Criminology (2005)

Annual meeting of the Academy of Criminal Justice Sciences (1995, 1997, 1999-2001, 2012)

U.S. Department of Justice Annual Conference on Criminal Justice Research and Evaluation (1995-1997, 1999, 2002)

U.S. Department of Justice National Conference on Community Policing (1998)

National Institute of Justice (U.S. Department of Justice) Firearms Cluster Conference (1996)

Selected Presentations, Briefings, and Lectures

"America's Experience with the Federal Assault Weapons Ban, 1994-2004: Key Findings and Implications." Invited speaker, Summit on Reducing Gun Violence in America: Informing Policy with Evidence and Analysis, held at Johns Hopkins University. January 2013. Featured on C-SPAN (<http://www.c-spanvideo.org/clip/4304369>) and on the website of the Johns Hopkins Bloomberg School of Public Health (<http://www.jhsph.edu/events/gun-policy-summit/video-archive>).

"Police Strategies for Reducing Gun Violence." Invited speaker, 2013 Summit to Combat Gun Violence hosted by the City of Minneapolis and the City of Milwaukee. Minneapolis, 2013.

"Realizing the Potential of Technology for Policing: Results from a Multi-Site Study" (thematic panel conducted with Cynthia Lum and James Willis). Presentation at the annual meeting of the American Society of Criminology. Chicago, 2012.

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Session leader and presenter for "Policing Places" panels at the Evidence-Based Policing Workshop held by the Center for Evidence-Based Crime Policy, George Mason University, Fairfax, VA, 2012. Presentation materials and video available at:

<http://gemini.gmu.edu/cebcp/CEBCPSymposium.html>.

Organizer and panel presenter for Congressional briefing on "Reducing Gun Violence: Lessons from Research and Practice," held by the Center for Evidence-Based Crime Policy, George Mason University. (Panel presentation entitled, "Assessing Police Efforts to Reduce Gun Crime: Results from a National Survey.") Held in the Rayburn Building of the U.S. House of Representatives, Washington, DC, 2012. Video available at:

<http://gemini.gmu.edu/cebcp/Briefings/gunviolence.html>.

"Evidence-Based Policing in Jacksonville, Florida: Lessons Learned" (co-presented with Jamie Roush). Presentation at the annual meeting of the Academy of Criminal Justice Sciences. New York City, 2012.

"Gun Enforcement and Gun Violence Prevention Practices among Local Law Enforcement Agencies in Urban Areas"

- Invited speaker, presentation for the Firearms Committee of the International Association of Chiefs of Police, 2012
- Presentation at the annual meeting of the American Society of Criminology. Washington, DC, 2011

"The Use of Patrol and Problem-Solving at Crime Hot Spots: A Review of the Evidence." Presentation at the Evidence-Based Policing Workshop held by the Center for Evidence-Based Crime Policy, George Mason University, Fairfax, VA, 2011. Presentation slides and video available at: <http://gemini.gmu.edu/cebcp/PolicingWorkshop.html>.

"A Randomized Trial Comparing Directed Patrol and Problem-Solving at Violent Crime Hot Spots"

- Invited speaker, 4th International Conference on Evidence-Based Policing. Cambridge University, United Kingdom, 2011
- Invited speaker, 12th Annual Jerry Lee Symposium on Criminology and Public Policy. Washington, DC (held in the U.S. Senate Russell Office Building), 2011
- Invited speaker, Annual Symposium of the Center for Evidence-Based Crime Policy, George Mason University. Fairfax, VA, 2010
- Annual Stockholm Criminology Symposium. Stockholm, Sweden, 2010
- Annual meeting of the American Society of Criminology. Philadelphia, 2009

"Evaluating the Effectiveness of License Plate Reader Technology: A Joint Project of PERF and the Mesa, AZ Police Department"

- Police Executive Research Forum's conference, "How are Innovations in Technology Transforming Policing?" (Critical Issues in Policing Series). Washington, D.C., 2011

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- Annual meeting of the Police Executive Research Forum. Washington, D.C., 2009

"The Influences of Community Changes, Policing, Incarceration, and Juvenile Justice Policies on Juvenile Violence in Large Cities and Counties, 1994-2000." Presentation at the annual meeting of the American Society of Criminology. San Francisco, 2010.

"Evaluation Study of Prince William County's Illegal Immigration Enforcement Policy"

- Presentation for the Prince William County, Virginia Board of County Supervisors, November 16, 2010 (co-presented with Thomas Guterbock)
- Briefings for senior staff of the Prince William County Police Department and Prince William County Government, October-November 2010 (co-presented with Thomas Guterbock)

"Police Strategies for Reducing Gun Violence." Invited speaker, Congressional briefing on "Evidence-Based Policy: What We Know, What We Need to Know," organized by the Center for Evidence-Based Crime Policy, George Mason University. Held in the U.S. Capitol Visitors' Center, Washington, DC, 2009. (Video available at <http://gemini.gmu.edu/cebcp/Briefings/evidence.html>). (Featured on the website of the National Institute of Justice in Dec. 2009.)

"Hot Spots Policing: A Review of the Evidence." Invited speaker, 2nd International Conference on Evidence-Based Policing (sponsored by the National Policing Improvement Agency of the United Kingdom and Cambridge University). Cambridge, United Kingdom, 2009.

"The Varieties and Effectiveness of Hot Spots Policing: Results from a National Survey"

- Annual meeting of the American Society of Criminology. St. Louis, 2008
- Annual meeting of the Police Executive Research Forum. Miami, 2008

"The PERF Technology Needs Assessment Survey: Preliminary Results." PERF-Lockheed Martin Law Enforcement Future Technologies Workshop. Suffolk (Virginia), 2008.

"The PERF Homicide Gunshot Survey." Police Executive Research Forum's International "Hot Spots" Symposium (2008 Critical Issues in Policing Series). Washington, D.C., 2008.

"Assessments of Corporate Culture and Prosecutorial Decisions by U.S. Attorneys."

Presentation to the advisory board of the LRN-RAND Center for Corporate Ethics, Law, and Governance. New York, 2007.

"Crime Gun Risk Factors: Buyer, Seller, Firearm, and Transaction Characteristics Linked to Criminal Gun Use and Gun Trafficking" / "Risk Factors for Crime Involvement of Guns Sold in Maryland"

- Invited speaker, seminar sponsored by the Center for Injury Research and Policy, Johns Hopkins School of Public Health. Baltimore, 2007
- Annual meeting of the American Society of Criminology. Los Angeles, 2006

"Police Strategies for Reducing Illegal Possession and Carrying of Firearms" Presentation slides available at: www.sas.upenn.edu/jerrylee/programs/2005symposium_koper_illegalfirearms.pdf

- Invited speaker, Annual Jerry Lee Crime Prevention Symposium. Washington, D.C. (held in the U.S. Senate Dirksen Office Building), 2005
- Invited speaker, Firearm and Injury Center at Penn (FICAP) Forum Series. Philadelphia, 2005

"The Impacts of the 1994 Federal Assault Weapons Ban on Gun Markets and Gun Violence"

- Briefings for the Associate Attorney General of the United States and other staff of the U.S. Department of Justice and the U.S. Department of the Treasury. Washington, D.C., 1997
- Invited speaker, presentation to the National Research Council, Committee to Improve Research Information and Data on Firearms. Washington, D.C., 2002
- Invited speaker, Firearm and Injury Center at Penn (FICAP) Forum Series. Philadelphia, 2003
- Firearm Injury Center at Penn (FICAP) Workshop on Existing and Innovative Methods in the Study of Gun Violence. Bryn Mawr, Pennsylvania, 2003
- Invited speaker, Jerry Lee Center of Criminology (University of Pennsylvania) Colloquium. Philadelphia, 2001

"Federal Legislation and Gun Markets: An Assessment of Recent Initiatives Affecting Licensed Firearms Dealers." Invited speaker, Jerry Lee Center of Criminology (University of Pennsylvania) Colloquium. Philadelphia, 2003.

"Juvenile Gun Acquisition." Presentation to the Philadelphia Interdisciplinary Youth Fatality Review Team (A Project of the Philadelphia Departments of Public Health and Human Services). Philadelphia, 2002.

"A National Study of Hiring and Retention Issues in Police Agencies." Briefing for staff of the Office of Community Oriented Policing Services (U.S. Department of Justice) and the National Institute of Justice (U.S. Department of Justice). Washington, D.C., 2001.

"COPS and the Level, Style, and Organization of American Policing: Findings of the National Evaluation"

- Press briefing sponsored by the Urban Institute. Washington, D.C., September 2000
- Briefings for staff of the Office of Community Oriented Policing Services (U.S. Department of Justice) and the National Institute of Justice (U.S. Department of Justice). Washington, D.C., 1998 and 1999

Professional Service

Reviews of manuscripts, reports, or proposals:

- *Journal of Experimental Criminology* (2004, 2009, 2011, 2012)
- *Justice Research and Policy* (2012)
- *Sociological Quarterly* (2012)
- Oxford University Publishing (2011)
- *Journal of Quantitative Criminology* (2001-2005, 2009, 2011)
- *Police Quarterly* (2002-2004, 2011)
- *Criminology* (2006, 2010)
- *Justice Quarterly* (2008)
- *Homicide Studies* (2008)
- *Criminology and Public Policy* (2005)
- *Injury Prevention* (2004-2005)
- National Institute of Justice (U.S. Department of Justice) (2001)
- Population Reference Bureau (1994)

Other Professional Affiliations and Service:

- Member, American Society of Criminology
- Member of the Research Advisory Board of the Police Foundation
- Area editor for police strategies and practices, *Encyclopedia of Criminology and Criminal Justice* (under development for Springer Verlag, Gerben Bruinsma and David Weisburd, editors in chief)
- Contributor to the Crime and Justice Group of the Campbell Collaboration
- Former Associate of the Jerry Lee Center of Criminology, University of Pennsylvania
- Former Associate of the Firearm and Injury Center at Penn, University of Pennsylvania Health System
- Participant in the National Research Collaborative on Firearm Violence convened by the Firearm and Injury Center at Penn (2005)
- Participant in National Institute of Justice (U.S. Department of Justice) focus group on identity theft research (2005)
- Participant in annual fellowship fundraiser for the American Society of Criminology (1993-2006, 2012)
- Committee member for selected M.A. and Ph.D. committees at Temple University and the University of Maryland (1997, 2001, 2004)
- Member of award selection committee for the American Society of Criminology (2002)
- Member of the Advisory Committee for the National Criminal History Improvement Program State Firearms Research Project of the Justice Research and Statistics Association (1996)

Selected Honors and Awards

Excellence in Law Enforcement Research Bronze Award from the International Association of Chiefs of Police, 2012 (for co-authorship of *Evaluation Study of Prince William County's Illegal Immigration Enforcement Policy*)

Scholar-in-Residence of the Firearm and Injury Center at Penn (University of Pennsylvania Health System), 2004 – 2006

Smith Richardson Foundation Public Policy Research Fellowship, 2001

Graduate Assistant Award, Department of Criminology and Criminal Justice, University of Maryland, 1989-1994

Honors, Ph.D. Theory Comprehensive Examination, Department of Criminology and Criminal Justice, University of Maryland, 1993

Summa cum Laude, University of Maryland, 1988

Peter P. Lejins Award for Top Graduate in Criminal Justice, Department of Criminology and Criminal Justice, University of Maryland, 1988