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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SHASTA

HARRY SHARP, an individual;
DAVID AJIROGI, an individual;
RYAN GILARDY, an individual;
THE CALGUNS FOUNDATION;
FIREARMS POLICY COALITION;
FIREARMS POLICY FOUNDATION; and
SECOND AMENDMENT FOUNDATION,

Petitioners,

vs.

XAVIER BECERRA, in his official capacity as
Attorney General of California;
BRENT E. ORICK, in his official capacity as
Acting Chief of the Department of Justice
Bureau of Firearms;
CALIFORNIA DEPARTMENT OF JUSTICE;
and DOES 1 through 20, inclusive,

Respondents.

FILED

JUL 11 2018

CLERK OF THE SUPERIOR COURT
BY: C. GORDON, CLERK

CASE NO. 190350

VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

BY FAX

COME NOW the Plaintiffs and petitioners, HARRY SHARP, DAVID AJIROGI, RYAN GILARDY, THE CALGUNS FOUNDATION, FIREARMS POLICY COALITION, FIREARMS POLICY FOUNDATION, and SECOND AMENDMENT FOUNDATION (collectively, “Plaintiffs”) by and through their undersigned counsel, who hereby complain and allege as follows:

INTRODUCTION

1. Since 1989, the State of California has regulated the acquisition, possession, and use of firearms using an ever-expanding definition of so-called “assault weapons” and by and through an aggressive enforcement of an ever-expanding statutory scheme. In 2016, the State once again broadened the “assault weapons” statutes to include more semi-automatic firearms with a magazine locking device, colloquially known as “bullet buttons.”¹

2. The possession, transportation, and use of unregistered “assault weapons” carries criminal liability to otherwise law-abiding citizens, in addition to the potential loss of their property, fines, and standing in the community. Thus, many law-abiding California citizens, desiring to abide by the laws of our State, have opted to comply with the laws and register their eligible firearms so as to remain in good standing with the law.

3. But many law-abiding gun owners, including the Individual Plaintiffs and many members of the Institutional Plaintiffs here, have been denied their right and ability to register such eligible firearms in accordance with the registration mandates of Penal Code §§ 30680 and 30900(b) because Defendants Attorney General Xavier Becerra and the California Department of Justice (DOJ) have utterly failed and refused in their statutorily-imposed duties to the People of the State of California to establish a properly functioning Internet-based system for processing

¹A Bullet Button is a particular patented and trademarked device that functions to provide a mechanical barrier between a firearm’s normal magazine release function and the user, requiring a bullet, tool, or other object to affirmatively engage the release mechanism and allow the magazine to be removed from the firearm body. While the DOJ’s regulations refer to such devices generally as “bullet button” devices, they are more properly considered as a class of “magazine locking devices” of which the Bullet Button is but one brand and type. For consistency, all references to “bullet button” are generic and refer to the broader class of “magazine locking devices” invented for compliance with prior statutes and regulations or, where the context so indicates, to the firearms on which such devices are installed.

1 the registration of such firearms. The system that DOJ has set up and maintained, the California
2 Firearms Application Reporting System (CFARS), was known by Defendants to be flawed,
3 intermittently inoperable, and ultimately incapable of providing a reliable means for the public to
4 register their firearms in accordance with the law.

5 4. Things came to an ignominious conclusion the week before the statutory
6 registration deadline. During the week of Monday, June 25, 2018, through Saturday, June 30,
7 2018, the statutory deadline, and beyond, the DOJ's registration system was largely inaccessible,
8 and inoperable on a wide variety of ordinary web browsers across the state. Users who were able
9 to access the site were prevented from completing the process before the Internet-based
10 registration system crashed, obliterating the hours-long progress they had made. As a result,
11 many individuals, including the individual plaintiffs herein, were prevented from timely
12 registering before July 1 in compliance with the law due to no fault of their own.

13 5. In this case, Plaintiffs seek an un-extraordinary result, compelled by the basic
14 tenets of due process: That they simply be allowed to register their eligible firearms and comply
15 with the law, and that the Attorney General, the DOJ, and their officers and agents similarly
16 comply with the law by allowing such registrations and ensuring they are properly and timely
17 processed through a functioning online database as they have been required by statute to do.

18 6. Plaintiffs seek mandamus, declaratory and injunctive relief as necessary and
19 proper to remedy the DOJ's failures to permit and provide for a functional registration system
20 throughout the registration period, including and especially during the last week of June 2018.

21 **JURISDICTION AND VENUE**

22
23 7. This Court has jurisdiction to hear and resolve all of Plaintiffs' claims and to grant
24 all forms of relief requested herein, including the mandamus, declaratory, and injunctive relief
25 sought as to all claims. (Cal. Const., art. VI, § 10; Code Civ. Pro. §§ 525, 526, 1060 & 1085; see
26 also CCP § 410.10.)

27 8. Venue in this judicial district is proper because some or all the Causes of Action
28 arose in this county, and the conduct of the Defendants at issue has caused and will continue to

1 cause legal injuries and deprivation of rights to individuals in this county, including one or more
2 of the Plaintiffs herein, and those similarly situated individuals they represent, as further
3 described herein. (CCP §§ 393(b), 395(a); Gov. Code § 955.2.)
4

5 **THE PARTIES**

6 **A. Individual Plaintiffs**

7 9. All individual Plaintiffs herein are natural persons, citizens of the United States,
8 and citizens and residents of the State of California, in the counties specified below.

9 10. All individual Plaintiffs are eligible to possess firearms under applicable state and
10 federal laws, including those firearms which the State now classifies as “bullet button assault
11 weapons” under the regulatory scheme enacted in 2016 under Senate Bill 880 and Assembly Bill
12 1135 (2015-2016 Reg. Sess.)

13 11. Plaintiff Harry Sharp is an individual, a law-abiding gun owner and a resident of
14 the County of Shasta, California. Plaintiff Sharp is and has been eligible to own firearms. For
15 over 30 years, he has held a license to carry a concealed firearm (CCW) issued to him by his
16 county sheriff, after proving “good cause” and his good moral character to his licensing
17 authority, successfully completing a course of training on the law and firearms proficiency,
18 passing an extensive Live Scan-based background check. Plaintiff Sharp also is the registered
19 owner of several Registered Assault Weapons (RAWs) which were legally owned and registered
20 during a prior assault weapons registration period, in or before 2001. Prior to December 31,
21 2016, and as a private citizen, plaintiff Sharp legally owned four semiautomatic firearms which
22 the DOJ now labels “bullet button assault weapons” and has declared, in its regulations, and
23 elsewhere, must be registered. On or about June 29, 2018, and continuing through June 30,
24 2018, Plaintiff Sharp attempted to register said firearms in accordance with the statutes and
25 DOJ’s regulations, using the DOJ’s CFARS system. But the CFARS registration system was
26 inaccessible throughout his multiple attempts to use it during this period, and Plaintiff Sharp was
27 thus unable to register three of the four firearms.

28 12. Plaintiff David Ajirogi is an individual, a law-abiding gun owner and a resident of

1 the County of Sacramento, California. Plaintiff Ajirogi is legally eligible to acquire, own, and
2 possess firearms. Prior to December 31, 2016, and as a private citizen, plaintiff Ajirogi legally
3 owned three semiautomatic firearms which the DOJ now labels as “bullet button assault
4 weapons” and has declared, in its regulations, and elsewhere, must be registered. On or about
5 June 28, 2018, and again on June 29, 2018, Plaintiff Ajirogi attempted to register said firearms in
6 accordance with the statutes and DOJ’s regulations, using the DOJ’s CFARS system. But the
7 CFARS registration system was inaccessible during this period and as a result Plaintiff Ajirogi
8 was unable to register his firearms.

9 13. Plaintiff Ryan Gilardy is an individual, a law-abiding gun owner and a resident of
10 the County of Contra Costa, California. Plaintiff Gilardy is legally eligible to acquire, own, and
11 possess firearms. Prior to December 31, 2016, and as a private citizen, plaintiff Gilardy legally
12 owned three semiautomatic firearms which the DOJ now labels as “bullet button assault
13 weapons” and has declared, in its regulations, and elsewhere, must be registered. Beginning on
14 or about June 22, 2018, and continuing through June 30, 2018, Plaintiff Gilardy attempted to
15 register said firearms in accordance with the statutes and DOJ’s regulations, using the DOJ’s
16 CFARS system. But the CFARS registration system was inaccessible during this period and as a
17 result Plaintiff Gilardy was unable to register two of his firearms. Plaintiff Gilardy is a member
18 of institutional Plaintiffs Firearms Policy Coalition, Firearms Policy Foundation, and The
19 Calguns Foundation.

20
21 **B. Institutional Plaintiffs**

22 14. Plaintiff The Calguns Foundation (“CGF”) is a 501(c)(3) non-profit organization
23 incorporated under the laws of California with its principal place of business in Sacramento,
24 California. CGF is dedicated to promoting education for all stakeholders about California and
25 federal firearm laws, rights and privileges, and to defending and protecting the civil rights of
26 California gun owners. CGF represents its members and supporters, who include California
27 firearm retailers and consumers throughout the State, including Shasta County, and brings this
28 action on behalf of itself, its members, supporters who possess all the indicia of membership, and

1 similarly situated members of the public. Many of CGF's individual members have been
2 adversely and directly affected by Defendants' failure to permit or provide for timely and proper
3 registrations of "bullet button assault weapons" as required by statute, and all of CGF's
4 individual members are adversely and directly affected by Defendants' continuing deliberate
5 indifference to the resulting plight of law-abiding California gun owners who have been
6 prevented from complying with the law.

7 15. Plaintiff Firearms Policy Coalition, Inc. ("FPC") is a 501(c)(4) non-profit
8 organization incorporated under the laws of Delaware with its principal place of business in
9 Sacramento, California, with members residing both within and outside of this state, including in
10 Shasta County, California. FPC serves its members and the public through direct legislative
11 advocacy, grassroots advocacy, legal efforts, research, education, operation of a Hotline, and
12 other programs. The purposes of FPC include defending the United States Constitution and the
13 People's rights, privileges, and immunities deeply rooted in the Nation's history and tradition,
14 especially the fundamental right to keep and bear arms. FPC represents its members and
15 supporters, who include California firearm retailers and consumers, and brings this action on
16 behalf of itself, its members, supporters who possess all the indicia of membership, and similarly
17 situated members of the public. Many of FPC's individual California members have been
18 adversely and directly affected by Defendants' failure to permit registrations of "bullet button
19 assault weapons" as required by statute, and all of FPC's individual members are adversely and
20 directly affected by Defendants' continuing deliberate indifference to the resulting plight of law-
21 abiding California gun owners who have been prevented from complying with the law.

22 16. Plaintiff Firearms Policy Foundation, Inc. ("FPF") is a 501(c)(3) non-profit
23 organization incorporated under the laws of Delaware with its principal place of business in
24 Sacramento, California, with members residing both within and outside of this state, including in
25 Shasta County, California. FPF serves to defend and advance constitutional rights through
26 charitable purposes, with a focus on the fundamental, individual right to keep and bear arms. FPF
27 represents its members and supporters, who include California firearm retailers and consumers,
28 and brings this action on behalf of itself, its members, supporters who possess all the indicia of

1 membership, and similarly situated members of the public. Many of FPF's individual California
2 members have been adversely and directly affected by Defendants' failure to permit registrations
3 of "bullet button assault weapons" as required by statute, and all of FPF's individual members
4 are adversely and directly affected by Defendants' continuing deliberate indifference to the
5 resulting plight of law-abiding California gun owners who have been prevented from complying
6 with the law.

7 17. Plaintiff Second Amendment Foundation, Inc. ("SAF") is a 501(c)(3) non-profit
8 organization incorporated under the laws of Washington with its principal place of business in
9 Bellevue, Washington. SAF has over 650,000 members and supporters nationwide, including
10 many in California. The purposes of SAF include education, research, publishing, and legal
11 action focusing on the constitutional right to privately own and possess firearms under the
12 Second Amendment, and the consequences of gun control. SAF brings this action on behalf of
13 itself, its members, supporters who possess all the indicia of membership, and similarly situated
14 members of the public. Many of SAF's individual California members have been adversely and
15 directly affected by Defendants' failure to permit registrations of "bullet button assault weapons"
16 as required by statute, and all of SAF's individual members are adversely and directly affected
17 by Defendants' continuing deliberate indifference to the resulting plight of law-abiding
18 California gun owners who have been prevented from complying with the law.

19 18. Individual Plaintiffs Sharp, Ajirogi, and Gilardy are bringing this claim on behalf
20 of themselves, and as representatives of a class of similar individuals consisting of law-abiding
21 California residents too numerous to individually name or include as parties to this action. These
22 are: California citizens who are not otherwise prohibited or exempt under the "assault weapon"
23 registration laws, and who lawfully and legally possessed firearms that the State of California
24 has retroactively classified as "assault weapons" under Penal Code § 30515(a) that must be
25 registered as such pursuant to Penal Code sections 30680 and 30900(b), but who have been
26 precluded from doing so due to the inaccessibility and/or non-functionality of the DOJ's CFARS
27 system during the week of June 25, 2018 and continuing through the registration deadline of
28 June 30, 2018.

1 19. Institutional plaintiffs CGF, FPC, FPF, and SAF are bringing this claim as public
2 interest organizations, whose California members similarly lawfully possessed retroactively-
3 defined “bullet button assault weapons” in this state, prior to December 31, 2016, and who
4 represent the interests of those similarly situated individuals too numerous to individually name
5 or include as parties to this action. These are: California citizens who are not otherwise
6 prohibited or exempt under the “assault weapon” registration laws, and who lawfully and legally
7 possessed firearms that the State of California has retroactively classified as “assault weapons”
8 under Penal Code § 30515(a) that must be registered as such pursuant to Penal Code sections
9 30680 and 30900(b), but who have been precluded from doing so due to the inaccessibility
10 and/or non-functionality of the DOJ’s CFARS system during the week of June 25, 2018 and
11 continuing through the registration deadline of June 30, 2018.

12 20. As to all claims made in a representative capacity herein, there are common
13 questions of law and fact that substantially affect the rights, duties, and liabilities of many
14 similarly situated California residents who knowingly or unknowingly are subject to the statutes.
15 The relief sought in this action is declaratory, injunctive, and mandamus in nature, and the action
16 involves matters of substantial public interest. Considerations of necessity, convenience and
17 justice justify relief granted to Individual and Institutional Plaintiffs in a representative capacity.
18 Furthermore, to the extent it becomes necessary or appropriate, the Institutional Plaintiffs are
19 uniquely able to provide notice to their thousands of California members and constituents who
20 are or would be part of any identifiable class of individuals for whose benefit this Court may
21 grant such relief.

22
23 **C. Defendants**

24 21. Defendant Xavier Becerra is the Attorney General of the State of California, and
25 he is sued herein in his official capacity. The Attorney General is the chief law enforcement
26 officer of the state, and the head of the DOJ. It is his duty to ensure that California’s laws are
27 uniformly and adequately enforced. The DOJ and its Bureau of Firearms regulate and enforce
28 state law related to firearms, and the registration of statutorily-classified “assault weapons.”

22. Defendant Brent E. Orick is Acting Chief of the DOJ’s Bureau of Firearms. Upon information and belief, Orick reports to Attorney General Becerra, and he is responsible for the various operations of the Bureau of Firearms, including the implementation and enforcement of the statutes governing sales, use, ownership, transfer, and “assault weapon” registration of firearms. He is sued herein in his official capacity.

23. The California Department of Justice (DOJ) is a state agency charged with responsibility of enforcing state statutes and promulgating and enforcing rules and regulations authorized by and designed to effectuate the law related to the registration of firearms as statutorily-classified “assault weapons.”²

24. Plaintiffs are unaware of the true names and capacities of those defendants sued herein as DOES 1 through 20 inclusive, and therefore sue such defendants by fictitious names. Plaintiffs are informed and believe and based upon such information and belief allege that each of the defendants designated as DOES 1 through 20, inclusive, is responsible in some manner for promulgating, administering, enforcing, or otherwise implementing the internet registration system at issue herein. Plaintiffs will amend this complaint to include the true names of DOES 1 through 20 inclusive as soon as is practicable after such names and capacities become known to them.

OVERVIEW OF THE RELEVANT STATUTORY AND REGULATORY SCHEMES AND SUMMARY OF PLAINTIFFS’ CLAIMS

A. The General Scheme of the AWCA

25. Since the dawn of the Roberti-Roos Assault Weapons Control Act in 1989 (AWCA), California gun owners have undoubtedly faced significant restrictions upon their ability to acquire and use many popular firearms, in common use elsewhere, as certain lawmakers have succeeded in branding specified types or configurations of firearms as “assault

²Because Defendants Becerra and Orick are sued in their official capacities as heads of the DOJ, all references herein to “DOJ” should be construed to include them.

1 weapons” and then incrementally expanding that list to include more and more firearms. (Pen.
2 Code § 30505(a).) The product of these gun control legislative campaigns is that –
3 subject to very limited exceptions (e.g., §§ 30625-30630, 30645-30655, 31000-31005) – for the
4 vast majority of ordinary citizens in California, it is generally illegal to manufacture, distribute,
5 transport, sell, give, lend, or otherwise transfer an increasingly expansive list of firearms (on pain
6 of a felony conviction and prison time (§ 30600, subd. (a)), and even to simply “possess” one of
7 these legislatively-classified “assault weapons” (§ 30605, subd. (a)).

8 26. The State Legislature has indeed built a statutory scheme especially onerous and
9 hostile to the countless law-abiding Californians simply seeking to exercise their
10 constitutionally-protected fundamental right to keep and bear arms for lawful purposes. But
11 along the way, the Legislature has engrafted into the scheme a few inherent limitations on the
12 reach of the various prohibitions, establishing the four corners of the State’s statutory power to
13 restrict the ability of private citizens in their access and use of firearms deemed “assault
14 weapons.” Each time the gun prohibitionists have succeeded in achieving statutory amendments
15 expanding the list of “assault weapons,” the Legislature has made the minimal concession of
16 leaving a small “grandfathering” window for lawful owners of those guns that the legislation
17 retroactively deemed constitutional artifacts that they prefer their citizens not acquire – but only
18 if they register the firearm with the DOJ as an “assault weapon” within a specified period time,
19 can they continue to maintain “possession” of it.

20
21 **B. The Pre-Existing Categories of “Assault Weapons”**

22 27. These different phases of restrictions over time have led to the development of
23 three generally recognized categories of “assault weapons,” the first two of which (“Category 1”
24 and “Category 2” assault weapons) were created based upon specific makes, models, or series of
25 firearms. (See Pen. Code §§ 30510, 30960(a); former §§ 12275.5, 12276, 12276.5; 11 CCR §
26 5499.)³ “Category 3” firearms, established in 1999, targeted semiautomatic centerfire rifles,
27

28

³The “Category 2” classification includes certain makes and models that the DOJ itself had at one point added to the list through 11 CCR § 5499. However, in 2006, the Legislature repealed the DOJ’s authority to unilaterally add

1 pistols, and shotguns based upon certain features, configurations, and/or functionalities, as
2 opposed to certain makes, models, or series. (Pen. Code § 30515; former § 12276.1.)

3
4 **C. The Registration Mandate for the New Category of “Assault Weapons”**

5 28. In June of 2016, through Assembly Bill 1135 and Senate Bill 880 (2015-2016
6 Reg. Sess.), the Legislature once again amended the AWCA statutory scheme, changing the
7 definitional terms regarding magazines for semiautomatic rifles and pistols in section 30515 to
8 create new “assault weapon” classifications for those firearms, and adding sections 30680 and
9 30900 to create a concomitant registration requirement for any continued possession of the
10 newly classified firearms. The amendments became effective January 1, 2017. (Stats. 2016, ch.
11 40 § 3 (AB 1135); Stats. 2016, ch. 48 § 3 (SB 880).) As so modified, the new “assault weapon”
12 classification now applies to any semiautomatic centerfire rifle and pistol that (1) “does not have
13 a *fixed magazine*” and (2) possesses one of the other previously specified features. For these
14 purposes, “fixed magazine” is now defined as “an ammunition feeding device contained in, or
15 permanently attached to, a firearm in such a manner that the device cannot be removed without
16 disassembly of the firearm action.” (Pen. Code § 30515, subd. (b).)

17 29. The Legislature specifically incorporated section 30515’s assault weapon
18 classifications into the registration requirement of section 30900, subdivision (b)(1), which
19 expressly states that it applies only to a “person who, from January 1, 2001, to December 31,
20 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, *as*
21 *defined in Section 30515*, including those weapons with an ammunition feeding device that can
22 be readily removed from the firearm with the use of a tool.” (Pen. Code § 30900(b)(1), emphasis
23 added.) In other words, bullet button weapons could be kept, but must be registered. The
24 registration window established for the continued possession of such firearms closed June 30,
25 2018 (after an extension of the original deadline of December 31, 2017, under AB 103 (2017)),
26 although it did not actually open until “the effective date of the regulations” the DOJ adopted
27

28 firearms to the list of “assault weapons” (Pen. Code § 30520(b)(1); A.B. 2178, 2005-2006 Reg. Sess.), and the
classification of such firearms by makes, models, or series has since remained static.

pursuant to paragraph (5) of subdivision (b). (§ 30900, subd. (b)(1).) In turn, section 30900, subdivision (b)(5), provides (emphasis added): the DOJ “shall adopt regulations for the purpose of *implementing* this subdivision. These regulations are exempt from the Administrative Procedure Act.”

30. And therefore, beyond the basic registration requirement in section 30900(b)(1), what “this subdivision” of this section established, and required the DOJ to implement through regulations outside the APA process, is the following:

1. A registration system that catalogues specifically identifying information about the firearm (its unique description including “all identification marks,” and the date it was acquired and from whom) and the owner (including the owner’s name, address, birth date, thumbprint, physical description, California driver’s license or identification card number, and “any other information that the department may deem appropriate”). (Pen. Code § 30900, subds. (a)(3) & (b)(3));
2. A registration system that gathers this information “electronically via the Internet utilizing a public-facing application made available by the department.” (Id. § 30900, subd. (b)(2)); and
3. The charging of a registration fee of up to \$20 per person (which may be adjusted annually), or \$15 per person via a debit or credit card for electronically submitted applications, but in any event “not to exceed the reasonable costs of the department.” (Id. § 30900, subds. (a)(4) & (b)(4).)

FACTS COMMON TO ALL CLAIMS

31. According to the DOJ’s data tracking the “Dealer’s Record of Sale” (DROS) transactions, more than 5.1 million long guns have been sold in California since the last registration period closed in 2000. It is estimated that a substantial number of those firearms consist of those subject to the now retroactively-expanded definition of “assault weapon” under SB 880 / AB 1135, i.e., “bullet button” semiautomatic firearms. On information and belief, tens of thousands of Californians (and perhaps more) possess in the State hundreds of thousands of

1 firearms during the period of January 1, 2001, and December 31, 2016, that have now been
2 reclassified as “bullet button assault weapons” subject to the requirements of Penal Code §
3 30900(b), rendering all their possessors potentially subject to the significant criminal liabilities
4 under the other criminal statutes at issue in this case.

5 32. Pursuant to the clear statutory mandate described above, the DOJ established an
6 Internet-based registration system, ostensibly to permit the required registration of those bullet-
7 buttoned firearms now retroactively deemed as “assault weapons” pursuant to AB 1135 and SB
8 880. This system was created to exist within a pre-existing system created, maintained and
9 serviced by the DOJ—the California Firearms Application Reporting System (CFARS). Using
10 CFARS, in theory, would allow a user to access a separate link to: “Assault Weapon Registration
11 Form (Assembly Bill 1135/Senate Bill 880).” On information and belief, the Assault Weapon
12 Registration Form system “went live” (i.e., was made available to the public) on or about August
13 3, 2017 – leaving less than twelve months for potentially hundreds of thousands of California
14 gun owners to discover the laws and perform their duties required thereunder.

15 33. Those with firearms retroactively branded “bullet button assault weapons”
16 originally had until January 1, 2018, to register them. However, given the DOJ’s substantial
17 problems in getting its registration-related regulations issued, the registration deadline was
18 extended to July 1, 2018, by virtue of Assembly Bill 103. See Pen. Code § 30680(c).⁴

19 34. The Office of the Attorney General itself emphasized the importance of citizens’
20 compliance with the June 30, 2018 deadline, with a dramatic “countdown” display on the splash
21 page of its Firearms Bureau website, showing the number of weeks, days, hours, minutes, and
22 seconds ticking away until literally the last second of the registration period (i.e., June 30, 2018
23 at 11:59:59 PST). A true and correct copy of the DOJ Bureau of Firearms’s “countdown clock”
24 illustrating this countdown is attached hereto as **Exhibit A**. The Bureau of Firearms website
25 further contained a direct link to the CFARS web page, ostensibly as the vehicle for citizens to
26 “beat the clock” and avoid the serious consequences of failing to timely register, at
27

28 ⁴And since their issuance, these regulations have been challenged as illegally promulgated. (See e.g., *Holt v. Becerra*, Riverside County Superior Court Case No. 1722468.)

1 <https://cfars.doj.ca.gov/login.do>. And, according to the DOJ Bureau of Firearms website, the
2 registration window would close on June 30, 2018 at 11:59:59 p.m. PST.

3 35. Yet, as Defendants knew, from its inception, the CFARS-based “assault weapon”
4 registration system was substantially understaffed, and incapable of properly and timely
5 processing the registration applications the DOJ was charged with processing. Even before the
6 statutory deadline was extended, the DOJ had requested \$2,588,000 and 27 positions to
7 implement the statutorily-mandated internet assault weapons registration system. These funds
8 were approved, in the form of a “loan” from the Firearms Safety and Enforcement Special Fund,
9 to be repaid by June 30, 2021, in part, from the \$15.00 per-person fees to be assessed to each
10 registrant and other funds from the DROS fund.

11 36. But in a declaration filed under oath in a separate civil action challenging the
12 assault weapons regulations generally, DOJ Special Agent Supervisor Blake Graham, who
13 “helped to design the public-facing application for submitting registration of bullet button assault
14 weapons electronically via the Internet,” declared that as of March 2018, all “[t]he programmers
15 who [had] created this system for DOJ [were] [then] working on other legislatively mandated
16 projects that [were] also on tight deadlines.” In addition, Agent Graham explained that the “DOJ
17 d[id] not have funding for [any] modification of the electronic registration system” and the DOJ
18 had received funding for only 24 analysts and two managers to process registration applications.
19 Graham described these as temporary positions that would be eliminated after one year.

20 37. This situation inevitably led to a backlog of assault weapons registration forms
21 and processing, even well before the statutory deadline. In response to a Public Record Act
22 (PRA) request, the DOJ admitted that as early as February 1, 2018, more than five months after
23 the system had gone “live,” the system was already backlogged with 4,653 applications to
24 register bullet button assault weapons of which it had only been able to approve about 2,500.
25 (See **Exhibit B.**)

26 38. This situation, predictably, came to a head during this last week of June 2018,
27 when thousands of gun owners, desiring to comply with the law – the importance of which the
28 Attorney General had so dramatically emphasized with his intimidating “countdown clock” –

1 attempted to log onto CFARS, either directly or through the link provided in the DOJ Bureau of
2 Firearms website, only to be shut out by technical defects and failures of the DOJ's systems. For
3 most, the system simply "timed out" while some were attempting to access it, denying access
4 altogether. Others got as far as filling out some or all of the DOJ-required submissions
5 (including providing four digital photographs that were not required by statute, but for some
6 reason, were required by the DOJ), only to have the system "time out" and fail when clicking the
7 "submit" application action button to complete registration – blocking the registrations at the last
8 second, after their lengthy and good faith efforts to submit their completed applications that
9 complied with all requirements of the registration process.

10 39. And thus, on June 29, 2018, while plaintiff Harry Sharp was able to log onto
11 CFARS from his home in Redding, California, and even successfully submit a registration form
12 for one of four his "bullet button assault weapon" firearms, when he attempted to register the
13 remaining three immediately thereafter at approximately 3:30 p.m., he was prevented from doing
14 so. Specifically, after plaintiff Sharp had attached the required pictures of his other registration-
15 eligible firearms, he attempted to hit the "submit" button, but then the system "froze up", failed,
16 and he could not proceed to successfully submit these applications. Plaintiff Sharp attempted to
17 complete the remaining three registrations the following day, on June 30, 2018. He made at least
18 50 attempts to log onto the DOJ's registration systems (in CFARS) for this purpose, investing
19 most of his day attempting these registrations, but to no avail because the system remained
20 inaccessible or inoperable. Plaintiff Sharp attempted to obtain help or technical support from
21 DOJ on at least four occasions, each time being met with an automated, "canned" auto-responder
22 message stating that he had to simply resubmit the forms after clearing out his web browsers and
23 deleting "cookies." He could not reach a live person at the time. Plaintiff Sharp followed these
24 automated instructions, and continued attempting to register the remaining firearms, even into
25 the next day, July 1, 2018, but all to no avail. Finally, Plaintiff Sharp was able to reach someone
26 at the DOJ by phone on Monday, July 2, 2018. However, this person just told him that it was his
27 responsibility to have complied with the registration mandate by the deadline, and the DOJ
28 would not extend the deadline to submit registration applications. As a result, Plaintiff Sharp

1 was unable to submit three of the four registration applications that were necessary for him to
2 comply with the laws and avoid being in violation of the applicable criminal statutes carrying
3 extraordinary penalties, including prison time and loss of property.

4 40. On June 28, 2018, plaintiff David Ajirogi attempted to register three bullet-
5 buttoned firearms, from his home in Sacramento, California. All of these firearms had been
6 legally acquired, and all information relevant and necessary to uniquely identify these firearms,
7 including the make, model, manufacturer, and serial numbers, was and has been already on file
8 with the DOJ. However, when he attempted to access the DOJ's registration system on June 28,
9 2018, after attempting to use an established CFARS account, the crucial link to the Assault
10 Weapons Registration Form was inoperable and he was thus unable to access the required
11 registration form. Plaintiff Ajirogi continued attempting to access the registration form page/link
12 for approximately 20-30 minutes. He made several additional attempts on June 29, 2018, but
13 continued to experience the same fundamental problem: the CFARS system would "time out" in
14 the process of attempting to access it. Plaintiff Ajirogi contacted the DOJ for assistance on
15 Friday, June 29, 2018. The DOJ did not respond to his email inquiry, ever.

16 41. Approximately one month before the statutory registration deadline, Plaintiff
17 Ryan Gilardy contacted the DOJ about his concerns regarding the CFARS system, and the
18 registration process generally. He spoke to an official at the DOJ who told him that they
19 expected to receive a large number of registrations in the weeks before the deadline. In fact, the
20 DOJ official had told Plaintiff Gilardy that he could even expect to be "timed out" during the
21 registration process, but was told that if that happened, he would be able to "get through" after
22 several attempts. Thus, in anticipation of doing the three firearm registrations he intended,
23 Plaintiff Gilardy gathered all of the required information and paperwork necessary for a joint
24 registration with his family members, including the taking of the photographs required for each
25 firearm. On or about June 22, 2018, Plaintiff Gilardy began the registration process through
26 CFARS. However, upon attempting to upload all of the information required for joint
27 registration (including proof of residency required for joint registrants), the system "timed out"
28 and would not allow him to register. Thereafter, and throughout the entire following week of

1 June 25, 2018, Plaintiff Gilardy made multiple attempts to complete the registration process.
2 Plaintiff Gilardy, who was formerly an IT professional, made sure that he was using up to date
3 computer hardware, fully updated web browsers, used different devices (including phones easily
4 capable of processing pictures), different browsers, different Internet service providers, different
5 networks, and attempted access from different locations, including his home in Contra Costa
6 County. Plaintiff Gilardy also performed internet test speeds for his internet connections
7 (measuring MB per second uploaded and downloaded) and determined that his internet speeds
8 were more than adequate. Notwithstanding his repeated efforts to register, he was only able to
9 submit one of the three registrations he had prepared, and that was only after he had abandoned
10 efforts to submit the joint registration (requiring additional information/documents), and after
11 making no less than 14 attempts to register that firearm. The submission for the other two
12 semiautomatic firearms never went through, due to the DOJ's system defects and failures,
13 including "time outs" which would not allow the information to be submitted. Plaintiff Gilardy
14 spent all week attempting these registrations, including approximately 5 hours on June 30, 2018,
15 to no avail. As a result of the DOJ's failures and system defects, Plaintiff Gilardy was unable to
16 register two of his firearms that he intended to register jointly with eligible family members.

17 42. On information and belief, the DOJ received many other requests for such
18 technical assistance and support from those attempting to complete the required registrations
19 during the last week of June 2018, due to the critical failures and technical issues with the
20 registration system and CFARS throughout this period. On information and belief, in the vast
21 majority of cases, the inquiries were to no avail in attempting to comply with the registration
22 mandate, because the DOJ did not respond or make its staff available to address such inquiries
23 until after the deadline, and then it simply advised the concerned prospective registrants that it
24 was too late to register.

25 43. At all times during this last week of June 2018, therefore, Defendants, and each of
26 them, were on clear notice of the critical technical defects blocking an untold number of law-
27 abiding gun owners from registering their firearms in compliance with the law, including the
28 Plaintiffs herein and many members of the Institutional Plaintiffs. Yet, they failed and refused to

1 rectify the situation in accordance with their statutorily-imposed duties in carrying out the
2 registration process and proceeded to then completely shut down the apparatus for the required
3 registration shortly after midnight on July 1, 2018, and refused to extend the registration period
4 notwithstanding the untold number of registrations that could not be completed as a direct result
5 of the technical failures in the DOJ's own system.

6 44. For past "assault weapon" registration periods, the DOJ was required to "conduct
7 a public education and notification program regarding the registration of assault weapons and the
8 definition of the weapons set forth in Section 30515 and former Section 12276.1," for purposes
9 including "outreach to local law enforcement agencies and utilization of public service
10 announcements in a variety of media approaches, to ensure maximum publicity..." (Penal Code §
11 31115.)

12 45. Institutional Plaintiff FPC, during the legislative cycle, used its resources to
13 advocate for such education and outreach to help their members and the public know and
14 understand their duties under the new laws that would be enacted by Senate Bill 880 and
15 Assembly Bill 1135. (See e.g., Senate Committee of Public Safety analysis of SB 880 ("By
16 moving the goal posts on millions of its own residents, California would create new criminal
17 liability for hundreds of thousands of Californians and California visitors -- including shooting
18 sports competitors -- without so much as a simple outreach program, public service
19 announcement, or mandate that DOJ update the years-outdated (and, in some cases, grossly
20 misleading) information it promulgates in its publications and on its website but refuses to
21 correct in spite of the real consequences to law-abiding people."); Assembly Public Safety
22 Analysis of SB 880 (original formatting modified) ("SB 880 contains no provision for outreach
23 to the millions of Californians who have lawfully acquired firearms that would be subject to SB
24 880's reach. SB 880 contains no provision for educating law enforcement officers or
25 prosecutors—the very people who will have to interpret and enforce it—which will lead to false
26 arrests and ruined lives.")

27 46. For this new "bullet button assault weapon" registration mandate, however, there
28 was no provision, or appropriation for outreach or education for gun owners or law enforcement

1 alike. DOJ did not on its own undertake any meaningful or sufficient steps to help Californians
2 understand the laws and their requirements to comply with them – beginning with registration –
3 other than the “countdown” timer and a few sentences on a “Firearms” sub-page of its Web site,
4 of which many of the affected citizens were likely unaware. Thus, the fate of California gun
5 owners and their legal compliance were largely left to “word of mouth.”

6 47. Because of these and other considerations, on information and belief, many gun
7 owners were not able to or did not undertake efforts to begin compliance through registration
8 until the final weeks of the registration period.

9
10 **FIRST CAUSE OF ACTION**

11 **WRIT OF MANDATE OR OTHER APPROPRIATE RELIEF**

12 **Against All Defendants**

13 48. Plaintiffs incorporate paragraphs 1 through 47 as if fully set forth herein.

14 49. California Penal Code § 30900(b)(1) provides that any person who lawfully
15 possessed a firearm retroactively defined as an “assault weapon,” including those weapons
16 containing bullet button devices, “*shall register* the firearm before July 1, 2018, but not before
17 the effective date of the regulations adopted pursuant to paragraph (5), with the department
18 pursuant to those procedures that the department may establish by regulation pursuant to
19 paragraph (5).” (Emphasis added). Subdivision (b)(2) of this section further provides that
20 “Registrations shall be submitted electronically via the Internet utilizing a public-facing
21 application made available by the [DOJ].” Concomitantly, section 30680 provides an exception
22 to the general prohibition against the possession of “assault weapons” for those, and only those,
23 who lawfully own such firearms *and* register them “by July 1, 2018, in accordance with
24 subdivision (b) of Section 30900.” (§ 30680, subd. (c).)

25 50. Individual Plaintiffs, as discussed above, and the class of similarly-situated
26 individuals they represent, i.e., those California residents who are eligible to own firearms,
27 lawfully possessed a legislatively defined “assault weapon” from January 1, 2001, to December
28 31, 2016, “including those weapons with an ammunition feeding device that can be readily

1 removed from the firearm with the use of a tool,” and attempted registration using the only
2 method of registration authorized, during the week of June 25, 2018, and thereafter, were
3 deprived by Defendants from registering in compliance with Pen. Code §§ 30900(b) and
4 30680(c). On information and belief, and as will be demonstrated at trial, a substantial number
5 of other, similarly-situated members of such class of persons were deprived of, and thereby
6 denied, their ability to register such firearms solely due to the technical limitations, constraints,
7 or failures on the part of Defendants, and each of them, in connection with their unreliable and
8 inadequate process for online registration.

9 51. Defendants had a clear, present, and ministerial duty to implement and enforce
10 policies, practices, and regulations that comply with the requirements of the statutes, as well as
11 the California Constitution and United States Constitution, within the purview of its rule-making
12 and enforcement authority, and to provide its citizens with the ability to properly and timely
13 comply with the law – particularly when the DOJ’s system was the sole available means to do so.

14 52. Plaintiffs, and each of them, and the class of similarly situated individuals
15 described herein, all have a beneficial interest in the proper discharge of the duties that the DOJ
16 must faithfully execute in connection with the “assault weapons” registration process. Plaintiffs,
17 and each of them, and the class of similarly situated individuals described herein, have a
18 beneficial interest in application of the laws in a fair, just and reasonable manner that gives each
19 similarly situated citizen the opportunity to comply with the registration requirements.

20 53. As a result of the Defendants’ failure to implement a properly-operating
21 registration scheme, Plaintiffs, and each of them, have been deprived of the benefit of the laws
22 that would provide them the statutory exemptions necessary to avoid criminal liability and retain
23 the lawful and beneficial use of their statutorily-classified “assault weapons.” Plaintiffs, and
24 each of them, therefore have a beneficial interest in ensuring that the law, and Defendants’
25 implementation of the same through their failed registration process, does not deprive them
26 (and/or their members) of liberty and property interests without due process of law. The actions
27 (or inactions) by the Defendants, and each of them, rises to the level of a deprivation of due
28 process under the United States Constitution, and the Constitution of the State of California.

SECOND CAUSE OF ACTION

Re: Violation of Due Process

Against All Defendants

56. An actual controversy has arisen and now exists between Plaintiffs, and others similarly situated, and Defendants, and each of them, as to the validity and enforceability of statutes prohibiting the possession of “assault weapons” as re-defined by California law, to whether such statutes are void and unenforceable, as applied as to them. Specifically, Plaintiffs, and others similarly situated, claim that they were deprived of due process under the United States Constitution, and the Constitution of the State of California, and otherwise denied of the benefits of the law by Defendants’ failure and refusal to operate, provide, or otherwise allow for a functional public-facing Internet “assault weapons” registration system, as required by Pen. Code § 30900(b)(2).

57. The Fourteenth Amendment to the United States Constitution and article I, section 7 of the California Constitution, each guarantee that no person shall be deprived of life, liberty, or property without due process of law.

58. An actual controversy has further arisen and now exists between Plaintiffs, and the class of similarly situated individuals previously identified, on the one hand, and Defendants, and each of them, on the other hand, as to whether Plaintiffs and the class of persons they represent were deprived of their right or ability to register their firearms as assault weapons by July 1, 2018, as required by Pen Code §§ 30680(c) and 30900(b) and the DOJ's own regulations.

7

9 **INJUNCTIVE RELIEF**

1 60. Plaintiffs incorporate paragraphs 1 through 59 as if fully set forth herein.

61. Plaintiffs, and each of them, individually, as representatives of the previously identified class of similarly situated individuals, and the similarly situated members of the Institutional Plaintiffs the interests of whom are at the core of the institutions' organizational purposes, seek injunctive relief in Plaintiffs' favor, against Defendants, and each of them, prohibiting all Defendants and their agents from enforcing Penal Code §§ 30600, 30605, 30615, 30800, 30900(b) as to each of them, and those similarly situated, until said Plaintiffs, the class of individuals they represent, and the affected members of the Institutional Plaintiffs identified herein, are granted a reasonable opportunity to register their firearms through a functional and reliable registration system.

62. Temporary and permanent injunctive relief are therefore necessary and proper, as plaintiffs will be irreparably injured without such injunctive relief, and the balance of harms weighs heavily in Plaintiffs' favor – particularly as Defendants' failure and refusal to provide a reliable and functional registration to date has left Plaintiffs in jeopardy of criminal liability.

26 //

27 //

28 //

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

1. For judgment in Plaintiffs' favor, against Defendants, and the Court's issuance of a writ of mandate, or other appropriate relief, commanding Defendants, and each of them, and others acting pursuant to their authority or control, to refrain from enforcing Penal Code §§ 30600, 30605, 30615, 30800, 30900(b), and any related agency regulations, and further commanding Defendants, and each of them, to permit Individual Plaintiffs, and those similarly situated, and in an identifiable class, to register their legally-possessed, qualified firearms as "assault weapons" through a reliable and functional registration system pursuant to Pen. Code § 30900(b) for a reasonable period of time beyond the statutory deadline of July 1, 2018;

2. For declaratory relief in Plaintiffs' favor, against Defendants, that Defendants, and each of them, deprived Individual Plaintiffs and others similarly situated of due process under the law, and under the Constitution of the United States and the State of California, and otherwise deprived them of the benefits of the law by failing to operate, provide or otherwise allow for a public-facing Internet registration system, as required by Pen. Code § 30900(b)(2);

3. For declaratory relief in Plaintiffs' favor, against Defendants, that the Individual Plaintiffs, and others similarly situated, were deprived of their right or ability to register their firearms as assault weapons by July 1, 2018, as required by Pen. Code § 30680(c) and the DOJ's own regulations, and that Defendants, and each of them, failed in their statutory mandate to create a properly-functioning, public-facing application for submitting registrations of bullet button assault weapons electronically via the Internet, as required by Pen. Code § 30900(b)(2);

4. For injunctive relief in Plaintiffs' favor, against Defendants, and each of them, prohibiting all Defendants from enforcing Penal Code §§ 30600, 30605, 30615, 30800, 30900(b), and any related agency regulations, as to each of them, and those similarly situated, until said Plaintiffs and members of the class of similarly situated individuals are permitted a reasonable amount of time to register their firearms through a reliable and functioning system;

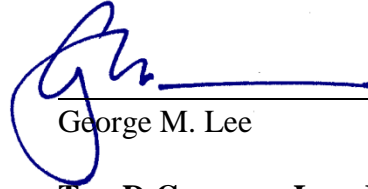
5. That Plaintiffs be awarded their costs of suit incurred in this action, and costs including their attorneys' fees pursuant to Code of Civil Procedure §§ 1021.5 and 1095; and

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6. For other such relief as this court may deem to be just and proper.

Dated: July 10, 2018

SEILER EPSTEIN ZIEGLER & APPLGATE LLP



George M. Lee

THE DIGUISEPPE LAW FIRM, P.C.

/s/ Raymon M. DiGuiseppe

Raymond M. DiGuiseppe

Attorneys for Petitioners

VERIFICATION

I, HARRY SHARP, a plaintiff in this case, have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. I have personal knowledge of and verify as true all those matters alleged therein that specifically concern me and my individual circumstances. As to all other matters alleged therein directly or indirectly bearing upon an adjudication of my rights and/or interests in this case, I am informed, believe, and on that basis allege, that those matters are also true.

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

Dated: 7/9/2018 2:48:50 PM PDT

DocuSigned by:
Harry Sharp
046845275F3A4F4...

HARRY SHARP

VERIFICATION

I, DAVID AJIROGI, a plaintiff in this case, have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. I have personal knowledge of and verify as true all those matters alleged therein that specifically concern me and my individual circumstances. As to all other matters alleged therein directly or indirectly bearing upon an adjudication of my rights and/or interests in this case, I am informed, believe, and on that basis allege, that those matters are also true.

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

Dated: 7/9/18



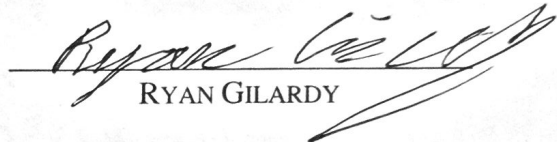
DAVID AJIROGI

VERIFICATION

I, RYAN GILARDY, a plaintiff in this case, have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. I have personal knowledge of and verify as true all those matters alleged therein that specifically concern me and my individual circumstances. As to all other matters alleged therein directly or indirectly bearing upon an adjudication of my rights and/or interests in this case, I am informed, believe, and on that basis allege, that those matters are also true.

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

Dated: 7/10/18


RYAN GILARDY

VERIFICATION

I, GENE HOFFMAN, am the Chairman and President of THE CALGUNS FOUNDATION (CGF), a plaintiff in this action. I am authorized to make this verification for and on behalf of CGF. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. I have personal knowledge of and verify as true all those matters alleged therein that specifically concern CGF and its membership. As to all other matters alleged therein directly or indirectly bearing upon an adjudication of the rights and/or interests of CGF and its membership in this case, I am informed, believe, and on that basis allege, that those matters are also true.

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

Dated: _____

7/9/18



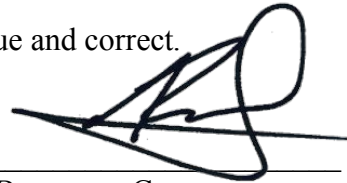
GENE HOFFMAN

VERIFICATION

I, Brandon Combs, am the President of FIREARMS POLICY COALITION (FPC). I am authorized to make this verification for and on behalf of FPC. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. I have personal knowledge of and verify as true all those matters alleged therein that specifically concern FPC and its membership. As to all other matters alleged therein directly or indirectly bearing upon an adjudication of the rights and/or interests of FPC and its membership in this case, I am informed, believe, and on that basis allege, that those matters are also true.

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

Dated: July 9, 2018

A handwritten signature in black ink, appearing to read 'Brandon Combs', is written over a horizontal line.

BRANDON COMBS

VERIFICATION

I, Jonathan Jensen, am the Vice-President of FIREARMS POLICY FOUNDATION (FPF). I am authorized to make this verification for and on behalf of FPF. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. I have personal knowledge of and verify as true all those matters alleged therein that specifically concern FPF and its membership. As to all other matters alleged therein directly or indirectly bearing upon an adjudication of the rights and/or interests of FPF and its membership in this case, I am informed, believe, and on that basis allege, that those matters are also true.

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

Dated: 07-09-2018


JONATHAN JENSEN

VERIFICATION

I, Alan Gottlieb, am the founder and Executive Vice President of SECOND AMENDMENT FOUNDATION (SAF). I am authorized to make this verification for and on behalf of SAF. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. I have personal knowledge of and verify as true all those matters alleged therein that specifically concern SAF and its membership. As to all other matters alleged therein directly or indirectly bearing upon an adjudication of the rights and/or interests of SAF and its membership in this case, I am informed, believe, and on that basis allege, that those matters are also true.

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

Dated: 7/ 9 /2018


ALAN GOTTLIEB

EXHIBIT A



XAVIER BECERRA

Attorney General

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E REMAINING TO REGISTER ASSAULT WEAPONS

PURSUANT TO AB 1135 AND SB 880

00:01:13:29:17

0 weeks, 1 day, 13 hours, 29 minutes and 17 seconds left

EXHIBIT B



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555
Facsimile: (916) 227-0470

February 1, 2018

Brandon Combs
4212 N. Freeway Blvd., Suite 6
Sacramento, CA 95834

Re: Public Records Act Request received January 4, 2018

Dear Mr. Combs:

This letter is in response to your public records request in which you sought records pursuant to the Public Records Act ("PRA") as set forth in Government Code section 6250 et seq. Specifically, you requested the following information:

"Please provide me with a copy of the following records in existence that allow me and the public to determine:

1. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) that were submitted from July 31, 2017, to the present. In lieu of documents I will accept your calculation of the number of applications as a full response to this request.
2. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) that have been approved from July 31, 2017, to the present. In lieu of documents I will accept your calculation of the number of applications that have been approved as a full response to this request.
3. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) that have been denied/rejected from July 31, 2017, to the present. In lieu of documents I will accept your calculation of the number of applications that have been denied/rejected as a full response to this request.
4. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) submitted from July 31, 2017, to the present that are still being processed. In lieu of documents I will accept your calculation of the number of applications still being processed as a full response to this request.

5. The average time it takes to review and make a determination on an "Assault Weapon" registration application under Penal Code section 30900(b) submitted from July 31, 2017, to the present. In lieu of documents I will accept a list of all applications including their respective dates of submission and DOJ's determination of acceptance or denial as a full response to this request.

6. From January 1, 2017, to the present, a copy of all daily, weekly, monthly, or other periodical reports about "Assault Weapon" registrations and applications under Penal Code section 30900(b)."

Here are the responses to your requested information:

1. 4,653 applications to register bullet button assault weapons were submitted for registration in California Firearms Application Reporting System (CFARS).
2. 2,523 applications were approved in CFARS.
3. 200 applications were rejected in CFARS.
4. 1,232 applications are still being processed by the Department.
5. We cannot provide you with an estimate on the time it takes to review and make a determination on an assault weapon registration application because it varies greatly depending on the circumstances.
6. Please find enclosed the information you seek.

Sincerely,



ROBERT D. WILSON
Deputy Attorney General

For XAVIER BECERRA
Attorney General

Enclosure