



Friday, September 7, 2018

The Honorable Governor Edmund G. Brown  
State Capitol, Suite 1173  
Sacramento, CA 95814

### **Assembly Bill 1903 – Request for VETO**

Dear Governor Brown,

I write you today on behalf of Firearms Policy Coalition, a fiercely non-partisan nonprofit organization that promotes individual liberty and sound public policy through litigation, research, education, grassroots outreach, and direct advocacy.

Assembly Bill 1903 (AB 1903) would, for purposes of a voluntary firearms buyback program, as defined, prohibit a city, city and county, county, or the state, in exchange for a firearm, from dispensing a gift card whose issuer is a seller of goods or services that holds a firearms dealer’s license or an ammunition vendor license. Obviously, this measure is intended to expressly discriminate against only law-abiding California small businesses that take extraordinary measures to comply with an incredible number of complex federal, state, and local laws on the commercial sales of firearms—businesses which are necessary for Californians to lawfully access and exercise their fundamental constitutional rights.

Somewhat ironically, the State’s list of licensed firearm dealers and ammunition vendors are not public records, contain confidential information about individuals (as corporations are not licensed by the State), and may not be accessed by persons unless specifically authorized under the statutes. Penal Code § 28475; Cal. Const. Art. I, Sec. 1. Thus, “firearms buyback” organizers would have no lawful mechanism to verify if the gift cards they would provide in exchange for voluntarily-surrendered firearms are those of “a seller of goods or services that holds a firearms dealer’s license . . . or an ammunition vendor license [ ].”

Moreover, the bill’s express text would apply the new restriction exclusively to an “exchange for a *firearm*” – thus allowing the otherwise proscribed gift cards to be exchanged for items that are *not firearms* – e.g., firearm parts and magazines, ammunition, or even used (and non-reusable) AT4 unguided anti-tank weapon launcher tubes, as are sometimes amusingly turned in at some gun buyback events<sup>1</sup>.

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<sup>1</sup> “A bazooka-style rocket launcher was among the firearms turned in at a police-sponsored gun buyback event in San Francisco on Saturday. The shoulder-fired, anti-tank weapon was one of at least 188 firearms that were swapped for cash at the ‘no-questions-asked’ buyback.” *Military Bazooka Among Weapons Turned In at S.F. Gun Buyback*, Dec. 16, 2017, KPIX, online at <https://cbsloc.al/2NndXJe> (cleaned up).

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Indeed, AB 1903 (and the Legislature) altogether misses the bigger picture about firearms buyback programs: These events actually undermine public safety and California's more than 5,000 criminal laws<sup>2</sup>, and allow violent criminals and murderers to not only dispose of evidence (i.e., guns used in crime) but in most cases *get paid* for doing as much *with no questions asked*.<sup>3</sup>

In California, violent criminals and murderers can simply walk up to a firearm buyback event, and, with no questions asked, hand over firearms—firearms that they may not own, may have stolen, may not lawfully possess, may have used in serious crimes, etc.—without any fear of being identified, investigated, or prosecuted by law enforcement.<sup>4</sup> That just doesn't make sense. The perverse incentives created by no-questions-asked buybacks are not only counter-productive—they are irrational.<sup>5</sup>

And so is AB 1903.

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<sup>2</sup> “California’s criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior.” October 3, 2015 veto message of Gov. Jerry Brown regarding nine bills, online at <http://bit.ly/2EVgUsU>.

<sup>3</sup> “Gun buybacks are events where individuals can turn in firearms to law enforcement, usually with no questions asked, and receive some kind of compensation in return.” *About Buybacks*, GunXGun organization, online at [http://www.gunxgun.org/buybacks\\_faq](http://www.gunxgun.org/buybacks_faq). The “City of Los Angeles Gun Buyback initiative rewards the voluntary surrender of firearms . . . [i]n partnership with the LAPD, the gun buyback effort secures neutral locations throughout the city where individuals can surrender their firearms, no questions asked,” *Anonymous Gun Buyback*, GRYD Foundation, online at <http://bit.ly/2GOLrZY>.

<sup>4</sup> “What is the quickest way to get rid of a murder weapon? Unfortunately, in some cities, it is turning it over to the police department and getting paid to do so. At some of these “no questions asked” gun “buy-backs,” the police will even melt the weapon down in front of you. Assemblyman Mike Gatto introduced legislation, AB 2662, to ensure that evidence surrendered to the police at gun buy-back programs is properly tested and identified. The legislation would prohibit agencies from administering handgun buy-backs without conducting basic tests.” “Mike Gatto Introduces Legislation to Prevent Evidence Destruction at Gun Buy-Back Programs,” Craig Sherwood, August 18, 2014, MyBurbank.com, online at <http://bit.ly/2BTls4h>.

<sup>5</sup> Recent news on these buyback events paint the picture: “Someone handed over a bazooka to SF police and got cash, no questions asked,” Michael McGough, Sacramento Bee, December 16, 2017, online at <http://bit.ly/2F1mPwu>; “Gun Buyback Event Scheduled in San Diego, No Questions Asked,” Toni McAllister, Times of San Diego, November 29, 2017, online at <http://bit.ly/2sZD3VD>; “San Diego gun buyback is so popular, police ran out of money,” Teri Figueroa, L.A. Times, December 3, 2017, online at <http://lat.ms/2GNWe6z>.

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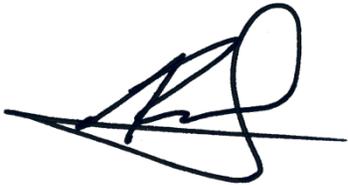
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Assembly Bill 1903 is a discriminatory bill that does not advance public safety at all. And it walks right past the real issues of firearm buybacks to take a political cheap shot at licensed California gun dealers and their customers.

The bill doesn't make sense.

We respectfully ask for your veto of Assembly Bill 1903.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandon Combs', with a large loop at the end and a horizontal line extending to the left.

Brandon Combs  
President