



LCAV Case Study
**Confirming Local Authority to Regulate Ammunition—
Research and Advocacy for Albany, New York's Ordinance to Record Ammunition Sales**

The Challenge: The sale of ammunition is largely unregulated in the United States. Although the federal Gun Control Act of 1968 required that ammunition retailers record all ammunition sales transactions, the NRA-backed Firearms Owners Protection Act of 1986 repealed this requirement (except for armor-piercing ammunition). Despite the lack of federal oversight of ammunition sales, very few states regulate ammunition. In New York, for example, firearms dealers must keep records of handgun sales but are not required to keep records of sales of handgun ammunition. Similarly, New York requires handgun purchasers to be licensed but does not require that purchasers of handgun ammunition prove they are authorized to possess a handgun.

In an effort to address these loopholes in New York law, Dominick Calsolaro, a member of the City of Albany's Common Council, drafted an ordinance requiring ammunition sellers to keep detailed records of all transactions, and requiring that handgun ammunition be sold only to buyers displaying a valid license to purchase a handgun. However, the City's Corporation Counsel blocked introduction of the ordinance claiming it was unlawful.

LCAV's Role: Council Member Calsolaro asked LCAV to evaluate whether Albany had the authority to enact the ammunition ordinance, or whether it would be preempted by state law. He also asked LCAV to examine similar regulations in other jurisdictions. We provided a detailed legal analysis addressing the issue of state preemption of the ordinance and summarized related laws in twenty-one jurisdictions.

Results: After reading LCAV's analysis, the Corporation Counsel dropped his objection to the ordinance, allowing Council Member Calsolaro to introduce it in the Common Council in September 2004. LCAV submitted a letter supporting the ordinance, explaining how the ordinance would complement existing state law and describing how a similar ordinance is helping the Los Angeles Police Department identify and investigate unlawful ammunition purchases. The Council passed the ordinance in December 2005. Now, when ammunition is sold in Albany, sellers must record information about the ammunition, the purchaser, the firearm for which the ammunition is purchased, the transaction date and time, and the purchaser's handgun license number if the ammunition can be used in a handgun. In addition, handgun ammunition may only be sold to purchasers with a valid handgun license. This common sense regulation is expected to reduce the purchase of ammunition by prohibited purchasers and assist law enforcement in investigating illegal ammunition sales in Albany.

LCAV is a public interest law center dedicated to preventing gun violence. Formed in the wake of the 1993 assault weapon massacre at 101 California Street in San Francisco, LCAV provides free legal assistance to activists and public officials, including law enforcement and government attorneys, working to prevent gun violence. To learn more about our services or to request assistance, visit our web site, www.lcav.org, the nation's most comprehensive source for information on U.S. firearms regulation.

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