



LCAV Case Study **Helping Communities Restrict Illegal Firearm Sales – Research and Advocacy Supporting the Regulation of Gun Shows in California**

The Challenge: In recent years, a series of federal and state studies and investigations have concluded that gun shows are a major source of illegal firearm sales and trafficking nationwide. A 1999 sting operation by the California Department of Justice confirmed that the gun shows, which are often held on publicly-owned property, posed a serious problem in California. That investigation uncovered the sale of numerous illegal weapons and accessories at a gun show at the Los Angeles County Fairgrounds, as well as violations of state laws requiring background checks and a 10-day waiting period for firearm sales. A mass shooting at the Alameda County Fairgrounds during the 1998 County Fair underscored the deadly problem of guns on public property.

In response to these events, California counties began to take action to ban the sale or possession of guns on public property. Specifically, in September 1999, the Los Angeles County Board of Supervisors adopted an ordinance banning the *sale* of firearms and ammunition on county-owned property, and the Alameda County Board of Supervisors passed an ordinance prohibiting the *possession* of firearms and ammunition on county-owned property. Concerned residents in Marin County also pressed their Board of Supervisors to take similar action.

LCAV's Role: Gun show promoters immediately challenged the ordinances adopted in Los Angeles and Alameda Counties. LCAV attorneys coordinated the filing of *amicus curiae* (“friend of the court”) briefs in both the California Supreme Court and the Ninth Circuit Court of Appeals, which were submitted on behalf of violence prevention organizations and local governments across the state. In 2002, the California Supreme Court rejected preemption challenges to both ordinances, reaffirming the rights of local governments in California to adopt laws to reduce gun violence. In 2003, the Ninth Circuit rejected First and Second Amendment challenges to the Alameda County ordinance, and remanded the case to the trial court for further proceedings.

Throughout the litigation, LCAV worked with gun violence prevention activists in Marin County and with the Office of the Marin County Counsel to keep them apprised of developments in the litigation. In 2003, after the success in the California Supreme Court and the Ninth Circuit, Marin County proceeded with the adoption of an ordinance similar to the Alameda County ban on possession of firearms and ammunition on county-owned property. LCAV attorneys spoke at the public hearing in support of the ordinance and provided legal research and written analysis to the Office of the County Counsel regarding constitutional issues raised by opponents of the measure. LCAV also secured *pro bono* counsel to be on call, prepared to defend the County after a gun show promoter threatened to file suit to challenge the ordinance.

Results: To date, Marin County’s ordinance has not been challenged. San Mateo County and Sonoma County also have adopted ordinances prohibiting the possession of firearms and ammunition on county-owned property. These local laws, together with the sales ban adopted by Los Angeles County, stand as powerful tools for curbing the flow of illegal guns in California.

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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