



LCAV Case Study
Interpreting Legislative Language —
Research and Analysis in Support of Effective Regulations to Curb Unintentional Shootings

The Challenge: In September 2003, California Governor Gray Davis signed into law the strongest handgun safety legislation in the nation. LCAV provided legal expertise that contributed to the passage of the bill by the Senate (see LCAV Case Study “Lending Expertise to Groundbreaking Legislation – Research in Support of California’s Handgun Safety Law”). The law requires that chamber load indicators or magazine disconnect mechanisms be added to all new designs of semi-automatic handguns manufactured or sold in California by January 1, 2006. All new semi-automatic handgun designs must include both safety features by January 1, 2007.

In addition to this groundbreaking requirement, the new law contains a detailed definition of “chamber load indicator.” The law defines a chamber load indicator as a “device that plainly indicates that a cartridge is in the firing chamber.” The statute goes on to explain that “a device satisfies this definition if it is readily visible, has incorporated or adjacent explanatory text or graphics, or both, and is designed and intended to indicate to a reasonably foreseeable adult user” without requiring reference to a user’s manual, whether or not the gun is loaded. Because many existing chamber load indicators are difficult to use and ineffective, the bill’s author included this definition and detailed description to require the gun industry to design effective chamber load indicators, so that even a first-time firearm user can determine immediately whether or not a firearm is loaded.

After the bill was signed, the Firearms Division of the California Department of Justice was charged with drafting regulations to implement the new law. The gun industry argued that the statute’s detailed description of a device that satisfies the definition of a chamber load indicator could be interpreted as merely one example of a device that would comply with the statute. The industry claimed that other, less effective devices (including the devices currently available) would also satisfy the statutory definition, and that the Firearms Division was obligated to draft regulations reflecting this interpretation. Regulations satisfying the industry’s interpretation would have significantly weakened the legislation because handguns with confusing, ineffective chamber load indicators would do little to prevent unintentional shootings by inexperienced users.

LCAV’s Role: An aide to State Senator Jack Scott, the bill’s author, contacted LCAV for a legal evaluation of the Firearms Division’s duties under the state Administrative Procedure Act. LCAV researched the issue and provided an analysis which clearly showed that the Firearms Division had a duty to enforce the clear intent of the statute, including the detailed definition of chamber load indicator.

Results: Using LCAV’s research and analysis, Senator Scott’s office convinced the Firearms Division to reject the industry’s strained interpretation of the statute. The Division promulgated regulations, which took effect in May 2006, that explicitly provide that a chamber load indicator must meet all of the conditions set forth in the detailed definition in the statute. Gun manufacturers are now required to equip their handguns with effective chamber load indicators, making guns safer even for inexperienced users.

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.

July 2006