



## *LCAV Case Study* **Lending Expertise to Groundbreaking Legislation – Research in Support of California’s Handgun Safety Law**

**The Challenge:** In the United States, the unintentional discharge of firearms results in thousands of deaths and injuries annually, a statistic often lost in national discussions about gun violence. According to the California Department of Health Services, an average of 83 Californians die each year as a result of unintentional shootings. More than one-third of these victims are under age 20. Over the last 10 years in California alone, 3300 young people have been killed or injured in unintentional shootings. A 1991 U.S. Government Accounting Office study in ten cities found that chamber load indicators alone would prevent 23 percent of unintentional shooting deaths. Recent research at Johns Hopkins University confirms these results. At present, however, unlike other consumer products, the federal government imposes no safety requirements on the manufacture and sale of handguns.

In 2003, California State Senator Jack Scott introduced Senate Bill 489, requiring that chamber load indicators or magazine disconnect mechanisms be added to all new designs of semi-automatic handguns manufactured or sold in California by 2006. The bill further requires that all new semi-automatic handgun designs include both safety features by 2007.

The proposed legislation was the first of its kind. No other state required both chamber load indicators and magazine disconnect mechanisms. Gun violence prevention advocates, led by the Coalition to Stop Gun Violence, strongly supported the measure, and lobbied tirelessly to win its approval. The National Rifle Association also worked aggressively to defeat the bill. Although an earlier version of the bill passed the California Senate in June 2003, the NRA launched another attack on the legislation while a vote was pending on proposed amendments. The NRA argued that language referring to a “reasonably foreseeable adult user” was vague and likely to be challenged through lengthy, expensive litigation. This argument seemed to persuade one senator who previously had supported the bill. Without this swing vote, the legislation was certain to fail.

**LCAV’s Role:** With the legislation in jeopardy, an aide in Senator Scott’s office contacted LCAV to assess the legal basis of the NRA’s assertion. LCAV immediately undertook a thorough analysis of California law – and especially the term “reasonably foreseeable user” – to counteract the flawed NRA argument. LCAV’s research determined that the NRA’s argument was spurious; in fact, LCAV discovered that more than 50 other California laws use language identical or similar to the language under attack by the NRA. LCAV attorneys prepared an analysis for Senator Scott, which in turn was provided to the Senator’s colleague who had been persuaded by the NRA’s claims.

**Results:** LCAV’s research and analysis provided convincing documentation that the NRA’s argument was baseless, and gave Senator Scott and other sponsors of the bill the confidence to call a vote on the bill, secure in the knowledge that the NRA’s criticism had been diffused. Both houses approved Senate Bill 489 in September 2003, and Governor Gray Davis signed the bill into law later that month. California now has the strongest handgun safety law in the nation, one that will save the lives of California children and that has the potential, given the size of the California market, to compel the redesign of firearms sold throughout the country.

*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](http://www.lcav.org), the nation’s most comprehensive source for information on U.S. firearms regulation.*

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