

## HELP OPPOSE ILL-CONCEIVED SAN MATEO GUN CONTROL PROPOSALS

Written by C D Michel

Thursday, 10 December 2009 17:55 - Last Updated Thursday, 10 December 2009 20:53

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12/10/09: Next Tuesday morning at 9:15a.m., time specific, the full Board of Supervisors of San Mateo County ("BOS") will consider and vote on whether to adopt two ordinances that impact the rights of lawful gun owners in that County.

One ordinance will require that all firearms that are lost or stolen be reported to law enforcement within 48 hours of when the owner knew or should have known it was lost or stolen. (See [Duty to Report Ordinance](#)

). Tragically, rather than deter fraudulent gun sales, this ordinance would turn victims of gun theft into criminals, and make people whose guns have been lost or stolen wisely hesitant to assist police for fear of prosecution. The other ordinance is an extensive hyper-regulation of firearm, firearm component, and ammunition vendors. (See

[Dealer Ordinance](#)

). This ordinance would create new classes of "dealers" requiring a license to operate, and require these dealers to procure a "law enforcement permit." As a condition of getting such a permit, applicants would among other things, 1) be required to purchase a minimum \$1,000,000 liability insurance policy, 2) prohibit persons under 21 years of age to enter a businesses premises if handguns are sold, kept or displayed, and 3) find a practically non-existent location for the business that is not in a residential zone, nor within 1,500 feet of any school, pre-school, day-care facility, park, community center, place of worship, liquor store, bar, youth center, video arcade, amusement park, or another dealer. Because there are so many of these, the ordinance would basically make it impossible for a dealer to find a location to operate.

The aggressive package of ordinances is the Legal Community Against Violence's ("LCAV") most recent attempt to push its gun ban agenda locally, while pushing the "envelope" of the legal doctrine of preemption as outlined in the Fiscal v. City and County of San Francisco case (which limits the authority of local governments to regulate firearms and ammunition).

The ordinances to be considered by the BOS are whole cloth model ordinances written and pushed by LCAV. (See LCAV Memoranda: [1\) Reporting Requirement here](#) ; and [2\) Dealer Requirements here](#)

). In San Mateo's case, LCAV has used the Association of Bay Area Governments ("ABAG") to serve as a marketing network through which it can shop its anti-gun-owner agenda. This is evidenced by a September 9, 2009 memorandum distributed by the President of ABAG, Rose Jacobs Gibson, who is not coincidentally also a Supervisor on the San Mateo BOS (who will be voting on this on Tuesday). As President of ABAG, Gibson has encouraged ABAG members to adopt the very ordinances currently being considered by the BOS. (

[See Gibson Memorandum](#)

). Despite her efforts to convince ABAG members, San Mateo is the first jurisdiction to consider

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the package.

Despite LCAV's biased representations of the legal soundness of these ordinances, they are clearly illegal in most instances, and are at best "grey areas" of the law subject to test case litigation in others. Civil rights attorneys from the law firm of Michel & Associates have drafted a letter on behalf of NRA and CRPA rebuking the legality of the ordinances and served the BOS and County Counsel with the letter. ( [See NRA Dealer Letter](#) ). NRA has also submitted a letter to the County District Attorney and Sheriff explaining the practical problems for law enforcement with the duty-to-report ordinance. (

[See NRA Duty to Report Letter](#)

). The California Rifle and Pistol Association ("CRPA") has also weighed in separately on the issue, submitting a letter to the BOS offering examples of effective, violence reducing programs that exist as alternatives to these ill-conceived, counterproductive ordinances that only serve to burden law abiding gun owners and sellers. (

[See CRPA Letter](#)

). Letters from the California Association of Firearms Retailers and [www.CalGuns.com](http://www.CalGuns.com) are also expected.

Please voice your opposition to these proposals. For information and action tools visit [www.CalNRA.com](http://www.CalNRA.com)

. Make your voice of opposition heard by the BOS!