

GCLA Notes – 6 November 2018

For the last two months, I reported that about a dozen states have passed “Red Flag Gun Seizure” legislation, also known as “Extreme Risk Protection Order (ERPO)” laws. I presented an in depth review of the new proposed Missouri legislation, House Bill 1340. I also discussed in depth the moderate Red Flag bill introduced by Senator Marco Rubio, in the US Senate known as Senate Bill 2607.

It turns out, that quietly, a Red Flag Gun Seizure bill was proposed in the US Senate on 22 March 2018, by Senator Marco Rubio.

According to the Missouri Firearm Coalition, the Missouri House Bill will be re-introduced in the next legislative session in January 2019. It will have a different number, but most probably the same sponsor, Stacy Neuman. It may be beefed up with additional verbiage, given the (Liberal’s view of) successes of the current laws in several states.

Since the US congress essentially never ends, rather just kicks the cans down the road, SB 2607 will probably get some traction in the Senate early in 2019, especially since the Left has regained the house and promise to make gun control a #1 focus.

Here are some other Headlines that I find newsworthy, and even disturbing.

- a. Prepared Gun Owners magazine, 6 Nov 2018, **Cops Shoot & Kill Man During “Red Flag” Gun Seizure.**
- b. The Washington Times newspaper, 5 Nov 2018. **MD officers serving “red Flag” gun seizure fatally shoot armed man.**
- c. WDEF (CBS affiliate) tv & radio, 6 Nov 2108. **Maryland: Cops Shoot Man To Death In His Home for Resisting Gun Confiscation.**

- d. NRA-ILA, Nov 6 2018. **Former ATF Agent Pulls Mask Off Giffords’s Plans for Federal AR-15 Legislation.** *(This article discusses the push by several gun control groups and the ATF to declare any AR-15 and AR-10 based firearms under control of the National Firearms Act, and therefore be registered like automatic weapons, with tax stamp, waiting period, regulations, controls, and bureaucratic paperwork. There was no mention of the AK, SK or similar platforms in this article.)*

- e. NRA-ILA, Nov 6 2018. **Lawmakers Drafting Bill That Would Allow Social Media Checks Before Gun Purchase.** *(This article discusses New York legislation to require a social media review as part of a background check before purchasing a firearm. The legislation **requires a three-year search of social media history, and a one-year search of internet search history.** Think about what I just quoted).*
- f. NRA-ILA, Nov 6 2018. **California Bans Gun Sales To People Under 21.** *(Ignoring Federal law which allows persons 18 to 21 years of age to purchase and possess a rifle or shotgun, California has banned this right to its citizens. This is not pending legislation, this is now law. **A parallel signed law by Governor Brown, bans people with domestic violence misdemeanors from owning guns for LIFE.**)*
- g. Miami Herald article by Theresa Mull, Nov 3 2018. **Nancy Pelosi Promises Dems Will Make Gun Control a Priority Next Session.** *(Assuming that the Left would recapture the House, which they did on the Nov 6th election, Nancy Pelosi was quoted as saying “her party would make taking away your guns a priority next session”)*
- h. And more from the Peoples Democratic Republic of California. **These are recent laws that have passed and have been enacted.**

See next page:

- Penal Code section 32310 and 32311: In addition to the current restrictions on manufacturing, importing, selling, giving and lending large capacity magazines, the law now prohibits buying and receiving to the list of prohibited activities. Additionally, the law now prohibits a person from manufacturing, importing, selling, giving, lending, buying or receiving “large capacity magazine conversion kits.” A “large capacity magazine conversion kit” is a device or combination of parts of a fully functioning large-capacity magazine, including, but not limited to, the body, spring, follower, and floor plate or end plate, capable of converting an ammunition feeding device into a large-capacity magazine. Possession of large capacity magazines and large capacity magazine conversion kits are still not illegal.
- Penal Code section 25100: With certain exceptions, if you keep a loaded firearm in your residence, and a person prohibited from possessing firearms gains access to the firearm and that person hurts him or herself, someone else or carries the firearm into a public place, you can be prosecuted. In addition, you can commit “criminal storage in the third degree” if you keep a loaded firearm within any premises where you know or should know a child is likely to gain access to the firearm.
- Penal Code section 28220: If the California Department of Justice cannot determine whether a person is prohibited from owning or possessing firearms as a result of a criminal case, mental health commitment, or has attempted to purchase a handgun within the last thirty days, the DOJ can only delay the transaction for up to thirty days while it tries to figure out whether the person is prohibited from possessing or receiving firearms. After thirty days the licensed dealer may release the firearm but is not required to do so.
- Penal Code sections 28210 and 28215: A dealer is required to provide a copy of the Dealer’s Record of Sale (DROS) to the firearm purchaser.
- Penal Code sections 29810, 29825, 29830, 33870: When a person is prohibited from owning and possessing firearms by a court order with a specified date of termination, that person has the option to store their firearms with a licensed firearm dealer. ***(But not family.)***
- Health and Safety Code sections 8100 and 8105: Those who communicate serious threats of physical violence against an identifiable victim to a psychotherapist are prohibited from owning and possessing firearms for five years. The psychotherapist is required to report the threat to law enforcement within 24 hours. A person prohibited this way may petition for the restoration of their firearm rights.

And new legislation introduced:

- SB 1487 (Stern, D), is perhaps the greatest example of our legislature’s hubris. In an act that painfully showcases their exaggerated sense of self-importance, the legislature is attempting to make African hunting illegal.