



CAL-ERT 07/08/08 --- 5:00 PM

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## CALIFORNIA LITIGATION UPDATE

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*This information is accurate at the time this CAL-ERT was written and originally distributed. The [NRA Members' Councils of California](#) will keep you informed as the legislative and/or litigation situation changes in California.*

### NRA LEAD CIVIL RIGHTS COALITION DEMANDS SAN FRANCISCO REPEAL ITS “ULTRA-COMPACT” HANDGUN BAN

Today attorneys for a National Rifle Association (NRA) lead coalition of self-defense civil rights advocacy groups sent a pre-litigation demand letter to San Francisco officials demanding the repeal of the San Francisco ordinance (municipal code section 613.10-2) that bans the sale of “ultra-compact” (less than 6 3/4 inches long or 4 1/2 inches tall) handguns. The ordinance was passed in 2000 at the behest of attorneys for the gun ban lobby. Oakland, San Francisco, and Los Angeles passed the ordinance, misinterpreting gun “trace” data to support their claim that the “ultra-compact” handguns were used more often in crime. A similar letter was sent to Oakland in June. Copies of the letters are posted at [www.calgunlaws.com](http://www.calgunlaws.com).

If San Francisco refuses to repeal the ordinance, the letter makes it more likely that San Francisco will be forced to pay NRA’s attorney fees when the coalition prevails in court. The NRA lead coalition includes the California Rifle and Pistol Association, the Second Amendment Foundation, Pink Pistols, the California Association of Firearm Retailers, and others.

Since the ordinance was passed crime has increased in San Francisco, and the proportional misuse of small or medium sized handguns in crime has not decreased. Though failing to dent the City’s crime problem, the ordinance has had the effect of discriminating against women and the disabled, for whom a small stature or physical disability often makes a smaller framed firearm the best or only option. Interestingly, all of the revolvers from Smith & Wesson, Sturm Ruger, Rossi and Taurus that have less than a 2 1/2 inch barrel are banned by the ordinance. These high quality and reliable short barreled revolvers have for more than 30 years been the overwhelming choice of law enforcement for back-up firearms, and are generally safer for use by a person who is an infrequent user of their firearm.

The pre-litigation demand letter cites two recent court rulings to support its demand that the ordinance be repealed. First, the Supreme Court decision in *District of Columbia vs. Heller* confirmed that the Second Amendment protects a fundamental individual right, as the coalition’s members have been saying all along. Second, a recent Court of Appeals decision (which the California Supreme Court declined to overturn) clarified that local government authority to regulate firearms is very limited. In *Fiscal v. City and County of San Francisco*, the court carefully analyzed the law regarding the preemption of local firearms ordinances. The *Fiscal* court analyzed the provisions of the “Unsafe Handgun Act” (UHA), and ruled that any firearms authorized for sale under the UHA could not be prohibited from sale by local governments. Approximately 40 handguns specifically tested and approved for sale under the UHA are prohibited from being sold by the ordinance.

The NRA brought the *Fiscal* suit to challenge San Francisco’s Proposition H civilian handgun ban, with assistance from the Second Amendment Foundation. All members of the coalition filed valuable and significant amicus briefs in both cases.

C. D. "Chuck" Michel  
Managing Partner  
TRUTANICH-MICHEL, LLP, Attorneys at Law  
Los Angeles Office  
180 East Ocean Blvd., Suite 200  
Long Beach, CA 90802  
Phone: 562-216-4441 / Fax: 562-216-4445  
Email: [cmichel@tmlp.com](mailto:cmichel@tmlp.com)  
Website: [www.chuckmichel.com](http://www.chuckmichel.com)  
Gun law info: [www.calgunlaws.com](http://www.calgunlaws.com)

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Continue to monitor the latest legislative updates at: <http://NRAMembersCouncils.com/legs.shtml>

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This CAL-ERT can be found on the Internet at: <http://www.CALNRA.com/calerts/calert070808.shtml>

*CAL-ERTs are provided as a free service to all gun owners and Pro-2nd Amendment organizations by the [NRA Members' Councils of California](#). Please work together with the NRA and help once again defeat the misguided efforts of the anti-gun fringe groups by cross-posting this CAL-ERT via the Internet, newsletters/publications and hand-outs. The CALifornia-alERT system is operated by NRA staff and volunteers operating within the [NRA Members' Councils Program](#).*

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