



June 21, 2022

The Honorable Steven Bradford, Chair
 Senate Public Safety Committee
 1020 N Street, Room 545
 Sacramento, CA 95814

RE: AB 1227 (As Amended June 9, 2022) – STRONG OPPOSE

Dear Senator Bradford:

The undersigned wildlife conservation organizations must strongly oppose AB 1227 – legislation which would impose an additional excise tax of 10% on the sales price of a handgun, and an 11% excise tax on the sales price of a long gun, firearm precursor part, and ammunition sold in California. AB 1227 would require the revenues collected to be deposited in the Gun Violence Prevention, Healing, and Recovery Fund and used to fund gun violence prevention, education, and research programs.

All of California’s law-abiding citizens benefit from efforts to implement programs which remediate the impacts of illegal gun violence upon our public, and all should equally help to fund their implementation. Yet, AB 1227 would unjustifiably place the entire burden of funding efforts to address illegal gun violence on the backs of law-abiding hunters and other citizens who legally purchase and lawfully use firearms and ammunition. AB 1227 would unreasonably place this additional tax on firearms, firearms parts, and ammunition at a time when California has a substantial budget surplus, and the state has just recently made a record \$209 million in funding available for programs intended to address illegal firearm violence.

Lawful hunters and recreational shooters already pay an 11% excise tax on long guns, ammunition, archery, and other hunting equipment, as well as a 10% excise tax on handguns, pursuant to federal Pittman-Robertson Act (PR). But those dollars are allocated back to states to fund beneficial programs – including wildlife habitat projects that benefit game and non-game species. This year alone, the California Department of Fish and Wildlife will be allocated over \$30 million in federal PR dollars – monies which will fund a large portion of our state’s wildlife management, conservation, and research efforts. By doubling the excise tax law-abiding hunters and shooters already pay on all firearms and ammunition, AB 1227 would effectively raise the total tax rate on these items to nearly 30% – notably reducing their sales and, in turn, the associated federal PR funding allocated back to California for important wildlife conservation and management efforts.

Further, by substantially raising the cost of guns and ammunition, AB 1227 would disproportionately impact the ability of the poor, and disadvantaged people of color to protect themselves and their loved ones, as well as their

equitable access to hunting and shooting sports – at a time when the Administration and the Legislature are seeking to increase participation in outdoor recreation and access for all Californians.

All of California's citizens support and benefit from efforts intended to address the negative impact the criminal use of firearms has upon our law-abiding public. Yet, AB 1227 would wrongly place the entire burden of funding initiatives intended to mitigate the harms caused by illegal gun violence on a very small segment of our law-abiding public. AB 1227 would do nothing to reduce criminal use of firearms, but would inequitably harm California's lawful hunters and shooters, our wildlife and their habitats, and disproportionately impact disadvantaged communities and the ability of the economically challenged to keep themselves and their families safe by exercising their Second Amendment rights.

For all the above reasons, we urge your strong opposition to AB 1227 when the bill comes before your Senate Public Safety Committee on June 28th.

Sincerely,

Ryan Bronson, Director of Government Affairs
Rocky Mountain Elk Foundation

Don Martin, President
California Chapter – Wild Sheep Foundation

Lori Jacobs, President
California Houndsmen for Conservation

Adam Chavez, President
California Hawking Club

Dan Whisenhunt, Chief Executive Officer
California Deer Association

Steve Chappell, Executive Director
Suisun Resource Conservation District

Fred Harpster, President
Black Brant Group

Mark Hennelly, Vice President of Government Relations
California Waterfowl Association

Steve Miller, President
Tulare Basin Wetlands Association

Gary F. Brennan, President
San Diego County Wildlife Federation

Corey Thompson, President
Cal-Ore Wetland and Waterfowl Council

Chriss Bowles, President
California Bowmen Hunters/State Archery Association

James Stone, President
Nor-Cal Guides & Sportsmen's Association

Roy Griffith, Legislative Director
California Rifle & Pistol Association

Lisa C. McNamee, Legislative Coordinator
California Chapters – Safari Club International

Keely Hopkins, Western States Coordinator
Congressional Sportsmen's Foundation

Steve Hunter, President
Golden Gate Chapter - Safari Club International

Cyrus Baird, Senior Director of Government Affairs
Delta Waterfowl

Cathie Nelson, President
San Francisco Bay Area Chapter - Safari Club International

Dawnita Harwood, President
California State Chapter – National Wild Turkey Federation

cc: Members, Senate Public Safety Committee
The Honorable Marc Levine, Author



June 21, 2022

The Honorable Assembly Member Mark Stone, Chair
 Assembly Judiciary Committee
 1020 N Street, Room 104
 Sacramento, CA 95814

RE: SB 505 (As Amended June 16, 2022): Firearms: Liability and Insurance - OPPOSE

Dear Assemblymember Stone,

The undersigned wildlife conservation organizations respectfully ask you to strongly oppose SB 505 – legislation which would require law-abiding firearm owners to maintain a gun liability insurance policy covering losses or damages resulting from any negligent or accidental use of that firearm, including death, injury, or property damage.

SB 505 seeks to impose an unconstitutional insurance requirement on law-abiding gun owners who have a right to keep and bear arms under the Second and Fourteenth Amendments to the United States Constitution by preconditioning exercise of that fundamental right on their obtaining insurance coverage from a private third-party that has the discretion to refuse that coverage – assuming that such insurance is even available.

Case law makes it clear SB 505 is a violation of the U.S. Constitution in its attempt to charge an unlawful tax for enjoying a constitutional granted right. In *Murdock v. Pennsylvania*, 319 U.S. 105 (1943), the United States Supreme Court held that government “may not impose a charge for the enjoyment of a right granted by the federal constitution” because “a person cannot be compelled to purchase, through a license fee or a license tax, the privilege freely granted by the constitution.” *Id.* at 112. The Murdock Court qualified that general rule by indicating that local governments may impose a fee when constitutionally protected activity is involved, but only if the fee is imposed “as a regulatory measure and calculated to defray the expenses of policing the activities in question.” It is not permissible, however, to impose “a flat license tax levied and collected as a condition” to the “enjoyment of a right granted by the Federal Constitution” and “unrelated to the scope of the activities of [the fee payer].”

Further, the United States Supreme Court has concluded that “[s]elf-defense is a basic right, recognized by many legal systems from ancient times to the present day, and . . . individual self-defense is ‘the central component’ of the Second Amendment right.” *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010) (quoting *Heller*, 554 U.S. at 628). The Court has held that the “arms” protected by the Second Amendment are those “typically possessed by law-abiding citizens for lawful purposes” contemporarily, and restrictions on such arms are especially suspect when they extend “to the home, where the need for defense of self, family, and property is most acute.” *Heller*, 554 U.S. at. See *id.* at 624-25, 628; see also *Caetano v. Massachusetts*, 577 U.S. 411 (2016).

Similar in nature to a recently passed San Jose City Ordinance that is now being challenged in the courts, SB 505 is nothing more than an effort to decrease gun ownership by California’s law-abiding citizens by increasing their cost of owning a firearm. In addition, lawful hunters and recreational shooters pay a substantial excise tax on all firearms, ammunition, archery, and other hunting related equipment pursuant to federal Pittman-Robertson Act (PR). Those dollars are allocated back to states to fund beneficial programs – including wildlife habitat projects that benefit game and non-game species. This year alone, the California Department of Fish and Wildlife will be allocated over \$30 million in federal PR dollars – monies which will fund a large portion of our state’s wildlife management, conservation, and research efforts. Require California’s law-abiding firearm owners to maintain a gun liability insurance policy would only substantially disincentivize the purchase of firearms and ammunition, – notably reducing their sales and, in turn, the associated federal PR funding allocated back to California for important wildlife conservation and management efforts.

Additionally, by substantially raising the cost of owning a firearm in California, SB 505 would disproportionately impact the ability of the poor, and disadvantaged people of color to legally own a gun to protect themselves and their loved ones, as well as their equitable access to hunting and shooting sports – at a time when the Administration and the Legislature are seeking to increase participation in outdoor recreation and access for all Californians.

The undersigned wildlife conservation organizations stand with you regarding the need for legislation aimed at reducing the illegal use of firearms and getting criminals off our streets and out of our communities. Yet, SB 505 would wrongly go after law-abiding gun owners who have nothing more to do with illegal firearms violence than any other segment of our lawful public.

SB 505 would do nothing to reduce criminal use of firearms, but would unlawfully tax California’s law-abiding hunters and shooters, impact our wildlife and their habitats, and disproportionately affect disadvantaged communities and the ability of the economically challenged to keep themselves and their families safe by exercising their Second Amendment rights.

It is because of all the above reasons that we respectfully ask you to oppose SB 505 when the legislation is heard in your Assembly Judiciary Committee on June 28th.

Sincerely,

Don Martin, President
California Chapter – Wild Sheep Foundation

Ryan Bronson, Director of Government Affairs
Rocky Mountain Elk Foundation

Lori Jacobs, President
California Houndsmen for Conservation

Adam Chavez, President
California Hawking Club

Dan Whisenhunt, Chief Executive Officer
California Deer Association

Steve Chappell, Executive Director
Suisun Resource Conservation District

Fred Harpster, President
Black Brant Group

Mark Hennelly, Vice President of Government Relations
California Waterfowl Association

Steve Miller, President
Tulare Basin Wetlands Association

Gary F. Brennan, President
San Diego County Wildlife Federation

Corey Thompson, President
Cal-Ore Wetland and Waterfowl Council

Chriss Bowles, President
California Bowmen Hunters/State Archery Association

James Stone, President
Nor-Cal Guides & Sportsmen's Association

Roy Griffith, Legislative Director
California Rifle & Pistol Association

Randall Walker, President
California Sportsman's Lobby

Lisa C. McNamee, Legislative Coordinator
California Chapters – Safari Club International

Steve Hunter, President
Golden Gate Chapter - Safari Club International

Randall Walker, President
Outdoor Sportsmen's Coalition of California

Cathie Nelson, President
San Francisco Bay Area Chapter - Safari Club International

cc: Members, Assembly Judiciary Committee
The Honorable Senator Nancy Skinner, Author