



LOCAL / L.A. Now

# Gun groups, county sheriffs challenge L.A. law limiting magazine capacity



Emily Alpert Reyes • Contact Reporter

OCTOBER 23, 2015, 8:13 PM

**L**os Angeles city lawmakers jumped into the national fray over gun control earlier this year, **voting unanimously** to ban firearm magazines that hold more than 10 rounds of ammunition.

Gun control activists said that eliminating those kinds of ammunition magazines would reduce the bloodshed of mass shootings by forcing attackers to stop their rampages sooner to reload. And they said they were confident the new rules would stand up in court: Federal judges had rejected requests to stop similar laws in San Francisco and Sunnyvale from being enforced.

At a July rally outside Los Angeles City Hall, City Councilman Paul Krekorian declared that if gun rights activists wanted to sue the city, “bring it on.”

Now their critics are doing just that. The California Rifle and Pistol Assn. and other opponents — including dozens of county sheriffs from elsewhere in California — filed a lawsuit Friday against the city in Los Angeles County Superior Court. Gun rights groups have sharply criticized such bans, arguing that many lawful gun owners have chosen such ammunition magazines to defend themselves.

Article continues below ↓

This time around, however, attorneys said they are challenging the ban on the grounds that it is preempted by California law, not on the basis of the 2nd Amendment right to bear arms, as they did in the Sunnyvale and San Francisco cases. Their lawsuit argues that the L.A. ban adds to “a patchwork quilt of laws” that travelers “must attempt to navigate under threat of criminal penalties.”

Gun rights advocates used a similar argument when they successfully sued to overturn a San Francisco law that banned handgun possession for most city residents. The new lawsuit seeks to stop L.A. from enforcing the ammunition law and to strip the rules out of the city code.

The Law Center to Prevent Gun Violence, which supports stricter gun laws, countered Friday that the fact that California has regulations tied to such magazines doesn't mean that local cities and counties cannot pass their own rules. Los Angeles City Atty. Mike Feuer brushed off the legal claims as "baseless," declaring that the city would fight the lawsuit and win.

And Krekorian, who championed the new restrictions, called it "a predictable and desperate attempt by [National Rifle Assn.] lawyers to strike down a common-sense policy that will keep our city and its people safe."

"Because the vast majority of mass shooters possess and use large capacity magazines to kill and maim innocent people, laws like this are critical to safeguard our city's residents," Krekorian said in a statement.

State law already generally bans the manufacturing of such ammunition magazines, offering them for sale or bringing them into the state. But California does not actually prohibit people from possessing them, which Krekorian and other gun control advocates see as a dangerous loophole.

Under the state rules, residents can generally continue to hold onto such magazines if they owned them in the state before a certain date. The groups suing Los Angeles argued that its ordinance contradicts that and other state law because California "specifically and purposefully permitted the continued possession" of magazines that are now banned under the city rules.

"There are literally tens of thousands of these magazines in existence throughout California that can be legally owned — and current state law allows them to be possessed," said Shasta County Sheriff Tom Bosenko, who is a plaintiff in the case. "This ban preempts that. It erodes the rights of law-abiding citizens."

In addition, the lawsuit claims that the L.A. ban "effectively land locks numerous individuals who are unable to transport their magazines anywhere without traveling through Los Angeles" despite state laws allowing lawful owners of such ammunition magazines to transport them. For instance, it contends that Torrance firearm safety instructor Kenneth Takahashi will find it "effectively impossible" to get to trainings elsewhere.

**NEWSLETTER: Get the day's top headlines from Times Editor Davan Maharaj >>**

The Rifle and Pistol Assn. is the official state affiliate of the National Rifle Assn. but has its own independent board, according to its website. It has been joined in the suit by the California Reserve Peace Officers Assn., the Law Enforcement Alliance of America and gun magazine owners from L.A. and nearby cities.

Bosenko was among 30 county sheriffs who also joined the lawsuit, arguing that the new rules could criminalize anyone whom they have licensed to carry such magazines if they drive through Los Angeles,

and could also put the sheriffs themselves at risk. The L.A. rules [exempt any police and military gun owners](#) who are otherwise authorized to possess such magazines and do so “while acting within the scope of his or her duties,” but the lawsuit argues that means the sheriffs and their deputies could be arrested for having such magazines while off duty in Los Angeles.

L.A.’s ban went into effect earlier this year. Gun control activists are now seeking to expand such restrictions across California, advocating for a ballot initiative backed by Lt. Gov. Gavin Newsom that would prohibit the possession of ammunition magazines that can hold more than 10 rounds, as well as other measures to toughen state gun laws.

**Follow [@latimesemily](#) for what's happening at Los Angeles City Hall.**

**ALSO:**

[FEMA urges Californians to buy flood insurance before El Nino](#)

[DNA identifies suspect in 1986 killing of Agoura Hills boy](#)

[Former L.A. cocaine kingpin 'Freeway' Ricky Ross arrested in Sonoma County](#)

---

---

**Get essential California headlines delivered daily >>**

Enter your email

SIGN UP

[Privacy Policy](#)

Copyright © 2015, Los Angeles Times

---

## UPDATE

**8:13 p.m.** This post was updated with reaction from Shasta County Sheriff Tom Bosenko.

**2:14 p.m.:** This post has been updated with reaction from Mike Feuer and Paul Krekorian.

This post was originally published at 1:33 p.m.

**This article is related to:** [Paul Krekorian](#), [National Rifle Association of America](#), [Mike Feuer](#)

[VIEW COMMENTS \(73\)](#)

---

**Content Continues Below**

