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Hawaii Attorney General Joins 18-State Coalition Supporting California's Ban on Large-Capacity Magazines

HONOLULU – Attorney General Clare E. Connors today joined a group of 18 state Attorneys General to defend California's ban on large-capacity magazines that hold more than 10 rounds of ammunition. In a friend-of-the-court brief filed in the United States Court of Appeals for the Ninth Circuit, the coalition supports California's petition for en banc review in *Duncan v. Becerra*, a case in which a divided three-judge panel struck down California's ban. The brief argues that the Second Amendment allows states to enact reasonable firearm restrictions that protect public safety.

"Further judicial review of this important issue is necessary," said Attorney General Connors. "The current ruling improperly limits the ability of states to determine how best to keep our public safe through common sense measures."

Since 2000, California has prohibited the manufacture, importation, and sale of large-capacity magazines. In 2016, to further stem the proliferation of large-capacity magazines, the California legislature and the California electorate passed Proposition 63 banning the possession of magazines that hold more than 10 rounds of ammunition. Nine other states and the District of Columbia have also enacted laws banning large-capacity magazines. The constitutionality of those laws has been unanimously upheld by other federal courts of appeals.

The *Duncan* lawsuit was filed by a group of gun owners and the California Rifle & Pistol Association, a state affiliate of the National Rifle Association (NRA), after the passage of California's Proposition 63. In April 2019, a lower court struck down California's prohibition on large-capacity magazines. California appealed the ruling to the Ninth Circuit, and in August 2020, a divided three-judge panel affirmed the district court's judgment. California sought en banc review, prompting the states' amicus brief in support.

In the amicus brief, the states collectively urge the Ninth Circuit to rehear the case en banc and argue that California's ban on large-capacity magazines is a reasonable and lawful restriction because:

- **The Second Amendment permits states to enact common-sense gun safety measures:** The brief explains that states are entitled to adopt reasonable restrictions on firearms to protect public safety. Restricting access to large-capacity magazines is a reasonable restriction because it reduces firearm injuries and deaths without infringing individuals' core Second Amendment right to self-defense.
- **States have a responsibility to prevent gun violence and protect public safety:** The brief notes that states have primary responsibility for ensuring public safety. This includes a duty to reduce the likelihood that their citizens will fall victim to preventable firearm violence and to minimize fatalities and injuries when such violence occurs. Population density, economic conditions, and the strength of local law enforcement all vary widely across the country, and all may have an impact on crime and effective crime-fighting efforts. The brief notes that deciding how best to protect the safety of state residents is a question better suited to legislatures than courts.
- **Courts have allowed states to regulate large-capacity magazines to protect the public:** Every other court of appeals has allowed states leeway to respond to gun violence within their borders by regulating large-capacity magazines.

The brief is available at: <https://oag.dc.gov/sites/default/files/2020-09/Duncan-Petition-En-Banc.pdf>

AG Racine is leading today's friend-of-the-court brief and is joined by Attorney General Connors and Attorneys General from Connecticut, Delaware, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.

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