

Attorney General Raoul Supports California's Ban On Large-Capacity Magazines

September 10 2020 5:10 PM



CHICAGO – Attorney General Kwame Raoul joined a coalition of 18 attorneys general to defend California’s ban on large-capacity magazines that hold more than 10 rounds of ammunition. [In an amicus brief](#) filed in the U.S. Court of Appeals for the 9th Circuit, Raoul and the coalition support 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.

“States have a responsibility to protect residents from gun violence within their borders, and it is essential for states to be able to enact commonsense restrictions, such as prohibitions on large-capacity magazines,” Raoul said. “Like California, Illinois is focused on reducing gun violence in our communities, and we must be able to collaborate at the state level with law enforcement agencies and lawmakers to develop and implement reasonable firearm regulations.”

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, which banned 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.

A group of gun owners and the California Rifle & Pistol Association, a state affiliate of the National Rifle Association (NRA), filed the *Duncan* lawsuit 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 9th 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, Raoul and the attorneys general urge the 9th 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 commonsense 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 reasonable because it reduces firearm injuries and deaths without infringing individuals’ 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 residents 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:** The divided panel's Second Amendment analysis breaks sharply from every other court of appeals and conflicts with Supreme Court precedent allowing states leeway to respond to gun violence within their borders.

Joining Raoul in filing the brief are the attorneys general of Connecticut, Delaware, the District of Columbia, Hawaii, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington.