

Raoul Defends California Law Restricting Gun Magazine Capacity

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CHICAGO – Attorney General Kwame Raoul, along with 19 attorneys general, filed an amicus brief in support of the state of California’s efforts to restrict the capacity of firearm magazines within its borders.

“States like Illinois should be able to protect residents and communities by passing laws prohibiting the possession and sale of large-capacity magazines,” Raoul said. “I will continue to collaborate with fellow attorneys general who prioritize public safety by restricting access to large-capacity magazines.”

The case, *Duncan v. Bonta*, concerns the constitutionality of a California law that allows for the possession and sale of firearm magazines that accept up to 10 rounds of ammunition, but prohibits larger capacity magazines (LCMs). The U.S. District Court for the Southern District of California issued a preliminary injunction against California’s LCM ban, and California has appealed the decision. The 9th Circuit stayed the lower court’s preliminary injunction while it considers California’s appeal, allowing the law to remain in effect for now.

In their [amicus brief](#), Raoul and the attorneys general argue that California’s large-capacity magazine law is a constitutionally permissible restriction under the Second Amendment because:

- **To protect public safety, states can and do impose restrictions on dangerous weapons, accessories and ammunition that pose a threat to communities.** States have widely adopted reasonable restrictions on the public carry, possession and sale of many types of weapons, accessories, and forms of ammunition that are not suitable for self-defense and undermine public safety. These restrictions reduce injuries and deaths, while leaving other options available for individuals who wish to exercise the core Second Amendment right to self-defense.
- **Large-capacity magazines are not protected by the Second Amendment because they are not “Arms,” and they are not commonly used or suitable for self-defense.** The Second Amendment protects only firearms that are commonly used or suitable for self-defense. Large-capacity magazines are neither. Instead, they cause more injuries and more deaths when used in mass shootings and other forms of gun violence.
- **California’s law is consistent with a historical tradition of regulating new and distinctively dangerous forms of weaponry.** Historical gunpowder storage laws, alongside other founding-era rules and regulations, limited the aggregation of arsenals beyond what was sufficient for self-defense. Additionally, many state and federal laws throughout history have regulated specific dangerous weapons or accessories, such as machine guns or short-barreled shotguns, which are typically used for criminal and violent purposes.

The brief is Attorney General Raoul’s most recent action to address gun violence throughout Illinois and across the nation. The Attorney General’s office works with state law enforcement agencies and prosecutors to increase awareness of Illinois’ red flag law

and to address gaps in Illinois' firearms licensing system. Raoul also proposed the Firearms Industry Responsibility Act in Illinois to hold bad actors in the gun industry accountable, which Governor JB Pritzker signed into law in August.

Nationally, Attorney General Raoul led coalitions of attorneys general in filing briefs supporting state laws in New Jersey and New York that similarly hold gun industry members accountable for their own, unlawful actions. Raoul has also led coalitions of attorneys general supporting bans on carrying firearms in sensitive areas such as in schools, on public transit and in places of worship.

In addition to supporting law enforcement, the Attorney General's office supports victims service providers around Illinois that offer trauma-informed services for crime victims and their families. Raoul's Crime Victims Services Division administers a host of programs and services to assist survivors of violent crime. More information is available on the [Attorney General's website](#).

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