

California looks to restrict Airsoft users 2nd Amendment at risk some say



Kimberly Dvorak, July 3, 2012

Industry advocates and users agree, targeting air gun or Airsoft users in SB1315 is still a bad idea, especially when California's economy is in tatters, deficits remain in the billions and double-digit unemployment plague's the Golden State.

They say existing law already provides the State Legislature with regulations for the manufacture, sale, or possession of imitation firearms commonly know as air guns or Airsofts. The proposed law would also define imitation firearms as any BB device, toy gun, replica, or other device that looks similar in color and appearance to firearms that could lead a judicious person to believe that the device is a real weapon.

This bill (failed last year under SB798) would provide an exception to current law provisions and allow the County of Los Angeles, and any city within the county, to enforce the ordinance that is much more restrictive than state law.

As it is written, the new law would affect 11 airsoft companies currently in the county of Los Angeles that already provide the state critical tax revenue from their \$110 million a year businesses. These companies also directly employ more than 250 people.

Industry experts are particularly concerned about the possibility of lawsuits local companies and government face due to the language of the bill. Furthermore, many consumers that enjoy Airsoft products recreationally could face criminal penalties just for driving through LA County.

“Since BB devices may be transported through several jurisdictions while traveling from a person's home to a place where they may be used, such as a recreational shooting facility, statewide uniformity of laws is necessary. If each local jurisdiction had its own laws, a person could easily and unknowingly be in and out of compliance while en route ([This currently happens in NYC airports story here](#)),” said Peter Ho, President of the Airsoft Safety Foundation. “The Airsoft Safety Foundation is comprised of sixteen California Airsoft companies

representing more than \$175 million in annual revenue and directly employs more than 250 people. 80 percent of these companies reside within the County of Los Angeles.”

He also contends that the language of the bill specifically states that paintball markers, which are greater than 16mm in projectile caliber, are exempt from this bill. “As you can see, SB1315 blatantly protects paintball guns, but seeks to target air guns and Airsoft guns. This bill clearly gives unfair market advantage to the paintball industry, and does not serve public safety at all.”

Many Democrat lawmakers suggest that the proposed legislation will save lives on the streets of Los Angeles. The bill’s sponsor, Senator Kevin de León (D-Los Angeles) spokesperson, Greg Hayes said: “The senator is looking to assist Los Angeles law enforcement that is frequently challenged by Airsoft users.”

However, written reports from experts in the field disagree with Senator de León’s assumption.

“In every case where officers used deadly force in a toy gun confrontation, the ‘triggering element’ in the officer’s decision to shoot was the action of the person,” according to a report from Police Executive Research Forum, Bureau of Justice Statistics written by David L. Carter Ph.D., Allen D. Sapp Ph.D., Darrel W. Stephens.

“Nearly all of the officers expressed the concern that the blaze orange markings could easily be painted by a criminal in order to make the gun appear real for purposes of using it in a robbery... officers are trained that anyone can pose a threat with a gun regardless of age or sex. Thus, officers are told that even when encountering a youth with a gun, it should be treated as a life threatening circumstance.”

The bill is set for a floor vote today.

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