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To Members of the California State Legislature:

**SB 798 (De Leon), *Firearms: BB devices: imitation firearms***, failed passage in its original form. It has recently been drastically amended and will be brought up for reconsideration by the Assembly Committee on Public Safety on Tuesday, July 5, 2011.

Since this is a reconsideration hearing, Senator Kevin De Leon will be eligible to present his amendments to SB 798, but there reportedly will be no public testimony permitted.

Since this is now an entirely new bill which bears little resemblance to SB 798's prior provisions, the public should have an opportunity to testify before the committee votes. They have a right to participate in the legislative process. In this case, it is a completely new and different bill!

The amendments strike out all language in the bill as it was heard in committee and substitute, instead, a repeal of the existing state preemption law, Government Code Section 53071.5 that governs imitation firearms, including BB devices (airsoft, paintball, BB, and pellet guns).

If state preemption, which prohibits local governments from passing their own imitation firearms ordinances, is repealed it will open the door for them to enact their own imitation firearms ordinances and could lead to similar authority for all firearms.

Some people are under the mistaken impression that if section 53071.5 is repealed it would not make any difference because federal preemption would still apply and would prevent local governments from enacting their own ordinances dealing with BB devices.

**THIS IS NOT TRUE.**

The federal preemption applies only to the markings or identification of imitation firearms and, in the case of BB guns, paintball guns, and pellet guns, to a prohibition on the sale as well.

State Government Code Section 53071.5 applies specifically to their manufacture (not limited to color or identification), sale or possession.

Thus, a repeal of section 53071.5 would still allow local ordinances governing the manufacture (except for color or identifying markings), sale (except for prohibition), and possession.

Laws governing the manufacture, sale or possession of many items, including BB devices, must have statewide uniformity. A patchwork of different local ordinances would make it virtually impossible for manufacturers, distributors, retailers and consumers to function.

**SB 798 WOULD CAUSE A LOSS OF JOBS, REVENUES, TAXES, AND WOULD RESULT IN BUSINESSES BEING CLOSED. IT IS ANTI- BUSINESS AND ANTI-JOBS.**

For the airsoft industry alone, this could amount to approximately \$175 million in lost business revenue and close to 300 direct jobs in California. California's economy could further suffer from the loss of related business revenue in office supplies, transportation services, food services, printing services, and other economic venues.

BB devices are easily transportable. They are often lawfully carried through several different local jurisdictions in a single day by their owners while traveling to a shooting facility or going to areas of public or private lands where it is lawful to use them.

If Government Code Section 53071.5 is repealed, how would BB device owners know what the laws of each local jurisdiction are, how would they be able to comply, especially in cases where the ordinances of various jurisdictions are different or are in conflict?

That is why section 53071.5 was enacted in the first place and why it must not be repealed!

**We respectfully request that you join us in opposing SB 798, as amended June 29, 2011.**

Sincerely,

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Print Name

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City

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Zip Code

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Signature