

# Shooters Committee on Political Education

## Position Paper



**A5866 Jeffries**

**Same as S3573 Adams**

**Prohibits the possession of ammunition feeding devices with a capacity exceeding ten rounds.**

### **PURPOSE**

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The purpose of this legislation is not clearly stated other than to make all the devices that were exempt from the original ban passed in 2000 illegal. There was no specific purpose for the original 2000 ban other than to mirror the then existing federal law<sup>1</sup>, which has since sunsetted, and enable law enforcement and prosecutors to pursue state charges against violators.<sup>2</sup>

### **POSITION**

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SCOPE strongly opposes this proposed legislation. This proposal is based on the fallacious premise that limiting the magazine capacity of a firearm will in some way reduce gun violence. The enactment of legislation that restricts lawful firearms owners only impedes the legitimate and fully justified use of firearms for self-defense, competitive and sporting purposes.

**Imposition of a capricious magazine capacity on law-abiding firearms owners is egregious at best.**

Private citizens desire maximum magazine capacity for the same reason as law enforcement personnel.

The victims of violent crime are always the “first responders.” If imposing an artificial impediment on law enforcement is not acceptable, there can be no justification for applying it to a law abiding citizen who may face the same risk.

Both handguns and long guns are used for personal defense. Such instances tend to be sudden and violent events that have to be dealt with using the weapon at hand. A high magazine capacity increases the defender’s odds. Not all shots are hits nor do all hits stop an attacker. And, according to the Justice Department, one third of aggravated assaults and robberies involve more than one assailant.<sup>3</sup> When your life is on the line, more is better.

**The federal ban was a failure and subsequent state restrictions have been equally unsuccessful.**

The federal ban on “assault weapons” and restrictions on magazine capacity enacted in 1994 were a complete failure. Congressional studies have uniformly stated that there was no reduction in the number of victims per firearm homicide incident or in the gunshot wounds per victim. This is an attempt to revitalize a failed law by trading on a tragic incident that would in no way have been prevented by legislation of this type.

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<sup>1</sup> Violent Crime Control and Law Enforcement Act, HR3355, Pub. L. 103-322 (1994)

<sup>2</sup> PL §265.02(8)

<sup>3</sup> U.S. Department of Justice, O.J.P., B.O.J.S. *Criminal Victimization in the United States 2007 Statistical Tables*, Table 37

**Nothing in this proposal addresses the illegal acquisition, possession or use of firearms.**

Nothing in this legislation does anything to keep firearms out of the hands of ineligible individuals. It is directed solely at legal firearms owners. It is not likely that an ineligible individual, having obtained a weapon and planning a criminal enterprise, is likely to be deterred by a prohibition on the size of the magazine in their already illegal firearm.

**Only two states have a ban on magazines produced prior to the 9/13/94 federal legislation.**

Hawaii prohibits the possession of pistol magazines with a capacity of over 10 rounds and New Jersey bans all magazines with a capacity of over 15 rounds. California, Massachusetts and New York grandfathered magazines with a capacity of over 10 rounds. Maryland prohibits the sale or transfer (but not possession) of magazines with a capacity of over 20 rounds. None of this legislation has had any impact on the availability of the targeted product.

**What the legislation terms “high capacity” has in fact been the standard for decades and is not going away.**

Magazines are durable and essentially fungible products. Many firearms owners are using guns with “high capacity” magazines that were made before they were born and in some cases before their parents were born.

The AK series of rifles were designed in the Soviet Union and went into production about 1950. It is estimated that over 100 million have been made. No attempt has been made to estimate magazine production but it is clearly in the tens of billions.

The NATO standard<sup>4</sup> magazine used in the AR type rifles dates to 1960 and is used by the United States and allied countries around the world. Over 70 different rifles use this magazine and they have been manufactured on every continent except Antarctica. Estimated rifle production exceeds 30 million and magazines in the billions.

Magazine capacity in pistols went over 10 rounds with the introduction of the Browning HiPower in 1935. Virtually every service or sport pistol designed after World War II has a magazine capacity of over 10 rounds.

## **CONCLUSION**

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The assumed purpose of the proposed legislation is to impose a perceived utopian society through legislation. We feel that this is naïve at best. Unfortunately, we live in a world where there are bad individuals that will try to do horrific things to innocent people. To hope to reduce violence with legislation of this type is irrational. It is the creation of the hoplophobic and politically motivated. This legislation is widely supported by the gun control movement because it represents a ban on firearms based on demonization of a characteristic – magazine capacity - not on its demonstrable utility. It is to condition the public to accept a piecemeal destruction of the Second Amendment.

Accordingly, it should not be enacted.

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<sup>4</sup> STANAG 4179