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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MATTHEW JONES; THOMAS  
11 FURRH; KYLE YAMAMOTO;  
12 PWGG, L.P. (d.b.a. POWAY  
WEAPONS AND GEAR and PWG  
13 RANGE); NORTH COUNTY  
SHOOTING CENTER, INC.; BEEBE  
14 FAMILY ARMS AND MUNITIONS  
LLC (d.b.a. BFAM and BEEBE  
15 FAMILY ARMS AND MUNITIONS);  
16 FIREARMS POLICY COALITION,  
INC.; FIREARMS POLICY  
17 FOUNDATION; THE CALIFORNIA  
18 GUN RIGHTS FOUNDATION; and  
19 SECOND AMENDMENT  
FOUNDATION,

20 Plaintiffs,

21 v.

22 XAVIER BECERRA, in his official  
23 capacity as Attorney General of the State  
of California; BRENT E. ORICK, in his  
24 official capacity as Acting Director of  
25 the Department of Justice Bureau of  
Firearms; and DOES 1-20,

26 Defendants  
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Case No.: 19-cv-01226-L-AHG

Hon. Judge M. James Lorenz and  
Magistrate Judge Allison H. Goddard

**SECOND AMENDED COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

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**INTRODUCTION**

Plaintiffs, through their counsel, file this Second Amended Complaint for Declaratory and Injunctive Relief (Second Amended Complaint) against the named Defendants in their official capacities as state officials responsible under California law for administering and enforcing state laws and regulations governing the purchase, sale, transfer, possession, use of, and access to firearms.

Specifically, Plaintiffs respectfully request that this Court: (i) declare that California Penal Code section 27510(a)-(b) and Defendants’ policies and practices of enforcing that law, which prohibits adults between the ages of 18 and 20 from acquiring or purchasing any firearm (hereinafter, the “California Age-Based Gun Ban”), is an unconstitutional infringement of Plaintiffs’ constitutional rights under the Second and Fourteenth Amendments of the United States Constitution; and (ii) permanently enjoin Defendants from enforcing Penal Code section 27510(a)-(b), and thereby allow Plaintiffs, and others similarly situated, to acquire, purchase, use, sell, or transfer firearms to defend themselves, their families, and their homes and for all other lawful purposes. In support of the Second Amended Complaint, Plaintiffs hereby allege as follows:

**JURISDICTION AND VENUE**

1. This Court has subject-matter jurisdiction over Plaintiffs’ claims in this action under 28 U.S.C. § 1331, because the action arises under the Constitution and laws of the United States; and, thus, raises federal questions. The Court also has



1 is currently eligible under the laws of the United States and of the State of California  
2 to purchase, acquire, and receive firearms.

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4 5. Plaintiff Thomas Furrh, an individual, is a 20-year-old resident of Vista,  
5 California. Mr. Furrh does not have any criminal history, nor is he a member of the  
6 armed services or law enforcement. Mr. Furrh does not have a California hunter's  
7 license issued by the California Department of Fish and Wildlife. He has no interest in  
8 obtaining a firearm for hunting purposes. Mr. Furrh does not currently own any firearm,  
9 but wishes to purchase one for self-defense and other lawful purposes. Except for the  
10 California law (Penal Code § 27510) banning his right to acquire or purchase a firearm  
11 due solely to his age, and his reasonable fear of criminal prosecution for violating that  
12 law, Mr. Furrh would immediately purchase, acquire, and/or possess a firearm within  
13 California for self-defense and other lawful purposes. Further, Mr. Furrh is currently  
14 eligible under the laws of the United States and of the State of California to purchase,  
15 acquire, and receive firearms.

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20 6. Plaintiff, Kyle Yamamoto, an individual, is a 19-year-old resident of  
21 Hacienda Heights, California. Mr. Yamamoto does not have any criminal history, nor  
22 is he a member of the armed services or law enforcement. Mr. Yamamoto does not  
23 have a California hunter's license issued by the California Department of Fish and  
24 Wildlife. He has no interest in obtaining a firearm for hunting purposes. Mr. Yamamoto  
25 does not currently own any firearm, but wishes to purchase one for self-defense and  
26 other lawful purposes. Except for the California law (Penal Code § 27510) banning his  
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1 right to acquire or purchase a firearm due solely to his age, and his reasonable fear of  
2 criminal prosecution for violating that law, Mr. Yamamoto would immediately  
3 purchase, acquire, and/or possess a firearm within California for self-defense and other  
4 lawful purposes. Further, Mr. Yamamoto is currently eligible under the laws of the  
5 United States and of the State of California to purchase, acquire, and receive firearms.  
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8         7. Plaintiff PWGG, L.P. is both a California limited partnership doing  
9 business as Poway Weapons & Gear and PWG Range (PWG), and a federal and state  
10 licensed firearms retailer and range in Poway, California. PWG is the largest indoor  
11 shooting range in California, serving approximately 200,000 visitors per year and  
12 supporting almost 4,000 members. It is also the largest firearm, accessory, and apparel  
13 retail store in San Diego, California. As part of its range activities, PWG provides  
14 firearms for rental use in its three indoor shooting ranges. PWG also provides firearms  
15 training to over 8,000 students per year. Since opening in 2014, PWG has helped  
16 educate over 50,000 students in firearm use and safety through various courses  
17 involving the handling and use of firearms. Due to Defendants' enforcement of the  
18 prohibition of selling, supplying, delivering, or giving possession or control of a  
19 firearm to any person under 21 years of age, PWG has been directly and adversely  
20 harmed. For example, PWG has been forced to stop, and has stopped, otherwise lawful  
21 sales to adults under the age of 21. It has been forced to stop, and has halted, all firearm  
22 rentals to adults under the age of 21. Further, PWG has been forced to prohibit, and has  
23 prohibited, adults between the ages of 18-to-20 from attending various firearms classes  
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1 hosted by PWG. As a direct result, PWG has sustained financial harm, injury, and  
2 losses from the sale and rentals of otherwise lawful goods and services. PWG brings  
3 this action on behalf of itself, its members, and other similarly situated licensed  
4 firearms retailers and shooting ranges in California.  
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6           8. Plaintiff North County Shooting Center Inc. (NCSC) is both an S-Corp  
7 and a federal and state licensed firearms retailer and range in San Marcos, California  
8 owned by Darin Prince and Stanley Tuma. NCSC is a full-service shooting range and  
9 gun store. NCSC sells firearms, ammunition, and other firearms accessories as part of  
10 its retail store. As part of its range activities, NCSC provides firearms for rental use in  
11 its indoor shooting range. NCSC also provides various firearms training courses which  
12 take place on NCSC premises. Due to Defendants' enforcement of the prohibition of  
13 selling, supplying, delivering, or giving possession or control of a firearm to any person  
14 under 21 years of age, NCSC has been directly and adversely harmed. For example,  
15 NCSC has been forced to stop, and has stopped, otherwise lawful sales to adults under  
16 the age of 21. It has been forced to stop, and has halted, all firearm rentals to adults  
17 under the age of 21. Further, NCSC has been forced to prohibit, and has prohibited,  
18 adults between the ages of 18-to-20 from attending various firearms classes hosted by  
19 NCSC. As a direct result, NCSC has sustained financial injury, harm, and losses from  
20 the sale and rentals of otherwise lawful goods and services. NCSC brings this action  
21 on behalf of itself, its members, and other similarly situated licensed firearms retailers  
22 and shooting ranges in California.  
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1           9. Plaintiff Beebe Family Arms and Munitions, LLC, d.b.a. BFAM and  
2 Beebe Family Arms and Munitions (Beebe Arms) is a federal and state licensed  
3 firearms retailer in Fallbrook, California owned by Matthew Beebe. Due to  
4 Defendants' enforcement of the prohibition of selling, supplying, delivering, or giving  
5 possession or control of a firearm to any person under 21 years of age, Beebe Arms has  
6 been directly and adversely harmed. For example, Beebe Arms has been forced to  
7 stop, and has stopped, otherwise lawful sales to adults under the age of 21. More  
8 specifically, Beebe Arms was forced to deny Plaintiff Furrh from purchasing/acquiring  
9 a firearm for self-defense. Further, Beebe Arms has been forced to prohibit, and has  
10 prohibited, adults between the ages of 18-to-20 from attending various firearms classes  
11 hosted by Beebe Arms. As a direct result, Beebe Arms has sustained financial harm,  
12 injury, and losses from the sale of otherwise lawful goods and services. Beebe Arms  
13 brings this action on behalf of itself, its members, and other similarly situated licensed  
14 firearms retailers in California.  
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20           **B. Institutional Plaintiffs**

21           10. Plaintiff Firearms Policy Coalition, Inc. (FPC) is a 26 U.S.C. section  
22 501(c)(4) non-profit organization incorporated under the laws of Delaware with its  
23 principal place of business in Sacramento, California. FPC's members and supporters  
24 reside both within and outside the State of California, including San Diego County,  
25 California. FPC serves its members, supporters, and the public through direct  
26 legislative advocacy, grassroots advocacy, legal efforts, research, education, outreach,  
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1 and other programs. FPC also strongly opposed the state legislation (Senate Bill 1100)  
2 that led to enactment of Penal Code section 27510. The purpose of FPC includes  
3 defending the United States Constitution and the people's rights, privileges, and  
4 immunities deeply rooted in this country's history and tradition, especially the  
5 fundamental right to keep and bear arms under the Second Amendment.  
6 FPC represents its members and supporters, who include licensed California firearm  
7 retailers and gun owners, and brings this action on behalf of itself, its members,  
8 supporters who possess all the indicia of membership, and similarly situated members  
9 of the public. FPC's individual California members have been adversely and directly  
10 harmed and injured by Defendants' enforcement of the statutory prohibition on the  
11 lawful sale of firearms to adults between the ages of 18 and 20. Indeed, Penal Code  
12 section 27510 has denied, and will continue to deny, millions of responsible,  
13 law-abiding adults under the age of 21 their fundamental, individual right to keep and  
14 bear arms secured under the Second and Fourteenth Amendments of the  
15 U.S. Constitution. Defendants' actions and failures alleged herein have also caused  
16 FPC to dedicate resources that would otherwise be available for other purposes to  
17 protect the rights and property of its members, supporters, and the general public,  
18 including by and through this action.  
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25 11. Plaintiff Firearms Policy Foundation (FPF) is a grass roots 501(c)3  
26 non-profit public benefit organization. FPF's mission is to protect and defend the  
27 Constitution of the United States and the People's rights, privileges and immunities  
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1 deeply rooted in the Nation's history and tradition, especially the inalienable,  
2 fundamental, and individual right to keep and bear arms. FPF informs the public about  
3 past and current laws, legal challenges and effects of laws on their members and  
4 supporters' constitutional rights. FPF has taken, and continues to take, legal action to  
5 advance the Second Amendment rights of its members and supporters. The Court's  
6 interpretation of the Second Amendment directly impacts FPF's organizational  
7 interests, as well as FPF's members and supporters in California, who enjoy exercising  
8 their Second Amendment rights. FPF brings this action on behalf of itself, its members,  
9 supporters who possess all the indicia of membership, and similarly situated members  
10 of the public. FPF's individual California members between the ages of 18 and 20 have  
11 been adversely and directly harmed and injured by Defendants' enforcement of the  
12 statutory prohibition on the lawful sale of firearms to adults between the ages  
13 of 18 and 20. Indeed, Penal Code section 27510 has denied, and will continue to  
14 deny, millions of responsible, law-abiding adults under the age of 21 their  
15 fundamental, individual right to keep and bear arms secured under the Second and  
16 Fourteenth Amendments of the U.S. Constitution. Defendants' actions and failures  
17 alleged herein have caused FPF to dedicate resources that would otherwise be available  
18 for other purposes to protect the rights and property of its members, supporters, and the  
19 general public, including by and through this action.

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12. Plaintiff The California Gun Rights Foundation (CGF) (formally, The Calguns Foundation), is a section 501(c)(3) non-profit organization that serves its

1 members, supporters, and the public through educational, cultural, and judicial efforts  
2 to advance Second Amendment and related civil rights. Founded by civil rights  
3 activists in California, CGF has taken part in numerous litigation efforts to defend  
4 innocent gun owners from criminal prosecution and assisted gun owners with various  
5 firearms-related legal issues. CGF has also filed important supporting amicus briefs in  
6 lawsuits filed in courts across the nation in an effort to protect Second Amendment  
7 rights, including the landmark U.S. Supreme Court case *McDonald v. Chicago*. The  
8 Court's interpretation of the Second Amendment directly impacts CGF's  
9 organizational interests, as well as CGF's members and supporters in California, who  
10 enjoy exercising their Second Amendment rights. CGF brings this action on behalf of  
11 itself, its members, supporters who possess all the indicia of membership, and similarly  
12 situated members of the public. CGF's individual California members between the ages  
13 of 18 and 20 have been adversely and directly harmed and injured by Defendants'  
14 enforcement of the statutory prohibition on the lawful sale of firearms to adults between  
15 the ages of 18 and 20. Indeed, Penal Code section 27510 has denied, and will continue  
16 to deny, millions of responsible, law-abiding adults under the age of 21 their  
17 fundamental, individual right to keep and bear arms secured under the Second and  
18 Fourteenth Amendments of the U.S. Constitution. Defendants' actions and failures  
19 alleged herein have caused CGF to dedicate resources that would otherwise be  
20 available for other purposes to protect the rights and property of its members,  
21 supporters, and the general public, including by and through this action.

1           13. Plaintiff Second Amendment Foundation (SAF) is a non-profit  
2 educational foundation incorporated under the laws of Washington with its principal  
3 place of business in Bellevue, Washington. SAF seeks to preserve the effectiveness of  
4 the Second Amendment through educational and legal action programs. SAF has over  
5 650,000 members and supporters nationwide, including thousands of members in  
6 California. The purpose of SAF includes education, research, publishing, and legal  
7 action focusing on the constitutional right to privately own and possess firearms under  
8 the Second Amendment, and the consequences of gun control. The Court's  
9 interpretation of the Second Amendment directly impacts SAF's organizational  
10 interests, as well as SAF's members and supporters in California, who enjoy exercising  
11 their Second Amendment rights. SAF brings this action on behalf of itself, its members,  
12 supporters who possess all the indicia of membership, and similarly situated members  
13 of the public. Many of SAF's individual California members between the ages of  
14 18 and 20 have been adversely and directly harmed and injured by Defendants'  
15 enforcement of the statutory prohibition on the lawful sale of firearms to adults between  
16 the ages of 18 and 20. Indeed, Penal Code section 27510 has denied, and will continue  
17 to deny, millions of responsible, law-abiding adults under the age of 21 their  
18 fundamental, individual right to keep and bear arms secured under the Second and  
19 Fourteenth Amendments of the U.S. Constitution. Defendants' actions and failures  
20 alleged herein have caused SAF to dedicate resources that would otherwise be available  
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1 for other purposes to protect the rights and property of its members, supporters, and the  
2 general public, including by and through this action.

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4 14. Plaintiff Matthew Jones brings this case on behalf of himself, and as a  
5 representative of a class of similar individuals consisting of adult, law-abiding  
6 California residents too numerous to individually name or include as parties to this  
7 action. These are California adult citizens ages 18-to-20 who are not otherwise  
8 prohibited or exempt from Penal Code section 27510, but are now precluded from  
9 lawfully purchasing, renting, or acquiring any firearm through licensed firearms  
10 retailers, shooting ranges, and private party transfers, but for Defendants' enforcement  
11 of Penal Code section 27510. Plaintiff Jones individually and as a representative on  
12 behalf of similarly situated adults have sustained, and will continue to sustain, injury  
13 by not being able to lawfully purchase, rent, or acquire any firearm through licensed  
14 firearms retailers, shooting ranges, and private party transfers, but for Defendants'  
15 enforcement of Penal Code section 27510.

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20 15. Plaintiff Thomas Furrh brings this case on behalf of himself, and as a  
21 representative of a class of similar individuals consisting of adult, law-abiding  
22 California residents too numerous to individually name or include as parties to this  
23 action. These are California adult citizens ages 18-to-20 who are not otherwise  
24 prohibited or exempt from Penal Code section 27510, but are now precluded from  
25 lawfully purchasing, renting, or acquiring any firearm through licensed firearms  
26 retailers, shooting ranges, and private party transfers, but for Defendants' enforcement  
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1 of Penal Code section 27510. Plaintiff Furrh individually and as a representative on  
2 behalf of similarly situated adults have sustained, and will continue to sustain, injury  
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4 by not being able to lawfully purchase, rent, or acquire any firearm through licensed  
5 firearms retailers, shooting ranges, and private party transfers, but for Defendants'  
6 enforcement of Penal Code section 27510.  
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8         16. Plaintiff Kyle Yamamoto brings this case on behalf of himself, and as a  
9 representative of a class of similar individuals consisting of adult, law-abiding  
10 California residents too numerous to individually name or include as parties to this  
11 action. These are California adult citizens ages 18-to-20 who are not otherwise  
12 prohibited or exempt from Penal Code section 27510, but are now precluded from  
13 lawfully purchasing, renting, or acquiring any firearm through licensed firearms  
14 retailers, shooting ranges, and private party transfers, but for Defendants' enforcement  
15 of Penal Code section 27510. Plaintiff Yamamoto individually and as a representative  
16 on behalf of similarly situated adults have sustained, and will continue to sustain, injury  
17 by not being able to lawfully purchase, rent, or acquire any firearm through licensed  
18 firearms retailers, shooting ranges, and private party transfers, but for Defendants'  
19 enforcement of Penal Code section 27510.  
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24         17. Plaintiff PWG brings this case on behalf of itself, and as a representative  
25 of a class of similar entities consisting of licensed California retailers too numerous to  
26 individually name or include as parties to this action. They are licensed firearms  
27 retailers and shooting ranges in California that are injured because they are now  
28

1 prohibited from selling, supplying, delivering, or giving possession or control of a  
2 firearm to any person under 21 years of age, who would otherwise be permitted to  
3  
4 lawfully purchase, rent, and acquire firearms.

5       18. Plaintiff NCSC brings this case on behalf of itself, and as a representative  
6 of a class of similar entities consisting of licensed California retailers too numerous to  
7  
8 individually name or include as parties to this action. They are licensed firearms  
9 retailers and shooting ranges in California that are injured because they are now  
10 prohibited from selling, supplying, delivering, or giving possession or control of a  
11 firearm to any person under 21 years of age, who would otherwise be permitted to  
12 lawfully purchase, rent, and acquire firearms.  
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14       19. Plaintiff Beebe Arms brings this case on behalf of itself, and as a  
15 representative of a class of similar individuals consisting of licensed California retailers  
16 too numerous to individually name or include as parties to this action. They are licensed  
17 firearms retailers in California that are injured because they are now prohibited from  
18 selling, supplying, delivering, or giving possession or control of a firearm to any person  
19 under 21 years of age, who would otherwise be permitted to lawfully purchase, rent,  
20 and acquire firearms.  
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24       20. Plaintiffs FPC, FPF, CGF, and SAF bring this case as public interest  
25 entities and organizations whose California members ages 18-to-20 are now prohibited  
26 from lawfully purchasing, renting, or acquiring firearms. They are California adult  
27 citizens ages 18 to 20 who are not otherwise prohibited or exempt from Penal Code  
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1 section 27510, but are now precluded from lawfully purchasing, renting, or acquiring  
2 firearms through licensed firearms retailers, shooting ranges, or private party transfers,  
3 but for Defendants' enforcement of Penal Code section 27510. The 18-to-20-year-old  
4 members would otherwise have standing to sue in their own right because they are  
5 injured by not being able to purchase, rent, or acquire any firearm in California. Such  
6 injuries and interests are germane to each entities' and organizations' purposes, and  
7 neither the claims asserted nor the relief requested requires participation of these  
8 individual members.  
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12 21. As to all claims made in a representative/associational capacity herein,  
13 there are common questions of law and fact that substantially injure and adversely  
14 affect the rights, duties, and criminal liabilities of many similarly situated California  
15 residents who knowingly or unknowingly are subject to the California statute in  
16 question. The relief sought in this action is declaratory and injunctive in nature, and the  
17 action involves matters of substantial public interest that are likely to reoccur over time  
18 with the potential of evading judicial review. Considerations of necessity, convenience,  
19 and justice justify relief to individual and institutional Plaintiffs in a  
20 representative/associational capacity. Further, to the extent it becomes necessary or  
21 appropriate, the institutional Plaintiffs are uniquely able to communicate with and  
22 provide notice to their thousands of California members and constituents who are or  
23 would be party of any identifiable class of individuals for whose benefit this Court may  
24 grant such relief.  
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1           **C. Defendants**

2           22. Defendant Xavier Becerra is the Attorney General of the State of  
3 California. The Attorney General is the chief law enforcement officer of the state, and  
4 the head of the California Department of Justice. The Attorney General is charged by  
5 Article V, section 13 of the California Constitution with the duty to ensure that  
6 California’s laws are uniformly and adequately enforced. Defendant Becerra also has  
7 direct supervision over every district attorney, sheriff, and such other law enforcement  
8 officers as may be designated by law, in all matters pertaining to the duties of their  
9 respective offices. The Department of Justice and its Bureau of Firearms regulate and  
10 enforce state laws related to firearms. As Attorney General, Defendant Becerra is  
11 responsible for directing and supervising the prosecution of all offenses under  
12 California’s criminal laws, including the statutory ban on purchasing or acquiring  
13 firearms at issue in this case. The Attorney General is sued herein in his official  
14 capacity.

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19           23. Defendant Brent E. Orick is Acting Director of the Department of  
20 Justice’s Bureau of Firearms. Upon information and belief, Defendant Orick reports to  
21 Attorney General Becerra, and is responsible for the various operations of the Bureau  
22 of Firearms, including the implementation and enforcement of the statutes and  
23 regulations governing sales, use, ownership, transfer, and assault weapon registration,  
24 of firearms. He is sued herein in his official capacity.





1 responsible citizens to use arms in defense of hearth and home.”

2 *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008).

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4 28. Once an individual turns 18 years old in this country, he or she is  
5 considered a legal adult free to exercise fundamental constitutional rights pursuant to  
6 the United States Constitution.

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8 29. Individuals 18 years and older are considered adults for almost all  
9 purposes. For example, at 18 years old, U.S. citizens can (i) vote, (ii) fully exercise  
10 their freedom of speech, (iii) receive the full protections under the 4th, 5th, and 6th  
11 Amendments, (iv) enter into contracts, and (v) serve in the United States military.

12  
13 30. Indeed, male citizens over 18 years of age are designated members of the  
14 militia pursuant to federal statute, 10 U.S.C. § 246(a), and may be selected and inducted  
15 for training and service into the United States armed forces, 50 U.S.C. § 3803(a).  
16 As such, they are eligible to serve in the military, and to die for their country.

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18 31. The ordinary definition of the militia “[i]s all able-bodied men.” *Heller*,  
19 554 U.S. at 707 (Breyer, J. dissenting). The Supreme Court in *Heller* recognized that  
20 through Congress’ plenary power, it organized all able-bodied men between  
21 18 and 45 as part of the militia in the first Militia Act. *Heller*, 554 U.S. at 596. Thus,  
22 the Supreme Court recognized 18-to-20-year-olds as part of the militia; and as such,  
23 they necessarily have the right to keep and bear arms. Further, as affirmed in *Heller*,  
24 the right to keep and bear arms extends beyond the militia, reserving an individual right  
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1 to keep and bear arms for all lawful purposes, “most notably for self-defense within the  
2 home.” *McDonald v. City of Chicago*, 561 U.S. 742, 780 (2010).

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4 32. In addition, the “militia of the State” consists of both the organized and  
5 unorganized militia. Specifically, the State’s organized militia encompasses the  
6 National Guard, State Military Reserve and the Naval Militia. Cal. Military and  
7 Veterans Code Section 120.  
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9 33. “The unorganized militia consist of all persons liable to service in the  
10 militia, but not members of the National Guard, the State Military Reserve, or the Naval  
11 Militia.” Cal. Military and Veterans Code Section 121.  
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13 34. “[T]he militia in colonial America consisted of a subset of ‘the people’ –  
14 those who were male, able-bodied, and within a certain age range.” *Heller*, 554 U.S.  
15 at 580. Further, the militias of every colony and state, and the federal militia, included  
16 18-to-20-year-olds. Indeed, it is “*the right of the people to keep and bear arms*” that  
17 the Second Amendment protects.<sup>1</sup> *Id.*, emphasis added.  
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21 <sup>1</sup> The Court’s full discussion of “the people”:

22 What is more, in all six other provisions of the Constitution that mention “the  
23 people,” the term unambiguously refers to all members of the political community, not  
24 an unspecified subset. As we said in *United States v. Berdugo-Urquidez*, 494 U.S. 259,  
265, 110 S.Ct. 1056, 108 L.Ed.2d 222 (1990):

25 “”[T]he people’ seems to have been a term of art employed in  
26 select parts of the Constitution.... [Its uses] sugges[t] that ‘the  
27 people’ protected by the Fourth Amendment, and by the First and  
28 Second Amendments, and to whom rights and powers are reserved  
in the Ninth and Tenth Amendments, refers to a class of persons  
who are part of a national community or who have otherwise

1           35. Despite these facts, the State of California recently enacted legislation,  
 2 effective January 1, 2019, that prohibits an entire class of adults from exercising their  
 3 Second Amendment right to keep and bear arms. Specifically, California prohibits  
 4 adults ages 18-to-20 from purchasing or acquiring any firearm. The California law,  
 5 Penal Code section 27510(a)-(b), also makes it a crime for licensed firearms retailers  
 6 and ranges to sell, supply, deliver, or give possession or control of a firearm to any  
 7 person under 21 years of age.  
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10           36. By prohibiting licensed firearm retailers and ranges from selling,  
 11 supplying, delivering, or giving possession or control of a firearm to any person  
 12 under 21 years of age, the California Age-Based Gun Ban constitutes an  
 13 unconstitutional infringement on the acquisition or purchase of any firearm and that  
 14 ban infringes on the fundamental constitutional rights of not only the Plaintiffs, but  
 15 thousands of other law-abiding adults throughout California. As such, the California  
 16 Age-Based Gun Ban is invalid under the Second and Fourteenth Amendments.  
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### 20           **The California Age-Based Gun Ban**

21           37. On September 28, 2018, then Governor Edmund G. Brown, Jr. signed into  
 22 law Senate Bill 1100 (“SB 1100”, 2017-2018 Reg. Sess.). SB 1100 amended  
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25                           developed suffice connection with this country to be considered  
 26                           part of that community.”

27           This contrasts markedly with the phrase “the militia” in the prefatory clause. As  
 28 described below, the “militia” in colonial America consisted of a subset of “the people”  
 — those who were male, able bodied, and within a certain age range.

1 Section 27510 to increase the State’s minimum age for firearm purchase and general  
2 possession, from 18 to 21 years of age. SB 1100 became effective on January 1, 2019.  
3  
4 Specifically, Penal Code section 27510 stated: “(a) A person licensed under Sections  
5 26700 to 26915, inclusive, shall not sell, supply, deliver, or give possession or control  
6 of a firearm to any person under 21 years of age.”  
7

8 38. Prior to enactment of SB 1100, existing California law prohibited the  
9 sale or transfer of a handgun, except as exempted, to any person under the age of 21.  
10 However, then-existing California law also allowed a person at least 18 years of age to  
11 buy or transfer a firearm that is not a handgun (e.g., shotguns, rifles).  
12

13 39. With enactment of SB 1100, however, California’s ban on the acquisition  
14 and purchase of *all firearms* is now complete, except for a few exemptions found in  
15 the new law. Penal Code section 27510, as amended, provides a small handful of  
16 exemptions, stating the law “does not apply to” the sale, supplying, delivery, or giving  
17 possession or control of a firearm to (i) a person 18 years of age or older that holds a  
18 valid hunting license, (ii) an active peace officer that is 18 years of age or older,  
19 (iii) an active federal officer or law enforcement agent that is 18 or older, (iv) a reserve  
20 peace officer that is 18 or older, (v) an active member in the U.S. military that is 18 or  
21 older, and (vi) a person honorably discharged from the military that is 18 or older.  
22  
23  
24

25 40. However, on October 11, 2019, only ten months after SB 1100 was  
26 enacted, the State of California already has taken additional *steps* to further restrict  
27 Young Adults’ Second Amendment rights by incorporating *additional* prohibitions  
28

1 within Section 27510’s so-called exemptions. On October 11, 2019, Governor Gavin  
2 Newsom signed Senate Bill 61 (SB 61) into law.

3  
4 41. Before SB 61, the so-called “exemptions” listed in Penal Code section  
5 27510(b)(1)-(2) were irrelevant, inapplicable, and illusory as they did not provide  
6 Young Adults any ordinary means of lawfully obtaining firearms. SB 61 amended  
7 Section 27510’s exemption that previously permitted licensed dealers to sell, deliver,  
8 transfer, and provide possession or control of firearms that are *not* handguns (*e.g.*, rifles  
9 and shotguns) to Young Adults who obtain and possess a valid hunting license issued  
10 by the California Department of Wildlife. See Penal Code section 27510(b)(1), as  
11 amended in Senate Bill 61 (2019-2020 Reg. Sess.).  
12  
13

14 42. Now, even if a Young Adult were forced to go through the significant time  
15 and expense to obtain a hunting license (even if they have no desire to hunt) in order  
16 to exercise their Second Amendment right to keep and bear arms for self-defense and  
17 other lawful purposes, under the new law, they are *still prohibited* from purchasing,  
18 transferring, acquiring, or obtaining possession or control of all semiautomatic,  
19 centerfire rifles of any kind. *See* Senate Bill 61 (2019-2020 Reg. Sess.).  
20  
21

22 43. The amended portions of California Penal Code section 27510 now  
23 provide:  
24

25 (a) A person licensed under Sections 26700 to 26915, inclusive, shall not  
26 sell, supply, deliver, or give possession or control of a firearm to any  
27 person who is under 21 years of age.  
28

1 (b) (1) Subdivision (a) does not apply to or affect the sale, supplying,  
2 delivery, or giving possession or control of a firearm **that is not a**  
3 **handgun or a semiautomatic centerfire rifle** to a person 18 years of age  
4 or older who possesses a valid, unexpired hunting license issued by the  
Department of Fish and Wildlife.

5 (2) Subdivision (a) does not apply to or affect the sale, supplying,  
6 delivery, or giving possession or control of a firearm **that is not a**  
7 **handgun or a semiautomatic centerfire rifle** to a person who is 18 years  
8 of age or older and provides proper identification of being an honorably  
9 discharged member of the United States Armed Forces, the National  
10 Guard, the Air National Guard, or the active reserve components of the  
11 United States. For purposes of this subparagraph, proper identification  
12 includes an Armed Forces Identification Card or other written  
documentation certifying that the individual is an honorably discharged  
member.

13 SB 61 (2019-2020 Reg. Sess.), California Penal Code section 27510(a)-(b) (bold  
14 added).

15  
16 44. Thus, only ten months after stripping Young Adults of their Second  
17 Amendment rights, the State of California and the Defendants implementing that law,  
18 have now whittled down Penal Code section 27510’s already inapplicable and  
19 irrelevant hunting license “exemption” — the only exemption that is even possible for  
20 an ordinary, law abiding Young Adult who does not wish to enter into a highly  
21 dangerous career in law enforcement or the military — by prohibiting an entire class  
22 of firearms (semiautomatic centerfire rifles).  
23  
24

25 45. Notably, under Penal Code section 27510, as amended, a Young Adult  
26 would be allowed to purchase a semiautomatic, centerfire rifle while active in the U.S.  
27 Armed Forces. However, if that adult were subsequently honorably retired before  
28

1 turning 21, *they would again become prohibited from purchasing the same rifle*. In  
2 short, the State’s ban on Young Adults purchasing and acquiring firearms has nothing  
3 to do with “training” or “safety.” It is a ban; with no rational reason or legitimate  
4 purpose other than to deprive Young Adults of their Second Amendment rights.  
5

6 46. This means persons between the ages of 18 and 21 that desire to protect  
7 themselves, their family or others, must now feign interest in hunting and get a hunting  
8 license, join law enforcement, enlist in the military, or be sure to be honorably  
9 discharged from the military before they can lawfully purchase, rent, acquire, and  
10 possess only certain classes of firearms in California.<sup>2</sup> However, “the people” identified  
11 in *Heller* encompass many more than the few identified in the limited so-called  
12 “exemptions” provided in Penal Code section 27510. Those “people” have a Second  
13 Amendment right to keep and bear arms for an array of lawful purposes, most notably  
14 for self-defense. *McDonald*, 561 U.S. at 780.  
15  
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18 47. Further, the licensed firearms dealer that violates the law is guilty of a  
19 crime and will be punished in accordance with Penal Code section 27590. Under the  
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21

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22 <sup>2</sup> With the signing of SB 61, even if a Young Adult were to go through the irrelevant  
23 and inapplicable requirements and pay the necessary fees to obtain a valid hunting  
24 license, they are still prohibited from purchasing all handguns and all semiautomatic  
25 centerfire rifles from any licensed dealer or private party transaction. Thus, the most  
26 common, widely used, and accepted classes of firearms for self-defense and arguably  
27 the most common classes of firearms are prohibited from purchase/acquisition by  
28 Young Adults even when they have complied with the State’s so-called “exemption.”  
*See Heller*, 554 U.S. at 629 (“it is no answer to say, ... that it is permissible to ban the  
possession of handguns so long as the possession of other firearms (i.e., long guns) is  
allowed”); *Parker v. District of Columbia*, 478 F.3d 370, 400 (D.C. Cir. 2007).



1 California Age-Based Gun Ban, selling a firearm to a person under 21 is either a felony  
2 or a misdemeanor. If charged as a felony, the crime is punishable by imprisonment for  
3 two, three, or four years. If charged as a misdemeanor, the crime is punishable by  
4 imprisonment in the county jail for not to exceed one year, by a \$1,000 fine, or both  
5 the fine and imprisonment (see Penal Code § 27590 (b)(6) and (c) (3)). Moreover, the  
6 punishment is increased for an alternate felony/misdemeanor if the transferred firearm  
7 was used in the subsequent commission of a felony for which the person is convicted  
8 and a sentence is imposed (see Penal Code § 27590 (d)(2)).  
9  
10  
11

12 **Infringement of Plaintiffs’ and similarly situated adults’**  
13 **Second Amendment rights**

14 48. Federal law already significantly constrains the right of adult citizens  
15 under the age of 21 from purchasing handguns. Under 18 U.S.C. § 922(b)(1), a  
16 federally licensed firearm dealer may not sell a handgun to any person under the  
17 age of 21. California’s new ban expands preexisting federal and state law limits by  
18 extending the firearms ban *to all firearms*, and prohibits adults not otherwise prohibited  
19 from purchasing firearms from any source — not just federally licensed dealers. Even  
20 if Young Adults were to comply with the State’s hunting license “exemption,” they  
21 would still be prohibited from purchasing any kind of handgun or semiautomatic  
22 centerfire rifle — these classes consist of the majority of all firearms purchased and  
23 used in the United States today.  
24  
25  
26  
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28

1           49. In addition to the various federal limits on firearm acquisitions, California  
2 law independently limits access to firearms for those individuals who are considered  
3 unsafe, mentally unstable, or otherwise incapable of safely operating a firearm. For  
4 instance, California prohibits access to those (i) convicted of a felony; (ii) convicted of  
5 domestic violence; (iii) those subject to a restraining order; (iv) those subject to a gun  
6 violence restraining order; (v) those admitted to a medical facility under Welfare and  
7 Institutions Code section 5150; (vi) minors under the age of 18; and (vii) various other  
8 misdemeanor convictions. See Penal Code §§ 29800, 29805.

9  
10  
11           50. California law requires, with few exceptions, that all firearm transfers be  
12 conducted by a federal licensed dealer. See Penal Code §§ 26500, 26800-26850;  
13 See also 27 C.F.R. 478.124(a). This applies even among two private individuals who  
14 wish to transfer a firearm. Because Penal Code section 27510 prohibits licensed dealers  
15 from “supply[ing], deliver[ing], or giv[ing] possession or control of a firearm to any  
16 person under 21 years of age, individuals from 18-to-20 years of age cannot lawfully  
17 acquire firearms through a firearms dealer or through private party transfers. The effect  
18 of the California Age-Based Gun Ban, and the State’s most recent action to further  
19 restrict the law’s limited, inapplicable, and illusory “exemptions,” is to impose a  
20 significant, unconstitutional burden on the right to keep and bear arms with regard to  
21 an entire class of law-abiding, adult citizens.  
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**IMPACT ON PLAINTIFFS**

1  
2 51. Plaintiff Jones is a 20-year-old adult male who, but for the California  
3 Age-Based Gun Ban and Defendants’ policies, practices, customs, and enforcement of  
4 said law, would be eligible to purchase and possess firearms for lawful purposes,  
5 including self-defense. On April 23, 2019, Mr. Jones entered into AO Sword gun shop  
6 with the intent to purchase a firearm for self-defense and other lawful purposes.  
7 On information and belief, AO Sword was duly licensed within the meaning of Penal  
8 Code sections 26700 to 26915, inclusive. Upon informing the licensed dealer of his  
9 desire to purchase a firearm, Mr. Jones was asked if he was 21. After informing the  
10 employee that he was 20 years old, Mr. Jones was informed that due to his age,  
11 AO Sword would not be able to sell or transfer any type of firearm to him. Because the  
12 licensed dealer was prohibited from transferring Mr. Jones a firearm of any kind under  
13 Penal Code section 27510, he was denied the ability to exercise his Second Amendment  
14 rights, including the “right to use arms in self-defense of hearth and home.” *Heller*,  
15 554 U.S. at 635. This unlawful prohibition and infringement on Mr. Jones’ Second  
16 Amendment rights will continue until he is 21 years old.

17  
18 52. Plaintiff Jones was not seeking to purchase a firearm in order to hunt and  
19 has no interest in using his firearm for hunting. He does not possess a valid, unexpired  
20 hunting license issued by the California Department of Fish and Wildlife. Thus, the  
21 extremely limited exemption under Penal Code section 27510(b)(1) is inapplicable.  
22 Plaintiff Jones is not an active or retired peace officer or federal officer. He also is not

1 a current or retired member of the armed forces. Plaintiff Jones does not intend to enter  
2 into a highly dangerous career in law enforcement or the military and will not be forced  
3 to do so in order to exercise his Second Amendment rights. Thus, the illusory  
4 exceptions under Penal Code section 27510(b)(1)-(3) are inapplicable to him.  
5

6 53. Plaintiff Furrh is a 20-year-old adult male who, but for the California  
7 Age-Based Gun Ban and Defendants' policies, practices, customs, and enforcement of  
8 said law, would be eligible to purchase and possess firearms for lawful purposes,  
9 including self-defense. On May 15, 2019, Mr. Furrh entered Beebe Arms gun shop in  
10 Fallbrook, California, to purchase a firearm for self-defense and other lawful purposes.  
11 On information and belief, Beebe Arms was duly licensed within the meaning of Penal  
12 Code sections 26700 to 26915, inclusive. Upon informing the licensed dealer of his  
13 desire to purchase a firearm, Mr. Furrh was asked if he was 21. After informing the  
14 Beebe Arms employee that he was 20 years old, Mr. Furrh was informed that due to  
15 his age, Beebe Arms would not be able to sell or transfer any type of firearm to him.  
16 Because the licensed dealer was prohibited from transferring Mr. Furrh a firearm of  
17 any kind under Penal Code section 27510, he was denied the ability to exercise his  
18 Second Amendment rights, including the "right to use arms in self-defense of hearth  
19 and home." *Heller*, 554 U.S. at 635. This unlawful prohibition and infringement on  
20 Mr. Furrh's Second Amendment rights will continue until he is 21 years old.  
21  
22  
23  
24  
25

26 54. Plaintiff Furrh was not seeking to purchase a firearm in order to hunt and  
27 had no interest in using his firearm for hunting. He does not possess a valid, unexpired  
28

1 hunting license issued by the California Department of Fish and Wildlife. Thus, the  
2 extremely limited exemption under Section 27510(b)(1) is inapplicable. Plaintiff Furrh  
3 is not an active or retired peace officer or federal officer. He also is not a current or  
4 retired member of the armed forces. Plaintiff Furrh does not intend to enter into a highly  
5 dangerous career in law enforcement or the military before his twenty-first birthday  
6 and will not be forced to do so in order to exercise his Second Amendment rights. Thus,  
7 the illusory exceptions under Penal Code section 27510(b)(1)-(3) are inapplicable to  
8 him.  
9

10  
11  
12 55. Plaintiff Yamamoto is a 19-year-old adult male who, but for the California  
13 Age-Based Gun Ban and Defendants' policies, practices, customs, and enforcement of  
14 said law, would be eligible to purchase and possess firearms for lawful purposes,  
15 including self-defense. On June 2, 2019, Mr. Yamamoto attended the Crossroads of the  
16 West Gun Show (Gun Show) being held in Costa Mesa, California, to purchase a rifle  
17 for self-defense and other lawful purposes. Mr. Yamamoto approached a booth occupied  
18 by a licensed firearms dealer. On information and belief, Crossroads of the West Gun  
19 Show was operating within the law and obtained proper state and local permits. On  
20 information and belief, all licensed dealers operating booths at the Gun Show were duly  
21 licensed within the meaning of Penal Code sections 26700 to 26915, inclusive. Upon  
22 informing the licensed dealer of his desire to purchase the rifle, Mr. Yamamoto was  
23 asked for his California Driver's License. After reviewing Mr. Yamamoto's birth date,  
24 the licensed dealer informed Mr. Yamamoto that due to his age, the dealer would not  
25  
26  
27  
28

1 be able to sell or transfer any type of firearm to him. Because the licensed dealer was  
2 prohibited from transferring Mr. Yamamoto a firearm of any kind under Penal Code  
3 section 27510, he was denied the ability to exercise his Second Amendment rights,  
4 including the “right to use arms in self-defense of hearth and home.” *Heller*, 554 U.S.  
5 at 635. This unlawful prohibition and infringement on Mr. Yamamoto’s Second  
6 Amendment rights will continue until he is 21 years old.  
7

9         56. Plaintiff Yamamoto was not seeking to purchase a rifle to hunt and has no  
10 interest in using his firearm for hunting. He does not possess a valid, unexpired hunting  
11 license issued by the California Department of Fish and Wildlife. Thus, the extremely  
12 limited exemption under Section 27510(b)(1) is inapplicable. Plaintiff Yamamoto is  
13 not an active or retired peace officer or federal officer. He also is not a current or retired  
14 member of the armed forces. Plaintiff Yamamoto does not intend to enter into a highly  
15 dangerous career in law enforcement or the military and will not be forced to do so in  
16 order to exercise his Second Amendment rights. Thus, the illusory exceptions under  
17 Penal Code section 27510(b)(1)-(3) are inapplicable to him.  
18  
19

21         57. Plaintiff PWG is a licensed firearms retailer and range who has the  
22 privilege of holding a special weapons permit in the State of California. A major part  
23 of PWG’s business activities include renting firearms to customers in order to use  
24 those firearms on the PWG ranges. Due to the Penal Code section 27510 prohibition  
25 on licensed dealers from “sell[ing], supply[ing], deliver[ing], or giv[ing] *possession or*  
26 *control* of a firearm to any person under 21 years of age,” PWG has been forced to  
27  
28

1 deny numerous otherwise qualified individuals from *purchasing, renting, or even*  
2 *handling* firearms of any kind from their store and range.

3  
4 58. Further, Plaintiff PWG has had to deny numerous adult customers,  
5 ages 18-20, from attending or taking part in PWG's firearms classes. Most PWG  
6 classes require students to handle firearms in some manner. Because PWG is prevented  
7  
8 from allowing even possession or control of any firearm to adults ages 18-20, PWG  
9 has had to deny all adults in that age range from attending their firearms classes who  
10 would otherwise be permitted – even when accompanied by an individual over 21.

11  
12 59. Penal Code section 27510's prohibitions also prevent Plaintiff PWG from  
13 offering hunter education classes to adults between the ages 18-20 who wish to comply  
14 with Penal Code section 27510's exemption, which allows individuals over 18 to  
15 acquire long guns if they possess a valid, unexpired hunting license issued by the  
16 Department of Fish and Wildlife. The hunter's education classes require that students  
17 handle and demonstrate the safe handling of a firearm. Because PWG is prevented from  
18  
19 "sell[ing], supply[ing], deliver[ing], or giv[ing] *possession or control* of a firearm to  
20 any person under 21 years of age," PWG cannot lawfully provide the necessary  
21 instruction for customers to meet this exception.  
22  
23

24 60. Thus, Penal Code Section 27510 has not only prohibited Plaintiff PWG  
25 from selling firearms to otherwise acceptable adults, but it has also required PWG to  
26 prevent anyone under the age of 21 from entering their range or attending any of their  
27  
28

1 classes, due to the liability of potentially *supplying* a firearm to someone under the  
2 age of 21.

3  
4 61. Plaintiff NCSC is a licensed firearms retailer and range in San Marcos,  
5 California. A major part of NCSC’s business activities include renting firearms to  
6 customers in order to use those firearms on the NCSC range. Due to the Penal Code  
7 section 27510 prohibition on licensed dealers from “sell[ing], supply[ing], deliver[ing],  
8 or giv[ing] *possession or control* of a firearm to any person under 21 years of age,”  
9 NCSC has been forced to deny numerous otherwise qualified individuals from  
10 *purchasing, renting, or even handling* firearms of any kind from their store and range.

11  
12  
13 62. Further, Plaintiff NCSC has had to deny numerous adult customers, ages  
14 18-20, from attending or taking part in NCSC’s firearms classes. Most NCSC classes  
15 require students to handle firearms in some manner. Because NCSC is prevented from  
16 allowing even possession or control of any firearm to adults ages 18-20, NCSC has had  
17 to deny all adults in that age range from attending their firearms classes who would  
18 otherwise be permitted – even when accompanied by an individual over 21.

19  
20  
21 63. Penal Code section 27510’s prohibitions also prevent Plaintiff NCSC  
22 from offering hunter education classes to adults between the ages 18-20 who wish to  
23 comply with Penal Code section 27510’s exemption, which allows individuals over  
24 18 to acquire long guns if they possess a valid, unexpired hunting license issued by the  
25 Department of Fish and Wildlife. The hunter’s education classes require that students  
26 handle and demonstrate the safe handling of a firearm. Because NCSC is prevented  
27  
28



1 from “sell[ing], supply[ing], deliver[ing], or giv[ing] *possession or control* of a firearm  
2 to any person under 21 years of age,” NCSC cannot lawfully provide the necessary  
3 instruction for customers to meet this exception.  
4

5 64. Thus, Penal Code Section 27510 has not only prohibited Plaintiff NCSC  
6 from selling firearms to otherwise acceptable adults, but it has also required NCSC to  
7 prevent anyone under the age of 21 from entering their range or attending any of their  
8 classes, due to the liability of potentially *supplying* a firearm to someone under the  
9 age of 21.  
10

11 65. Plaintiff Beebe Arms is licensed firearms retailer in Fallbrook, California.  
12 As a result of California Age-Based Gun Ban, Beebe Arms was forced to deny  
13 otherwise qualified individuals, and specifically Plaintiff Furrh, the ability to purchase  
14 any type of firearm. Due to the Penal Code section 27510 prohibition on licensed  
15 dealers from “sell[ing], supply[ing], deliver[ing], or giv[ing] *possession or control* of  
16 a firearm to any person under 21 years of age,” Beebe Arms has been forced to deny  
17 numerous otherwise qualified individuals from *purchasing, renting, or even handling*  
18 firearms of any kind from their store.  
19  
20  
21

22 66. Penal Code section 27510’s prohibitions also prevent Plaintiff Beebe  
23 Arms from offering hunter education classes to adults between the ages 18-20 who  
24 wish to comply with Penal Code section 27510’s exemption, which allows individuals  
25 over 18 to acquire long guns if they possess a valid, unexpired hunting license issued  
26 by the Department of Fish and Wildlife. The hunter’s education classes require that  
27  
28

1 students handle and demonstrate the safe handling of a firearm. Because Beebe Arms  
2 is prevented from “sell[ing], supply[ing], deliver[ing], or giv[ing] *possession or control*  
3 of a firearm to any person under 21 years of age,” Beebe Arms cannot lawfully provide  
4 the necessary instruction for customers to meet this exception.  
5

6           67. Thus, Penal Code Section 27510 has prohibited Beebe Arms from selling  
7 firearms to otherwise acceptable adults.  
8

9           68. Plaintiff Firearms Policy Coalition is a 501(c)(4) nonprofit organization  
10 that advocates individual liberties and constitutional rights — especially those  
11 protected under the First, Second, Fifth, and Fourteenth Amendments. FPC’s  
12 membership includes California residents who are between 18 and 20 years of age.  
13 Penal Code section 27510’s ban on firearm sales and transfers to adults within the ages  
14 of 18-to-20 infringes on the Second Amendment rights of these Firearms Policy  
15 Coalition members. FPC brings this action on behalf of these members.  
16  
17

18           69. Plaintiff FPF is a 501(c)3 nonprofit organization that serves its members,  
19 supporters, and the public through advocating individual liberties and constitutional  
20 rights – especially those protected under the Second Amendment. FPF’s membership  
21 and supporters includes California residents who are over 18, but under 21 years old.  
22 Penal Code section 27510’s ban on firearm sales and transfers to adults within the ages  
23 of 18-to-20 infringes on the Second Amendment rights of these FPF members and  
24 supporters. FPF brings this action on behalf of these members.  
25  
26  
27  
28

1           70. Plaintiff CGF is a 501(c)(3) non-profit organization that serves its  
2 members, supporters, and the public through education, cultural, and judicial efforts to  
3 advance Second Amendment and related civil rights. CGF's membership and  
4 supporters includes California residents who are over 18, but under 21 years old. Penal  
5 Code section 27510's ban on firearm sales and transfers to adults within the ages  
6 of 18-to-20 infringes on the Second Amendment rights of these CGF members.  
7  
8 CGF brings this action on behalf of these members.  
9

10           71. Plaintiff SAF has over 600,000 members and supporters nationwide,  
11 including thousands in the State of California. SAF's membership includes California  
12 residents who are over 18, but under 21 years old. Penal Code section 27510's ban on  
13 firearm sales and transfers to adults within the ages of 18-to-20 infringes on the Second  
14 Amendment rights of these SAF members. SAF brings this action on behalf of these  
15 members.  
16  
17

18           72. Plaintiffs Jones, Furrh, Yamamoto, PWG, NCSC, Beebe Arms, FPC, FPF,  
19 CGF and SAF in their representative capacities, include both male and female adults,  
20 who, apart from their age, meet all other state or federal requirements for purchasing  
21 or possessing firearms. Plaintiffs are not law enforcement, federal officers, or in the  
22 armed services; nor do these Plaintiffs have valid, unexpired hunting licenses.  
23  
24 Therefore, they are not exempt from California's ban.  
25  
26  
27  
28



1 *control* of a firearm to any person under 21 years of age,” and thus, prohibiting adults  
2 between the ages of 18 and 20 from purchasing any firearms.

3  
4 77. If not enjoined by this Court, Defendants will continue to enforce Penal  
5 Code section 27510 in derogation of Plaintiffs’ constitutional rights. Plaintiffs have no  
6 plain, speedy, and adequate remedy at law. Damages are indeterminate or  
7 unascertainable and, in any event, would not fully redress any harm suffered by  
8 Plaintiffs because they are unable to engage in constitutionally protected activity due  
9 to California’s ongoing enforcement of Penal Code section 27510.  
10

11  
12 **FIRST CAUSE OF ACTION**  
13 **(Violation of U.S. Const. amends. II and XIV)**

14 78. Plaintiffs incorporate by reference the allegations of the preceding  
15 paragraphs 1 through 77.

16  
17 79. The Second Amendment’s guarantee of “the right of the people to keep  
18 and bear Arms” secures to law-abiding, adult citizens the fundamental constitutional  
19 right to purchase and acquire firearms for self-defense and other lawful purposes.  
20 U.S. Const. amend. II.  
21

22 80. This Second Amendment right applies against the State of California  
23 through the Fourteenth Amendment to the U.S. Constitution.

24  
25 81. Penal Code section 27510 prohibits lawful, responsible, adult citizens  
26 ages 18-to-20 from purchasing firearms of any type from any source as it prevents  
27  
28

1 federal firearms licensees from selling, supplying, delivering, or giving possession or  
2 control of any firearm to any person under 21 years of age.

3  
4 82. Penal Code section 27510(b)(1)-(3) provides limited “exemptions” to this  
5 blanket prohibition. The exemptions are generally inapplicable, irrelevant, and illusory  
6 and cover only a relatively small number of law enforcement, military, and those with  
7 current unexpired hunting licenses. Penal Code § 27510(b)(1)-(3). As of  
8 October 11, 2019, the State of California has taken significant steps to further restrict  
9 the hunting license “exemption” by still prohibiting federal firearms licensees from  
10 selling, supplying, delivering, or giving possession or control of all semiautomatic  
11 centerfire rifles to Young Adults even when they possess a valid hunting license.  
12 Young Adults should also not be required to enter into dangerous careers in order to  
13 exercise their Second Amendment rights. These exemptions do not apply to the vast  
14 majority of adult citizens ages 18-to-20.

15  
16  
17  
18 83. Penal Code section 27510 requires that all firearm transfers be conducted  
19 through federally licensed dealers. Section 27510 also prevents private party  
20 transactions from being completed between adult citizens. Thus, the two main sources  
21 of purchasing and acquiring firearms are entirely prohibited to Young Adults.  
22

23  
24 84. The California Age-Based Gun Ban and Defendant’s policies, practices,  
25 and customs of enforcing said law constitute a ban that infringes on, and imposes an  
26 unconstitutional burden upon, the Second Amendment rights of Plaintiffs Jones, Furrh,  
27

28

1 Yamamoto, PWG, NCSC, Beebe Arms, FPC, FPF, CGF, and SAF as alleged above.

2 Thus, the ban is unconstitutional, invalid, and unenforceable.

3  
4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs pray that the Court:

6 1. Declare Penal Code section 27510 unconstitutional on its face and as  
7 applied to Plaintiffs and other similarly situated adults over the age of 18 under the  
8 Second and Fourteenth Amendments to the United States Constitution, and, therefore,  
9 devoid of any legal force or effect.

10  
11 2. Temporarily and permanently enjoin Defendants Attorney General Xavier  
12 Becerra and the other named Defendants, and their officers, agents, employees, and  
13 attorneys, and those persons in active concert or participation with them, and those duly  
14 sworn state peace officers and federal law enforcement officers who gain knowledge  
15 of the permanent injunction, or know of its existence, from enforcing Penal Code  
16 section 27510 against Plaintiffs and others similarly situated in its entirety.

17  
18 3. Award remedies available under 42 U.S.C. § 1983 and all reasonable  
19 attorneys' fees, costs, and expenses under 42 U.S.C. § 1988, or any other applicable  
20 law.  
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4. Grant such other and further relief as the Court may deem proper.

November 8, 2019

John W. Dillon  
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