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Proposition 63

One aspect of the election year that is always overshadowed by the presidential election is the Proposition vote. Propositions are extremely important for a particular state because they have the ability to make substantial changes to the state law. This year there are going to be sixteen new propositions in California that voters will be able to vote for this November. Each touch a wide variety issues in California but one of the most controversial ones is Proposition 63. In response to the countless accounts of gun violence and domestic casualties due to guns, Lt. Governor Gavin Newsom proposed the “Safety For All Initiative” or Proposition 63 in the State of California. Proposition 63 hopes to establish a wide variety of changes to the purchasing of guns and ammunition, reports on missing or stolen firearms, requirements for ammunition and gun vendors, and most importantly the ability to purchase and or possess large capacity magazines.

A lot of the measures proposition 63 hopes to establish have to do with the criminal proceedings regarding guns and ammunitions. If it were to pass Proposition 63 would raise the punishment for theft of firearms from a misdemeanor to a felony. It would also establish a law that would prohibit the possession, for ten years, of any firearms to those who were charged of theft of a firearm before the punishment was elevated to a felony. By increasing the punishment for the theft of firearms, Prop 63 does create less incentive for criminals to steal firearms and then increase those who do have firearms. This part of the proposition is actually widely

accepted by everyone, even those who are very vocal about their opposition agree that this part of the Proposition is one of the only positives.

Another change having to do with the theft of firearms would be punishments for not reporting one's firearm to be missing or stolen. According the SEC 4 25250 (a) of Prop 63, "Every person shall report the loss of theft of a firearm...within five days of the time he or she knew or reasonably should have known that the firearm had been stolen or lost". If the owner of the stolen gun fails to report the crime, they will have to pay a fine ranging from \$100-1000 and could be sentenced to jail time depending on the number of times they fail to report the missing or stolen firearm. It would increase the response time to find and retrieve stolen weapons creating less criminals or unlicensed people who are carrying carrying firearms. Although this does provide some benefits to stopping the illegal gun market, this part of the proposition punishes Americans for not doing the right thing by making it a requirement for them to report missing or stolen firearms and ammunition.

In order to "close the loopholes" in gun control, Prop 63 looks to establish more background checks and required licenses for purchasing ammunition. Before, only a background check was needed in order to purchase a firearm but if Prop 63 were to pass it would be required in order to purchase ammunition. This would increase the time between purchase of ammunition and the receiving of it just like how it was done with firearms. Another thing Prop 63 hopes to establish is tighter restrictions and licenses needed for the vendors selling firearms and ammunition. Those opposed to Prop 63 claim that it will "Force legal ammunition vendors out of business"(Coalition for Civil Liberties). This could be possible because with the required licenses and permits comes a lot of extra fees and time that some small businesses may not have. However on the opposite side of the spectrum, those in favor say it keeps guns out of ineligible

hands by strengthening background checks to keep guns out of the hands of people unfit. “ Researchers found that a 1995 Connecticut law requiring gun buyers to get permits (which themselves required background checks) was associated with a 40 percent decline in gun homicides and a 15 percent drop in suicides.” (NPR). They want to make clear that background checks work and if more were to be established gun violence could go down significantly which could possibly happen if Prop 63 were to be passed.

The most significant effect Proposition 63 will have, if passed, is the outlaw of the possession and purchasing of large capacity magazines; magazines that exceed a 10 round capacity. This is not only the biggest change this proposition will establish but also the one that receives the most public opposition. In SEC 6 Section 32310 (a) anyone “who gives, lends, buys, or recieved any large-capacity magazines is punishable by imprisonment in a county jail not exceeding one year”. There are many arguments against this measure and most include the fact that it criminalizes law-abiding citizens. The Los Angeles Association of Deputy District Attorneys puts it best, “since ammunition will still be legal to possess (albeit more difficult to acquire) the measure does nothing to stop criminals who commit murder — which, of course, is already illegal. It will only affect the law abiding citizens.” The main purpose of the proposition is to help put an end to mass shootings and while decreasing the amount of guns in criminal’s hands, but this part of the proposition only criminalizes law abiding citizens, wastes time of law enforcement, and does not necessarily decrease the amount of murders due to firearms. However this proposition is still very supported by many politicians and organizations. The central argument for those in support of this part of Prop 63 is that “Without bullets, as Santa Clara County District Attorney Jeff Posen points out, bad guys can’t do harm with guns”(Safetyforall.com).

Now one of the biggest questions this proposition evokes is does this obey the 2nd amendment and would this ever be considered to be overturned by the US Congress? If it were to be interpreted literally, Prop 63 would be deemed Constitutional because it has to do with the restriction on ammunition. In fact similar laws have been passed like those in Connecticut. As a response to the Sandy Hook shootings, Connecticut passed a law that banned certain semi-automatic assault weapons and large capacity magazines. It has been challenged many times but has never yet to be overturned or amended but however this is a very recent law. However despite this precedent I believe that it will be overturned if challenged all the way to the supreme court. Senators have echoed their opinions of this such as Sen. Chuck Grassley who said “Second Amendment rights require not only access to firearms but to bullets” (Washington Examiner). For these reasons I believe that if Prop 63 was passed and challenged it would be deemed unconstitutional and be overturned by Congress.

The next major question is, will Proposition 63 pass at the ballot this year? In my opinion it will not pass. This is because it takes too drastic of actions towards strengthening gun control in California. It includes changes that are very well received with voters but there are just too many other things it changes that are too drastic and pose a threat to the rights given by the 2nd Amendment. There are parts to Prop 63 that are widely accepted by the public and would easily pass if it was not bundled with many other changes. An example of this is push to rise the punishment for theft of a firearm, almost no one opposes that part of Prop 63. The parts that would cause people to vote no would include the ban on large capacity magazines and the high restrictions on the purchasing and sale of ammunition. If Proposition 63 was split up by each policy and change, I fully believe that most parts would be passed and create a large impact to

the widespread gun violence seen throughout California. This is why I believe that Proposition 63 will not pass this November.

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