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NEWS FOR IMMEDIATE RELEASE

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AG Kaul Joins Multistate Amicus Brief to Uphold Laws Restricting Gun Magazine Capacity

A coalition of 20 attorneys general argue large-capacity magazines are not protected by the Second Amendment because they are not commonly used for self-defense.

MADISON, Wis. – Attorney General Josh Kaul has joined a coalition of 19 other attorneys general in supporting the state of California’s efforts to restrict the capacity of firearms magazines within its borders. The coalition filed an amicus brief Wednesday in support of California in the U.S. Court of Appeals for the Ninth Circuit Court, arguing that California’s prohibition on the possession and sale of large-capacity magazines is consistent with the Second Amendment to the Constitution.

“Preventing harm from gun violence is an integral part of protecting safety,” said Attorney General Kaul. “States can and should be able to adopt reasonable gun-safety measures while fully respecting Second Amendment rights.”

The case, *Duncan vs. Bonta*, concerns the constitutionality of a California law that allows for possession and sale of firearms magazines that accept up to ten rounds of ammunition, but prohibits larger capacity magazines (“LCMs”). The U.S. District Court for the Southern District of California issued a preliminary injunction against California’s LCM ban, and California has appealed the decision. The Ninth Circuit has stayed the lower court’s preliminary injunction while it considers California’s appeal granted, allowing the law to remain in effect for now.

In the [amicus brief](#), the attorneys general argue that California’s large-capacity magazine law is a constitutionally permissible restriction because:

- **To encourage public safety, states can and do impose restrictions on dangerous weapons, accessories, and ammunition that pose a threat to communities:** States have widely adopted reasonable restrictions on the public carry, possession, and sale of many types of weapons, accessories, and forms of ammunition that are not suitable for self-defense and undermine the public's safety. These restrictions are intended to reduce injuries and deaths, while leaving many other options available for individuals who wish to exercise the core Second Amendment right to self-defense.
- **Large-capacity magazines are not protected by the Second Amendment because they are not "Arms," and they are not commonly used or suitable for self-defense:** The Second Amendment protects only firearms that are commonly used or suitable for self-defense. Large-capacity magazines are neither. Instead, they facilitate the infliction of more injuries and more deaths when used in mass shootings and other forms of gun violence.
- **California's law is consistent with a historical tradition of regulating and imposing restrictions on new and distinctively dangerous forms of weaponry:** Historical gunpowder storage laws and other rules and regulations were explicitly intended to prevent threats to public safety by limiting the aggregation of arsenals far beyond what would be sufficient for self-defense. Many state and federal laws throughout American history have also regulated specific dangerous weapons or accessories used for criminal and other violent purposes, such as machine guns or short-barreled shotguns.

Joining Attorney General Kaul in this amicus brief are the attorneys general of Arizona, Colorado, Connecticut, Delaware, the District of Columbia, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Oregon, New York, Pennsylvania, Rhode Island, Vermont, and Washington.