

1 John W. Dillon (Bar No. 296788)  
2 Gatzke Dillon & Ballance LLP  
3 2762 Gateway Road  
4 Carlsbad, California 92009  
5 Telephone: (760) 431-9501  
6 Facsimile: (760) 431-9512  
7 E-mail: [jdillon@gdandb.com](mailto:jdillon@gdandb.com)

8 Attorney for Plaintiffs

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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 MATTHEW JONES; THOMAS  
13 FURRH; PWGG, L.P. (d.b.a. POWAY  
14 WEAPONS AND GEAR and PWG  
15 RANGE); NORTH COUNTY  
16 SHOOTING CENTER, INC.; BEEBE  
17 FAMILY ARMS AND MUNITIONS  
18 LLC (d.b.a. BFAM and BEEBE  
19 FAMILY ARMS AND MUNITIONS);  
20 FIREARMS POLICY COALITION,  
21 INC.; FIREARMS POLICY  
22 FOUNDATION; THE CALGUNS  
23 FOUNDATION; and SECOND  
24 AMENDMENT FOUNDATION,

Plaintiffs,

25 v.

26 XAVIER BECERRA, in his official  
27 capacity as Attorney General of the State  
28 of California; MARTIN HORAN, in his  
official capacity as Director of the  
Department of Justice Bureau of  
Firearms; and DOES 1-20,

Defendants

Case No.: '19CV1226 L BLM

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

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

7 Specifically, Plaintiffs respectfully request that this Court: (i) declare that  
8 California's law, Penal Code section 27510(a)-(b), and Defendant's policies and  
9 practices of enforcing such law, which prohibits adults not otherwise prohibited  
10 between the ages of 18 and 20 from acquiring or purchasing any firearm (hereinafter  
11 the challenged "California Age-Based Gun Ban"), as an unconstitutional infringement  
12 of Plaintiffs' constitutional rights under the Second and Fourteenth Amendments of the  
13 United States Constitution; and (ii) permanently enjoin Defendants from enforcing  
14 Penal Code section 27510(a)-(b), and thereby allow Plaintiffs, and others similarly  
15 situated, to acquire, purchase, use, sell or transfer firearms to defend themselves, their  
16 families, and their homes and for all other lawful purposes. In support of this  
17 Complaint, Plaintiffs hereby allege as follows:

## 22 JURISDICTION AND VENUE

24 1. This Court has subject-matter jurisdiction over Plaintiffs' claims in this  
25 action under 28 U.S.C. § 1331, because the action arises under the Constitution and  
26 laws of the United States; and, thus, raises federal questions. The Court also has  
27 jurisdiction under 28 U.S.C. § 1343 and 42 U.S.C. § 1983, because this action seeks to  
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1 redress the deprivation, under color of the laws and statutes of the State of California  
2 and political subdivisions thereof, of rights, privileges, and immunities secured by the  
3 United States Constitution and laws.

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5 2. Plaintiffs' claims for declaratory and injunctive relief are authorized under  
6 28 U.S.C. §§ 2201 and 2202, and 42 U.S.C. § 1983; and their claim for attorneys' fees  
7 is authorized under 42 U.S.C. §1988.

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9 3. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (b)(2).

10 **PARTIES**

11 **A. Plaintiffs – Individuals and Entities**

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

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

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17           6.     Plaintiff PWGG, L.P. is both a California limited partnership doing  
18 business as Poway Weapons & Gear and PWG Range (PWG), and a federal and state  
19 licensed firearms retailer and range in Poway, California. PWG is the largest indoor  
20 shooting range in California, serving approximately 200,000 visitors per year and  
21 supporting almost 4,000 members. It is also the largest firearm, accessory, and apparel  
22 retail store in San Diego, California. As part of its range activities, PWG provides  
23 firearms for rental use in its three indoor shooting ranges. PWG also provides firearms  
24 training to over 8,000 students per year. Since opening in 2014, PWG has helped  
25 educate over 50,000 students in firearm use and safety through various courses  
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1 involving the handling and use of firearms. Due to Defendants' enforcement of the  
2 prohibition of selling, supplying, delivering, or giving possession or control of a  
3 firearm to any person under 21 years of age, PWG has been directly and adversely  
4 harmed. For example, PWG has been forced to stop, and has stopped, otherwise lawful  
5 sales to adults under the age of 21. It has been forced to stop, and has halted, all firearm  
6 rentals to adults under the age of 21. Further, PWG has been forced to prohibit, and  
7 has prohibited, adults between the ages of 18 to 20 from attending various firearms  
8 classes hosted by PWG. As a direct result, PWG has sustained financial harm, injury,  
9 and losses from the sale and rentals of otherwise lawful goods and services. PWG  
10 brings this action on behalf of itself, its members, and other similarly situated licensed  
11 firearms retailers and shooting ranges in California.

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15         7. Plaintiff North County Shooting Center Inc. (NCSC) is both an S-Corp  
16 and a federal and state licensed firearms retailer and range in San Marcos California  
17 owned by Darin Prince and Stanley Tuma. NCSC is a full-service shooting range and  
18 gun store. NCSC sells firearms, ammunition, and other firearms accessories as part of  
19 its retail store. As part of its range activities, NCSC provides firearms for rental use in  
20 its indoor shooting range. NCSC also provides various firearms training courses which  
21 take place on NCSC premises. Due to Defendants' enforcement of the prohibition of  
22 selling, supplying, delivering, or giving possession or control of a firearm to any person  
23 under 21 years of age, NCSC has been directly and adversely harmed. For example,  
24 NCSC has been forced to stop, and has stopped, otherwise lawful sales to adults under  
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1 the age of 21. It has been forced to stop, and has halted, all firearm rentals to adults  
2 under the age of 21. Further, NCSC has been forced to prohibit, and has prohibited,  
3 adults between the ages of 18 to 20 from attending various firearms classes hosted by  
4 NCSC. As a direct result, NCSC has sustained financial injury, harm, and losses from  
5 the sale and rentals of otherwise lawful goods and services. NCSC brings this action  
6 on behalf of itself, its members, and other similarly situated licensed firearms retailers  
7 and shooting ranges in California.  
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10 8. Plaintiff Beebe Family Arms and Munitions, LLC, d.b.a. BFAM and  
11 Beebe Family Arms and Munitions (Beebe Arms) is a federal and state licensed  
12 firearms retailer in Fallbrook, California owned by Matthew Beebe. Due to  
13 Defendants' enforcement of the prohibition of selling, supplying, delivering, or giving  
14 possession or control of a firearm to any person under 21 years of age, Beebe Arms has  
15 been directly and adversely harmed. For example, Beebe Arms has been forced to stop,  
16 and has stopped, otherwise lawful sales to adults under the age of 21. More  
17 specifically, Beebe Arms was forced to deny Plaintiff Furrh from purchasing/acquiring  
18 a firearm for self-defense. Further, Beebe Arms has been forced to prohibit, and has  
19 prohibited, adults between the ages of 18 to 20 from attending various firearms classes  
20 hosted by Beebe Arms. As a direct result, Beebe Arms has sustained financial harm,  
21 injury, and losses from the sale of otherwise lawful goods and services. Beebe Arms  
22 brings this action on behalf of itself, its members, and other similarly situated licensed  
23 firearms retailers in California.  
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1           **B. Institutional Plaintiffs**

2           9. Plaintiff Firearms Policy Coalition, Inc. (FPC) is a 26 U.S.C. section  
3 501(c)(4) non-profit organization incorporated under the laws of Delaware with its  
4 principal place of business in Sacramento, California. FPC’s members and supporters  
5 reside both within and outside the State of California, including San Diego County,  
6 California. FPC serves its members, supporters, and the public through direct  
7 legislative advocacy, grassroots advocacy, legal efforts, research, education, outreach,  
8 and other programs. FPC also strongly opposed the state legislation (Senate Bill 1100)  
9 that led to enactment of Penal Code section 27510. The purpose of FPC includes  
10 defending the United States Constitution and the people’s rights, privileges, and  
11 immunities deeply rooted in this country’s history and tradition, especially the  
12 fundamental right to keep and bear arms under the Second Amendment.  
13 FPC represents its members and supporters, who include licensed California firearm  
14 retailers and gun owners, and brings this action on behalf of itself, its members,  
15 supporters who possess all the indicia of membership, and similarly situated members  
16 of the public. FPC’s individual California members have been adversely and directly  
17 harmed and injured by Defendants’ enforcement of the statutory prohibition on the  
18 lawful sale of firearms to adults between the ages of 18 and 20. Indeed, Penal Code  
19 section 27510 has denied, and will continue to deny, millions of responsible, law-  
20 abiding adults under the age of 21 their fundamental, individual right to keep and bear  
21 arms secured under the Second and Fourteenth Amendments of the U.S. Constitution.  
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1 Defendants' actions and failures alleged herein have also caused FPC to dedicate  
2 resources that would otherwise be available for other purposes to protect the rights and  
3 property of its members, supporters, and the general public, including by and through  
4 this action.  
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6 10. Plaintiff Firearms Policy Foundation (FPF) is a grass roots 501(c)3  
7 non-profit public benefit organization. FPF's mission is to protect and defend the  
8 Constitution of the United States and the People's rights, privileges and immunities  
9 deeply rooted in the Nation's history and tradition, especially the inalienable,  
10 fundamental, and individual right to keep and bear arms. FPF informs the public about  
11 past and current laws, legal challenges and effects of laws on their members and  
12 supporters' constitutional rights. FPF has taken, and continues to take, legal action to  
13 advance the Second Amendment rights of its members and supporters. The Court's  
14 interpretation of the Second Amendment directly impacts FPF's organizational  
15 interests, as well as FPF's members and supporters in California, who enjoy exercising  
16 their Second Amendment rights. FPF brings this action on behalf of itself, its members,  
17 supporters who possess all the indicia of membership, and similarly situated members  
18 of the public. FPF's individual California members between the ages of 18 and 20 have  
19 been adversely and directly harmed and injured by Defendants' enforcement of the  
20 statutory prohibition on the lawful sale of firearms to adults between the ages  
21 of 18 and 20. Indeed, Penal Code section 27510 has denied, and will continue to  
22 deny, millions of responsible, law-abiding adults under the age of 21 their  
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1 fundamental, individual right to keep and bear arms secured under the Second and  
2 Fourteenth Amendments of the U.S. Constitution. Defendants' actions and failures  
3 alleged herein have caused FPF to dedicate resources that would otherwise be available  
4 for other purposes to protect the rights and property of its members, supporters, and the  
5 general public, including by and through this action.  
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7         11. Plaintiff The Calguns Foundation (CGF) is a section 501(c)(3) non-profit  
8 organization that serves its members, supporters, and the public through educational,  
9 cultural, and judicial efforts to advance Second Amendment and related civil rights.  
10 Founded by civil rights activists in California, CGF has taken part in numerous  
11 litigation efforts to defend innocent gun owners from criminal prosecution and assisted  
12 gun owners with various firearms-related legal issues. CGF has also filed important  
13 supporting amicus briefs in lawsuits filed in courts across the nation in an effort to  
14 protect Second Amendment rights, including the landmark U.S. Supreme Court case  
15 *McDonald v. Chicago*. The Court's interpretation of the Second Amendment directly  
16 impacts CGF's organizational interests, as well as CGF's members and supporters in  
17 California, who enjoy exercising their Second Amendment rights. CGF brings this  
18 action on behalf of itself, its members, supporters who possess all the indicia of  
19 membership, and similarly situated members of the public. CGF's individual  
20 California members between the ages of 18 and 20 have been adversely and directly  
21 harmed and injured by Defendants' enforcement of the statutory prohibition on the  
22 lawful sale of firearms to adults between the ages of 18 and 20. Indeed, Penal Code  
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1 section 27510 has denied, and will continue to deny, millions of responsible,  
2 law-abiding adults under the age of 21 their fundamental, individual right to keep and  
3 bear arms secured under the Second and Fourteenth Amendments of the  
4 U.S. Constitution. Defendants' actions and failures alleged herein have caused CGF  
5 to dedicate resources that would otherwise be available for other purposes to protect  
6 the rights and property of its members, supporters, and the general public, including by  
7 and through this action.  
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10 12. Plaintiff Second Amendment Foundation (SAF) is a non-profit  
11 educational foundation incorporated under the laws of Washington with its principal  
12 place of business in Bellevue, Washington. SAF seeks to preserve the effectiveness of  
13 the Second Amendment through educational and legal action programs. SAF has over  
14 650,000 members and supporters nationwide, including thousands of members in  
15 California. The purpose of SAF includes education, research, publishing, and legal  
16 action focusing on the constitutional right to privately own and possess firearms under  
17 the Second Amendment, and the consequences of gun control. The Court's  
18 interpretation of the Second Amendment directly impacts SAF's organizational  
19 interests, as well as SAF's members and supporters in California, who enjoy exercising  
20 their Second Amendment rights. SAF brings this action on behalf of itself, its  
21 members, supporters who possess all the indicia of membership, and similarly situated  
22 members of the public. Many of SAF's individual California members between the  
23 ages of 18 and 20 have been adversely and directly harmed and injured by Defendants'  
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1 enforcement of the statutory prohibition on the lawful sale of firearms to adults between  
2 the ages of 18 and 20. Indeed, Penal Code section 27510 has denied, and will continue  
3 to deny, millions of responsible, law-abiding adults under the age of 21 their  
4 fundamental, individual right to keep and bear arms secured under the Second and  
5 Fourteenth Amendments of the U.S. Constitution. Defendants' actions and failures  
6 alleged herein have caused SAF to dedicate resources that would otherwise be available  
7 for other purposes to protect the rights and property of its members, supporters, and the  
8 general public, including by and through this action.  
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11           13. Plaintiff Matthew Jones brings this case on behalf of himself, and as a  
12 representative of a class of similar individuals consisting of adult, law-abiding  
13 California residents too numerous to individually name or include as parties to this  
14 action. These are California adult citizens between the ages of 18 and 20 who are not  
15 otherwise prohibited or exempt from Penal Code section 27510, but are now precluded  
16 from lawfully purchasing, renting, or acquiring any firearm through licensed firearms  
17 retailers, shooting ranges, and private party transfers, but for Defendants' enforcement  
18 of Penal Code section 27510. Plaintiff Jones individually and as a representative on  
19 behalf of similarly situated adults have sustained, and will continue to sustain, injury  
20 by not being able to lawfully purchase, rent, or acquire any firearm through licensed  
21 firearms retailers, shooting ranges, and private party transfers, but for Defendants'  
22 enforcement of Penal Code section 27510.  
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1           14. Plaintiff Thomas Furrh brings this case on behalf of himself, and as a  
2 representative of a class of similar individuals consisting of adult, law-abiding  
3 California residents too numerous to individually name or include as parties to this  
4 action. These are California adult citizens between the ages of 18 and 20 who are not  
5 otherwise prohibited or exempt from Penal Code section 27510, but are now precluded  
6 from lawfully purchasing, renting, or acquiring any firearm through licensed firearms  
7 retailers, shooting ranges, and private party transfers, but for Defendants' enforcement  
8 of Penal Code section 27510. Plaintiff Furrh individually and as a representative on  
9 behalf of similarly situated adults have sustained, and will continue to sustain, injury  
10 by not being able to lawfully purchase, rent, or acquire any firearm through licensed  
11 firearms retailers, shooting ranges, and private party transfers, but for Defendants'  
12 enforcement of Penal Code section 27510.  
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14           15. Plaintiff PWG brings this case on behalf of itself, and as a representative  
15 of a class of similar entities consisting of licensed California retailers too numerous to  
16 individually name or include as parties to this action. They are licensed firearms  
17 retailers and shooting ranges in California that are injured because they are now  
18 prohibited from selling, supplying, delivering, or giving possession or control of a  
19 firearm to any person under 21 years of age, who would otherwise be permitted to  
20 lawfully purchase, rent, and acquire firearms.  
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22           16. Plaintiff NCSC brings this case on behalf of itself, and as a representative  
23 of a class of similar entities consisting of licensed California retailers too numerous to  
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1 individually name or include as parties to this action. They are licensed firearms  
2 retailers and shooting ranges in California that are injured because they are now  
3 prohibited from selling, supplying, delivering, or giving possession or control of a  
4 firearm to any person under 21 years of age, who would otherwise be permitted to  
5 lawfully purchase, rent, and acquire firearms.  
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7         17. Plaintiff Beebe Arms brings this case on behalf of itself, and as a  
8 representative of a class of similar individuals consisting of licensed California retailers  
9 too numerous to individually name or include as parties to this action. They are  
10 licensed firearms retailers in California that are injured because they are now prohibited  
11 from selling, supplying, delivering, or giving possession or control of a firearm to any  
12 person under 21 years of age, who would otherwise be permitted to lawfully purchase,  
13 rent, and acquire firearms.  
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16         18. Plaintiffs FPC, FPF, CGF, and SAF bring this case as public interest  
17 entities and organizations whose California members ages 18 to 20 are now prohibited  
18 from lawfully purchasing, renting, or acquiring firearms. They are California adult  
19 citizens between the ages of 18 and 20 who are not otherwise prohibited or exempt  
20 from Penal Code section 27510, but are now precluded from lawfully purchasing,  
21 renting, or acquiring firearms through licensed firearms retailers, shooting ranges, or  
22 private party transfers, but for Defendants' enforcement of Penal Code section 27510.  
23 The 18-to-20-year-old members would otherwise have standing to sue in their own  
24 right because they are injured by not being able to purchase, rent, or acquire any firearm  
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1 in California. Such injuries and interests are germane to each entities' and  
2 organizations' purposes, and neither the claims asserted nor the relief requested  
3 requires participation of these individual members.  
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5 19. As to all claims made in a representative/associational capacity herein,  
6 there are common questions of law and fact that substantially injure and adversely  
7 affect the rights, duties, and criminal liabilities of many similarly situated California  
8 residents who knowingly or unknowingly are subject to the California statute in  
9 question. The relief sought in this action is declaratory and injunctive in nature, and  
10 the action involves matters of substantial public interest that are likely to reoccur over  
11 time with the potential of evading judicial review. Considerations of necessity,  
12 convenience, and justice justify relief to individual and institutional Plaintiffs in a  
13 representative/associational capacity. Further, to the extent it becomes necessary or  
14 appropriate, the institutional Plaintiffs are uniquely able to communicate with and  
15 provide notice to their thousands of California members and constituents who are or  
16 would be party of any identifiable class of individuals for whose benefit this Court may  
17 grant such relief.  
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22 **C. Defendants**

23 20. Defendant Xavier Becerra is the Attorney General of the State of  
24 California. The Attorney General is the chief law enforcement officer of the state, and  
25 the head of the California Department of Justice. The Attorney General is charged by  
26 Article V, section 13 of the California Constitution with the duty to ensure that  
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1 California's laws are uniformly and adequately enforced. Defendant Becerra also has  
2 direct supervision over every district attorney, sheriff, and such other law enforcement  
3 officers as may be designated by law, in all matters pertaining to the duties of their  
4 respective offices. The Department of Justice and its Bureau of Firearms regulate and  
5 enforce state laws related to firearms. As Attorney General, Defendant Becerra is  
6 responsible for directing and supervising the prosecution of all offenses under  
7 California's criminal laws, including the statutory ban on purchasing or acquiring  
8 firearms at issue in this case. The Attorney General is sued herein in his official  
9 capacity.  
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13 21. Defendant Martin Horan is Director of the Department of Justice's Bureau  
14 of Firearms. Upon information and belief, Defendant Horan reports to Attorney  
15 General Becerra, and is responsible for the various operations of the Bureau of  
16 Firearms, including the implementation and enforcement of the statutes and regulations  
17 governing sales, use, ownership, transfer, and assault weapon registration, of firearms.  
18 He is sued herein in his official capacity.  
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21 22. Plaintiffs are unaware of the true names and capacities of those defendants  
22 sued herein as DOES 1 through 20, inclusive, and therefore sue such defendants by  
23 fictitious names. Plaintiffs are informed and believe and based upon such information  
24 and belief allege that each of the Defendants designated as DOES 1 through 20,  
25 inclusive, is responsible in some manner for promulgating, administering, enforcing,  
26 or otherwise implementing the DOJ's enforcement of the statutes at issue herein.  
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1 Plaintiffs will amend this complaint to include the true names of Defendant DOES  
2 1 through 20, inclusive, as soon as is practicable after such names and capacities  
3 become known to them.

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5 23. All Defendants named herein administer or enforce California’s criminal  
6 laws, including Penal Code section 27510, against Plaintiffs and other California adult  
7 citizens under color of state law within the meaning of 42 U.S.C. § 1983.

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9 **FACTUAL ALLEGATIONS**

10 24. The Second Amendment to the United States Constitution provides,  
11 “[a] well regulated Militia, being necessary to the security of a free State, the right of  
12 the people to keep and bear Arms, shall not be infringed.” U.S. Const. amend. II.

13  
14 25. The Second Amendment protects the people’s right acquire, keep, bear,  
15 and possess arms, including firearms, for all lawful purposes including but not limited  
16 to self-defense. The Second Amendment “guarantee[s] the individual right to possess  
17 and carry” firearms, and “elevates above all other interests the right of law-abiding  
18 responsible citizens to use arms in defense of hearth and home.”  
19 *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008).

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22 26. Once an individual turns 18 years old in this country, he or she is  
23 considered a legal adult free to exercise fundamental constitutional rights pursuant to  
24 the United States Constitution.

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

3         28. Indeed, male citizens over 18 years of age are designated members of the  
4 militia pursuant to federal statute, 10 U.S.C. § 246(a), and may be selected and inducted  
5 for training and service into the United States armed forces, 50 U.S.C. § 3803(a).  
6 As such, they are eligible to serve in the military, and to die for their country.  
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8         29. The ordinary definition of the militia “[i]s all able-bodied men.” *Heller*,  
9 554 U.S. at 707 (Breyer, J. dissenting). The Supreme Court in *Heller* recognized that  
10 through Congress’ plenary power, it organized all able-bodied men between  
11 18 and 45 as part of the militia in the first Militia Act. *Heller*, 554 U.S. at 596. Thus,  
12 the Supreme Court recognized 18-to-20-year-olds as part of the militia; and as such,  
13 they necessarily have the right to keep and bear arms. Further, as affirmed in *Heller*,  
14 the right to keep and bear arms extends beyond the militia, reserving an individual right  
15 to keep and bear arms for all lawful purposes, “most notably for self-defense within the  
16 home.” *McDonald v. City of Chicago*, 561 U.S. 742, 780 (2010).  
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18         30. In addition, the “militia of the State” consists of both the organized and  
19 unorganized militia. Specifically, the State’s organized militia encompasses the  
20 National Guard, State Military Reserve and the Naval Militia. Cal. Military and  
21 Veterans Code Section 120.  
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1           31.    “The unorganized militia consist of all persons liable to service in the  
2 militia, but not members of the National Guard, the State Military Reserve, or the Naval  
3 Militia.” Cal. Military and Veterans Code Section 121.

4           32.    “[T]he militia in colonial America consisted of a subset of ‘the people’ –  
5 those who were male, able-bodied, and within a certain age range.” *Heller*, 554 U.S.  
6 at 580. Further, the militias of every colony and state, and the federal militia, included  
7 18-to-20-year-olds. Indeed, it is “*the right of the people to keep and bear arms*” that  
8 the Second Amendment protects.<sup>1</sup> *Id.*, emphasis added.

9           33.    Despite these facts, the State of California recently enacted legislation,  
10 effective January 1, 2019, that prohibits an entire class of adults from exercising their  
11 Second Amendment right to keep and bear arms. Specifically, California has  
12 prohibited adults ages 18 to 20 from purchasing or acquiring any firearm.

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18           <sup>1</sup> The Court’s full discussion of “the people”:

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

23           “‘[T]he people’ seems to have been a term of art employed in select  
24 parts of the Constitution.... [Its uses] sugges[t] that ‘the people’  
25 protected by the Fourth Amendment, and by the First and Second  
26 Amendments, and to whom rights and powers are reserved in the Ninth  
27 and Tenth Amendments, refers to a class of persons who are part of a  
28 national community or who have otherwise developed suffice  
connection with this country to be considered part of that community.”  
This contrasts markedly with the phrase “the militia” in the prefatory  
clause. As we will describe 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 The California law, Penal Code section 27510(a)-(b), also makes it a crime for licensed  
2 firearms retailers and ranges to sell, supply, deliver, or give possession or control of a  
3 firearm to any person under 21 years of age.

4  
5 34. By prohibiting licensed firearm retailers and ranges from selling,  
6 supplying, delivering, or giving possession or control of a firearm to any person under  
7 21 years of age, the California Age-Based Gun Ban constitutes an unconstitutional  
8 infringement on the acquisition or purchase of any firearm and that ban infringes on  
9 the fundamental constitutional rights of not only the Plaintiffs named in this Complaint,  
10 but thousands of other law-abiding adults throughout California. As such, the  
11 California Age-Based Gun Ban is invalid under the Second and Fourteenth  
12 Amendments.  
13  
14

### 15 **The California Age-Based Gun Ban**

16  
17 35. On September 28, 2018, then Governor Edmund G. Brown, Jr. signed into  
18 law Senate Bill 1100 (“SB 1100”, 2017-2018 Reg. Sess.). SB 1100 amended Section  
19 27510 to increase the State’s minimum age for firearm purchase and general  
20 possession, from 18 to 21 years of age. SB 1100 became effective on January 1, 2019.

21  
22 36. Prior to enactment of SB 1100, existing California law prohibited the sale  
23 or transfer of a handgun, except as exempted, to any person under the age of 21.  
24 However, then-existing California law also allowed a person at least 18 years of age to  
25 buy or transfer a firearm that is not a handgun (e.g., shotguns, rifles).  
26  
27  
28

1           37. With enactment of SB 1100, however, California’s ban on the acquisition  
2 and purchase of *all firearms* is now complete, except for a few exemptions found in  
3 the new law. For example, Penal Code section 27510, as amended, provides a small  
4 handful of exemptions, stating the law “does not apply to” the sale, supplying, delivery,  
5 or giving possession or control of a firearm to (i) a person 18 years of age or older that  
6 holds a valid hunting license, (ii) an active peace officer that is 18 years of age or older,  
7 (iii) an active federal officer or law enforcement agent that is 18 or older, (iv) a reserve  
8 peace officer that is 18 or older, (v) an active member in the U.S. military that is 18 or  
9 older, and (vi) a person honorably discharged from the military that is 18 or older.  
10

11           38. This means persons between the ages of 18 and 21 that desire to protect  
12 themselves, their family or others, must now feign interest in hunting and get a hunting  
13 license, join law enforcement, enlist in the military, or be sure to be honorably  
14 discharged from the military before lawfully purchasing, renting, acquiring, and  
15 possessing any firearm in California. However, “the people” identified in *Heller*  
16 encompass many more than the few identified in the limited exemptions provided in  
17 Penal Code section 27510. Those “people” have a Second Amendment right to keep  
18 and bear arms for an array of lawful purposes, most notably for self-defense.  
19 *McDonald*, 561 U.S. at 780.  
20

21           39. Further, the firearms dealer that violates the law is guilty of a crime and  
22 will be punished in accordance with Penal Code section 27590. Under the California  
23 Age-Based Gun Ban, selling a firearm to a person under 21 is either a felony or a  
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25  
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28

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

10 **Infringement of Plaintiffs’ and similarly situated adults’ Second Amendment**  
11 **rights**

12  
13 40. Federal law already significantly constrains the right of adult citizens  
14 under the age of 21 from purchasing handguns. Under 18 U.S.C. § 922(b)(1), a  
15 federally licensed firearm dealer may not sell a handgun to any person under the  
16 age of 21. California’s new ban expands preexisting federal and state law limits by  
17 extending the firearms ban *to all firearms*, and prohibits adults not otherwise prohibited  
18 from purchasing firearms from any source — not just federally licensed dealers.  
19

20  
21 41. In addition to the various federal limits on firearm acquisitions, California  
22 law independently limits access to firearms for those individuals who are considered  
23 unsafe, mentally unstable, or otherwise incapable of safely operating a firearm. For  
24 instance, California prohibits access to those (i) convicted of a felony; (ii) convicted of  
25 domestic violence; (iii) those subject to a restraining order; (iv) those subject to a gun  
26 violence restraining order; (v) those admitted to a medical facility under Welfare and  
27  
28

1 Institutions Code section 5150; (vi) minors under the age of 18; and (vii) various other  
2 misdemeanor convictions. See Penal Code §§ 29800, 29805.

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

### 17 **IMPACT ON PLAINTIFFS**

18 43. Plaintiff Jones is a 20-year-old adult male who, but for the California  
19 Age-Based Gun Ban and Defendants’ policies, practices, customs, and enforcement of  
20 said law, would be eligible to purchase and possess firearms for lawful purposes,  
21 including self-defense. On April 23, 2019, Mr. Jones entered into AO Sword gun shop  
22 with the intent to purchase a firearm for self-defense and other lawful purposes.  
23 On information and belief, AO Sword was duly licensed within the meaning of Penal  
24 Code sections 26700 to 26915, inclusive. Upon informing the licensed dealer of his  
25 desire to purchase a firearm, Mr. Jones was asked if he was 21. After informing the  
26  
27  
28

1 employee that he was 20 years old, Mr. Jones was informed that due to his age,  
2 AO Sword would not be able to sell or transfer any type of firearm to him. Because  
3 the licensed dealer was prohibited from transferring Mr. Jones a firearm of any kind  
4 under Penal Code section 27510, he was denied the ability to exercise his Second  
5 Amendment rights, including the “right to use arms in self-defense of hearth and  
6 home.” *Heller*, 554 U.S. at 635. This unlawful prohibition and infringement on  
7  
8 Mr. Jones’ Second Amendment rights will continue until he is 21 years old.  
9

10 44. Plaintiff Jones was not seeking to purchase a firearm in order to hunt and  
11 has no interest in using his firearm for hunting. He does not possess a valid,  
12 unexpired hunting license issued by the Department of Fish and Wildlife. Thus, the  
13 exemption under Section 27510(b)(1) is inapplicable. Plaintiff Jones is not an active  
14 or retired peace officer or federal officer. He also is not a current or retired member of  
15 the armed forces. Thus, the exceptions under Section 27510(b)(2) are inapplicable to  
16  
17 him.  
18

19 45. Plaintiff Furrh is a 20-year-old adult male who, but for the California  
20 Age-Based Gun Ban and Defendants’ policies, practices, customs, and enforcement of  
21 said law, would be eligible to purchase and possess firearms for lawful purposes,  
22 including self-defense. On May 15, 2019, Mr. Furrh entered Beebe Arms gun shop in  
23 Fallbrook, California, to purchase a firearm for self-defense and other lawful purposes.  
24 On information and belief, Beebe Arms was duly licensed within the meaning of Penal  
25 Code sections 26700 to 26915, inclusive. Upon informing the licensed dealer of his  
26  
27  
28

1 desire to purchase a firearm, Mr. Furrh was asked if he was 21. After informing the  
2 Beebe Arms employee that he was 20 years old, Mr. Furrh was informed that due to  
3 his age, Beebe Arms would not be able to sell or transfer any type of firearm to him.  
4 Because the licensed dealer was prohibited from transferring Mr. Furrh a firearm of  
5 any kind under Penal Code section 27510, he was denied the ability to exercise his  
6 Second Amendment rights, including the “right to use arms in self-defense of hearth  
7 and home.” *Heller*, 554 U.S. at 635. This unlawful prohibition and infringement on  
8 Mr. Furrh’s Second Amendment rights will continue until he is 21 years old.  
9

10  
11 46. Plaintiff Furrh was not seeking to purchase a firearm in order to hunt and  
12 had no interest in using his firearm for hunting. He does not possess a valid,  
13 unexpired hunting license issued by the Department of Fish and Wildlife. Thus, the  
14 exemption under Section 27510(b)(1) is inapplicable. Plaintiff Furrh is not an active  
15 or retired peace officer or federal officer. He also is not a current or retired member of  
16 the armed forces. Thus, the exceptions under Section 27510(b)(2) are inapplicable to  
17 him.  
18

19  
20  
21 47. 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 those  
24 firearms on the PWG ranges. Due to the Penal Code section 27510 prohibition on  
25 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 48. Further, Plaintiff PWG has had to deny numerous adult customers,  
4 ages 18-20, from attending or taking part in PWG's firearms classes. Most PWG  
5 classes require students to handle firearms in some manner. Because PWG is prevented  
6 from allowing even possession or control of any firearm to adults ages 18-20, PWG  
7 has had to deny all adults in that age range from attending their firearms classes who  
8 would otherwise be permitted – even when accompanied by an individual over 21.  
9

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

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

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

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

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

18           53. Penal Code section 27510's prohibitions also prevent Plaintiff NCSC  
19 from offering hunter education classes to adults between the ages 18-20 who wish to  
20 comply with Penal Code section 27510's exemption, which allows individuals over 18  
21 to acquire long guns if they possess a valid, unexpired hunting license issued by the  
22 Department of Fish and Wildlife. The hunter's education classes require that students  
23 handle and demonstrate the safe handling of a firearm. Because NCSC is prevented  
24  
25  
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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 54. 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 55. 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 56. 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 57. Thus, Penal Code Section 27510 has prohibited Beebe Arms from selling  
7 firearms to otherwise acceptable adults.  
8

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

18 59. 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           60. 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           61. 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           62. Plaintiffs Jones, Furrh, PWG, NCSC, Beebe Arms, FPC, FPF, CGF and  
19 SAF in their representative capacities, include both male and female adults, who, apart  
20 from their age, meet all other state or federal requirements for purchasing or possessing  
21 firearms. Plaintiffs are not law enforcement, federal officers, or in the armed services;  
22 nor do these Plaintiffs have valid, unexpired hunting licenses. Therefore, they are not  
23 exempt from California's ban.  
24  
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1           63. But for the California Age-Based Gun Ban, these Plaintiffs would sell,  
2 supply, deliver, purchase, and/or transfer handguns, rifles, and/or shotguns for  
3 self-defense and other lawful purposes.

4           64. Penal Code section 27510 constitutes a ban on firearm sales and transfers  
5 to adults within the ages of 18-to-20, and as such, infringes on their Second  
6 Amendment rights.  
7

8  
9                                   **DECLARATORY JUDGMENT ALLEGATIONS**

10           65. There is an actual and present controversy between the parties. Plaintiffs  
11 contend that Penal Code section 27510 infringes on Plaintiffs’ Second Amendment  
12 rights by prohibiting licensed dealers from “sell[ing], supply[ing], deliver[ing], or  
13 giv[ing] *possession or control* of a firearm to any person under 21 years of age,” and  
14 thus, prohibiting adults between the ages of 18 and 20 from purchasing any firearms.  
15 Defendants deny these contentions. Plaintiffs desire a judicial declaration that Penal  
16 Code section 27510 violates Plaintiffs’ constitutional rights. Plaintiffs should not be  
17 denied their constitutional rights as they are lawful adults.  
18  
19

20                                   **INJUNCTIVE RELIEF ALLEGATIONS**

21           66. Plaintiffs are presently and continuously injured by Defendants’  
22 enforcement of Penal Code section 27510 insofar as that provision violates Plaintiffs’  
23 rights under the Second Amendment and Fourteenth Amendment by prohibiting  
24 licensed dealers from “sell[ing], supply[ing], deliver[ing], or giv[ing] *possession or*  
25  
26  
27  
28



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

3 72. Penal Code section 27510(b)(1) and (b)(2)(A)-(E) provides a few  
4 exemptions to this blanket prohibition. The exemptions cover only a relatively small  
5 number of law enforcement, military, and those with current unexpired hunting  
6 licenses. Penal Code § 27510(b)(2)(A)-(E). These exemptions do not apply to the vast  
7 majority of adult citizens between the ages 18 and 21.  
8

9  
10 73. Penal Code section 27510 requires that all firearm transfers be conducted  
11 through federally licensed dealers. Thus, section 27510 also prevents private party  
12 transactions from being completed between adult citizens.  
13

14 74. The California Age-Based Gun Ban and Defendant's policies, practices,  
15 and customs of enforcing said law constitute a ban that infringes on, and imposes an  
16 unconstitutional burden upon, the Second Amendment rights of Plaintiffs Jones, Furrh,  
17 PWG, NCSC, Beebe Arms, FPC, FPF, CGF, and SAF as alleged above. Thus, the ban  
18 is unconstitutional, invalid, and unenforceable.  
19

## 20 **PRAYER FOR RELIEF**

21  
22 WHEREFORE, Plaintiffs pray that the Court:

23 1. Declare Penal Code section 27510 unconstitutional on its face and as  
24 applied to Plaintiffs and other similarly situated adults over the age of 18 under the  
25 Second and Fourteenth Amendments to the United States Constitution, and, therefore,  
26 devoid of any legal force or effect.  
27  
28



1           2.     Temporarily and permanently enjoin Defendants Attorney General Xavier  
2     Becerra and the other named Defendants, and their officers, agents, employees, and  
3     attorneys, and those persons in active concert or participation with them, and those duly  
4     sworn state peace officers and federal law enforcement officers who gain knowledge  
5     of the permanent injunction, or know of its existence, from enforcing Penal Code  
6     section 27510 against Plaintiffs and others similarly situated in its entirety.  
7

8  
9           3.     Award remedies available under 42 U.S.C. § 1983 and all reasonable  
10    attorneys' fees, costs, and expenses under 42 U.S.C. § 1988, or any other applicable  
11    law.  
12

13           4.     Grant such other and further relief as the Court may deem proper.

14     July 1, 2019

15                     John W. Dillon  
16                     Gatzke Dillon & Ballance LLP

17                     Attorney for Plaintiffs

18                     By: /s/ John W. Dillon\_\_\_\_\_

19                     John W. Dillon