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California Supreme Court upholds strict handgun law

- *Bullet microstamping law upheld*
- *Overturns appellate court ruling*

California's law that handguns sold in the state must imprint their serial number on every bullet the gun fires has been upheld by the state Supreme Court.

An appellate court had ruled in favor of the National Shooting Sports Foundation Inc., which opposed the law, saying it was impossible to make such guns.

The appellate court assumed as true the gun owners' allegation

that it is impossible to manufacture a semiautomatic pistol with the bullet microstamping and concluded that this impossibility placed the law -- Penal Code section 31910(b)(7)(A) -- in conflict with another law that says law “never requires impossibilities.”

The appellate court held that NSSF may present evidence of impossibility and that the courts may invalidate the penal code section if compliance is shown to be impossible.

That’s off target, says the state's highest court in a unanimous ruling.

“Our conclusion here is that the statute does not authorize courts to independently carve out exceptions for impossibility after that administrative determination has been made,” says the Supreme Court decision.

It says the NSSF did not bring a constitutional challenge to the law nor did it petitioned for a writ of mandate against the state

Department of Justice for improperly certifying the availability of the microstamping technology.

“Instead, NSSF has invoked the impossibility of compliance as a basis for voiding the statute. But Civil Code section 3531’s maxim that ‘[t]he law never requires impossibilities’ is an interpretive aid that occasionally authorizes an exception to a statutory mandate in accordance with the Legislature’s intent behind the mandate. *The maxim has never been recognized, and we do not recognize it today, as a ground for invalidating a statutory mandate altogether,*” the decision says.