

Appendix D

Ernest McGill, *amicus curiae*

Parker et al. v. DC Government

US Court of Appeals, DC Circuit, Case no. 04-7041

Opinion: NRA-style enforcement

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NRA-style enforcement

Under a new law, Florida's police officers are prohibited from keeping records of firearm ownership. That's not as easy as it sounds.

A Times Editorial

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In Florida, law enforcement agents might mine your bank records, movie rentals, book purchases, drug prescriptions. They might stop your car for a random road check, ask for identification based on your nationality or possibly race. But if they keep a record of your gun, they may be headed to the slammer.

Call it policing, NRA style, and understand why the police might be perplexed.

Across the state, police chiefs and sheriffs are trying to figure out how to comply with a new state law that prohibits them from keeping "any list, record or registry of privately owned firearms or . . . the owners of those firearms." And unlike most record-keeping edicts, this one leaves nothing to chance. Individual violators can be charged with a third-degree felony and agencies can be fined \$5-million.

The law, presumably written with objective of securing campaign contributions from the NRA, may or may not cause cold-blooded killers to escape undetected. But it surely is creating a sizeable headache for law enforcement agencies. Destroy pawnshop records of guns that might have been stolen or used in a crime? Yes, within 60 days, which amounts to an investigative statute of limitations. Then again, maybe paper records can be kept longer, which amounts to an investigative reunion with Andy Griffith. What about field reports in which the officer notes a person has a gun? Wouldn't that information seem relevant the next time an officer is called to a domestic dispute at the same residence?

"It's a mess," said Sherman Smith, the legal adviser for St. Petersburg police. "This has really got me flummoxed."

Lawmakers owe it to law enforcement to provide clearer guidelines than are currently in the law, but then precision was never really the goal here. In the same law banning gun lists, legislators finally announced their concern about the way some citizens are profiled by law enforcement. Forget black or Arab males. Gun records, according to the legislative preamble, are "an instrument that can be used as a means to profile innocent citizens and to harass and abuse American citizens based solely on their choice to own firearms."

This time, lawmakers will harass police instead.

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