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Approved as to Form and Legality



City Attorney's
Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember Noel Gallo

RESOLUTION IN SUPPORT OF SENATE BILL 374 (STEINBERG) WHICH AMENDS THE CURRENT DEFINITION OF ILLEGAL "ASSAULT WEAPON" TO INCLUDE A SEMIAUTOMATIC, RIMFIRE, OR CENTERFIRE RIFLE THAT DOES NOT HAVE A FIXED MAGAZINE WITH THE CAPACITY TO ACCEPT TEN OR FEWER ROUNDS.

WHEREAS, the California Penal Code defines a semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and other specified features, or a semiautomatic weapon that has a fixed magazine with a capacity to accept 10 or more rounds, as an assault weapon; and

WHEREAS, as introduced, SB 374 would amend the current definition of assault weapon to include a semiautomatic, rimfire or centerfire rifle that does not have a fixed magazine with the capacity to accept 10 rounds or fewer; and

WHEREAS, SB 374 would also require on or after July 1, 2014, for California gun owners to submit a Firearm Ownership Record to the Department of Justice for handguns purchased prior to 1991 and rifles with a detachable magazine purchased prior to January 1, 2014; and

WHEREAS, SB 374 defines "detachable magazine" as an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action; and

WHEREAS, SB 374 defines "fixed magazine" as an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action; and

WHEREAS, By expanding the definition of a crime, SB 374 would impose a state-mandated local program; and

WHEREAS, as of March 7 2013, there have been 16 homicides in the City of Oakland, the majority of which were carried out by use of firearms; and

WHEREAS, so far this year Oakland has had 86 Aggravated Assaults involving a firearm, 2 Assaults on a police officer involving a firearm, and 442 Robberies involving a firearm; and

WHEREAS, given the level of gun violence in our City and the presence of assault weapons in our community, it is in the City's best interest to support Senate Bill 374 to further refine the definition of an assault weapon and to require registration of such weapons; now therefore be it

RESOLVED that the Oakland City Council supports California Senate Bill 374 and encourages the California Legislature to accept it; and be it

FURTHER RESOLVED: That the City Council hereby requests the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2013

PASSED BY THE FOLLOWING VOTE:

AYES-, BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST:
LATONDA SIMMONS
City Clerk and Clerk
of the Council of the City of
Oakland, California