



AGENDA REPORT

TO: Members on the City Council and
Members of the Public

FROM: Councilmember **Dan Kalb**
Vice Mayor **Rebecca Kaplan**
Councilmember **Noel Gallo**

SUBJECT: Ghost Gun Ordinance

DATE: January 18, 2022

RECOMMENDATION

ADOPT AN ORDINANCE AMENDING CHAPTER 9.36 “WEAPONS” TO REQUIRE PRIVATELY MADE FIREARMS, COMMONLY REFERRED TO AS “GHOST GUNS,” TO COMPLY WITH STATE LAW, PROHIBIT NONEXEMPT PERSONS FROM POSSESSING, SELLING, OFFERING FOR SALE, TRANSFERRING, PURCHASING, TRANSPORTING, RECEIVING OR MANUFACTURING AN UNFINISHED FIREARM FRAME OR RECEIVER THAT HAS NOT BEEN IMPRINTED WITH A SERIAL NUMBER AND PROHIBITING NONEXEMPT PERSONS FROM POSSESSING, MANUFACTURING OR ASSEMBLING A PRIVATELY MADE FIREARM THAT HAS NOT BEEN IMPRINTED WITH A SERIAL NUMBER

EXECUTIVE SUMMARY

This Ordinance will prohibit the possession, sale, transfer and manufacturing of an unfinished frame or receiver in Oakland that has not been imprinted with a serial number, and prohibit the manufacturing, assembling, and possession of an unserialized “ghost gun” in Oakland.

SUPPLEMENTAL INFORMATION

In an effort to make clear the definition of unfinished frame or receiver, in Section 9.36.620, we made amendments to the definition of unfinished frame or receiver to include the term “finished” to add clarity. We also added the marketing clause to make clear the purpose and intent of the legislation with regards to unfinished frames or receivers that clearly covers items marketed and sold to the public.

In Section 9.36.660 Penalties and Disposal, we added the language “without penalty” to the last sentence to make clear that anyone who possesses an Unfinished Frame or Receiver or a fully assembled Privately Manufactured Firearm will have 90 days from the passage of this ordinance to dispose of these items without penalty by contacting the Oakland Police Department.

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Additionally, the Council may want to consider adding a Whereas clause to the Ordinance a follows:

WHEREAS, upon enactment of this ordinance, the Council urges the City Administration to make reasonable efforts to inform the general public of its terms, and the information should include, but not be limited to, notice that any resident who possesses any unfinished frame or receiver or any assembled or manufactured firearm that lacks a required serial number will not be penalized under this section if they surrender the non-complying unfinished frame or receiver or assembled firearm to a law enforcement agent or agency within 90 days after enactment.

ACTION REQUESTED BY THE CITY COUNCIL

We respectfully request that the City Council: Adopt an Ordinance prohibiting the possession, sale and manufacturing of an unfinished frame or receiver that has not been imprinted with a serial number.

For questions regarding this report, please contact Seth Steward, Chief of Staff to Councilmember Kalb, at 510-238-7013.

Respectfully submitted,



Dan Kalb
Councilmember, District 1



Noel Gallo
Councilmember, District 5



Rebecca Kaplan
Vice-mayor, At-Large Councilmember