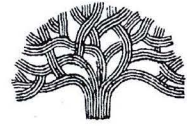


FILED
OFFICE OF THE CITY CLERK
OAKLAND



2016 MAR 24 PM 4:47
Councilmembers Desley Brooks, Dan Kalb, and Rebecca Kaplan CITY OF OAKLAND
CITY HALL - ONE FRANK H. OGAWA PLAZA, 2ND FLOOR - OAKLAND - CALIFORNIA 94612

Agenda Memorandum

To: Rules & Legislation Committee

From: Councilmembers Desley Brooks, Dan Kalb, and Rebecca Kaplan

Date: March 24, 2016

Subject: Resolution of Support for AB 1674: Caps Firearm Purchase

Colleagues on the City Council and Members of the Public,

With our Resolution of Support for AB 1674 (Santiago), we are submitting the attached Fact Sheet, Bill Analysis from the Assembly Committee on Public Safety, and text of the bill.

Respectfully submitted,

Desley Brooks, Councilmember

Dan Kalb, Councilmember

Rebecca Kaplan, Councilmember

ASSEMBLY BILL

No. 1674

Introduced by Assembly Member Santiago

January 19, 2016

An act to amend Sections 26835, 27535, 27540, and 27590 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1674, as introduced, Santiago. Firearms: waiting period.

Existing law, subject to exceptions, prohibits a person from making more than one application to purchase a handgun within any 30-day period. Violation of that prohibition is a crime. Existing law exempts from that prohibition a firearms transaction where neither of the parties is a firearms dealer if the transaction is completed through a dealer. Existing law prohibits a firearms dealer from delivering a handgun to a person whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun that does not fall within an exception to the 30-day prohibition. A violation of that delivery prohibition by the dealer is a crime.

This bill would make the 30-day prohibition and the dealer delivery prohibition described above applicable to all types of firearms. The bill would delete the private party transaction exemption to the 30-day prohibition. The bill would make additional conforming changes and technical, nonsubstantive changes.

By expanding the scope of existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26835 of the Penal Code is amended to
2 read:

3 26835. A licensee shall post conspicuously within the licensed
4 premises the following warnings in block letters not less than one
5 inch in height:

6
7 (a) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
8 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
9 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
10 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
11 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
12 MISDEMEANOR OR A FELONY UNLESS YOU STORED
13 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
14 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
15 FROM TEMPORARILY FUNCTIONING."

16 (b) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
17 FIREARM CAPABLE OF BEING CONCEALED UPON THE
18 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY
19 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE
20 GAINS ACCESS TO THE FIREARM, AND CARRIES IT
21 OFF-PREMISES, YOU MAY BE GUILTY OF A
22 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
23 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
24 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY
25 FUNCTIONING."

26 (c) "IF YOU KEEP ANY FIREARM WITHIN ANY
27 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
28 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
29 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
30 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE

1 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
2 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU
3 STORED THE FIREARM IN A LOCKED CONTAINER, OR
4 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

5 (d) “IF YOU NEGLIGENTLY STORE OR LEAVE A
6 LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR
7 CUSTODY OR CONTROL, WHERE A PERSON UNDER 18
8 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE
9 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
10 TO ONE THOUSAND DOLLARS (\$1,000), UNLESS YOU
11 STORED THE FIREARM IN A LOCKED CONTAINER, OR
12 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

13 (e) “DISCHARGING FIREARMS IN POORLY VENTILATED
14 AREAS, CLEANING FIREARMS, OR HANDLING
15 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A
16 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,
17 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL
18 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.
19 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

20 (f) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
21 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
22 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
23 DAYS AFTER YOU COMPLETE THE INITIAL
24 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
25 TO GO THROUGH THE BACKGROUND CHECK PROCESS
26 A SECOND TIME IN ORDER TO TAKE PHYSICAL
27 POSSESSION OF THAT FIREARM.”

28 (g) “NO PERSON SHALL MAKE AN APPLICATION TO
29 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
30 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON
31 THE PERSON *FIREARM* WITHIN ANY 30-DAY PERIOD AND
32 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
33 HAS MADE AN APPLICATION TO PURCHASE MORE THAN
34 ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE
35 OF BEING CONCEALED UPON THE PERSON *FIREARM*
36 WITHIN ANY 30-DAY PERIOD.”

37

38 SEC. 2. Section 27535 of the Penal Code is amended to read:

39 27535. (a) ~~No~~ A person shall *not* make an application to
40 purchase more than one ~~handgun~~ *firearm* within any 30-day period.

- 1 (b) Subdivision (a) ~~shall~~ *does* not apply to any of the following:
- 2 (1) Any law enforcement agency.
- 3 (2) Any agency duly authorized to perform law enforcement
4 duties.
- 5 (3) Any state or local correctional facility.
- 6 (4) Any private security company licensed to do business in
7 California.
- 8 (5) Any person who is properly identified as a full-time paid
9 peace officer, as defined in Chapter 4.5 (commencing with Section
10 830) of Title 3 of Part 2, and who is authorized to, and ~~does~~ *does*,
11 carry a firearm during the course and scope of employment as a
12 peace officer.
- 13 (6) Any motion picture, television, or video production company
14 or entertainment or theatrical company whose production by its
15 nature involves the use of a firearm.
- 16 (7) Any person who may, pursuant to Article 2 (commencing
17 with Section 27600), Article 3 (commencing with Section 27650),
18 or Article 4 (commencing with Section 27700), claim an exemption
19 from the waiting period set forth in Section 27540.
- 20 ~~(8) Any transaction conducted through a licensed firearms dealer
21 pursuant to Chapter 5 (commencing with Section 28050).~~
- 22 ~~(9)~~
- 23 (8) Any person who is licensed as a collector pursuant to Chapter
24 44 (commencing with Section 921) of Title 18 of the United States
25 Code and the regulations issued pursuant thereto, and has a current
26 certificate of eligibility issued by the Department of Justice
27 pursuant to Article 1 (commencing with Section 26700) of Chapter
28 2.
- 29 ~~(10)~~
- 30 (9) The exchange of a ~~handgun~~ *firearm* where the dealer
31 purchased that firearm from the person seeking the exchange within
32 the 30-day period immediately preceding the date of exchange or
33 replacement.
- 34 ~~(11)~~
- 35 (10) The replacement of a ~~handgun~~ *firearm* when the person's
36 ~~handgun~~ *firearm* was lost or stolen, and the person reported that
37 firearm lost or stolen prior to the completion of the application to
38 purchase to any local law enforcement agency of the city, county,
39 or city and county in which the person resides.
- 40 ~~(12)~~

1 (11) The return of any ~~handgun~~ *firearm* to its owner.

2 ~~(13)~~

3 (12) A community college that is certified by the Commission
4 on Peace Officer Standards and Training to present the law
5 enforcement academy basic course or other commission-certified
6 law enforcement training.

7 SEC. 3. Section 27540 of the Penal Code is amended to read:

8 27540. A dealer, whether or not acting pursuant to Chapter 5
9 (commencing with Section 28050), shall not deliver a firearm to
10 a person, as follows:

11 (a) Within 10 days of the application to purchase, or, after
12 notice by the department pursuant to Section 28220, within 10
13 days of the submission to the department of any correction to the
14 application, or within 10 days of the submission to the department
15 of any fee required pursuant to Section 28225, whichever is later.

16 (b) Unless unloaded and securely wrapped or unloaded and in
17 a locked container.

18 (c) Unless the purchaser, transferee, or person being loaned the
19 firearm presents clear evidence of the person's identity and age to
20 the dealer.

21 (d) Whenever the dealer is notified by the Department of Justice
22 that the person is prohibited by state or federal law from possessing,
23 receiving, owning, or purchasing a firearm.

24 (e) A handgun shall not be delivered unless the purchaser,
25 transferee, or person being loaned the handgun presents a handgun
26 safety certificate. Commencing January 1, 2015, any firearm,
27 including a handgun, shall not be delivered unless the purchaser,
28 transferee, or person being loaned the firearm presents a firearm
29 safety certificate to the dealer, except that in the case of a handgun,
30 an unexpired handgun safety certificate may be presented.

31 (f) A ~~handgun~~ *firearm* shall not be delivered whenever the
32 dealer is notified by the Department of Justice that within the
33 preceding 30-day period the purchaser has made another
34 application to purchase a ~~handgun~~ *firearm* and that the previous
35 application to purchase ~~involved none~~ *did not involve any* of the
36 entities *or circumstances* specified in subdivision (b) of Section
37 27535.

38 SEC. 4. Section 27590 of the Penal Code is amended to read:

39 27590. (a) Except as provided in subdivision (b), (c), or (e),
40 a violation of this article is a misdemeanor.

1 (b) If any of the following circumstances apply, a violation of
2 this article is punishable by imprisonment pursuant to subdivision
3 (h) of Section 1170 for two, three, or four ~~years~~ *years*:

4 (1) If the violation is of subdivision (a) of Section 27500.

5 (2) If the defendant has a prior conviction of violating the
6 provisions, other than Section 27535, Section 27560 involving a
7 firearm that is not a handgun, or Section 27565 involving a firearm
8 that is not a handgun, of this article or former Section 12100 of
9 this code, as Section 12100 read at any time from when it was
10 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to
11 when it was repealed by Section 18 of Chapter 23 of the Statutes
12 of 1994, or Section 8101 of the Welfare and Institutions Code.

13 (3) If the defendant has a prior conviction of violating any
14 offense specified in Section 29905 or of a violation of Section
15 32625 or 33410, or of former Section 12560, as that section read
16 at any time from when it was enacted by Section 4 of Chapter 931
17 of the Statutes of 1965 to when it was repealed by Section 14 of
18 Chapter 9 of the Statutes of 1990, or of any provision listed in
19 Section 16590.

20 (4) If the defendant is in a prohibited class described in Chapter
21 2 (commencing with Section 29800) or Chapter 3 (commencing
22 with Section 29900) of Division 9 ~~of this title~~, or Section 8100 or
23 8103 of the Welfare and Institutions Code.

24 (5) A violation of this article by a person who actively
25 participates in a “criminal street gang” as defined in Section 186.22.

26 (6) A violation of Section 27510 involving the delivery of any
27 firearm to a person who the dealer knows, or should know, is a
28 minor.

29 (c) If any of the following circumstances apply, a violation of
30 this article shall be punished by imprisonment in a county jail not
31 exceeding one year or pursuant to subdivision (h) of Section 1170,
32 or by a fine not to exceed one thousand dollars (\$1,000), or by
33 both that fine and ~~imprisonment~~ *imprisonment*:

34 (1) A violation of Section 27515, 27520, or subdivision (b) of
35 Section 27500.

36 (2) A violation of Section 27505 involving the sale, loan, or
37 transfer of a handgun to a minor.

38 (3) A violation of Section 27510 involving the delivery of a
39 handgun.

- 1 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section
2 27540 involving a handgun.
- 3 (5) A violation of Section 27545 involving a handgun.
- 4 (6) A violation of Section 27550.
- 5 (7) A violation of Section 27585 involving a handgun.
- 6 (d) If both of the following circumstances apply, an additional
7 term of imprisonment pursuant to subdivision (h) of Section 1170
8 for one, two, or three years shall be imposed in addition and
9 consecutive to the sentence ~~prescribed~~ *prescribed*:
- 10 (1) A violation of Section 27510 or subdivision (b) of Section
11 27500.
- 12 (2) The firearm transferred in violation of Section 27510 or
13 subdivision (b) of Section 27500 is used in the subsequent
14 commission of a felony for which a conviction is obtained and the
15 prescribed sentence is imposed.
- 16 (e) (1) A first violation of Section 27535 is an infraction
17 punishable by a fine of fifty dollars (\$50).
- 18 (2) A second violation of Section 27535 is an infraction
19 punishable by a fine of one hundred dollars (\$100).
- 20 (3) A third or subsequent violation of Section 27535 is a
21 misdemeanor.
- 22 (4) For purposes of this subdivision each application to purchase
23 a ~~handgun~~ *firearm* in violation of Section 27535 shall be deemed
24 a separate offense.
- 25 SEC. 5. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.

Date of Hearing: March 1, 2016

Chief Counsel: Gregory Pagan

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1674 (Santiago) – As Introduced January 19, 2016

SUMMARY: Prohibits any person from making an application to purchase more than one long gun within any 30-day period, deletes from the existing prohibition related to the purchase of more than one handgun in any 30-day period an exemption for a private part transfer through a licensed firearms dealer, and makes other conforming changes. Specifically, **this bill:**

EXISTING LAW:

- 1) Prohibits any person from making an application to purchase more than one handgun within any 30-day period. (Pen. Code, § 27535, subd. (a).)
- 2) Exempts from the above 30-day prohibition any of the following:
 - a) Any law enforcement agency;
 - b) Any agency duly authorized to perform law enforcement duties;
 - c) Any state or local correctional facility;
 - d) Any private security company licensed to do business in California;
 - e) Any person who is a peace officer, as specified, and is authorized to carry a firearm in the course and scope of employment;
 - f) Any motion picture, television, video production company or entertainment or theatrical company whose production by its nature involves a firearm;
 - g) Any authorized representative of a law enforcement agency, or a federally licensed firearms importer or manufacturer;
 - h) Any private party transaction conducted through a licensed firearms dealer;
 - i) Any person who is a licensed collector and has a current certificate of eligibility issued by the Department of Justice (DOJ);
 - j) The exchange, replacement, or return of a handgun to a licensed dealer within the 30-day period; and,

- k) A community college that is certified by the Commission on Peace Officer Standards and Training (POST) to present law enforcement academy basic course or other commission-certified training. (Pen. Code, § 27535, subd. (b).)
- 3) Prohibits a handgun from being delivered when a licensed firearms dealer is notified by the DOJ that within the preceding 30-day period the purchaser has made another application to purchase a handgun and the purchase was not exempted, as specified. (Pen. Code, § 27540, subd. (f).)
- 4) Provides that the penalties for making more than one application to purchase a handgun within any 30-day period is as follows:
 - a) A first violation is an infraction punishable by a fine of fifty dollars (\$50);
 - b) A second violation is an infraction punishable by a fine of one hundred (\$100); and,
 - c) A third violation is a misdemeanor. (Pen. Code, § 27590, subd. (e)(1)-(3).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Historically, policymakers have believed that the bulk of gun violence has been perpetuated by handguns. Absent any data collection and analysis to the contrary, this perception has held for several decades, and has resulted in current law in California which limits new handgun purchases to one per month per person.

"Recent data collection efforts in the state and elsewhere have begun to refute this theory, however. In fact, examining forensic data collected from the mass shootings that have occurred in the United States throughout the last 30 years, shows that 72 (exactly half) of the weapons used in those crimes were long guns: rifles, shotguns, and semi-automatic versions thereof. Of the 11 mass shootings in California, nearly the same is true: 12 long guns were used along with 16 handguns.

"It should be noted that in mass shooting cases, analysis shows that nearly 80% of shooters (including those in San Bernardino) obtained their guns legally.

"Long guns are a significant piece of California's gun trafficking problem, as well. Over the past ten years, Californians have typically purchased more long guns than handguns, including 538,149 guns in 2013. Of the 26,682 crime guns entered into the California Department of Justice's (DOJ) Automated Firearms Systems (AFS) database in 2009, 11,500 were long guns. Furthermore, DOJ has found that half the illegal firearms recovered from prohibited persons are long guns.

"A 2007 University of Pennsylvania report to the National Institute of Justice found that a quarter of all guns used in crime were purchased as part of a multi-gun sale and that guns purchased in bulk were up to 64% more likely to be used for illegal purposes than guns purchased individually.

"Reducing gun violence is an issue that is of vital importance to me. In April 2014, one person purchased 144 long guns in California in one single transaction. It is mind boggling that a person (no matter their intentions) could purchase as many rifles or shotguns they want at any given time. It is past time for us to treat long guns the same as handguns – they hold equal powers of destruction and create major problems for law enforcement, and society in general, when they fall into the wrong hands.

"AB 1674 will limit purchases of guns to one per month. This includes both purchases of used guns and new long guns. With data showing compelling evidence that long guns are used in crimes at similar rates to handguns, they should be treated no differently. In fact, California already maintains parity between these types of guns in both background checks and sale records. AB 1674 takes the remaining step by creating parity in purchase limitations."

- 2) **Argument in Support:** The **California Chapters of the Brady Campaign to Prevent Gun Violence** states, "In 1999, legislation (AB 202) was enacted that limits purchases of handguns from licensed firearms dealers in California to no more than one per person per month. AB 202 provided a number of exemptions, including private party transactions. The purpose of the bill was to curb the illegal flow of handguns by taking the profit out of selling guns from bulk purchases on the black market. AB 1674 applies existing law under AB 202 to all firearms, including long guns (rifles and shotguns), and removes the exemption for private party transfers. Under AB 1674, firearms will not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser had made another application to purchase a firearm.

"It stands to reason that a person buying large quantities of guns at one time may be acting as a straw purchaser or gun trafficker. Moreover, firearms acquired this way are frequently used in crime. In fact, an ATF study of tracing data demonstrated that 22% of all handguns recovered in crime in 1999 were originally purchased as part of a multiple sale. A similar study found that 20% of all handguns recovered in crime in 2000 were originally purchased as part of a multiple sale. Additionally, a University of Pennsylvania report found that a quarter of all guns used in crime were purchased as part of a multiple-gun sale and that guns purchased in bulk were up to 64% more likely to be used for illegal purposes than guns purchased individually.

"The California Brady Campaign believes that handguns and long guns should be subject to the same laws. Sixteen years ago, it was thought that handguns made up an overwhelming share of crime guns, but the data shows that is no longer the case. Of the 26,682 crime guns entered into the Department of Justice's Automated Firearms Systems database in 2009, 11,500 were long guns. Additionally, DOJ has found that over the last three fiscal years, nearly half the illegal firearms recovered from prohibited persons through the Armed Prohibited Persons System are long guns.

"Over the past ten years, Californians have annually purchased more long guns than handguns, including 534,469 long guns in 2013. These long guns include legal weapons that have military-style features and a mechanism, such as a bullet button, to allow for the rapid exchange of magazines and lower receivers, which can be assembled into military-style weapons. Limiting multiple-gun sales within a short period of time for such weapons, which are more lethal than handguns, is clearly in the interest of public safety.

“The Department of Justice began to retain records of long gun purchases on January 1, 2014. An analysis of the transaction data from the period January 2014 through June 2015 shows that 81.9% of long guns were sold as a single long gun purchase within a 30-day period. Clearly, the vast majority of long gun purchasers will not be impacted by AB 1674. However at the opposite end of the spectrum, an individual purchased 177 long guns in two transactions within a one month period (April 2014). Furthermore, sales to single individuals ranging from 5 to 54 long guns per month occurred on 1,787 occasions, totaling 12,090 guns.

“Preventing the flow of illegal guns is important to public safety regardless of whether the firearm is a handgun or long gun, or purchased new from a dealer or through a private party transaction. Limiting firearms sales to one gun per month is a recognized strategy to reduce gun trafficking and keep firearms out of dangerous hands. The California Brady Campaign Chapters stand in strong support of AB 1674 and thank you for introducing this important measure.”

- 3) **Argument in Opposition:** The **Firearms Policy Coalition** argues, "AB 1674 seeks to limit, chill, and, and ration a fundamental, individual right by making it a crime to even apply for the otherwise lawful purchase of a constitutionally-protected firearm more than once every thirty days.

“As the shooting sports experience historic growth from participation by more and more law-abiding people across all social, racial, gender, and financial lines, Assemblymember Santiago would respond by creating an artificial market cap on the very instruments protected by the Second Amendment to the United States Constitution.

“In spite of a total lack of controlling regulations on the possession, transfer, and use of firearms in the production of movies and television, Hollywood, however, would be exempt from this scheme, leaving only “regular citizens” to comply with AB 1674.

“AB 1674 would additionally ban the timely, lawful transfer of private property between individuals (through licensed firearm dealers, no less) by eliminating the ability for a law-abiding California gun owner to sell, trade, or loan their firearms if the intended buyer or transferee has already initiated any kind of acquisition within the past 30 days.

“The Second Amendment is not a second-class right and California’s law-abiding residents are not second-class people. AB 1674 must be rejected for its moral and policy flaws if not for its blatant constitutional infirmities.”

- 4) **Prior Legislation:**

- a) AB 202 (Knox), Chapter 128, Statutes of 1999, prohibited any person from applying for more than one concealable firearm within a 30-day period, and prohibits the delivery to any person who has made an application to purchase more than one concealable firearm within 30 days.

- b) AB 532 (Knox) of the 1997-98 Legislative Session would have made it a misdemeanor to take title to more than one concealable firearm in a 30-day period. In addition, AB 532 would have made it an alternate felony/misdemeanor for a dealer to deliver a handgun after being notified that a person was attempting to take title to more than one handgun in a 30-day period. AB 532 failed passage on the Assembly floor.

REGISTERED SUPPORT / OPPOSITION:

Support

California Chapters of the Brady Campaign to Prevent Gun Violence
Law Center to Prevent Gun Violence
Coalition Against Gun Violence
Women Against Gun Violence
Youth Alive

Opposition

National Rifle Association
National Shooting Sports Foundation, Inc.
Firearms Policy Coalition
Gun Owners of California

Analysis Prepared by: Gregory Pagan / PUB. S. / (916) 319-3744

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DRAFT

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember Brooks, Councilmember Kaplan &
Councilmember Kalb

RESOLUTION IN SUPPORT OF ASSEMBLY BILL (AB) 1674 THAT WOULD CAP THE AMOUNT OF FIREARMS THAT MAY BE PURCHASED BY A PERSON AT ONE PER MONTH

WHEREAS, California's Penal Code Section 27535 restricts applications to purchase handguns to one per each 30-day period; and

WHEREAS, Under California's Penal Code Section 27535 (b)(8), private party transactions, typically those in which used handguns are sold or transferred, are exempted from the monthly restriction; and

WHEREAS, There is no monthly restriction on long gun purchases; and

WHEREAS, Over the past ten years, Californians have typically purchased more long guns than handguns, including 538,149 guns in 2013; and

WHEREAS, Long guns are a significant piece of California's gun trafficking problem, as shown by the example, that, of the 26,682 crime guns entered into the Department of Justice's automated firearms systems database in 2009, 11,500 were long guns; and

WHEREAS, The California of Justice has found that half the illegal firearms recovered from prohibited persons are long guns; and

WHEREAS, The City of Oakland has suffered a high number of homicides which involved both handguns and long guns; and

WHEREAS, The Oakland City Council has passed ordinances and resolutions in support of common sense gun laws; and

WHEREAS, Assembly Bill 1674 will cap the amount of firearms that may be purchased by a person at one per month; and

WHEREAS, Multiple coalition and campaigns are in support of AB 1674, including the Brady Campaign to Prevent Gun Violence, Friends Committee On Legislation of California, Coalition Against Gun Violence, Law Center to Prevent Gun Violence, Women Against Gun Violence and Youth ALIVE!; now, therefore be it

RESOLVED, That the Oakland City Council hereby endorses Assembly Bill 1674 and urges the California State Legislature and Governor Jerry Brown to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California