

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
BILL ANALYSIS



Date: 2013 MAR -7 PM 3:37
March 7, 2013

Bill Number: SB 396

Bill Author: Hancock

DEPARTMENT INFORMATION

Contact: Claudia Burgos, District 5, 510-238-7051
cburgos@oaklandnet.com

RECOMMENDED POSITION: SUPPORT

Summary of the Bill:

Senate Bill 396 (Hancock) "Large Capacity Ammunition Magazines" would prohibit the possession of large capacity ammunition magazines.

This bill would add that, to fall under the definition, the magazine body must only be of sufficient length to accommodate no more than 10 rounds of ammunition and the internal working parts of the magazine, including, but not limited to, the follower and spring.

This bill would make any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, punishable by imprisonment in a county jail not exceeding one year. By creating a new crime, this bill would impose a state-mandated local program.

Positive Factors for Oakland

As of March 7, 2013, we have had 16 homicides in the City of Oakland, the majority by way of firearms. According to our crime statistics, so far this year, we've had:

- 86 Aggravated Assaults involving a firearm
- 2 Assaults on a police officer involving a firearm
- 442 Robberies involving a firearm

On February 5, 2013, OPD conducted a search warrant on the 7800 block of Weld Street and confiscated two assault rifles, including a concealable weapon and nearly 500 rounds of ammunition were recovered.

On February 6, 2013 OPD served several narcotics and firearms related search warrants in the 1200 block of 30th Street and they recovered one assault rifle.

In January officers arrested a suspect and recovered a Colt DPMS Assault Rifle with a magazine that holds up to 100 rounds capable of piercing a bulletproof vest.

Item: _____
Rules & Legislation Comte.
March 21, 2013

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 this Senate Bill to further refine the definition of an assault weapon and to require registration of such weapons.

Negative Factors for Oakland: None.

A support position is recommended.

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

Critical (top priority for City lobbyist, city position required ASAP)

Very Important (priority for City lobbyist, city position necessary)

Somewhat Important (City position desirable if time and resources are available)

Minimal or None (do not review with City Council, position not required)

Respectfully Submitted,
Councilmember Gallo,



FACT SHEET

Senator Loni Hancock (D – 09)
Large Capacity Ammunition Magazines

PURPOSE

This measure will prohibit the possession of large capacity ammunition magazines (defined as ammunition feeding devices holding more than 10 rounds.)

BACKGROUND

In 2011, Jared Lee Loughner was able to fire 31 bullets in 15 seconds because he had supersized his Glock 19 handgun with a high-capacity magazine. In that 15 seconds he shot 19 people – killing federal Judge John Roll and five others and wounding 13 others, including U.S. Representative Gabrielle Giffords.

Loughner's massacre ended only when he stopped to reload and bystanders wrestled him to the ground. If he had used a standard magazine and was forced to reload earlier, some of his victims might have been spared.

In 1999, the Legislature passed SB 23 (Perata) which prohibited the possession of assault weapons, such as the AK-47 and created a generic definition of an assault weapon. As part of that legislation, the importation, manufacture and sale of large capacity ammunition magazines was strictly prohibited. However, the possession of high capacity magazines was not prohibited.

Federal law also outlawed possession of high capacity magazines as part of the 1994 federal assault weapons ban but allowed current owners to keep them under a "grandfathering" provision. The federal assault weapons ban was allowed to expire in 2004. Research has shown that, prior to

the implementation of the federal assault weapons ban, these high capacity magazines were used in between 14 and 26% of guns used in crime.

NEED FOR THE BILL

High capacity ammunition magazines are ammunition feeding devices that hold more than ten rounds of ammunition. These magazines can hold upwards of 100 rounds of ammunition and allow a shooter to rapidly fire without reloading.

High capacity magazines are not designed for hunting or target shooting. High capacity magazines are military designed devices. They are designed for one purpose only -- to allow a shooter to fire a large number of bullets in a short period of time.

This bill will make clear that possession of these devices is also prohibited. Law enforcement officers have told us that, because the Penal Code currently fails to specifically prohibit possession, the law is very difficult to enforce. This needs to be fixed and this measure addresses that by prohibiting the possession.

Prohibiting possession of these high capacity magazines is just one important part of the comprehensive strategy being proposed today to reduce gun violence in California.

FOR MORE INFORMATION

Office of Senator Loni Hancock – (916) 651-4009

FILED
OFFICE OF THE CITY CLERK
OAKLAND

DRAFT

2013 MAR -7 PM 3:37

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 396 (HANCOCK) "LARGE CAPACITY AMMUNITION MAGAZINES" WHICH WOULD PROHIBIT THE POSSESSION OF LARGE CAPACITY AMMUNITION MAGAZINES WITH SUFFICIENT LENGTH TO ACCOMMODATE MORE THAN 10 ROUNDS OF AMMUNITION

WHEREAS, SB 396 prohibits possession of any magazine with sufficient length to accommodate more than 10 rounds of ammunition and the internal working parts of the magazine, including, but not limited to, the follower and spring; and

WHEREAS, SB 396 would require any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, to be punishable by imprisonment in a county jail not exceeding one year; and

WHEREAS, by imposing additional duties upon local officials and creating a new crime, this bill would create a state-mandated local program; and

WHEREAS, SB 396 claims that prohibiting possession of these high capacity magazines is an important part of the comprehensive strategy to reduce overall gun violence in California; and

WHEREAS, the City of Oakland has had numerous crimes this year due to the presence of large firearm possession (16 homicides, 86 aggravated assaults involving a firearm, 2 assaults of a police officer involving a firearm, 442 robberies involving a firearm); and

WHEREAS, Oakland has confiscated large firearms which could harm residents and can hold up to 100 rounds of ammunition, 10 times the amount proposed in this bill; and

WHEREAS, given Oakland's level of gun violence and the presence of assault weapons in our community, it is in the City's best interest to support this Senate Bill to further refine the definition of a large capacity ammunition magazines and to make it a crime for the possession of such weapons; now therefore be it

RESOLVED that the Oakland City Council supports Senate Bill 396 and encourages the California Legislature to support it; and be it

FURTHER RESOLVED: That the City Council hereby directs 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, KALE, KAPLAN, REID, SCHAFF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

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