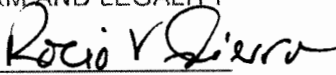


APPROVED AS TO FORM AND LEGALITY


City Attorney

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE NO. 12995C.M.S.

AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 9.20, KNOWN AS THE AMMUNITIONS SALES REGISTRY ORDINANCE, TO 1) EFFECTIVE FEBRUARY 1, 2011, REMOVE THE CITY OF OAKLAND REQUIREMENT FOR THE MAINTENANCE OF A REGISTRY OF HANDGUN AMMUNITION SALES TO AVOID DUPLICATING THE REQUIREMENTS OF AB 962, AND 2) REQUIRE AMMUNITION PURCHASERS TO SUBMIT A THUMBPRINT ALONG WITH OTHER REQUIRED PROOF OF IDENTITY AT THE TIME OF AMMUNITION SALE

~~WHEREAS, California law requires persons who sell, loan or transfer firearms within California to obtain a license, but does not require persons who sell, loan or transfer ammunition to do so, and~~

WHEREAS, The City Council of the City of Oakland has enacted a series of local measures to reduce the widespread availability of firearms and ammunition in Oakland, including passage of Ordinance No. 11848 C.M.S. in 1995 that imposed a requirement that ammunition sales be recorded in a registry maintained by the seller, but did not require thumbprinting of ammunition purchasers, and

WHEREAS, other California jurisdictions, including Sacramento and San Francisco, have found that requiring ammunition purchasers to provide thumbprints at the time of sale is an effective means to verify the identity of ammunition purchasers, and

WHEREAS, effective February 1, 2011, AB 962 will require handgun ammunition sellers in California to create and maintain records of handgun ammunition sales and transfers, but the new law does not require vendors to create or maintain records for sale or transfer of ammunition that is not principally used in handguns, and

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

The Ammunition Sales Registration Ordinance of the City of Oakland is amended to read as follows:

(Additions are in ***bold italics***, deletions are in ~~strike-out~~)

9.20.010 – Title.

This chapter shall be known as the ammunition sales registration ordinance.

9.20.020 - Findings and purpose.

~~The City Council finds that, the state of California has not preempted the enactment of a municipal ordinance requiring the maintenance of a registry of ammunition sales, and further finds that the availability of such ammunition sales records can aid the police department in investigations of major crimes involving the use of firearms.~~

The intent of the City Council in enacting the ordinance codified in this chapter is to implement a requirement that ammunition vendors within the city record and maintain records with respect to each individual purchase of ammunition ***for use by law enforcement in identifying ineligible purchasers of ammunition and removing firearms and ammunition from persons ineligible to possess them*** so that the purchaser can be traced in the event the ammunition were used in the commission of criminal activity.

The City Council further finds that, with the passage of AB 962 imposing statewide requirements for recording handgun ammunition sales, that after February 1, 2011, there will be no need for a local

registry to record the purchase of ammunition principally used in handguns.

The City Council further finds that, despite the passage of AB 962, there will remain the need to maintain a record of ammunition sales involving ammunition not principally used in handguns that is not covered under AB 962.

The City Council further finds that the requirement for ammunition purchasers to submit a thumbprint at the time of sale will allow more effective screening of purchasers who are not eligible to possess firearms.

9.20.030 - Definitions.

~~As used in this chapter: "Ammunition" means a projectile designated to be expelled by force of an explosion, and intended for use in any firearm, including pistols, revolvers, rifles, and shotguns.~~

"As used in this chapter, "Ammunition" means projectiles, cartridge cases, primers, bullets, or propellant powder designed for use in any firearm, and any component thereof, but shall not include blank cartridges or ammunition that can be used solely in an "antique firearm" as that term is defined in section 921(a)(16) of Title 18 of the United States Code.

As used in this chapter, "ammunition principally used in handguns" means ammunition designed or suited for use in revolvers, pistols or other firearms capable of being concealed upon the person, as that term is defined in Penal Code section 12001(a).

"Vendor" means any individual, person, gun dealer, store, firm or corporation **engaged in the business of** selling ammunition within the city of Oakland.

9.20.040 - Record of ammunition sales.

The requirements of this section shall apply to all ammunition sales in Oakland up until February 1, 2011. Effective February 1, 2011, the requirements of this section shall not apply to the sale or transfer of ammunition that is principally for use in pistols, revolvers,

or other firearms capable of being concealed upon the person, as that term is defined in Penal Code section 12001(a).

Every vendor who sells ammunition in the city shall maintain a record of ammunition sales as prescribed by this chapter. The record shall be maintained on the vendor's premises, on forms supplied by, or approved by, the Oakland Police Department (OPD). **All ammunition sales must be conducted with the actual purchaser present in a face-to-face transaction.** An ammunition purchaser must provide to the vendor and the vendor shall record the following information:

- A. The date of the transaction;
- B. The purchaser's name, address and date of birth;
- C. The purchaser's valid driver's license number or other **government issued** identification number from a valid photographic I.D. such as a passport;
- D. The brand of ammunition purchased;
- E. The type and amount of ammunition purchased; and
- F. The purchaser's signature and vendor's initials.

G. The thumbprint of the purchaser on the above record.

The information required to be recorded shall be maintained in chronological order by date of sale of the ammunition and shall be retained on the business premises of the vendor for a period not less than ~~two~~ **five** years following the date of the recorded sale of the ammunition. **In addition, the required information in A-G above shall be transmitted electronically within 5 business days of sale to OPD by means determined by the Chief of Police.**

Federal, state or local law enforcement Oakland police officers may enter a vendor's premises during regular business hours for the purpose of examining, inspecting or copying records required by this chapter.

This section shall not apply if the purchaser is a "peace officer" as that term is defined in Penal Code sec. 830 et seq., or a federal law enforcement officer or a person licensed as a dealer or collector in firearms pursuant to Chapter 44 (commencing with Sec. 921) of Title 18 of the United States Code and the regulations pursuant thereto.

9.20.050 - Violation—Penalty.

It is unlawful for any vendor engaged in the retail sale of ammunition in Oakland to knowingly make a false entry in, or fail to make appropriate entry, or fail to properly maintain any such record, or refuse to immediately provide the ammunition sales log for inspection to a **federal, state or local law enforcement** police officer upon request.

Violation of any provision of this chapter shall be a misdemeanor, subject to fines and penalties as provided by law. Additionally, failure to abide by the requirements of this chapter shall be grounds for the revocation of a vendor's ~~firearms-dealer-license~~ ***permit***, pursuant to Chapter 5.26 of this code.

9.20.060 - Severability.

This chapter shall be enforced to the full extent of the authority of the city. If any section, subsection, paragraph, sentence or word of this chapter is deemed to be invalid or beyond the authority of the city, either on its face or as applied, the remaining sections, subsection, paragraphs, sentences, or words of this chapter shall remain in full force and effect, and to that end the provisions of this shall be deemed severable.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 16 2010, 20

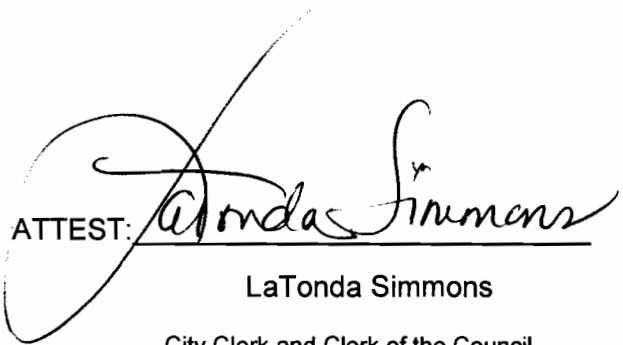
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER, *De La Fuente - 8*

NOES- *0*

ABSENT- *0*

ABSTENTION- *0*

ATTEST: 

LaTonda Simmons

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

Introduction Date: FEB 2 2010