

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY VICE MAYOR KAPLAN

**RESOLUTION REQUESTING THAT THE STATE LEGISLATURE
ENACT LEGISLATION THAT WOULD REGULATE AND CONTROL
"GHOST GUNS" IN CALIFORNIA**

WHEREAS, there has been an upward trend of gun violence in Oakland since the start of the COVID-19 pandemic, and especially over recent months; and

WHEREAS, the Weekly ShotSpotter Activations Report for March 22 to March 28, 2021, shows a 154% increase (930 to 2,361) of Citywide ShotSpotter Activations in Year to Date Changes from 2020 to 2021; and

WHEREAS, "ghost guns" are untraceable firearms with no serial numbers and "ghost gun kits" can be bought online or at gun shows and assembled at home; and

WHEREAS, "ghost guns" and kits are widely available and are increasingly being sold, bought, and used in California, and, according to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), account for 30% of guns recovered in California; and

WHEREAS, "ghost guns", once assembled, look, feel, and function like traditional guns, whether a handgun or assault weapon; and

WHEREAS, "ghost guns" are not considered firearms subject to ATF regulation under the Gun Control Act because a central component is considered unfinished at the time of sale/purchase; and

WHEREAS, there are no federal restrictions on who can buy ghost gun kits or parts; and

WHEREAS, according to Special Agent Carlos A. Canino, who is in charge of the ATF Los Angeles Field Division, 41%, or almost half their cases in 2020 involved “ghost guns”; and

WHEREAS, “ghost gun” seizures by the California Department of Justice jumped 512% between 2018 and 2019; and

WHEREAS, 18 of the 80 known online ghost gun retailers are based in California; and

WHEREAS, in September 2020, then California Attorney General Xavier Becerra’s filed a lawsuit against the Trump Administration to change the policy and define “ghost guns” as firearms; and

WHEREAS, in 2019, the state of California passed Assembly Bill (AB) 879, which aims to regulate “ghost guns” by mandating that gun parts can be bought only through licensed dealers in face-to-face transactions, including parts bought over the internet, which must be shipped to a licensed dealer, and buyers of parts must also pass a background check; and

WHEREAS, AB 879 will not go into effect until July 2024 for the buying of parts in-person, and in July 2025 for the required background checks; and

WHEREAS, even with this law, preexisting guns without serial numbers will remain hard to trace and enforcement of the law will be difficult as not everyone will apply for a serial number even though it’s legally required; and

WHEREAS, in order to protect public safety it is vitally important that such “ghost guns” be controlled and regulated no less fully than other types of guns, as they are no less of a threat to the public; now, therefore, be it

RESOLVED: That the Oakland City Council requests that the state legislature enact legislation that would regulate and control “ghost guns” in California

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California