

16 MAR 30 PM 4:48

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 86109 C.M.S.

Introduced by Councilmembers Brooks, Kalb, and Kaplan

RESOLUTION IN SUPPORT OF ASSEMBLY BILL 1695 (BONTA) THAT WOULD INFORM POTENTIAL PURCHASERS OF THEIR RIGHTS AND RESPONSIBILITIES SURROUNDING THE PURCHASE AND TRANSFER OF FIREARMS THROUGH DIRECT CONTACT FROM THE ATTORNEY GENERAL AND MAKE IT A CRIME TO REPORT A LOST OR STOLEN FIREARM KNOWING THAT REPORT TO BE FALSE

WHEREAS, The City of Oakland has suffered a high number of homicides and other crimes committed with or involving illegal firearms; and

WHEREAS, One way criminals or otherwise ineligible purchasers acquire illegal firearms is through “straw purchases,” in which a third party who can pass a background check legally buys the firearm and then resells it to someone with a disqualifying criminal record; and

WHEREAS, In 2007, the Los Angeles City Attorney’s office engaged in a mail campaign to educate firearm purchasers of their rights and responsibilities during California’s mandatory waiting period in order to deter straw purchasers from illegally transferring firearms, either by refusing to complete the transaction or declining to pass on the firearm; and

WHEREAS, A study of the 2007 Los Angeles firearm purchaser mail campaign found that it resulted in (1) an increase in approved firearm transactions not being completed, suggesting a deterrent effect, and (2) a significant increase in the reporting of lost and stolen firearms, though it was not readily apparent whether this increase was due to increased compliance with the law; and

WHEREAS, While most legislative efforts regarding reporting lost and stolen firearms have focused on creating consequences for failing to report or falsely reporting a crime, there is a need for a clear legal mechanism to prosecute not only falsely reporting firearm theft but also falsely reporting lost firearms; and

WHEREAS, Assembly Bill (AB) 1695 (Bonta) would (1) require the Attorney General to send a notice to each individual who has applied to purchase a firearm informing him or her of laws relating to firearms, gun trafficking, and safe storage and (2) make it a misdemeanor to

report to a local law enforcement agency that a firearm has been lost or stolen, knowing that report to be false; and

WHEREAS, AB 1695 is endorsed by the Law Center to Prevent Gun Violence, the California Chapters of the Brady Campaign to Prevent Gun Violence, and the American Academy of Pediatrics; now, therefore, be it

RESOLVED: That the Oakland City Council hereby endorses AB 1695 and urges the California State Legislature and Governor Jerry Brown to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

APR 19 2016

PASSED BY THE FOLLOWING VOTE:

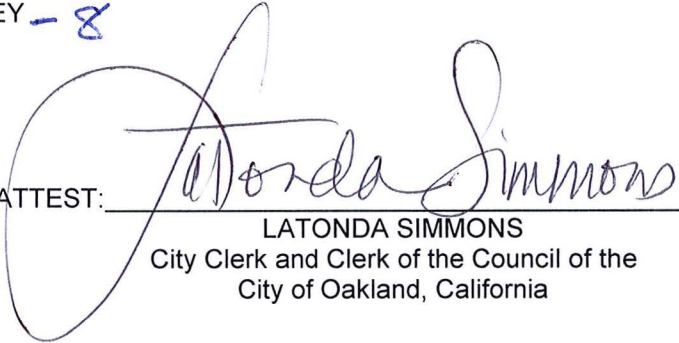
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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