

2013 APR -4 PM 7:13 OAKLAND CITY COUNCIL

Resolution No. 84327 C.M.S.

**INTRODUCED BY COUNCILMEMBER LIBBY SCHAAF,
PRESIDENT PRO-TEM REBECCA KAPLAN, AND
CITY ATTORNEY BARBARA PARKER**

**RESOLUTION IN SUPPORT OF ASSEMBLY BILL 180 ("AB180")
(REGISTRATION AND LICENSING OF FIREARMS: EXCLUSIVE
REGULATION, ROB BONTA), WHICH WOULD AMEND GOVERNMENT
CODE SECTION 53071 TO ALLOW THE CITY OF OAKLAND TO ENACT AND
ENFORCE REGULATIONS OR ORDINANCES WHICH ARE MORE
RESTRICTIVE THAN STATE LAW**

WHEREAS, the people of Oakland suffer from an unacceptable level of gun violence due to the widespread prevalence of affordable guns; and

WHEREAS, the City of Oakland had 131 homicides in 2012, which is an increase of 21 homicides compared to 2011; and

WHEREAS, Oakland ranks as one of the most violent cities in the United States because of violent robberies as well as shootings and homicides, due in part to high levels of poverty, proximity to criminal drug activity corridors, and a significant decrease in police staffing levels; and

WHEREAS, the City of Oakland is making significant efforts to collaborate with other criminal justice agencies such as The Alameda County Sherriff, The Alameda County District Attorney, the California Highway Patrol, as well as Federal Criminal Justice departments; and

WHEREAS, because an extraordinary level of violent gun-related crime still plagues Oakland residents despite the cities best efforts to focus strategies to reduce violent gun-related crime; and

WHEREAS, many Oakland residents and City leaders believe that the City can effectively reduce violent gun-related criminal activity in part through the implementation of stricter licensing and registration requirements than are already in place at the state level; and

WHEREAS, The City of San Francisco attempted to restrict handgun possession within city limits to police and certain security professionals, and to ban the manufacture, distribution, sale and transfer of firearms and ammunition within City limits through Measure H; and

WHEREAS, the majority of San Francisco residents in 2005 voted to pass Measure H, but in 2008 in the Court decision Fiscal v. City and County of San Francisco 158 Cal. App.4th 895, California's First District Court of Appeal largely overturned Measure H on the basis that it preempted by Government Code Section 53071; and

WHEREAS, California Assembly Member Rob Bonta has drafted AB180 to amend Government Code Section 53071, providing a narrow exemption for the City of Oakland; and

WHEREAS, an exemption from Government Code Section 53071 will allow the City of Oakland to enact and enforce regulations or ordinances more restrictive than state law; now therefore be it

RESOLVED: That the City Council finds the foregoing recitals are true and correct; and be it

FURTHER RESOLVED: That the City Council hereby declares its support of Assembly Bill AB 180 (Registration and licensing of firearms: exclusive regulation, Rob Bonta); and be it

FURTHER RESOLVED: That the City Administrator, or her designee, hereby is authorized and directed to instruct the City's legislative lobbyist to advocate for and support the passage of California Assembly Bill No. 180 (Bonta).

IN COUNCIL, OAKLAND, CALIFORNIA,

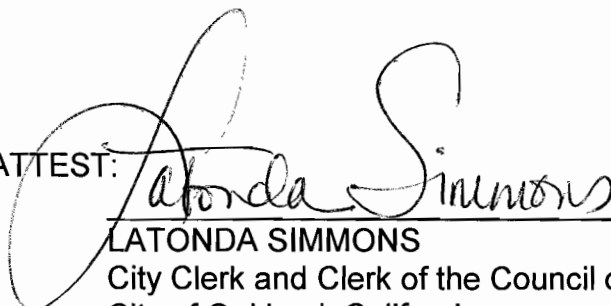
MAY 7 2013

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF,
AND PRESIDENT KERNIGHAN - 8

NOES – 0
ABSENT – 0
ABSTENTION – 0

ATTEST:


LATONDA SIMMONS

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