

CITY OF OAKLAND  
BILL ANALYSIS



Date: May 9, 2013

Bill Number: SB 299

Bill Author: Desaulnier

**DEPARTMENT INFORMATION**

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

**RECOMMENDED POSITION: SUPPORT**

**Summary of the Bill:**

Senate Bill 299 (Desaulnier) "Report Lost and Stolen Firearms" would require every person whose firearm is lost or stolen to notify local law enforcement that their firearm was lost or stolen.

The bill would require every person whose firearm is lost or stolen to notify local law enforcement within 48 hours of the time they knew or reasonably should have known that the firearm had been lost or stolen.

This bill would make a violation of these provisions an infraction punishable by a fine not to exceed \$100 for a first offense, and infraction punishable by a fine not to exceed \$1,000 for a 2<sup>nd</sup> Offense, and a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not to exceed \$1,000, or both that fine and imprisonment, for a 3<sup>rd</sup> or subsequent offense.

In 2003, Oakland enacted Municipal Code section 9.36.131 which requires that any person owning or possessing a firearm in Oakland must report the loss or theft of the firearm to the Oakland Police Department within 48 hours of gaining knowledge of, or when he should have gained knowledge of, such loss or theft. This is punishable as a misdemeanor.

The bill would not preclude or preempt a local ordinance that imposes additional penalties or requirements in regard to reporting the theft of loss of a firearm. Therefore, Oakland could continue to enforce OMC section 9.36.131.

**Positive Factors for Oakland**

As of May 5, 2013, we have had 33 homicides in the City of Oakland, the majority by way of firearms. According to our crime statistics, so far this year, we've had:

- 174 Aggravated Assaults involving a firearm
- 2 Assaults on a police officer involving a firearm
- 862 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 30<sup>th</sup> 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.

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 require every person whose firearm is lost to report it local law enforcement to prevent future unaccountable crime.

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,

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**SB 299 (DeSaulnier)  
As Amended – April 10, 2013  
LOST OR STOLEN FIREARMS  
Fact Sheet**

**SUMMARY**

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SB 299 requires every person whose firearm is lost or stolen to notify local law enforcement that their firearm was lost or stolen in order to improve public safety in California.

**BACKGROUND**

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Seven states, the District of Columbia, and nine cities in California currently require firearm owners to report to law enforcement when their firearms are lost or stolen. The State of California does not.

Currently, firearms dealers and manufacturers must report any lost or stolen firearms within 48 hours, and local law enforcement must enter reports of lost or stolen firearms into the state's Automated Property System database. However, firearm owners whose guns are lost or stolen are not required to do anything. As a result, law enforcement efforts to investigate gun crimes and disarm dangerous criminals are significantly hindered.

The public overwhelmingly supports laws requiring the reporting of lost or stolen firearms. A nationwide poll in 2011 found that 94% of Americans surveyed, including 94% of gun owners, favor laws to require the reporting of lost or stolen firearms.

In California, 2,972 residents died from firearm-related injuries in 2009, and 3,545 others were treated for non-fatal gunshot wounds. Of the 1,811 Californians murdered in 2010, 1,257, or 69%, were killed with firearms.

SB 299 will improve public safety in California by combatting gun trafficking through the use of "straw purchasers," keep guns away from prohibited

persons and notify law enforcement about the presence of stolen guns.

*Fight Gun Trafficking –*

When a crime gun is traced by law enforcement to the last known purchaser, that person may falsely claim that the gun was lost or stolen to hide his or her involvement in the crime or in gun trafficking. A reporting requirement will provide a tool for law enforcement to detect firearms trafficking and prosecute "straw purchasers," individuals who buy firearms on behalf of criminals who are prohibited from possessing guns.

An analysis by Mayors Against Illegal Guns – a nationwide coalition of over 600 mayors – found that states without mandatory lost or stolen reporting laws export two and a half times more crime guns across state lines than jurisdictions with such laws. Similarly, researchers from the Johns Hopkins Center for Gun Policy and Research found that state laws requiring the reporting of lost or stolen firearms were associated with crime gun export rates that were 43% lower than in states that lacked this policy.

*Get Guns Away from Prohibited Persons –*

Mandatory reporting of lost or stolen firearms would enhance the California Department of Justice's efforts to remove firearms from convicted criminals and others identified in the state's Armed and Prohibited Persons System database. Currently, these individuals, who own firearms but are prohibited from possessing them, may falsely claim that their illegally-possessed firearms were lost or stolen.

*Notify Law Enforcement about Missing Firearms –*

A reporting requirement would alert law enforcement to the existence of guns stolen by

criminals in their communities. It would also make it easier for law enforcement to return lost or stolen firearms to their rightful owners. A 2007 report by the International Association of Chiefs of Police (IACP) recommended that state and local governments mandate reporting of lost or stolen firearms. The IACP report concluded that, "law enforcement's early awareness of every lost and stolen gun will enhance their ability to recover those guns and reduce gun violence."

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### **THIS BILL**

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SB 299 requires that every person whose firearm is lost or stolen must notify local law enforcement within 48 hours of the time they knew or reasonable should have known that the firearm had been lost or stolen. If the firearm is subsequently recovered they must also notify the local law enforcement agency within 48 hours of the recovery.

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### **PRIOR LEGISLATION**

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SB 1366 (DeSaulnier) of 2012 - Vetoed

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### **STATUS**

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Senate Committee on Appropriations Hearing -  
April 29<sup>th</sup>

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### **SUPPORT**

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- Los Angeles County Sheriff, Leroy D. Baca (sponsor)
- California Chapters of the Brady Campaign to Prevent Gun Violence
- California Partnership to End Domestic Violence
- City of Oakland
- Coalition Against Gun Violence, Santa Barbara County Coalition
- Global Exchange
- Law Center to Prevent Gun Violence
- Los Angeles City Mayor, Antonio Villaraigosa
- San Francisco District Attorney, George Gascón
- South County Citizens Against Gun Violence
- Women Against Gun Violence
- Youth Alive!

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### **OPPOSITION**

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- The California Sportsman Lobby, Inc
- Outdoor Sportsmen's Coalition of California
- National Rifle Association
- Safari Club International
- Shasta County Sheriff, Tom Bosenko
- Riverside County Sheriff, Stanley Sniff

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### **FOR MORE INFORMATION**

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Kyle Long  
Office of Senator Mark DeSaulnier  
(916) 651-4007

AMENDED IN SENATE APRIL 10, 2013

**SENATE BILL**

**No. 299**

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Introduced by Senator DeSaulnier

February 15, 2013

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An act to amend Sections 16520, 26835, and 27535 of, and to add Division 4.5 (commencing with Section 25250) to Title 4 of Part 6 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 299, as amended, DeSaulnier. Firearms: lost or stolen: reports.

(1) Existing law requires each sheriff or police chief executive to submit descriptions of serialized property, or nonserialized property that has been uniquely inscribed, which has been reported stolen, lost, or found directly into the appropriate Department of Justice automated property system for firearms, stolen bicycles, stolen vehicles, or other property. Existing law requires that information about a firearm entered into the automated system for firearms remain in the system until the reported firearm has been found. Existing law requires the Department of Justice to implement an electronic system to receive comprehensive tracing information from each local law enforcement agency and to forward the information to the National Tracing Center.

This bill would require every person, with exceptions, to report the theft or loss of a firearm he or she owns or possesses to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within 48 hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, and requires every person who has reported a firearm lost or stolen to notify the local law enforcement agency within 48 hours if the firearm is subsequently recovered. The bill would make a violation of these provisions an

infraction punishable by a fine not to exceed \$100 for a first offense, an infraction punishable by a fine not to exceed \$1,000 for a 2nd offense, and a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not to exceed \$1,000, or both that fine and imprisonment, for a 3rd or subsequent offense. The bill would make it a misdemeanor for any person to make a report to a local law enforcement agency that a firearm has been lost or stolen, knowing the report to be false. *The bill would not preclude or preempt a local ordinance that imposes additional penalties or requirements in regard to reporting the theft or loss of a firearm.*

By creating new crimes, this bill would impose a state-mandated local program.

The bill would require every sheriff or police chief to submit a description of each firearm that has been reported lost or stolen directly to the Department of Justice automated property system for firearms.

By imposing new duties on local agencies, this bill would impose a state-mandated local program.

The bill would also require that persons licensed to sell firearms post a warning within the licensed premises in block letters stating the requirement that a lost or stolen firearm be reported to a local law enforcement agency, as specified.

(2) Existing law prohibits a person from making an application to purchase more than one handgun within any 30-day period. Existing law makes an exception for the replacement of a handgun when the person's handgun was lost or stolen and the person reported the firearm lost or stolen prior to the completion of the application to purchase.

This bill would instead make the exception for the replacement of a lost or stolen handgun applicable when the person has reported the handgun lost or stolen pursuant to the provisions of this bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 16520 of the Penal Code is amended to  
2 read:

3 16520. (a) As used in this part, "firearm" means any device,  
4 designed to be used as a weapon, from which is expelled through  
5 a barrel, a projectile by the force of any explosion or other form  
6 of combustion.

7 (b) As used in the following provisions, "firearm" includes the  
8 frame or receiver of the weapon:

9 (1) Section 16550.

10 (2) Section 16730.

11 (3) Section 16960.

12 (4) Section 16990.

13 (5) Section 17070.

14 (6) Section 17310.

15 (7) Sections 25250 to 25275, inclusive.

16 (8) Sections 26500 to 26588, inclusive.

17 (9) Sections 26600 to 27140, inclusive.

18 (10) Sections 27400 to 28000, inclusive.

19 (11) Section 28100.

20 (12) Sections 28400 to 28415, inclusive.

21 (13) Sections 29010 to 29150, inclusive.

22 (14) Sections 29610 to 29750, inclusive.

23 (15) Sections 29800 to 29905, inclusive.

24 (16) Sections 30150 to 30165, inclusive.

25 (17) Section 31615.

26 (18) Sections 31705 to 31830, inclusive.

27 (19) Sections 34355 to 34370, inclusive.

28 (20) Sections 8100, 8101, and 8103 of the Welfare and  
29 Institutions Code.

30 (c) As used in the following provisions, "firearm" also includes  
31 any rocket, rocket propelled projectile launcher, or similar device  
32 containing any explosive or incendiary material, whether or not  
33 the device is designed for emergency or distress signaling purposes:

34 (1) Section 16750.

35 (2) Subdivision (b) of Section 16840.

36 (3) Section 25400.

37 (4) Sections 25850 to 26025, inclusive.

38 (5) Subdivisions (a), (b), and (c) of Section 26030.

1 (6) Sections 26035 to 26055, inclusive.

2 (d) As used in the following provisions, “firearm” does not  
3 include an unloaded antique firearm:

4 (1) Subdivisions (a) and (c) of Section 16730.

5 (2) Section 16550.

6 (3) Section 16960.

7 (4) Section 17310.

8 (5) Division 4.5 (commencing with Section 25250) of Title 4.

9 (6) Chapter 6 (commencing with Section 26350) of Division 5  
10 of Title 4.

11 (7) Chapter 7 (commencing with Section 26400) of Division 5  
12 of Title 4.

13 (8) Sections 26500 to 26588, inclusive.

14 (9) Sections 26700 to 26915, inclusive.

15 (10) Section 27510.

16 (11) Section 27530.

17 (12) Section 27540.

18 (13) Section 27545.

19 (14) Sections 27555 to 27570, inclusive.

20 (15) Sections 29010 to 29150, inclusive.

21 (e) As used in Sections 34005 and 34010, “firearm” does not  
22 include a destructive device.

23 (f) As used in Sections 17280 and 24680, “firearm” has the  
24 same meaning as in Section 922 of Title 18 of the United States  
25 Code.

26 (g) As used in Sections 29010 to 29150, inclusive, “firearm”  
27 includes the unfinished frame or receiver of a weapon that can be  
28 readily converted to the functional condition of a finished frame  
29 or receiver.

30 SEC. 2. Division 4.5 (commencing with Section 25250) is  
31 added to Title 4 of Part 6 of the Penal Code, to read:

32

33 **DIVISION 4.5. LOST OR STOLEN FIREARMS**

34

35 25250. (a) Commencing January 1, 2014, every person shall  
36 report the theft or loss of a firearm he or she owns or possesses to  
37 a local law enforcement agency in the jurisdiction in which the  
38 theft or loss occurred within 48 hours of the time he or she knew  
39 or reasonably should have known that the firearm had been stolen  
40 or lost.



1 (b) Every person who has reported a firearm lost or stolen under  
2 subdivision (a) shall notify the local law enforcement agency in  
3 the jurisdiction in which the theft or loss occurred within 48 hours  
4 if the firearm is subsequently recovered by the person.

5 25255. Section 25250 shall not apply to the following:

6 (a) Any law enforcement agency or peace officer acting within  
7 the course and scope of his or her employment or official duties  
8 if he or she reports the loss or theft to his or her employing agency.

9 (b) Any United States marshal or member of the Armed Forces  
10 of the United States or the National Guard, while engaged in his  
11 or her official duties.

12 (c) Any person who is licensed, pursuant to Chapter 44  
13 (commencing with Section 921) of Title 18 of the United States  
14 Code and the regulations issued pursuant thereto, and who reports  
15 the theft or loss in accordance with Section 923(g)(6) of Title 18  
16 of the United States Code, or the successor provision thereto, and  
17 applicable regulations issued thereto.

18 (d) Any person whose firearm was lost or stolen prior to January  
19 1, 2014.

20 25260. Pursuant to Section 11108, every sheriff or police chief  
21 shall submit a description of each firearm which has been reported  
22 lost or stolen directly into the Department of Justice automated  
23 property system for firearms.

24 25265. (a) Every person who violates Section 25250 is, for a  
25 first violation, guilty of an infraction punishable by a fine not to  
26 exceed one hundred dollars (\$100).

27 (b) Every person who violates Section 25250 is, for a second  
28 violation, guilty of an infraction, punishable by a fine not exceeding  
29 one thousand dollars (\$1,000).

30 (c) Every person who violates Section 25250 is, for a third or  
31 subsequent violation, guilty of a misdemeanor, punishable by  
32 imprisonment in a county jail not exceeding six months, or by a  
33 fine not exceeding one thousand dollars (\$1,000), or by both that  
34 fine and imprisonment.

35 25270. Every person reporting a lost or stolen firearm pursuant  
36 to Section 25250 shall report the make, model, and serial number  
37 of the firearm, if known by the person.

38 25275. Commencing January 1, 2014, no person shall report  
39 to a local law enforcement agency that a firearm has been lost or

1 stolen, knowing the report to be false. A violation of this section  
2 is a misdemeanor.

3 25280. *This division does not preclude or preempt a local*  
4 *ordinance that imposes additional penalties or requirements in*  
5 *regard to reporting the theft or loss of a firearm.*

6 SEC. 3. Section 26835 of the Penal Code is amended to read:

7 26835. A licensee shall post conspicuously within the licensed  
8 premises the following warnings in block letters not less than one  
9 inch in height:

10

11 (a) "IF YOU KEEP A LOADED FIREARM WITHIN ANY  
12 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
13 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND  
14 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES  
15 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A  
16 MISDEMEANOR OR A FELONY UNLESS YOU STORED  
17 THE FIREARM IN A LOCKED CONTAINER OR LOCKED  
18 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT  
19 FROM TEMPORARILY FUNCTIONING."

20 (b) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER  
21 FIREARM CAPABLE OF BEING CONCEALED UPON THE  
22 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY  
23 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE  
24 GAINS ACCESS TO THE FIREARM, AND CARRIES IT  
25 OFF-PREMISES, YOU MAY BE GUILTY OF A  
26 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN  
27 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH  
28 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY  
29 FUNCTIONING."

30 (c) "IF YOU KEEP ANY FIREARM WITHIN ANY  
31 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
32 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO  
33 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A  
34 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE  
35 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP  
36 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU  
37 STORED THE FIREARM IN A LOCKED CONTAINER, OR  
38 LOCKED THE FIREARM WITH A LOCKING DEVICE."

39 (d) "DISCHARGING FIREARMS IN POORLY VENTILATED  
40 AREAS, CLEANING FIREARMS, OR HANDLING

1 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A  
2 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,  
3 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL  
4 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.  
5 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

6 (e) “FEDERAL REGULATIONS PROVIDE THAT IF YOU  
7 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM  
8 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30  
9 DAYS AFTER YOU COMPLETE THE INITIAL  
10 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE  
11 TO GO THROUGH THE BACKGROUND CHECK PROCESS  
12 A SECOND TIME IN ORDER TO TAKE PHYSICAL  
13 POSSESSION OF THAT FIREARM.”

14 (f) “NO PERSON SHALL MAKE AN APPLICATION TO  
15 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR  
16 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON  
17 THE PERSON WITHIN ANY 30-DAY PERIOD AND NO  
18 DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS  
19 MADE AN APPLICATION TO PURCHASE MORE THAN ONE  
20 PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF  
21 BEING CONCEALED UPON THE PERSON WITHIN ANY  
22 30-DAY PERIOD.”

23 (g) “IF A FIREARM YOU OWN OR POSSESS IS LOST OR  
24 STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A  
25 LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS  
26 OR THEFT OCCURRED WITHIN 48 HOURS OF THE TIME  
27 YOU KNEW OR REASONABLY SHOULD HAVE KNOWN  
28 THAT THE FIREARM HAD BEEN LOST OR STOLEN.”

29  
30 SEC. 4. Section 27535 of the Penal Code is amended to read:

31 27535. (a) No person shall make an apphcation to purchase  
32 more than one handgun within any 30-day period.

33 (b) Subdivision (a) shall not apply to any of the following:

- 34 (1) Any law enforcement agency.  
35 (2) Any agency duly authorized to perform law enforcement  
36 duties.  
37 (3) Any state or local correctional facility.  
38 (4) Any private security company licensed to do business in  
39 California.

1 (5) Any person who is properly identified as a full-time paid  
2 peace officer, as defined in Chapter 4.5 (commencing with Section  
3 830) of Title 3 of Part 2, and who is authorized to, and does carry  
4 a firearm during the course and scope of employment as a peace  
5 officer.

6 (6) Any motion picture, television, or video production company  
7 or entertainment or theatrical company whose production by its  
8 nature involves the use of a firearm.

9 (7) Any person who may, pursuant to Article 2 (commencing  
10 with Section 27600), Article 3 (commencing with Section 27650),  
11 or Article 4 (commencing with Section 27700), claim an exemption  
12 from the waiting period set forth in Section 27540.

13 (8) Any transaction conducted through a licensed firearms dealer  
14 pursuant to Chapter 5 (commencing with Section 28050).

15 (9) Any person who is licensed as a collector pursuant to Chapter  
16 44 (commencing with Section 921) of Title 18 of the United States  
17 Code and the regulations issued pursuant thereto, and has a current  
18 certificate of eligibility issued by the Department of Justice  
19 pursuant to Article 1 (commencing with Section 26700) of Chapter  
20 2.

21 (10) The exchange of a handgun where the dealer purchased  
22 that firearm from the person seeking the exchange within the  
23 30-day period immediately preceding the date of exchange or  
24 replacement.

25 (11) The replacement of a handgun when the person's handgun  
26 was lost or stolen, and the person reported that firearm lost or  
27 stolen pursuant to Section 25250 prior to the completion of the  
28 application to purchase the replacement handgun.

29 (12) The return of any handgun to its owner.

30 (13) A community college that is certified by the Commission  
31 on Peace Officer Standards and Training to present the law  
32 enforcement academy basic course or other commission-certified  
33 law enforcement training.

34 SEC. 5. No reimbursement is required by this act pursuant to  
35 Section 6 of Article XIII B of the California Constitution for certain  
36 costs that may be incurred by a local agency or school district  
37 because, in that regard, this act creates a new crime or infraction,  
38 eliminates a crime or infraction, or changes the penalty for a crime  
39 or infraction, within the meaning of Section 17556 of the  
40 Government Code, or changes the definition of a crime within the


1 meaning of Section 6 of Article XIII B of the California  
2 Constitution.

3 However, if the Commission on State Mandates determines that  
4 this act contains other costs mandated by the state, reimbursement  
5 to local agencies and school districts for those costs shall be made  
6 pursuant to Part 7 (commencing with Section 17500) of Division  
7 4 of Title 2 of the Government Code.

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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

2013 MAY -9 PM 8:08 **OAKLAND CITY COUNCIL**

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

Introduced by Councilmember Noel Gallo

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**RESOLUTION IN SUPPORT OF SENATE BILL 299 (DESAULNIER)  
REGARDING FIREARMS, WHICH WOULD REQUIRE EVERY PERSON  
WHOSE FIREARM IS LOST OR STOLEN TO NOTIFY LOCAL LAW  
ENFORCEMENT THAT THEIR FIREARM WAS LOST OR STOLEN**

**WHEREAS**, current state law requires firearms dealers and manufacturers to report any lost or stolen firearms within 48 hours, and local law enforcement must enter reports of lost or stolen firearms into the state's Automated Property System database; and

**WHEREAS**, under current state law, firearm owners whose guns are lost or stolen are not required to report to local law enforcement and as a result, law enforcement efforts to investigate gun crimes and disarm dangerous criminals are significantly hindered; and

**WHEREAS**, Oakland Municipal Code section 9.36.131 (passed 2003), punishable as a misdemeanor, requires that any person residing in Oakland who owns or possesses a firearm, must report the loss or theft of such firearms to the Oakland Police Department within 48 hours of gaining knowledge of, or when they reasonably should have known of, such loss or theft; and

**WHEREAS**, SB299 expressly does not preempt Oakland's existing ordinance; and

**WHEREAS**, SB 299 requires that every person statewide whose firearm is lost or stolen shall notify local law enforcement within 48 hours of the time they knew or reasonably should have known that the firearm had been lost or stolen; and

**WHEREAS**, SB 299 would help address the increasing crime statistics involving firearms in California; and

**WHEREAS**, In 2009 2,972 California residents died from firearm-related related injuries; and

**WHEREAS** Of the 1,811 Californians murdered in 2010, 1,257, or 69%, were killed with firearms; and

**WHEREAS**, as of **May 5, 2013** we have had 33 homicides in the City of Oakland, the majority by way of firearms; and

**WHEREAS**, so far this year, Oakland has had 174 Aggravated Assaults involving a firearm, 2 Assaults on a police officer involving a firearm, 862 Robberies involving a firearm; and

**WHEREAS**, 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 Senate Bill 374 to require every person whose firearm is lost to report it local law enforcement to prevent future crime ; now therefore be it

**RESOLVED** that the Oakland City Council supports California Senate Bill 299 and encourages the California State Legislature to accept 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, KALB,  
KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN**

**NOES-**

**ABSENT-**

**ABSTENTION-**

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

Date of Attestation: