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CITY OF OAKLAND



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January 22, 2013

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Resolution of the City Council of the City of Oakland, California (1) Declaring a Public Health and Safety Crisis in Oakland and Throughout our Nation Due to Deaths and Injuries Caused by Firearms and, in Particular Semiautomatic, Military-Style and Stolen Firearms (2) Calling upon the United States ("U.S.") Senate and House of Representatives to Immediately Reinstate the Federal Assault Weapons Ban, Ban Ammunition Magazines in Excess of Ten Rounds, Require Background Checks for All Gun Sales, Require Reporting of Lost or Stolen Firearms, Establish a National Registry of Lost or Stolen Firearms, and Require Firearms be Secured in Unoccupied Homes or Businesses and (3) Calling upon the California Legislature and California Congressional Delegation to Advocate for, Introduce and Support Federal Legislation to Implement These Measures and Regulate Civilian Use of Ammunition and Military-Style Weapons to Reduce Deaths and Injuries in the U.S. Caused by Firearms**

President Kernlghan and Members of the City Council:

Oakland has seen an increase in gun violence in recent years. In 2012, 131 people were victims of homicide in Oakland, and the majority of them were killed by firearms. According to Oakland Police Department statistics, there also were about 840 non-fatal shootings in Oakland in 2012, a 12 percent increase from the previous year.

Gun violence represents a clear threat to the public in Oakland, and deaths and injuries caused by firearms, including military-style and stolen firearms, represent a clear public health and safety crisis for our City. The City of Oakland has a compelling interest in stronger regulation of firearms and ammunition, both at the federal and state levels, to address this crisis. Various legislative efforts are underway, including a

18  
SPECIAL MEETING OF  
THE OAKLAND CITY COUNCIL


JAN 22 2013

HONORABLE CITY COUNCIL  
January 22, 2013  
Subject: Assault Weapons Ban Resolution  
Page 2

proposal by U.S. Senator Dianne Feinstein to reintroduce a federal Assault Weapons Ban.

The attached resolution, introduced by City Attorney Barbara Parker, City Councilmember Rebecca Kaplan, City Councilmember Larry Reid and Mayor Jean Quan, is submitted for adoption by the City Council. The resolution expresses the City Council's support for specific legislation, and calls on the U.S. Congress to enact further regulations to help reduce the number of gun-related deaths and injuries in Oakland.

Respectfully submitted,



BARBARA J. PARKER  
City Attorney

1090027.1

*Barbara J. Parker*  
Office of the City Attorney

13 JAN 10 PM 4:02

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by City Attorney Barbara Parker, City Councilmembers  
Rebecca Kaplan and Larry Reid, and Mayor Jean Quan

Resolution of the City Council of the City of Oakland, California (1) Declaring a Public Health and Safety Crisis in Oakland and Throughout our Nation Due to Deaths and Injuries Caused by Firearms and, In Particular Semiautomatic, Military-Style and Stolen Firearms (2) Calling upon the United States ("U.S.") Senate and House of Representatives to Immediately Reinstate the Federal Assault Weapons Ban, Ban Ammunition Magazines in Excess of Ten Rounds, Require Background Checks for All Gun Sales, Require Reporting of Lost or Stolen Firearms, Establish a National Registry of Lost or Stolen Firearms, and Require Firearms be Secured in Unoccupied Homes or Businesses and (3) Calling upon the California Legislature and California Congressional Delegation to Advocate for, Introduce and Support Federal Legislation to Implement These Measures and Regulate Civilian Use of Ammunition and Military-Style Weapons to Reduce Deaths and Injuries in the U.S. Caused by Firearms

**WHEREAS**, the City of Oakland has seen an increasing amount of gun violence resulting in deaths and severe injuries; and

**WHEREAS**, of the 1,255 victims of homicide in Oakland in the last 10 years, the large majority were killed by firearms, including military-style assault weapons and stolen firearms; and

**WHEREAS**, in 2012, about 4,600 incidents were captured by the Shot Spotter system, a device that detects gunfire in certain areas of Oakland; and

**WHEREAS**, in 2012 there were 131 homicides in the City of Oakland, the vast majority of which were committed with firearms; and

**WHEREAS**, this is the highest number of homicides in Oakland since 2006, when 148 people were slain; and

**WHEREAS**, in 2012, people killed by guns in Oakland included children and elderly residents and victims of a mass shooting, namely a grandmother killed by a stray bullet from a nearby gun battle; six students and a staff member killed in a mass shooting at Oikos University; two best friends from childhood, girls ages 15 and 16, killed in East Oakland; and a 15-year-old girl shot to death at an Oakland housing complex, the same complex where another teen was shot and died in July, bringing the number of people killed in our City during the 2012 calendar year to

18  
SPECIAL MEETING OF  
THE OAKLAND CITY COUNCIL

JAN 22 2013

**WHEREAS**, there were approximately 840 non-fatal shootings of human beings in Oakland in 2012 – a 12% increase from the previous year; and

**WHEREAS**, in 2012, Oakland Police recorded more than 681 cases of vehicles and dwellings hit by gunfire; and

**WHEREAS**, in 2011 the City of Oakland had 110 homicides including the shooting deaths of a one year old, a three year old and a five year old; and

**WHEREAS**, in 2011, Oakland Police recorded more than 502 cases where vehicles and dwellings were hit by gunfire; and

**WHEREAS**, communities such as Newtown, Tucson, Aurora, Virginia Tech and Oakland have seen horrific loss of life due to mass shootings, some of which have involved military-style assault weapons with high capacity ammunition magazines; and

**WHEREAS**, there is a public health and safety crisis in Oakland evidenced by the number of deaths and injuries caused by firearms, the shattering of so many lives and families, and the fear, stress, mental health and emotional impacts of the scourge of gun violence; and

**WHEREAS**, the City of Oakland has a compelling interest in comprehensive regulations at the federal and state levels to address this crisis; and

**WHEREAS**, the availability to civilians of military-style assault weapons with large ammunition magazines or drums allows persons who wish to do harm to cause enormous damage – much more so than would be possible if these types of weapons were unavailable; and

**WHEREAS**, military-style weapons coupled with large ammunition magazines and drums constitute a demonstrated threat to the general public, health and safety; and

**WHEREAS**, there is no legitimate purpose for civilians to own or use military-style weapons or large ammunition magazines or drums; and

**WHEREAS**, in 1994, Congress enacted an Assault Weapons Ban that prohibited the sale of certain weapons in order to reduce street violence in the United States; and

**WHEREAS**, a 1997 Department of Justice study found that the 1994 federal Assault Weapons Ban was responsible for a 6.7% decrease in total gun murders, holding all other factors equal; and

**WHEREAS**, in 2004, the Assault Weapons Ban expired by operation of law and, to this date, the ban has not been renewed by Congress; and

**WHEREAS**, seven states, including California, have enacted laws banning assault weapons, and the District of Columbia and five large cities in the United States have local laws banning assault weapons; and

**WHEREAS**, a federal ban on assault weapons is critical to provide consistency and prevent individuals from bringing these firearms into California from a state where they are not banned; and

**WHEREAS**, United States Senator Dianne Feinstein announced her intent to introduce legislation for a new federal Assault Weapons Ban and a limit on ammunition magazines that carry more than ten rounds of ammunition at the opening of the 113<sup>th</sup> Congress; and

**WHEREAS**, Senator Feinstein has proposed that this legislation ban the sale, transfer, importation or manufacturing of 120 specifically-named firearms, certain other firearms that can accept a detachable magazine and have one or more military characteristics, and semiautomatic rifles and handguns with a fixed magazine that can accept more than 10 rounds; strengthen the 1994 Assault Weapons Ban and various state bans by moving from a 2-characteristic test to a 1-characteristic test and banning firearms with thumbhole stocks and bullet buttons to address attempts to “work around” prior bans; and require that grandfathered weapons be registered under the National Firearms Act; and

**WHEREAS**, the City Council of the City of Oakland strongly supports these efforts and calls on the 113<sup>th</sup> U.S. Congress to enact comprehensive federal legislation regulating the sale and use of military-style weapons by civilians, restricting the sale and use of high capacity magazines and drums, and closing loopholes that have allowed manufacturers to circumvent the law by making slight cosmetic or other changes to banned firearms and continuing to sell what is essentially the same weapon; and

**WHEREAS**, the City Council of the City of Oakland strongly urges the 113<sup>th</sup> U.S. Congress to close the “private sale loophole” in the Brady Act so that people who buy firearms from private sellers – estimated to be 40% of all gun purchasers – are required to undergo background checks; and

**WHEREAS**, the City Council of the City of Oakland calls on the 113<sup>th</sup> U.S. Congress enact a *Federal Registry of Lost or Stolen Firearms* to deter the theft of guns and the use of stolen guns to commit violent crimes; and

**WHEREAS**, the City Council of the City of Oakland further requests that the 113<sup>th</sup> U.S. Congress enact a federal law requiring lost or stolen firearms to be reported to law enforcement officials; and

**WHEREAS**, Oakland law already requires residents of Oakland to report to the Oakland Police Department any theft or loss of firearms within the City, however, stolen firearms can be brought into Oakland from other cities or other states; and

**WHEREAS**, the City Council of the City of Oakland further requests that the 113<sup>th</sup> U.S. Congress enact a federal law requiring sellers of second hand firearms to check a *Federal Registry of Lost or Stolen Firearms* prior to sale; and

**WHEREAS**, the City Council of the City of Oakland further requests that the 113<sup>th</sup> U.S. Congress enact a federal law requiring firearms be secured or locked inside a dwelling, residence or business when it is unoccupied; and

**WHEREAS**, while firearms are regulated by various state and federal laws, ammunition is largely unregulated; and

**WHEREAS**, the City Council of the City of Oakland also supports legislation to regulate ammunition sales and records keeping of ammunition sales in California, including but not limited to Assembly Bill 48 by Assembly Member Nancy Skinner and Senate Bill 53 by State Senator Kevin de León; and now therefore, be it

**RESOLVED:** That the foregoing recitals are true and correct; and be it

**FURTHER RESOLVED:** That there is a public health and safety crisis in Oakland and throughout our nation due to deaths and injuries caused by firearms and, in particular semiautomatic and stolen firearms; and be it

**FURTHER RESOLVED:** That the City Council directs the City Clerk to forward this Resolution to the California State Legislature, Oakland's representatives in the California State Legislature, the California Congressional delegation of the 113<sup>th</sup> Congress and the both houses of the U.S. Congress; and be it

**FURTHER RESOLVED:** That the City Council directs the City Clerk to forward this resolution to the City's federal and state lobbyists; and be it

**FURTHER RESOLVED:** That it shall be the policy of the City of Oakland that advocacy for and passage of comprehensive regulation of firearms and ammunition is a top priority for the City's federal and state lobbyists.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, KALB, KAPLAN, GIBSON MCELHANEY, REID, SCHAAF  
and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

**18**

**SPECIAL MEETING OF  
THE OAKLAND CITY COUNCIL**

**JAN 22 2013**

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