

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
BILL ANALYSIS



2013 APR -4 PM 5:36
Date: April 3, 2013

Bill Number: AB 180

Bill Author: CA Assembly Member Rob Bonta

DEPARTMENT INFORMATION

Contact: Bruce Stoffmacher, District 4, 510-238-7041
bstoffmacher@oaklandnet.com

RECOMMENDED POSITION: SUPPORT

Summary of the Bill:

Registration and licensing of firearms: exclusive regulation by the Legislature. Existing law states the intention of the Legislature to occupy the whole field of regulation of registration or licensing of commercially manufactured firearms as encompassed by the Penal Code to the exclusion of all local regulations. This bill would provide an exception to those provisions by authorizing the City of Oakland to enact and enforce an ordinance or regulation that is more restrictive than state law regulating the registration or licensing of commercially manufactured firearms as encompassed by the Penal Code.

This bill further applies the following definitions:

Section 53071 of the Government Code is amended to read:

(a) It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivision as defined in Section 1721 of the Labor Code.

(b) Notwithstanding subdivision (a), the City of Oakland may enact and enforce an ordinance or regulation that is more restrictive than state law regulating the registration or licensing of commercially manufactured firearms as encompassed by the Penal Code.

Item: _____
Rules & Legislation Comte.
April 23, 2013

DRAFT

Positive Factors for Oakland

Oakland ranks as one of the most violent cities in the United States because of violent robberies as well as shootings and homicides. 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. However, residents suffer from an extraordinary level of violent gun-related crime despite the City's crime prevention strategies.

As of March 31, 2013, we have had 22 homicides in the City of Oakland, the majority by way of firearms. According to our crime statistics, so far this year, we've had:

- 123 Aggravated Assaults involving a firearm
- 2 Assaults on a police officer involving a firearm
- 623 Robberies involving a firearm

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 firearms licensing and registration requirements than are already in place at the state level.

Negative Factors for Oakland

There will not be any negative impacts merely from the passage of AB 180. However, the City may very well face legal action from different entities should Oakland choose to enact firearms regulations more restrictive than state law.

Known Support
Support Unknown

Known Opposition

Gun rights advocacy groups such as the Fire Arms Policy Coalition have published their opposition to AB180.

DRAFT

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 Libby Schaaf

Councilmember Rebecca Kaplan

City Attorney Barbara Parker

Item: _____
Rules & Legislation Comte.
March 22, 2013

2013 APR -4 PM 7:13 OAKLAND CITY COUNCIL

Resolution No. _____ 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 Sheriff, 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,

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