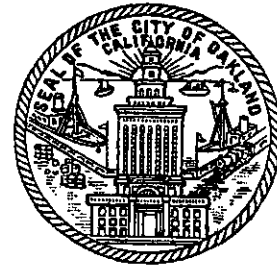


OFFICE OF THE POLICY CLERK

**CITY OF OAKLAND
BILL ANALYSIS**



2007 JUN 19 PM 8:31

Date: June 28, 2007

Bill Number: Assembly 1471

Bill Author: Mike Feuer

DEPARTMENT INFORMATION

Contact: Howard A. Jordan, Deputy Chief of Police

Department: Police

Telephone: (510) 238-7519 **FAX #** 510-238-2251

E-mail: hjordan@oaklandnet.com

RECOMMENDED POSITION: (SUPPORT, **SUPPORT IF AMENDED**, NEUTRAL, WATCH, OPPOSE, NOT RELEVANT)

Summary of the Bill

Assembly Bill #1471, named the Crime Gun Identification Act of 2007, amends Penal Code section 12126 and requires that all semi-automatic handguns sold in California after January 1, 2010 be equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol. The characters must be etched or imprinted onto the pistol's firing pin and interior surfaces, which will then be imprinted on each cartridge case when the handgun is fired. This new technology, identified as *micro-stamping*, will allow law enforcement personnel to quickly identify the recorded purchaser of the handgun used at a crime scene.

Positive Factors for Oakland

Micro-stamping technology will allow law enforcement officials to collect identifiable evidence at crime scenes. This information could provide valuable investigative leads by identifying the make, model, and serial number of a firearm used to commit a crime, providing important leads to solving gun related crimes. Micro-stamping will also help reduce gun trafficking of new semi-automatic handguns by creating more accountability to gun purchasers.

Negative Factors for Oakland

Micro-stamping could increase potential civil liability to law enforcement and government agencies.

AB 1471 specifies that any handgun without a micro-stamp, manufactured after January 1, 2010, would fall into a category of handguns declared by the State of California as being *unsafe*.

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Rules & Legislation Comte.
June 28, 2007

California agencies that purchase and issue to officers handguns that are not micro-stamped, and deemed *unsafe*, expose the agency and officers to potential civil litigation in the event the weapon is fired during the course of duty.

This Bill should be amended to exempt law enforcement and government agencies from purchasing micro-stamped semi-automatic duty handguns.

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

Critical (top priority for the City lobbyist, city position required ASAP)

Very Important (priority for the City lobbyist, city position necessary)

Some what important (City position desirable if time and resources are available)

Minimal or **None (do not review with City Council, position not required)**

Known support:

The Brady Campaign to Prevent Gun Violence, and the Million Mom March are both in support of AB1471.

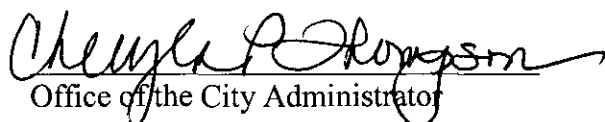
Known Opposition:

National Rifle Association (NRA)

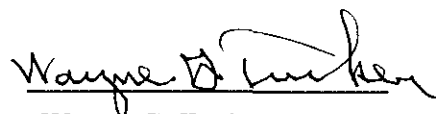
Attach bill text and state/federal legislative committee analysis, if available.

Assembly Bill # 1471 and Analysis Attached

APPROVED AND FORWARDED TO THE
RULES AND LEGISLATION COMMITTEE:


Office of the City Administrator

Respectfully Submitted,


Wayne G. Tucker
Chief of Police

Item: _____
Rules & Legislation Comte.
June 28, 2007

California Chapters



Brady Campaign To Prevent Gun Violence

Our Vision:

To create an America free from gun violence, where all are safe at home, at work, at school, and in our communities.

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Information on California AB 1471 (Feuer) Crime Gun Identification Act of 2007

AB 1471 Provisions:

Assembly Bill 1471, named the Crime Gun Identification Act of 2007, requires that all semiautomatic handguns sold in California after January 1, 2010 be equipped with a microscopic array of characters that identify the make, model and serial number of the pistol. The characters must be etched or imprinted onto the pistol's firing pin and interior surfaces and will be imprinted on each cartridge case when the handgun is fired. This new technology, called "microstamping," will allow police to quickly identify the handgun's purchaser of record, an important lead for solving handgun crimes.

AB 1471 Addresses the Following Problems:

Microstamping technology will allow law enforcement to positively link used cartridge casings recovered at crime scenes to the crime gun. AB 1471 will: 1) help law enforcement solve handgun crimes, 2) help reduce gang violence, and 3) help reduce gun trafficking of new semi-automatic handguns.

Microstamping will help law enforcement solve murders and other handgun crimes. California has an enormous and diverse problem of unsolved homicides committed with handguns:

- No arrest is made in approximately 45 percent of all homicides in California because police lack the evidence they need.
- Of the approximately 2400 homicides in California per year (2004 DOJ data), over 60 percent are committed with handguns.
- Approximately 70 percent of new handguns sold in California are semiautomatics. ("Handgun Commerce in California 1999," Sacramento: Violence Prevention Research Program, 2002)

Microstamping technology would give law enforcement a tool that will provide evidence to help investigate, arrest and convict more people who use semiautomatic handguns in crimes. It will provide rapid leads at many crime scenes; leads that will help police begin an investigation in the first crucial hours after a homicide.

Microstamping will help reduce gang violence. Microstamping technology will help law enforcement identify and apprehend armed gang members before they inflict more harm on others, including innocent bystanders. In instances of drive-by shootings, where the only evidence at the crime scene may be a spent cartridge case, law enforcement could quickly obtain a critical lead. Microstamping technology will help curb the illegal flow of weapons to violent teens and gang members by providing a link to the last legal possessor, who may

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also be a “straw buyer”.

Microstamping will help reduce gun trafficking of new semi-automatic handguns through creating accountability. Legal purchasers who buy guns in California for traffickers (known as straw buyers) will be deterred once they understand that crimes committed with the guns can be traced directly back to them. According to trace data from the Bureau of Alcohol, Tobacco, and Firearms (BATF), the majority of crime guns were first sold at retail in the state in which the gun was recovered. (BATF, Youth Crime Gun Interdiction Initiative, February 1999, p. 12)

Microstamping will help interrupt a big source of crime guns: trafficking in new semiautomatic handguns. BATF has documented that, of crime guns for which “time-to-crime” could be calculated, roughly thirty percent are semi-automatic handguns purchased within three years of use in a crime. Law enforcement considers this brief “time-to-crime” a sign of gun trafficking. Microstamping will provide additional crime gun data, which will help law enforcement identify crime gun trafficking channels.

Cost of AB 1471:

Microstamping will not impose a new cost on the state of California. No new database is required. No new employees need to be hired by law enforcement or the state. California already has a system for tracking the serial numbers of guns transferred in California, through the DROS (Dealer Record of Sale) process. The casing expelled from a handgun equipped with a microstamp will reference the same serial number as the handgun. When a casing with a microstamp is recovered at the scene of a crime, law enforcement will simply check the existing handgun database.

Manufacturers will incur modest costs to adopt the new technology. The increased manufacturing cost is anticipated to be between fifty cents and one dollar per firearm. If the cost of the technology is passed on to the consumer, it is expected to be less than one percent of the cost of the handgun.

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California AB 1471 (Feuer) Crime Gun Identification Act of 2007

Questions and Answers:

Question: Will Assembly Bill 1471 make handguns without microstamping technology illegal?

Answer: AB 1471 only applies to handguns manufactured and sold after 2010. Existing handguns would not be affected.

Question: Will AB 1471 impact law-abiding gun owners?

Answer: This law would not impact law-abiding gun owners. The process for purchasing a handgun will be the same as the current process. No new registration or permitting will be required. In addition, routine maintenance and cleaning of a firearm will have no effect on the technology. AB 1471 is just another tool for law enforcement to use in solving handgun crimes and preventing gun trafficking.

Question: Can criminals defeat the microstamping technology?

Answer: Tests have shown the technology, now in its third generation, to be highly tamper resistant. The microscopic engravings are on both the firing pin and other interior gun parts. Even if a criminal were able to remove the markings off the tip of the firing pin, the redundant back-up markings would still imprint the casing and the criminal would risk disabling the firing pin by reducing its length. Most criminals would not know how to find the technology, which is invisible to the naked eye, let alone defeat it. In the event that the firing pin was replaced, the redundant markings would transfer the information to the cartridge casing.

Question: Will the technology wear down over time or with repeated use?

Answer: Independent testing by a forensic examiner has shown that the engraved characters on the firing pins and other gun parts are extremely durable and will not wear down over time. ¹

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Question: Will microstamping reduce crime even when criminals get guns illegally?

Answer: Criminals frequently obtain their firearms from straw buyers. Once straw buyers in California understand that a crime committed with a trafficked gun could be easily traced to them, they will think twice before buying new handguns for gun traffickers. This will help cut off an important source of crime guns. By reducing the illegal flow of handguns into the black market, criminals may have reduced access to guns. Microstamping is a valuable tool, like fingerprinting and DNA testing, to help police investigate, arrest and convict people who use semiautomatic handguns in crimes and to deter straw buyers who supply gun traffickers. Microstamping will provide law enforcement with more robust crime gun data, which will help them identify crime gun trafficking channels.

Question: Would criminals implicate innocent people by putting casings fired by other handguns at the scene of a crime?

Answer: There is nothing to stop criminals from taking such measures now to fool the existing ballistics identification systems, but they rarely do, according to law enforcements officials. Experience shows that most criminals fail to take even modest precautions, such as removing license plates from a stolen car or wearing gloves during burglaries.

Question: Is microstamping a sole-source technology that would create a government-sanctioned monopoly for a single company?

Answer: The patent holder of microstamping technology has announced that a royalty-free license will be provided to every manufacturer in the United States on guns sold in California.

Written by:

*The California Chapters of the Brady Campaign to Prevent Gun Violence
and the Coalition to Stop Gun Violence*

*For more information, please contact:
mmmnevadaco@nacctel.com or (530) 432-2171*

i Forensics expert Lucien Haag conducted tests of the technology and concluded that the microstamp was easily readable on all types of bullet casings tested after many hundreds of rounds.

BILL NUMBER: AB 1471 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 10, 2007

INTRODUCED BY Assembly Member Feuer
(Principal coauthor: Assembly Member DeSaulnier)

FEBRUARY 23, 2007

An act to amend Section 12126 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1471, as amended, Feuer. Firearms: microstamping.

Existing law defines unsafe handguns as failing to pass certain tests, or lacking certain features, as specified.

This bill, the Crime Gun Identification Act of 2007, would, commencing January 1, 2010, expand the definition of unsafe handgun to include semiautomatic pistols that are not designed and equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol, etched ~~into~~

in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired.

By expanding the definition of "unsafe handgun," the manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited as, the Crime Gun Identification Act of 2007.

~~SECTION 1~~ SEC. 2. Section 12126 of the Penal Code is amended to read:

12126. As used in this chapter, "unsafe handgun" means any pistol, revolver, or other firearm capable of being concealed upon the person, as defined in subdivision (a) of Section 12001, for which any of the following is true:

(a) For a revolver:

(1) It does not have a safety device that, either automatically in the case of a double-action firing mechanism, or by manual operation in the case of a single-action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge.

(2) It does not meet the firing requirement for handguns pursuant

to Section 12127.

(3) It does not meet the drop safety requirement for handguns pursuant to Section 12128.

(b) For a pistol:

(1) It does not have a positive manually operated safety device, as determined by standards relating to imported guns promulgated by the federal Bureau of Alcohol, Tobacco, and Firearms.

(2) It does not meet the firing requirement for handguns pursuant to Section 12127.

(3) It does not meet the drop safety requirement for handguns pursuant to Section 12128.

(4) Commencing January 1, 2006, for a center fire semiautomatic pistol that is not already listed on the roster pursuant to Section 12131, it does not have either a chamber load indicator, or a magazine disconnect mechanism.

(5) Commencing January 1, 2007, for all center fire semiautomatic pistols that are not already listed on the roster pursuant to Section 12131, it does not have both a chamber load indicator and if it has a detachable magazine, a magazine disconnect mechanism.

(6) Commencing January 1, 2006, for all rimfire semiautomatic pistols that are not already listed on the roster pursuant to Section 12131, it does not have a magazine disconnect mechanism, if it has a detachable magazine.

(7) Commencing January 1, 2010, for all semiautomatic pistols that are not already listed on the roster pursuant to Section 12131, it is not designed and equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted ~~onto~~ in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired.

(c) As used in this section, a "chamber load indicator" means a device that plainly indicates that a cartridge is in the firing chamber. A device satisfies this definition if it is readily visible, has incorporated or adjacent explanatory text or graphics, or both, and is designed and intended to indicate to a reasonably foreseeable adult user of the pistol, without requiring the user to refer to a user's manual or any other resource other than the pistol itself, whether a cartridge is in the firing chamber.

(d) As used in this section, a "magazine disconnect mechanism" means a mechanism that prevents a semiautomatic pistol that has a detachable magazine from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the semiautomatic pistol.

(e) As used in this section, a "semiautomatic pistol" means a pistol, as defined in subdivision (a) of Section 12001, the operating mode of which uses the energy of the explosive in a fixed cartridge to extract a fired cartridge and chamber a fresh cartridge with each single pull of the trigger.

~~SEC. 2.~~ SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

ASSEMBLY THIRD READING
 AB 1471 (Feuer)
 As Amended April 10, 2007
 Majority vote

PUBLIC SAFETY 7-0 APPROPRIATIONS 12-5

Ayes: Solorio, De La Torre,	Ayes: Leno, Caballero, Davis,
Leno, Ma, Portantino	DeSaulnier, Huffman,
	Karnette, Krekorian,
	Lieu, Ma, Nava, Solorio,
	Evans
Nays: Aghazarian, Anderson	Nays: Walters, Emmerson, La
	Malfa, Nakanishi, Sharon
	Runner

SUMMARY : Requires specified semiautomatic pistols to be equipped with microscopic identifying markings which are transferred to each cartridge case when the firearm is fired. Specifically, this bill :

- 1)States, beginning January 1, 2010, all semiautomatic pistols not already designated as safe handguns, as specified, to be equipped with microscopic characters that identify the make, model, and serial number of the pistol etched in two or more places on the interior surface or internal working parts of the pistol which are transferred by imprinting on each cartridge case when the firearm is fired.
- 2)Makes other technical, non-substantive changes.

EXISTING LAW :

- 1)Requires, commencing January 1, 2001, that manufacturing, importing into California for sale, keeping for sale, offering or exposing for sale, giving, or lending any unsafe handgun is a misdemeanor, punishable by up to one year in the county jail.
- 2)Defines "unsafe handgun" as any pistol, revolver, or other

AB 1471
Page 2

firearm capable of being concealed upon the person, as specified, which lacks various safety mechanisms, as specified.

- 3) Requires any concealable firearm manufactured in California, imported for sale, kept for sale, or offered for sale to be tested within a reasonable period of time by an independent laboratory, certified by the Department of Justice (DOJ), to determine whether it meets required safety standards, as specified.
- 4) Requires DOJ, on and after January 1, 2001, to compile, publish, and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that have been tested by a certified testing laboratory, have been determined not to be unsafe handguns, and may be sold in California, as specified. The roster shall list, for each firearm, the manufacturer, model number, and model name.
- 5) Provides that DOJ may charge every person in California who is licensed as a manufacturer of firearms, as specified, and any person in California who manufactures or causes to be manufactured, imports into California for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in California, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster of firearms determined not be unsafe, and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs, as specified.
- 6) Requires DOJ to maintain a registry of all handguns sold by a licensed dealer in California including, but not limited to, the buyer's name, address and other identifying information, as well as the serial number of the weapon sold.

FISCAL EFFECT : According to the Assembly Appropriations Committee, unknown, likely minor, non-reimbursable local law enforcement costs for increased county jail commitments for misdemeanor possession or sale of unsafe handguns, the category of which would expand pursuant to this bill.

COMMENTS : According to the author, "This bill is about catching

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Page 3

criminals. This bill will allow law enforcement to positively link used cartridge casings recovered at crime scenes to the crime gun. This bill will: (a) help law enforcement solve handgun crimes; (b) help reduce gang violence; and, (c) help reduce gun trafficking of new semi-automatic handguns.

"One of the most important pieces of this legislation is that it places no additional burden to gun owners. The additional cost will be \$0.50 to \$2 a gun and no new licenses or permits are required.

"California has an enormous and diverse problem of unsolved homicides committed with handguns. No arrest is made in approximately 45% of all homicides in California because police lack the evidence they need. Of the approximately 2,400 homicides in California per year over 60% are committed with handguns (2004 DOJ data). Approximately 70% of new handguns sold in California are semiautomatics ('Handgun Commerce in California 1999,' Sacramento: Violence Prevention Research Program, 2002).

"Microstamping technology would give law enforcement a tool that will provide evidence to help investigate, arrest and convict more people who use semiautomatic handguns in crimes and will provide rapid leads in the first crucial hours after a homicide.

"This bill will help law enforcement identify and apprehend armed gang members before they inflict more harm on others, including innocent bystanders. In instances of drive-by shootings where the only evidence at the crime scene may be a spent cartridge case, law enforcement could quickly obtain a critical lead."

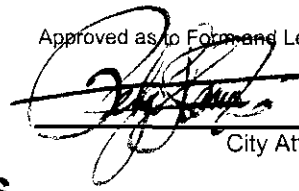
Please see the policy committee analysis for full discussion of this bill.

Analysis Prepared by : Kimberly Horiuchi / PUB. S. / (916)
319-3744

FN: 0000756

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
CITY OF OAKLAND


City Attorney

2007 JUN 14 PM 8:31
RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, ON BEHALF OF THE CITY OF OAKLAND, TO SUPPORT ASSEMBLY BILL #1471 (FEUER), IF AMENDED, WHICH REQUIRES SEMI-AUTOMATIC HANDGUNS SOLD IN CALIFORNIA AFTER JANUARY 1, 2010 BE EQUIPPED WITH A MICROSCOPIC ARRAY OF CHARACTERS THAT IDENTIFY THE MAKE, MODEL, AND SERIAL NUMBER OF THE PISTOL AND ETCHED OR IMPRINTED ONTO THE PISTOL'S FIRING PIN AND INTERIOR SURFACES WHICH WILL THEN BE IMPRINTED ON EACH CARTRIDGE CASE WHEN THE HANDGUN IS FIRED

WHEREAS, the Oakland Police Department recommends that AB #1471, once amended to include provisions that exempt law enforcement and government agencies from purchasing micro-stamped semi-automatic duty handguns, be endorsed by the City of Oakland; and

WHEREAS, this Bill will allow law enforcement officials to collect identifiable evidence at crime scenes, and quickly identify the recorded purchaser of the handgun; and

WHEREAS, this information could provide valuable investigative leads by identifying the make, model, and serial number of a firearm used to commit a crime and provide important leads to solving gun related crimes; and

WHEREAS, micro-stamping will also help reduce gun trafficking of new semi-automatic handguns by creating more accountability to gun purchasers; now therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or her designee, on behalf of the City of Oakland to support if amended, Assembly Bill # 1471.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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