



City of Oakland

Office of the City Clerk
Oakland City Hall,
1 Frank H. Ogawa Plaza,
Room 201
Oakland, California 94612

Legislation Text

File #: 003698, **Version:** 1

Subject: Senate Bill 601-.50 Caliber Handguns
From: Councilmember Chang
Recommendation: Adopt a Resolution declaring the City of Oakland's position in support of Senate Bill 601 (Perata); prohibit, with specified exceptions, possession of .50 caliber handguns
APPRflA7OR LEGALITY

INTRODUCED BY COUNCILMEMBER Henr Chan A i

" Attorney

OAKLAND CITY COUNCIL 2003JuN12 PM 2:29

RESOLUTION No. C.M.S.

RESOLUTION DECLARING THE CITY OF

OAKLAND'S POSITION IN SUPPORT OF

SENATE BILL (SB) 601 (PERATA)

WHEREAS, the City of Oakland fully supports the enforcement of regulations regarding the sale and of possession of firearms in order to increase the safety of the people of the City of Oakland; and

WHEREAS, the City of Oakland is experiencing an increase in the number of fatalities caused by the use of firearms, with 71% of Oakland's 113 homicides in 2002 being caused by handguns; and

WHEREAS, SB 601 (Perata) contributes to a safer Oakland by making it unlawful to manufacture, sell, distribute, import, or possess a .50 caliber handgun within the State of California; now, therefore be it

RESOLVED: That the City of Oakland declares its support for SB 601 (Perata); and be it

FURTHER RESOLVED: That the City Council hereby directs the City Manager and the City legislative lobbyist to advocate for the above position in the State Legislature.

Item iO.i&CC- OltkJCouncil

IN COUNCIL OAKLAND, CALIFORNIA _____ 20

July 15,2003

PASSED BY THE FOLLOWING VOTE:

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

NOES- RULES&I. IION

ABSENT- CMTE UN 1 9

ABSTENTION ATTEST: _____

CEDA FLOYD

City Clerk and Clerk of the Council

of the City of Oakland, California

CITY OF OAKLAND

BILL ANALYSIS

Date: 03 June 2003

DEPARTMENT INFORMATION:

Contact: William Roy Uber

Department: Oakland Police Department, Admin & Tech Services Division

Telephone: 510.238.6792 FAX: 510.238.7490 E-mail: wuber@oaklandnet.com

Bill Number SB 601

Bill Author: Senator Don Perata -

Topic: Prohibit, with specified exceptions, possession of .50 caliber handguns

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

Support

Summary of the Bill

Enactment of this bill would expand Section 12020 of the California Penal Code to include .50 caliber handguns to the list of weapons / ammunition which are an offense to manufacture, import, sell, lend, or possess (The list includes certain firearms such as cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm), any ballistic knife, any multi-burst trigger activator, any nunchaku, any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt buckle knife, any leaded cane, any zip gun, any lipstick case knife, any cane sword, any shobizue, any writing pen knife, any metal military practice hand grenade or metal replica hand grenade, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, billy, sand club, sap, sandbag, et a and any large-capacity magazine).

Specific exceptions on .50 caliber handgun ownership that are contained in the proposed bill include (a) persons who lawfully possessed the firearm, and who was listed with the DOJ as the registered owner, prior to January 1, 2004; (b) transfer by the person described in (a) to a licensed firearm dealer - in or out of the state, or to a law enforcement agency; (c) possession for purposes of disposal by an executor or estate administrator, if the item were lawfully possessed and the executor/administrator possesses or disposes of the item in a manner consistent with that authorized by the probate court.

This bill also includes a definition of "prohibited . caliber handgun."

SB 601

Bill Analysis Page 2 of 2

Positive Factors for Oakland

Every year approximately 3,000 Californians die from gunshots and an average of 8,000 suffer non-fatal injuries. Over the past couple of years Oakland has been experiencing an increase in the number of shootings and gun related deaths occurring in the City. Keeping these weapons out of Oakland potentially increases the safety of persons in Oakland. Over the past three years, Oakland Police have recovered two handguns which

fire.50 caliber ammunition

Negative Factors for Oakland

None noted.

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)

Known support:

City of Los Angeles

Known Opposition:

Smith & Wesson

Is state/federal legislative committee analysis available? (If yes, see attached)

Yes.

Item_ C ORAICouncil

July 15,2003