



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: January 8, 2013
To: Honorable Mayor & City Council
From: Larry Wiener, City Attorney
Cheryl Friedling, Deputy City Attorney
Subject: Options Regarding Gun Control – Recommendations from
Legislative Committee
Attachments: 1. Senator Dianne Feinstein's Assault Weapons Ban
Initiative

INTRODUCTION

The City Council Legislative Committee (Mayor Brien and Vice Mayor Mirisch) met on December 18, 2012 to review legislative proposals to further control firearm ownership and access to weapons in light of the mass shooting tragedy in Newtown, Connecticut.

At that Committee meeting, the Legislative Committee recommended presenting to the entire City Council a range of options available at the local, state and federal level to strengthen controls over firearm regulations and ownership in order to enhance public safety and prevent gun violence.

DISCUSSION

Tougher federal gun permit and safety measures, as well as proposals to close loopholes in California's assault weapons ban have all been identified as opportunities to achieve enhanced gun and ammunition control at the state and local levels. Legislation is anticipated in early January from California lawmakers including State Senator Kevin De Leon (Chairman of the Senate Democratic Caucus.)

At the federal level, Senator Dianne Feinstein announced that she will introduce legislation on January 3, 2013 – the first day of the First Session of the 113rd Congress – to ban assault weapons. Senator Feinstein said her bill will 'ban the sale, the transfer, the importation and the possession, not retroactively but prospectively' of assault weapons. The Senator also indicated that her legislation will also ban big clips, drums or strips of more than 10 bullets.

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This legislation will be provided to the City Council as it becomes available from the legislative authors in Sacramento and Washington, D.C.

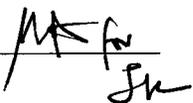
At the same time, the City Attorney's Office will explore options to strengthen the City's Municipal Code as it relates to firearm ownership.

FISCAL IMPACT

None at this time.

RECOMMENDATION

That the City Council review initiatives and provide direction to staff regarding firearms and public safety.

Jeffrey C. Kolin 
Approved By

Attachment 1

David Turch and Associates

TO: Cheryl Friedling, Deputy City Manager
City of Beverly Hills

FROM: Jamie Jones
(202) 543-3744
Jamie.jones@davidturch.com

DATE: December 17, 2012

RE: Senator Dianne Feinstein's Assault Weapons Ban Initiative

In the aftermath of the massacre at Sandy Hook Elementary School in Newtown, Connecticut, Senator Dianne Feinstein, during an appearance on NBC's "Meet the Press," announced that she will introduce a bill on January 3, 2013 – the first day of the First Session of the 113th Congress -- to ban assault weapons. Senator Feinstein said her bill will **"ban the sale, the transfer, the importation and the possession, not retroactively but prospectively" of assault weapons.** Feinstein's bill will also ban big clips, drums or strips of more than 10 bullets. "The purpose of this bill is to get...weapons of war off the streets," Feinstein elaborated.

Senator Feinstein's Assault Weapons Ban of 1994 - 2004

While the bill language has yet to be drafted, the proposal, as discussed by Feinstein on "Meet the Press," mirrors a ban on semi-automatic weapons she successfully included in the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), signed by President Bill Clinton on November 13, 1994. Feinstein's assault weapons ban had a built-in sunset of ten-years, which expired in 2004. Under political pressure from the National Rifle Association (NRA) and congressional gun enthusiast, the ban was not extended.

The 1994 Act addressed only semi-automatic firearms that fired one shot each time the trigger is pulled. Feinstein's ban classified assault weapons and regulated them according to classification. Nineteen models were identified and covered various semi-automatic rifles (including the Bushmaster model that was used in Sandy Hook Elementary School), pistols and shotguns due to a combination of various features. Weapons that fire more than one round with a single trigger-pull (such as machine guns and short-barreled shotguns) have been regulated in the past by the National Firearms Act of 1934.

I'm taking the liberty of attaching a copy of the 1994 legislative language banning semi-automatic weapons.

City of Beverly Hills -- Support for Feinstein's Legislative Initiative

If the City Council wants to advocate on behalf of Senator Feinstein's legislation, I would suggest the Council pass a resolution endorsing the bill (once it's been introduced) and urge, through a targeted letter campaign, your congressional delegation as well as members of the Senate Judiciary Committee, to move aggressively in support of the bill. Should a companion bill be introduced in the House, the City can send support letters to House Judiciary Committee Members as well.

H.R.3355

Violent Crime Control and Law Enforcement Act of 1994 (Enrolled Bill [Final as Passed Both House and Senate] - ENR)

TITLE XI--FIREARMS

Subtitle A--Assault Weapons

SEC. 110101. SHORT TITLE.

This subtitle may be cited as the 'Public Safety and Recreational Firearms Use Protection Act' .

SEC. 110102. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION- Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

`(v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

`(2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed under Federal law on the date of the enactment of this subsection.

`(3) Paragraph (1) shall not apply to--

`(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

`(B) any firearm that--

`(i) is manually operated by bolt, pump, lever, or slide action;

`(ii) has been rendered permanently inoperable; or

`(iii) is an antique firearm;

`(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

`(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.

Violent Crime Control and Law Enforcement Act of 1994 that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; but
(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.'

(c) PENALTY- Section 924(a)(1)(B) of title 18, United States Code, as amended by section 110102(c)(1), is amended by striking '(v)' and inserting '(v), or (w)'.

(d) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES- Section 923(i) of title 18, United States Code, as amended by section 110102(d) of this Act, is amended by adding at the end the following: 'A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe.'

SEC. 110104. STUDY BY ATTORNEY GENERAL.

(a) STUDY- The Attorney General shall investigate and study the effect of this subtitle and the amendments made by this subtitle, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 12 months after the date of enactment of this Act.

(b) REPORT- Not later than 30 months after the date of enactment of this Act, the Attorney General shall prepare and submit to the Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

SEC. 110105. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle--

- (1) shall take effect on the date of the enactment of this Act;
- and
- (2) are repealed effective as of the date that is 10 years after that date.

SEC. 110106. APPENDIX A TO SECTION 922 OF TITLE 18.

Section 922 of title 18, United States Code, is amended by adding at the end the following appendix:

APPENDIX A

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POLITICS NOW

Sen. Feinstein to introduce gun-control bill next year

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Lindsay Merikas, 26, of Alexandria, Va., wears a button saying "Stop Gun Violence" as she gathered with other supporters of gun control in front of the White House. (Jacquelyn Martin / Associated Press Photos)



Photos: Massacre at elementary school in Newtown, Conn.



Who they were: Connecticut school shooting victims



Full coverage: Connecticut school shooting

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By Morgan Little
December 16, 2012 | 11:44 a.m.

WASHINGTON — Two days after the shooting deaths of 26 people at a Newtown, Conn., elementary school, Sen. Dianne Feinstein pledged Sunday that she would introduce new gun-control legislation at the beginning of next year's congressional session.

"It [the bill] will ban the sale, the transfer, the transportation and the possession," the California senator said on NBC's "Meet the Press." "Not retroactively, but prospectively. And it will ban the same for big clips, drums or strips of more than 10 bullets."

Feinstein said the purpose of her proposal, a version of the assault-weapons ban that expired in 2004, is to get "weapons of war off the streets of our cities."

FULL COVERAGE: Connecticut school shooting

Officials have said that most of those killed in Friday's massacre — a toll that included 20 children — were shot with a semiautomatic assault-style rifle.

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Timeline: Deadliest U.S. mass shootings

Feinstein has been at the forefront of gun-control efforts nationally. The assault weapons ban that she pushed followed mass killings in a Stockton schoolyard and in a San Francisco office tower. Feinstein was also at San Francisco City Hall in 1978 when Supervisor Dan White killed Mayor George Moscone and fellow Supervisor Harvey Milk. Feinstein saw White flee their offices and found Milk, memorably saying afterward that when she felt for a pulse, her finger slipped into a bullet hole. Feinstein, then the head of the Board of Supervisors, became mayor upon Moscone's death.

PHOTOS: Connecticut school shooting

She declined to comment when asked whether President Obama has failed to lead on the issue of gun control but did add that her bill would give him a vehicle to oppose assault weapons.

Although Obama has spoken generally in the past about the need to lessen gun violence, his administration has not said how he will proceed. The president was due to speak at a memorial service in Newtown on Sunday night.

"As a country, we have been through this too many times. Whether it's an elementary school in Newtown, or a shopping mall in Oregon, or a temple in Wisconsin, or a movie theater in Aurora, or a street corner in Chicago — these neighborhoods are our neighborhoods, and these children are our children," Obama said in an address Friday. "And we're going to have to come together and take meaningful action to prevent more tragedies like this, regardless of the politics."

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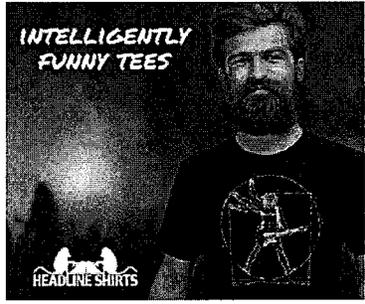
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Jim Chambers at 9:14 AM December 17, 2012
With the ascendancy of liberalism came Kunstler type lawyers who decided they wanted to make a buck by convincing idiotic judges that crazy people didn't belong in institutions where they wouldn't hurt people.

These poor little innocent and defenseless kids dead because of some nut who, if not for these mutt lawyers, social workers and judges, would still be coming home to their parents

Video