

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: June 11, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations  
Committee

FROM: Gerry F. Miller *Gerry F. Miller* For Council File No: 13-0002-S72  
Chief Legislative Analyst Assignment No: 13-05-0374

SUBJECT: Resolution (Koretz – Rosendahl - Garcetti) to support SB 396, legislation which  
would prohibit the possession of high capacity ammunition magazines

CLA RECOMMENDATION: Adopt Resolution (Koretz – Rosendahl - Garcetti) to include in  
the City's 2013 – 2014 State Legislative Program SUPPORT for SB 396 (Hancock), which  
would prohibit the possession of any ammunition magazine that is capable of holding more than  
ten rounds of ammunition, and amends the definition of large-capacity magazine.

SUMMARY

On May 1, 2013, a Resolution (Koretz – Rosendahl - Garcetti) was introduced to support SB 396  
(Hancock), legislation which would prohibit the possession of any ammunition magazine that is  
capable of holding more than ten rounds of ammunition. The Resolution states that large-  
capacity magazines have been used in numerous instances of violence, including the 1997 North  
Hollywood shootout and the tragedy that occurred at Sandy Hook Elementary School. The  
Resolution further states that California has strong regulations on the sale and use of large  
capacity magazines, but that the possession of these devices is not currently prohibited.

The Resolution states that the City of Los Angeles has consistently supported legislation to  
curtail access to large-capacity magazines, and has recently undertaken efforts to ban the  
possession of these devices in the City. The Resolution further states that SB 396 would  
similarly ban the possession of large-capacity magazines throughout the state, and would address  
the threat these devices pose to public safety. The Resolution, therefore, seeks an official  
position of the City of Los Angeles to support SB 396, which would prohibit the possession of  
any ammunition magazine that is capable of holding more than ten rounds of ammunition, and  
amends the definition of large-capacity magazines to include ammunition magazines that  
previously had a capacity of over ten rounds, but have been modified to hold no more than ten  
rounds at a time.

BACKGROUND

Large-capacity magazines are defined by state law as ammunition magazines that have the  
capability of more than ten rounds. Since January 1, 2000, it has been illegal to manufacture,  
import, gift, loan, or use high capacity magazines in California. However, under the current law,  
the possession of large-capacity magazines acquired before the ban came into effect is not  
prohibited; nor is the possession of magazines that had the capability of holding more than ten  
rounds, but were altered to make them compliant with California law.

Supporters of this legislation argue that these magazines pose a unique danger to public safety and the community. These devices, when in the wrong hands, enable an individual to fire massive amounts of ammunition in a short amount of time with tragic consequences. While California law is more robust than most other states, the fact that these magazines are still present in the state is problematic. There is a real danger of these large-capacity magazines falling into the wrong hands and being used in mass shootings and other violent crimes. Prohibiting the possession of large-capacity magazines would further ensure the safety of the public.

SB 396 would ban the possession of large-capacity magazines beginning January 1, 2014, as well as amend the definition of large-capacity magazines. Under the old definition, large-capacity magazines could be altered to reduce their capacity to ten rounds, and no longer be considered large-capacity magazines. As these magazines could possibly be altered again to restore their larger capacity, SB 396 would also prohibit the possession of magazines that had the capacity to hold more than ten rounds, but were modified to hold no more than ten rounds.

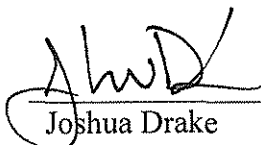
The City has recently undertaken efforts to prohibit the possession of large-capacity magazines (C.F. 13-0069); SB 396 would complement the City's efforts, and prohibit the possession of these devices throughout the state.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

02/20/2013	Bill introduced
05/23/2013	Passed in committee
05/29/2013	Passed in the Senate (25-14)
05/30/2013	In the Assembly

  
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Joshua Drake  
Analyst

GFM:MF:jwd

Attachment: Resolution (Koretz – Rosendahl - Garcetti)

13-0102-572

MAY 01 2013

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, high capacity magazines, those designed to hold more than ten rounds of ammunition, have been used in numerous instances of violence, from the 1997 North Hollywood shootout to the tragic mass murder at Sandy Hook Elementary school in Newtown, Connecticut; and

WHEREAS, California has recognized the threat posed to the community by these high capacity magazines, and has prohibited the manufacture, sale, transfer, or importation of these devices; and

WHEREAS, while the State strongly regulates the sale and use of high capacity magazines, possession of these devices is currently not prohibited under law; and

WHEREAS, the continued presence of high capacity magazines in the state pose a significant challenge to the safety and security of the public; and

WHEREAS, The City of Los Angeles has consistently supported legislation to curtail access to these devices, and has recently undertaken efforts to ban the possession of high capacity magazines within the City (Council File 13-0068); and

WHEREAS, SB 396 (Hancock) would amend the current law to prohibit the possession of high capacity magazines in California, no matter how they were acquired; and

WHEREAS, SB 396 would assist in removing the threat to safety that these devices pose to the public by prohibiting the possession of high capacity magazines;

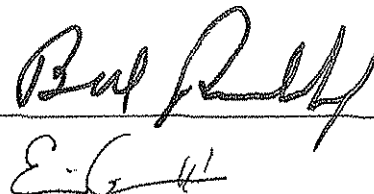

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program SUPPORT for SB 396, which amends California law to prohibit the possession of high capacity ammunition magazines, defined as an ammunition feeding device capable of holding more than 10 rounds.

PRESENTED BY



PAUL KORETZ  
Councilmember, 5<sup>th</sup> District

SECONDED BY

ORIGINAL

MAY 1 2013  
jwd