

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 5, 2013

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

FROM: Gerry F. Miller *Gerry F. Miller* Council File No: 13-0002-S73
Chief Legislative Analyst Assignment No: 13-05-0375

SUBJECT: Resolution (Koretz - Garcetti - Rosendahl) to support SB 374, legislation which would prohibit the sale, purchase, manufacture, importation or transfer of semi-automatic rifles that can accept detachable magazines

CLA RECOMMENDATION: Adopt Resolution (Koretz - Garcetti - Rosendahl) to include in the City's 2013 – 2014 State Legislative Program SUPPORT for SB 374 (Steinberg), which would amend the California Assault Weapons Ban to prohibit the sale, purchase, manufacture, importation, or transfer in the state of California of semi-automatic rifles that can accept a detachable magazine.

SUMMARY

On May 1, 2013, a Resolution (Koretz - Garcetti - Rosendahl) was introduced to support SB 374 (Steinberg), legislation which amends the California Assault Weapons Ban to prohibit the sale, purchase, manufacture, importation, or transfer in the state of semi-automatic rifles that can accept a detachable magazine. The Resolution states that guns and gun violence are significant threats to the safety of the public, and that, while California has one of the most effective Assault Weapons Bans in the United States, the current law has loopholes that are being exploited by gun manufacturers.

The Resolution further states that SB 374 would close these loopholes by prohibiting the sale, purchase, manufacture, importation, or transfer in the state of semi-automatic rifles that can accept a detachable magazine. This will strengthen the current law and increase California's ability to limit the number of military-style weapons available in the state. The Resolution, therefore, seeks an official position of the City of Los Angeles to support SB 374, which would amend the California Assault Weapons Ban to prohibit the sale, purchase, manufacture, importation, or transfer in the state of California of semi-automatic rifles that can accept a detachable magazine.

BACKGROUND

California's current Assault Weapons Ban (AWB) prohibits the manufacture, importation, sale, purchase or transfer within the state of certain rifles and pistols which are listed as "assault weapons" by the California Department of Justice, or firearms that are not listed, but are center-fire, semi-automatic rifles that have the capability to accept detachable magazines and at least one of the following other features: a pistol grip; a thumbhole stock; a vertical handgrip; a

folding or telegraphing stock; a grenade or flare launcher; a flash suppressor; or, a forward handgrip.

Under the current law, the purchase, sale, transfer, importation, or manufacture of a rifle which has nearly all the features listed above, but requires a tool to remove the ammunition magazine, is not prohibited. A bullet or ammunition cartridge is considered a tool under the current law. This has led to gun manufacturers designing magazine releases that are quick and easy to use but require a tool to engage. The "bullet button," a device that enables a gun user to quickly change magazines by depressing an ejection button with the tip of a bullet, is one of the most popular California-legal magazine releases. These types of devices effectively skirt the assault weapons ban, and allow for the use of any ammunition source that fits a weapon, including high capacity magazines, as well as enable users of these weapons to quickly exchange ammunition sources and fire a high volume of ammunition in a short amount of time.

SB 374 would eliminate this loophole in the current law, and amend the definition of an assault weapon, as it pertains to rifles. Under SB 374, an assault weapon would be any semiautomatic, rim-fire or center-fire rifle that does not have a fixed magazine with the capacity to accept no more than ten rounds of ammunition, or any semiautomatic center-fire rifle that has an overall length of less than 30 inches. In addition, SB 374 would define a "detachable magazine" as "an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action." This would effectively prohibit the future use of bullet buttons and other workarounds to the AWB.

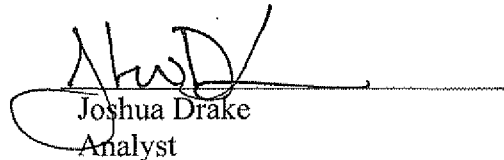
SB 374 would require individuals who legally possess an assault rifle, including those that have an ammunition feeding device that can be removed with a tool, to register their firearm with the Department of Justice by July 1, 2014.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

| | |
|------------|------------------------------------------------------------------|
| 02/20/2013 | Bill introduced |
| 02/28/2013 | Referred to the Committee on Public Safety |
| 04/17/2013 | Passed in committee, referred to the Committee on Appropriations |
| 05/24/2013 | Passed in the Committee for Appropriations |
| 05/29/2013 | Passed in the Senate (23-15); ordered to the Assembly |


Joshua Drake
Analyst

GFM:MF:jwd

Attachment: Resolution (Koretz - Garcetti - Rosendahl)

13-0002-573

MAY 01 2013

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

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, guns and gun violence pose a significant threat to the safety and security of the public; and

WHEREAS, assault rifles in particular are a threat to the community, as these types of weapons have been used to perpetrate mass murders such as the Aurora, Colorado and Newton, Connecticut shootings; and

WHEREAS, California has historically taken the lead in gun control, including enacting legislation that established an effective assault weapons ban; and

WHEREAS, California's Assault Weapons Ban, while one of the strictest in the United States, has loopholes that are currently being exploited by weapons manufacturers, who make assault rifles that are technically legal in California, but are still as dangerous as weapons prohibited by California law; and

WHEREAS, The California Assault Weapons ban should be broadened to prohibit the manufacture, sale, transfer, or possession of weapons designed to skirt regulation in the state; and

WHEREAS, SB 374 (Steinberg) would address flaws in the current legislation by amending the definition of "assault weapon" to include all semiautomatic rim-fire or center-fire rifles that do not have a fixed magazine that can accept ten or fewer rounds; and

WHEREAS, SB 374 would effectively eliminate the loopholes exploited by gun manufacturers to market and produce assault weapons in California, and ensure that the State remains at the forefront of gun control efforts;

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 374, which amends the California Assault Weapons Ban to prohibit the sale, purchase, manufacture, importation, or transfer in California of semi-automatic rifles that can accept detachable magazines.

PRESENTED BY Paul Koretz
PAUL KORETZ
Councilmember, 5th District

SECONDED BY Ed Schultz
E. G. W.

MAY 1 2013
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