

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: December 2, 2014

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

FROM: Sharon M. Tso *elect for* Council File No: 14-0002-S100  
Chief Legislative Analyst Assignment No: 14-11-0790

SUBJECT: Resolution (Parks - Englander) to support HR 5606

CLA RECOMMENDATION: Adopt the Resolution (Parks - Englander) to include in the City's 2013 - 2014 Federal Legislative Program SUPPORT for HR 5606 (Honda), the Homemade Firearms Accountability Act, which would require that homemade firearms have serial numbers.

SUMMARY

On October 1, 2014, a Resolution (Parks - Englander) was introduced in support of HR 5606 (Honda), the Homemade Firearms Accountability Act. The Resolution states that, under current law, homemade firearms are not required to have a unique serial number and that individuals who manufacture or assemble firearms in their homes are not required to submit to a background check, which is required when purchasing a firearm.

The Resolution states that HR 5606 seeks to address a loophole in the law that enabled individuals to commit violent crimes using homemade firearms, such as a deadly bank robbery in Stockton in July 2014 and a mass shooting at Santa Monica College in June 2013. The Resolution further states that there is a growing black market for homemade, unregistered firearms, and that this bill would address this issue. The Resolution, therefore, seeks an official position of the City of Los Angeles to support HR 5606, which would require that homemade firearms have a serial number, and ensure that homemade firearms are subject to the same regulatory safeguards that are other firearms.

BACKGROUND

Under current law, an individual who seeks to purchase a firearm is required to submit to a background check, and firearms purchased from a licensed dealer are required to have a unique serial number or identifying mark. This is to ensure that a person in possession of a firearm is not prohibited from owning a gun, and that the firearm they purchase meets safety and regulatory standards imposed by law. However, current law does not require a serial number for a homemade firearm, and individuals who assemble or manufacture a firearm in the home are not required to submit to a background check.

The parts necessary to assemble a firearm are easily accessible, and modern technologies such as 3D printing has made it even easier for an individual to build their own firearm. Home manufacturing of firearms has increased in popularity in recent years, and there is an increased demand for homemade firearms on the black market due to the difficulty in tracing them, the lack of registration background checks, and ease of avoiding gun registration.

Homemade firearms are becoming increasingly popular with criminals, and pose a threat to public safety if not regulated. In June 2013, John Zawahri killed five people during a mass shooting at Santa Monica College, using an assault rifle he assembled himself after failing a background check while attempting to purchase a weapon. In July 2014, three individuals armed with at least one homemade weapon robbed a bank in Stockton, taking hostages and engaging in a shootout with police. That incident left three people dead.

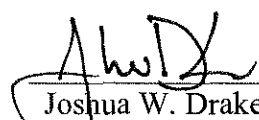
HR 5606 would address the issues posed by homemade firearms by amending current law to mandate that firearms assembled or manufactured at home have a serial number or identifying mark. An individual would be required to obtain a serial number prior to assembling a firearm. The individual would also have to submit to a background check and meet all requirements set forth for the purchase of a firearm. This legislation is similar to California's SB 808 (Gatto), which would have required individuals who want to assemble a firearm at home to first apply for and receive a unique serial number. The City Council adopted a Resolution in support of SB 808 on March 5, 2014 (C.F. 14-0002-S12), and the bill was passed by the state legislature at the end of its session. However, SB 808 was vetoed by Governor Brown.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

09/18/2014	Referred to the House Committee on the Judiciary
10/28/2014	Referred to the Subcommittee on Crime, Terrorism, Homeland Security and Investigations

  
Joshua W. Drake  
Analyst

SMT:MF:jwd

Attachment: Resolution (Parks - Englander)  
HR 5606

14-0002-5100

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, currently pending in Congress is a bill, HR 5606 (Honda) to require homemade firearms to have serial numbers and to ensure that homemade firearms are subject to the same safeguards as guns made by licensed manufacturers; and

WHEREAS, this legislation would ensure that regulations and safeguards already in place for firearm purchases extend to weapons that are self-assembled or manufactured at home; and

WHEREAS, the laws should be the same for a gun being purchased as for a gun made at home; our system of background checks and registrations are in place to ensure public safety and there is no reason these checks and registrations should apply to guns made by a licensed manufacturer, but not apply to other, equally dangerous, weapons; and

WHEREAS, this legislation responds to recent crimes and violent actions involving the use of homemade firearms, including a deadly bank robbery this July in Stockton, CA that left three dead, and the mass shooting in Santa Monica, CA last June at the hands of John Zawahri; and

WHEREAS, this legislation also responds to the growing black market for homemade firearms, as seen in recent federal investigations and raids that have led to the seizure of large stockpiles of illegal weapons; and

WHEREAS, gun safety experts point to the growing popularity of incomplete lower receivers, which are easily purchased and converted into functioning firearms, and the emergence of additive manufacturing (3D printing) to produce firearms, as two major factors that have led to concerns about the increasing supply of untraceable firearms in circulation; and

WHEREAS, firearms that are homemade are currently not required to bear serial numbers or unique markings, making them impossible to trace back to perpetrators when used in the commission of a crime; and there are also currently no federal background check requirements in place, such as those that apply to firearms purchases, to keep homemade firearms out of the hands of prohibited persons; and

WHEREAS, this legislation has been endorsed by the Violence Policy Center, and the Brady Campaign to Prevent Gun Violence and its California chapters, which have indicated that emerging technologies, like 3D printed guns, are largely unregulated and have been deemed a threat by law enforcement and the Bureau of Alcohol, Tobacco and Firearms; and

WHEREAS, this bill will ensure that homemade firearms are subject to the same safeguards as guns made by licensed manufacturers; currently the parts needed to build an untraceable homemade gun are readily available at gun shows and on the Internet -- homemade guns should be subject to the same laws that apply to all other new firearms;

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 Federal Legislative Program support for HR 5606 (Honda) to require homemade firearms to have serial numbers and to ensure that homemade firearms are subject to the same safeguards as guns made by licensed manufacturers.

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PRESENTED BY: *Bernard C. Parks*  
BERNARD C. PARKS  
Councilman, 8<sup>th</sup> District

SECONDED BY: *[Signature]*

ORIGINAL

113TH CONGRESS  
2D SESSION

# H. R. 5606

To amend chapter 44 of title 18, United States Code, to require homemade firearms to have serial numbers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Mr. HONDA (for himself, Ms. BASS, Mr. WAXMAN, Mr. CONYERS, Ms. LEE of California, Mr. SWALWELL of California, Ms. SCIACKOWSKY, Mr. GRIJALVA, Mr. LOWENTHAL, and Mr. CICILLINE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend chapter 44 of title 18, United States Code, to require homemade firearms to have serial numbers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homemade Firearms  
5 Accountability Act of 2014”.

1 **SEC. 2. REQUIREMENT THAT HOMEMADE FIREARMS HAVE**  
2 **SERIAL NUMBERS.**

3 (a) IN GENERAL.—Chapter 44 of title 18, United  
4 States Code, is amended by inserting after section 923 the  
5 following:

6 **“§ 923A. Serial numbers for homemade firearms**

7 “(a) REQUEST.—A person who has attained 18 years  
8 of age and desires to make a firearm, or obtain a unique  
9 serial number or other identifying mark for a firearm  
10 made by the person after 1968, may request a licensed  
11 dealer to issue a unique serial number or other identifying  
12 mark for the firearm, which request shall describe the fire-  
13 arm involved, and state whether the firearm will be (or  
14 is) a handgun.

15 “(b) CONSIDERATION.—

16 “(1) TREATMENT OF REQUEST AS TRANSFER  
17 PROPOSAL.—A request made of a licensed dealer  
18 pursuant to subsection (a) with respect to a firearm  
19 shall be treated as a proposed transfer of the fire-  
20 arm from the licensed dealer to the applicant, for  
21 purposes of section 922(t) of this title and section  
22 103 of the Brady Handgun Violence Prevention Act.

23 “(2) ISSUANCE OF SERIAL NUMBER.—A li-  
24 censed dealer may issue to an applicant a unique se-  
25 rial number and identifying mark for a firearm pur-  
26 suant to such a request if, applying paragraph (1)

1 of this subsection to the request, section 922(t) or  
2 other law would not prohibit the licensed dealer from  
3 transferring the firearm to the applicant.

4 “(3) FEE AUTHORITY.—A licensed dealer may  
5 charge an applicant a fee for each serial number and  
6 identifying mark assigned and issued under this sec-  
7 tion, in an amount that is not more than the actual  
8 costs associated with assigning and issuing the serial  
9 number and identifying mark, and a fee for con-  
10 tacting the national instant criminal background  
11 check system with respect to the applicant.

12 “(c) PROHIBITIONS; REQUIREMENTS.—

13 “(1) BAN ON MAKING FIREARM BEFORE OB-  
14 TAINING SERIAL NUMBER.—It shall be unlawful for  
15 any person, in or affecting interstate or foreign com-  
16 merce, to make a firearm, unless the person has ob-  
17 tained a serial number and identifying mark for the  
18 firearm under this section.

19 “(2) BAN ON POSSESSION OR TRANSFER OF  
20 FIREARM WITHOUT SERIAL NUMBER.—It shall be  
21 unlawful for any person, in or affecting interstate or  
22 foreign commerce, to possess or transfer a firearm  
23 made by the person after 1968, unless—

1           “(A) a serial number and identifying mark  
2           for the firearm has been issued under this sec-  
3           tion;

4           “(B) within 10 days after the issuance, the  
5           serial number and identifying mark is stamped  
6           on or otherwise permanently affixed to the fire-  
7           arm; and

8           “(C) if the firearm is made from polymer  
9           plastic, 3.7 ounces of material type 17-4 PH  
10          stainless steel, on which the unique serial num-  
11          ber or identifying mark is stamped or otherwise  
12          permanently affixed, are embedded within the  
13          plastic.

14          “(3) EXCEPTIONS.—This subsection shall not  
15          apply to—

16                 “(A) a firearm to which a serial number  
17                 has been assigned pursuant to section 923 of  
18                 this title or chapter 53 of the Internal Revenue  
19                 Code of 1986; or

20                 “(B) a licensed manufacturer.

21          “(d) ADMINISTRATIVE PROVISION.—The Attorney  
22          General shall maintain, and make available on request, in-  
23          formation on—

24                 “(1) the number of serial numbers and identi-  
25                 fying marks issued under this section; and

1           “(2) the number of arrests for violations of this  
2 section.”.

3           (b) PENALTIES.—Section 924(a) of such title is  
4 amended—

5           (1) in paragraph (5), by adding at the end the  
6 following: “For purposes of this paragraph, the  
7 issuance of a serial number and identifying mark for  
8 a firearm in violation of section 923A shall be con-  
9 sidered a transfer of the firearm in violation of sec-  
10 tion 922(t).”; and

11           (2) by adding at the end the following:

12           “(8) Whoever knowingly violates section 923A(c)  
13 shall be fined under this title, imprisoned not more than  
14 6 months (or, if the firearm involved in the violation is  
15 a handgun, 1 year), or both.”.

16           (c) CLERICAL AMENDMENT.—The table of sections  
17 for chapter 44 of such title is amended by inserting after  
18 the item relating to section 923 the following:

“923A. Serial number requirement for homemade firearms.”.

19           (d) EFFECTIVE DATE.—The amendments made by  
20 this section shall take effect on January 1, 2016.

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