

TO THE CLERK FOR PLACEMENT ON NEXT  
REGULAR COUNCIL AGENDA TO BE POSTED

#56

JAN 21 2011

PUBLIC SAFETY

Rule 16

11-0109-51

M O T I O N

Recently, the nation's eyes turned to Tucson, Arizona, following the horrific gun-related violence in which six persons were murdered; many others, including Congresswoman Gabrielle Giffords, were wounded; and countless good and innocent people and their families and friends had their world changed forever. All this happened because one individual used a gun with malice.

Of course, guns are a major part of tragedies (both accidental and purposeful) and transgressions that occur across the nation and throughout the year.

Especially since the shootings in Tucson, our mortified nation has contemplated how such an incident could have happened and how it might have been prevented.

Some attention has focused on the incendiary nature and demonizing tone of some present day political discourse, and many now promote the benefits of achieving a more civil public dialog. But proposed and potential legislation and regulatory efforts responding to Tucson-type calamities necessarily concern the material elements of such insidious crimes, and so center around the weaponry and its availability to those who might use it so barbarically and wantonly.

Thus, we have much discussion, at many levels of government and throughout society, regarding the legal availability of guns to people known to suffer from mental illness, or whose history includes known use of illegal narcotics. That's just one aspect of the spectrum of gun-related issues now under consideration – another one, the subject of a bill recently introduced in Congress, is whether high-capacity ammunition magazines, such as the one used by the Tucson shooter, should be banned nationally and not just in a handful of states, as is presently the case. (In Tucson, the shooter was apprehended only after he had shot 31 bullets, exhausting his high-capacity magazine – he was wrestled down while attempting to replace the spent magazine with a new one – if the magazine was limited to the standard 10 bullets, he likely would have been interrupted in his shooting spree that much sooner.) Other possible legislation in various jurisdictions will address open carry restrictions – the Arizona incident informs any such consideration, since one of Tucson's heroes, having rushed to the scene to try and help, admits he almost used a gun he was carrying legally to shoot another hero he mistakenly assumed was the perpetrator. Certainly, there are other actions being conceptualized that might have a dramatic capacity to prevent future gun-related violence.

Here locally, we also are impelled by the recent awareness of a gun shooting two young students on a Los Angeles campus. Evidently, it was a gun doing the shooting, to the extent that the gun, contained within a backpack, allegedly went off accidentally, though of course a slew of issues exist related to the possession, presence and usage of that gun.

The ability for the Los Angeles City Council to consider any local, state or federal legislation or proposed legislation or regulation or proposed legislation related to guns, ammunition and armor crucially hinges on longstanding, current and looming legal

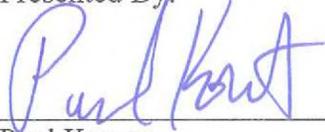
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determinations and Constitutional understandings and judicial constraints, as well as recognitions about new and ever-evolving technologies and practices that the founding fathers would never have imagined when they wrote the Constitution. The City Council has not been fully briefed by our Los Angeles City Attorney and his Office and the Chief Legislative Analyst and his Office on gun measures and issues in a number of years, and would greatly benefit from a complete and up-to-date exposition regarding all pertinent legal frameworks, pending litigation and potential present and future regulatory and legislative efforts.

I THEREFORE MOVE that within 30 days, the CLA and the City Attorney report back to the Council to share their legal understandings concerning current federal, state and local parameters and projected outcomes concerning gun issues and actual or likely gun and ammunition-related legislation, and to share any information, insights, advice and ideas deemed to be pertinent and helpful by the CLA and City Attorney.

I FURTHERMORE MOVE that local community organizations aimed at stemming gun violence, including Women Against Gun Violence and Brady Campaign to Prevent Gun Violence be invited to attend any such presentation and discussion, and to share their information, insight, advice and ideas.

Presented By:

  
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Paul Koretz  
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Seconded By:

  
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