

ORDINANCE NO. _____

An ordinance adding Section 55.21 to the Los Angeles Municipal Code to prohibit the manufacture, sale, possession or use of any imitation firearm unless the entire surface of the imitation firearm is colored bright orange or bright green.

WHEREAS, on June 15, 2007, the Los Angeles Police Department (LAPD) had an officer-involved shooting (OIS) where a 14-year-old juvenile used a BB device (Airsoft pistol) that resembled an actual firearm; and

WHEREAS, on December 16, 2010, the LAPD had an OIS where a 13-year-old boy used a BB device (Airsoft pistol) that resembled an actual firearm; and

WHEREAS, between 2006 and 2012, the LAPD has had 18 OIS incidents involving persons using imitation firearms; and

WHEREAS, on October 22, 2013, sheriff deputies in Northern California fatally shot and killed a 13-year-old juvenile when he used a BB device (Airsoft gun) that resembled an actual firearm; and

WHEREAS, on November 17, 2013, the Long Beach Police Department had an OIS where a 31-year-old woman used a BB device that resembled an actual firearm; and

WHEREAS, the LAPD believes that these OIS incidents might have been avoided if BB devices did not have the same appearance and color of actual firearms; and

WHEREAS, Senate Bill 1315 (codified in Government Code Section 53071.5(b)) became effective January 1, 2013, authorizing the County of Los Angeles and any city within the County of Los Angeles to enact and enforce an ordinance or resolution that is more restrictive than state law regulating the manufacture, sale, possession, or use of any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm; and that expels a projectile that is no more than 16 millimeters in diameter.

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Section 55.21 is added to the Los Angeles Municipal Code to read as follows:

SEC. 55.21. IMITATION FIREARMS OR BB DEVICES – SALES, MANUFACTURING, AND POSSESSION.

(a) **Definitions.**

1. **“Imitation Firearm”** shall mean any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm, and that expels a projectile that is no more than 16 millimeters in diameter.

2. **“BB Device”** shall mean any instrument that expels a projectile, such as a BB or a pellet, not exceeding 6 mm caliber, through the force of air pressure, gas pressure, or spring action, or any spot marker gun.

(b) It shall be unlawful for any person to manufacture, sell or offer for sale, or give away, any imitation firearm unless:

1. The entire exterior surface of the imitation firearm is colored bright orange, or bright green, either singly or as the predominant color in combination with other colors in any pattern.

(c) Subsection (b) shall not apply if the device is manufactured, sold, or offered for sale for any of the following purposes:

1. Solely for export in interstate or foreign commerce.
2. Solely for lawful use in theatrical production, a motion picture, video, television, or stage production.
3. For use in a certified or regulated sporting event or competition.
4. For use in military or civil defense activities, or ceremonial activities.
5. For public display authorized by public or private schools.

(d) It shall be unlawful for any person to openly display or expose any imitation firearm in a public place, as defined in Section 20170(b) of the California Penal Code.

(e) Subsection (d) shall not apply in any of the following circumstances:

1. The imitation firearm is packaged or concealed so that it is not subject to public viewing.

2. The imitation firearm is displayed or exposed in the course of commerce, including a commercial film or video production, or for service, repair, or restoration of the imitation firearm.

3. The imitation firearm is used in a theatrical production, a motion picture, video, television, or stage production.

4. The imitation firearm is used in conjunction with a certified or regulated sporting event or competition.

5. The imitation firearm is used in conjunction with lawful hunting, or a lawful pest control activity.

6. The imitation firearm is used or possessed at a certified or regulated public or private shooting range.

7. The imitation firearm is used at a fair, exhibition, exposition, or other similar activity for which a permit has been obtained from a local or state government.

8. The imitation firearm is used in a military, civil defense, or civic activity, including flag ceremony, color guard, parade, award presentation, historical reenactment, or memorial.

9. The imitation firearm is used for a public display authorized by a public or private school or a display that is part of a museum collection.

10. The imitation firearm is used in a parade, ceremony, or other similar activity for which a permit has been obtained from a local or state government.

11. The imitation firearm is displayed on a wall plaque or in a presentation case.

12. The imitation firearm is used in an area where the discharge of a firearm is lawful.

13. The imitation firearm is used by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties, and where the use is authorized by the agency and is within the course and scope of their duties.

(f) **Penalty.** Violation of Subsection (b) of this section is punishable as a misdemeanor. Violation of Subsection (d) of this section is an infraction punishable by a fine of one hundred dollars (\$100) for the first offense. A second or subsequent violation of Subsection (d) of this section is punishable as a misdemeanor.

(g) **Operative Dates.** Subsection (b) shall become operative 180 days after the effective date of this Article.

(h) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

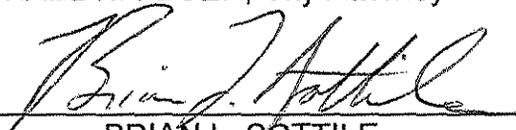
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
BRIAN L. SOTTILE
Deputy City Attorney

Date 2/3/14

File No. CF 11-0962