

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: October 16, 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-S83
Chief Legislative Analyst Assignment No: 13-05-0446

SUBJECT: Resolution (Koretz - Buscaino) to support H.R. 1914 which would prohibit all individuals subject to a court order for stalking or convicted of stalking from owning or purchasing a firearm

CLA RECOMMENDATION: Adopt Resolution (Koretz - Buscaino) to include in the City's 2013 – 2014 Federal Legislative Program SUPPORT for H.R. 1914 (Hahn), The Protecting Victims of Stalking Act, which would prohibit all individuals that are subject to a court order for stalking or convicted of stalking from owning or purchasing a firearm, without regard to the victim's relationship to the offender.

SUMMARY

On May 17, 2013, a Resolution (Koretz - Buscaino) was introduced to support H.R. 1914 (Hahn), The Protecting Victims of Stalking Act, which would prohibit all individuals the subject of a court order for stalking or convicted of stalking from owning or purchasing a firearm, without regard to the victim's relationship to the offender. The Resolution states that stalking is one of the most serious forms of harassment directed against women, and that one in six women will be stalked in their lifetime. The Resolution further states that, in recognition of this, federal law prohibits individuals convicted of or under a restraining order for stalking or threatening an intimate partner from owning a firearm. However, the Resolution states that the current law does not protect individuals who are being stalked by strangers or others they do not have a lasting relationship with.

The Resolution states that this limitation creates a loophole that leaves a broad category of stalking victims unprotected, and that the law should be updated to protect all victims of stalking. The Resolution, therefore, seeks an official position of the City of Los Angeles to support H.R. 1914, which would prohibit all individuals subject to a court order for stalking or convicted of stalking from owning or purchasing a firearm, regardless of their relationship with the victim.

BACKGROUND

Yearly, there are numerous victims of gun violence related to stalking and harassment throughout the United States, with the victim often being a woman who has been targeted by a former spouse or other intimate partner. To address this, current federal law prohibits individuals convicted of or under a restraining order for stalking or harassing an intimate partner from owning or purchasing a firearm.

However, current federal law does not prohibit individuals who stalk or harass strangers or acquaintances from owning or purchasing firearms. While many victims of stalking or harassment have had a relationship with an offender, many more have not. Every year, there are numerous incidents of individuals being stalked or harassed by individuals with whom they had no relationship or a limited relationship with every year. In some cases, individuals being stalked by persons with whom they had no intimate relationship have been assaulted or killed by their stalker.

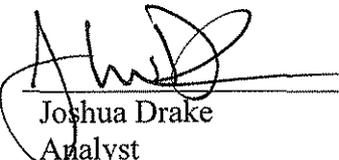
To address this problem, H.R. 1914 would expand federal protection to all victims of stalking, regardless of the nature of the relationship between the victim and the offender. H.R. 1914 would bar any individual convicted of stalking or that is subject to a restraining order for stalking or harassment, from purchasing or owning a firearm. Seven states, including California, currently have laws that prohibit all individuals subject to a restraining order from owning or purchasing firearms. The Police Department has indicated support for H.R. 1914, as it would complement California's current laws.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

05/09/2013	Bill introduced
05/09/2013	Referred to the House Committee on the Judiciary
06/14/2013	Referred to the Subcommittee on Crime, Terrorism, Homeland Security and Investigations


Joshua Drake
Analyst

GFM:MF:jwd

Attachment: Resolution (Koretz - Buscaino)

MAY 17 2013

13-0002-383

RESOLUTION ON 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, stalking represents one of the most serious forms of harassment directed against women, one in six women will be stalked in their lifetime; and

WHEREAS, stalking is often a precursor to violence against women, including assault and murder, in extreme cases; and

WHEREAS, in recognition of the dangerous nature of stalking, federal law prohibits individuals convicted of or under a restraining order for stalking or threatening an intimate partner from owning or purchasing a firearm; and

WHEREAS, not all perpetrators of stalking target intimate partners, many target strangers or others who they did not have a lasting relationship with; and

WHEREAS, this limitation creates a loophole that leaves a broad category of victims of stalking unprotected, including those who may have briefly dated their abuser or stalker, or who have never had a relationship with the offender; and

WHEREAS, seven states, including California, prohibit gun ownership by anyone convicted of stalking or under a restraining order for stalking, regardless of their relationship to the victim, and gun homicides of women in these states is 28% lower than the national average; and

WHEREAS, H.R. 1914 (Hahn), The Protecting Victims of Stalking Act, would close this loophole and ensure that all victims of stalking are protected under the law prohibiting stalkers from owning or purchasing firearms; and

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 H.R. 1914, The Protecting Victims of Stalking Act, which would prohibit all individuals the subject of a court order for stalking or convicted of stalking from owning or purchasing a firearm, without regard to the victim's relationship to the offender.

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PRESENTED BY Paul Koretz
PAUL KORETZ
Councilmember, 5th District

SECONDED BY Joe Bruner

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