

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 27, 2013

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

FROM: Gerry F. Miller 
Chief Legislative Analyst

Council File No: 13-0002-S19
Assignment No: 13-01-0086

SUBJECT: Resolution (Garcetti - Koretz) to support HR 404, the Straw Purchaser Penalty
Enhancement Act

CLA RECOMMENDATION: Adopt Resolution (Garcetti - Koretz) to include in the City's
2013 - 2014 Federal Legislative Program SUPPORT for HR 404, the Straw Purchaser Penalty
Enhancement Act, which would impose a two-year prison sentence for people who purchase
firearms to explicitly resell them.

SUMMARY

On January 29, 2013, a Resolution (Garcetti -Koretz) was introduced to support HR 404
(Schiff), the Straw Purchaser Penalty Enhancement Act. The Resolution states that a recent
review of gun acquisition data found that many criminals use straw purchasers to make gun
purchases on their behalf. The Resolution states that straw purchasers are used when the actual
individual who wants to purchase a gun cannot pass a background check or otherwise does not
want to be associated with the firearm being purchased, and that weapons acquired in this
manner pose a threat to the safety of the public.

The Resolution further states that weapons purchased in this manner on behalf of others have
been used in violent crimes and that straw purchases are a clear violation of the law, and
penalties for this act should be enhanced. The Resolution, therefore, seeks an official position of
the City of Los Angeles to support HR 404, The Straw Purchaser Penalty Enhancement Act,
which would impose an additional two-year sentence for individuals convicted of purchasing
firearms in bulk for the purpose of reselling them.

BACKGROUND

A significant number of firearms used in the commission of a crime were originally purchased
by a straw purchaser, a person who is used by the actual individual making a gun purchase to fill
out paperwork, make the payment to the gun store, and otherwise act as a buffer between the
firearm vendor and the actual purchaser. Straw purchases are used as a way to acquire firearms
by those who are prohibited from having a gun, or by those who do not want a gun traceable to
them. A straw purchaser is often a close relation to the actual purchaser, and will often be paid
to purchases firearms under their name. Many of these purchasers use straw purchasers to buy
multiple guns, which they then sell on the black market.

According to the Mayors Against Illegal Guns coalition, weapons traffickers are among some of the more prolific users of straw purchases. Weapons purchased in this manner by traffickers often end up crossing state lines, and could be used in crimes far from where they were originally purchased. Many guns used in violent crimes were acquired through straw purchases by weapons traffickers, and this activity represents a serious threat to public safety throughout the United States.

While straw purchases are prohibited under the law when buying a firearm or ammunition, the penalties for this act could be enhanced in order to more severely punish straw purchasers who seek to buy weapons in bulk for resale. HR 404 would accomplish this goal by increasing the criminal penalties for making false statements or misrepresenting identification during the acquisition of a firearm or ammunition, when the purchaser knows that the violation will further the transfer of two or more firearms to a prohibited person, and the purchaser intends to conceal the prohibited person's identity from the transferor.

HR 404 would provide for an additional two years' imprisonment for those convicted of engaging in a straw purchase of more than one firearm, and would also prohibit a court from placing any person convicted of violating the Act's provisions on probation, and place limitations on a court's ability to reduce prison sentences.

HR 404 would enhance the penalties for acting as a straw purchaser and will assist in efforts to curtail this practice, which enables criminals and other individuals prohibited from having a weapon from obtaining a gun.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

01/23/2013

Referred to the House committee on the Judiciary



Joshua Drake
Analyst

GFM:SMT:jwd

Attachment: Resolution (Garcetti - Koretz)

13-0002-519

JAN 29 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, a recent review of gun acquisition data in *Policing: An International Journal of Police Strategies and Management* disclosed that criminals and incarcerated offenders identified their main source of acquiring guns is through secondary transactions with friends, family members, and unlicensed entrepreneurs such as drug dealers; and

WHEREAS, one of the most common ways criminals obtain firearms is through straw purchases at licensed gun stores. A "straw purchase" happens when the actual buyer of a gun cannot pass the federal background check, or does not want to be associated with the purchase, and instead uses a person, who can pass the required background check, purchase the gun for him or her; and

WHEREAS, whether through legitimate retail channels or unlicensed vendors, straw purchasing poses a significant threat to the public and a clear violation of the law; and

WHEREAS, the streak of people murdered and wounded across this country have sometimes involved guns acquired by straw buyers such as those used to murder firefighters in Rochester, New York; and

WHEREAS, California and Los Angeles have some of the best and toughest gun laws in the country, yet straw purchasers can still buy, transport, and sell guns illegally within our boundaries because of lax laws in neighboring states; and

WHEREAS, Council File 10-1524 presented by Councilmember Eric Garcetti and approved by the Los Angeles City Council supported similar gun control legislation in the past, specifically the New Gun Buyer letter campaign; and

WHEREAS, California Representative Adam Schiff has introduced H.R. 404, the Straw Purchaser Penalty Enhancement Act, in the United States House of Representatives which aims to pursue and punish "straw purchasers" who buy firearms in bulk and resell them without background checks to ill-intentioned individuals, gangs and cartels;

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. 404, which would impose a two-year prison sentence for people who buy guns explicitly to resell them.

PRESENTED BY: Eric Garcetti

SECONDED BY: Paul Krutz

OFFICIAL

January 29, 2013