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**CARMEN A. TRUTANICH**  
City Attorney

**REPORT NO. R 13 - 0 1 1 9**

**MAY 0 2 2013**

**REPORT RE:**

**REVISED DRAFT ORDINANCE REGARDING LARGE-CAPACITY MAGAZINES**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 13-0068

Honorable Members:

This Office transmitted a draft ordinance to your Honorable Body on March 4, 2013, that would add a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code declaring any large-capacity magazine to be a public nuisance and an immediate threat to the public, health, safety and welfare of the citizens of Los Angeles. The draft ordinance provided that large-capacity magazines shall be subject to confiscation and summary destruction and disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code. (City Attorney Report No. R13-0064.)

On April 26, 2013, your Honorable Public Safety Committee requested this Office to prepare a revised draft ordinance to (1) make the possession of a large-capacity magazine a misdemeanor one year after the effective date of the ordinance, and (2) provide an operative date 60 days after the effective date of the ordinance to allow persons time to legally surrender their large-capacity magazines.

This Office has prepared and now transmits for your consideration a revised draft ordinance, approved as to form and legality, which includes provisions to address the requests of the Public Safety Committee.


Council Rule 38 Referral

A copy of the revised draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Police Department with the request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Brian Sottile at (213) 978-8384. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA  
Chief Assistant City Attorney

PBE:BS:pj  
Transmittal

**ORDINANCE NO. \_\_\_\_\_**

A revised draft ordinance adding a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code declaring any large-capacity magazine subject to Section 32390 of the California Penal Code to be a public nuisance and an immediate threat to the public health, safety and welfare of the citizens of Los Angeles; and setting forth, as provided in state law, that large-capacity magazines shall be subject to confiscation and summary destruction and disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code.

**WHEREAS**, the ability of an automatic or semi-automatic firearm to fire multiple bullets without reloading is directly related to the capacity of the firearm's feeding device or "magazine," and, inside the magazine, a spring forces the cartridges into position to be fed into the chamber by operation of the firearm's action; and

**WHEREAS**, any ammunition feeding device with the capacity to accept more than 10 rounds of ammunition as defined in Section 16740 of the California Penal Code are considered to be "large-capacity" magazines; and

**WHEREAS**, although detachable large-capacity magazines are typically associated with machine guns or semi-automatic assault weapons, such devices are available for any semi-automatic firearm that accepts a detachable magazine, including semi-automatic handguns; and

**WHEREAS**, the ability of large-capacity magazines to hold numerous rounds of ammunition significantly increases the lethal capacity of the automatic and semi-automatic firearms using them; and

**WHEREAS**, large-capacity magazines were used in a number of recent high-profile shootings, including:

- The shooting on February 28, 1997, at a North Hollywood Bank of America, where two heavily armed bank robbers emptied more than a thousand rounds of ammunition using fully automatic machine guns and an AR-15 assault rifle with high-capacity drum magazines and armor-piercing bullets, where several courageous LAPD officers were outgunned and injured as a result of the incident;
- The shooting at Columbine High School in Columbine, Colorado, where two students using shot guns and semi-automatic handguns loaded with 52-, 32- and 28-round large-capacity magazines killed 12 students and injured 21 additional students;

- The shooting at North Valley Jewish Community Center in Granada Hills on August 10, 1999, where 5 people were wounded by gunfire (3 children, 1 teenage counselor and an officer worker);
- The shooting on the campus of Virginia Polytechnic Institute and State University in Virginia on April 16, 2007, where a college student using two semi-automatic handguns loaded with 15-round large-capacity magazines and hollow-point ammunition killed 32 people and wounded 17 others;
- The shooting on January 8, 2011, at a constituent meeting held in a supermarket parking lot in Tucson, Arizona, where U.S. Representative Gabrielle Gifford and eighteen others were shot by a man using a semi-automatic pistol loaded with a 33-round large capacity magazine. Six of the people shot died, including a Federal Court Judge;
- The shooting in a movie theater in Aurora, Colorado on July 20, 2012, where a gunman using a 12-gauge Remington 870 Express Tactical shotgun, a Smith & Wesson M&P15 semi-automatic rifle with a 100-round drum magazine and a semi-automatic handgun killed 12 and injured 58 others;
- The recent shooting on December 14, 2012 at Sandy Hook Elementary School in Newtown, Connecticut, where a gunman using a Bushmaster XM15-E2S rifle with 30-round large-capacity magazines and semi-automatic handguns fatally shot 20 children and 6 adult staff members; and

**WHEREAS**, since January 1, 2000, California Penal Code Section 32310 has, with limited exceptions, prohibited the manufacture, importation into the state, keeping for sale, offering or exposing for sale, giving, or lending of large capacity magazines; and

**WHEREAS**, any large-capacity magazine is a nuisance under California Penal Code Section 32390 and subject to confiscation and summary destruction wherever found within the state; and

**WHEREAS**, it is necessary to preserve the peace and protect the general health, safety and welfare of the residents of the City.

**NOW, THEREFORE,**

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

Section 1. A new Article 6.7 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

**ARTICLE 6.7**

**LARGE-CAPACITY MAGAZINES – PUBLIC NUISANCE**

**SEC. 46.30. LARGE-CAPACITY MAGAZINES – PUBLIC NUISANCE.**

(a) The City Council finds that any large-capacity magazine, as defined in Section 16740 of the California Penal Code, that is subject to Section 32390 of the California Penal Code is, and hereby declares it to be, a public nuisance and an immediate threat to the public health, safety and welfare of the citizens of Los Angeles.

(b) Large-capacity magazines shall be subject to confiscation and summary destruction by the Police Department of the City of Los Angeles and disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code.

(c) **Penalty.** Effective July 1, 2014, violation of this Section shall be subject to Section 11.00(m) of this Code.

(e) **Operative Dates.** Subdivisions (a) and (b) shall become operative 60 days after the effective date of this Article. Subdivision (c) shall become operative on July 1, 2014.

(f) **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 \_\_\_\_\_.

JUNE LAGMAY, City Clerk


By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By   
BRIAN SOTTILE  
Deputy City Attorney

Date July 2, 2013

File No. CF 13-0068