

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: February 4, 2014

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

FROM: Gerry F. Miller *Acting for* Council File No: 14-0002-S6
Chief Legislative Analyst Assignment No: 14-01-0029

SUBJECT: Resolution (Koretz – Blumenfield – Bonin – Buscaino – Englander - Krekorian)
to support SB 199, which would require that BB guns adhere to the same rules
and regulations that govern imitation firearms and toy guns, and require them to
be brightly colored

CLA RECOMMENDATION: Adopt Resolution (Koretz – Blumenfield – Bonin – Buscaino –
Englander - Krekorian) to include in the City’s 2013 – 2014 State Legislative Program
SUPPORT for SB 199 (De León), which would require that BB guns adhere to the same rules
and regulations that govern imitation firearms and toy guns, and require them to be brightly
colored.

SUMMARY

On January 15, 2014, a Resolution (Koretz – Blumenfield – Bonin – Buscaino – Englander -
Krekorian) was introduced in support of SB 199 (De León), legislation which would require that
BB guns adhere to the same rules and regulations that govern imitation firearms and toy guns,
and require them to be brightly colored. The Resolution states that because BB guns are not
required to meet any appearance standards, it is difficult for law enforcement to differentiate
between a BB device and a firearm. The Resolution states that this difficulty has resulted in
tragedies like one that occurred recently in Santa Rosa, where a teenager carrying a BB gun that
looked like an assault rifle was shot and killed by the police.

The Resolution also states that the City of Los Angeles has consistently supported legislation
regulating BB gun appearance in the past. The Resolution, therefore, seeks an official position of
the City of Los Angeles to support SB 199, which would require that BB guns adhere to the
same rules and regulations that govern imitation firearms and toy guns, and require them to be
brightly colored.

BACKGROUND

Under current law, an “imitation firearm” is defined as a toy gun, replica of a firearm, or other
device that is so similar in coloration and overall appearance to an actual firearm that it can be
mistaken as an actual firearm by a reasonable person. Under current law, the purchase, sale,
manufacture, shipping, transport, distribution or receipt of an imitation firearm is prohibited in
California, unless the imitation firearm meets specific appearance guidelines, such as being
brightly colored or made from clear plastic. Current law does not include BB guns in the
definition of “imitation firearm,” which makes BB devices that look substantially similar to

actual weapons legal in California. This oversight in the law has led to instances where individuals carrying a BB device have been shot by police officers who mistook the BB device for a weapon.

SB 199 seeks to address this issue by including BB devices in the definition of “imitation firearm,” thereby subjecting them to the same appearance regulations that toy guns and other imitation firearms are required to meet. SB 199 would require that all BB devices sold or manufactured in California be brightly colored or constructed of a transparent or translucent material.

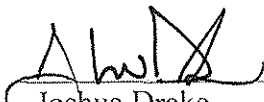
SB 199 is significantly similar to SB 1315 (De León), signed into law in 2012, which created an exemption from preemption by the state in this matter for the County of Los Angeles and all jurisdictions within Los Angeles County. Under SB 1315, Los Angeles is allowed to regulate the appearance of BB guns, and require them to be brightly colored. An ordinance is being drafted to do this, pursuant to a Motion (CF 11-0962). SB 199 would dovetail with policies on the appearance of BB guns that the City of Los Angeles has supported in the past, and would benefit public safety statewide.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

01/06/2014	From committee with Author’s amendments. Re-referred to Senate Committee on Public Safety
01/14/2014	From Committee on Public Safety, referred to Committee on Appropriations
01/22/2014	Passed in Committee (5 -1)
01/28/2014	Passed in Senate (23-8), ordered to Assembly


Joshua Drake
Analyst

GFM:MF:jwd

Attachment: Resolution (Koretz – Blumenfield – Bonin – Buscaino – Englander - Krekorian)

14-0002-56

JAN 15 2014

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

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, current law does not require BB guns to adhere to the same rules and regulations on appearance as do imitation and toy firearms; and

WHEREAS, as a result, BB guns are difficult to distinguish from actual firearms, which creates dangerous situations where BB guns are mistaken for real firearms by law enforcement officers; and

WHEREAS, tragedies involving BB guns have occurred in the past, with a recent incident resulting in the tragic shooting by law enforcement officers of a teenager in Santa Rosa who was carrying a BB gun that looked like an assault rifle; and

WHEREAS, in a similar incident that occurred in December 2010, a thirteen year-old boy was shot and paralyzed by a Los Angeles Police officer who mistook the BB gun the boy was carrying for a real firearm; and

WHEREAS, SB 199 (De León), seeks to address this issue by including BB guns in the State of California's definition of imitation firearms, and subject them to the same rules that govern imitation firearms and toy guns; and

WHEREAS, SB 199 would also require that BB guns be painted in bright colors to make them easier to distinguish from real firearms; and

WHEREAS, the City has consistently supported efforts to regulate the appearance of BB guns in the past;

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 State Legislative Program SUPPORT of SB 199 (De León), which would require that BB guns adhere to the same rules and regulations that govern imitation firearms and toy guns, and require them to be brightly colored.

PRESENTED BY

Paul Koretz

PAUL KORETZ
Councilmember, 5th District

SECONDED BY

Paul Kuborin

M.

JAN 15 2014

Joe P...
[Signature]

ORIGINAL