

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: September 28, 2017

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

FROM: Sharon M. Tso *Sharon Tso* Council File No: 17-0002-S116
Chief Legislative Analyst Assignment No: 17-09-0873

SUBJECT: Resolution to support and/or sponsor legislation that would prohibit the sale of ultra-compact and highly concealable handguns.

CLA RECOMMENDATION: Adopt the attached revised Resolution to include in the City's 2017 - 2018 State Legislative Program SUPPORT for and/or SPONSORSHIP of legislation that would prohibit the sale of ultra-compact and highly concealable handguns.

SUMMARY

On September 1, 2017, the Resolution (Krekorian – O'Farrell – Martinez) was introduced to support and/or sponsor legislation that would prohibit the sale of ultra-compact and highly concealable handguns. The Resolution states that California's 1999 Unsafe Handgun Act (Act) requires the California Department of Justice to maintain a roster of tested handguns that have been deemed to not be unsafe and may be sold in California. The Resolution states that the Act does not consider the concealability of a handgun or the danger concealable handguns pose to communities in the testing process.

The Resolution states that in 2001 the Council approved an "ultra-compact" handgun ordinance prohibiting the sale of handguns with dimensions of 6.75 inches in length or less and 4.5 inches in height or less. The Resolution also states that ultra-compact handguns are designed to allow complete concealment of a weapon and enable criminals to circumvent the City's carrying concealed weapons permit process, presenting a clear danger to communities and law enforcement.

The Resolution states that the City recently repealed its ultra-compact handgun ordinance because it is preempted by the Unsafe Handgun Act and that State law would be more effective if it found ultra-compact handguns to be disqualified for sale under the Unsafe Handgun Act. The Resolution seeks an official position of the City of Los Angeles to support and/or sponsor legislation that would prohibit the sale of ultra-compact and highly concealable handguns.

BACKGROUND

In 2001, the City Council approved an ordinance that banned the sale of ultra-compact handguns, defined as those with dimensions of 6.75 inches in length or less and 4.5 inches in height or less. On June 2, 2017, the Council requested an ordinance repealing the ban on ultra-compact handguns. The Council subsequently approved the requested ordinance on August 29, 2017. Under California Government Code § 53071, the State occupies the whole field relative to the registration or licensing of commercially manufactured firearms and attempts by local jurisdictions to regulate

the sale of certain types of firearms have been repeatedly subjected to litigation. A future ban on the sale of ultra-compact handguns would likely have to be the product of State legislation.

Initially marketed as “pocket rockets” in the 1990s, ultra-compact handguns are often referred to as compact or subcompact handguns. While there is no universal definition of these terms, a general framework is that subcompact handguns have a barrel 3 inches or less in length, while compact handguns have a barrel greater than 3 and up to 4 inches in length. Anything greater than a 4 inch barrel is considered a regular handgun. Currently, the California Department of Justice’s roster of handguns permitted for sale has the following breakdown:

Handgun Size	Number Approved	Percentage of Total
Subcompact	226	28.9%
Compact	174	22.2%
Regular	383	48.9%
Total	783	100%

51.1% of handguns approved for sale in California are in the subcompact or compact categories. A substantial portion of subcompact and compact handguns, likely more than half, would be banned from sale under the recently repealed City ordinance.

In recent years, gun sales in California have increased rapidly. Handgun sales have increased from 201,865 in 2000 to 572,644 in 2016, a 284% increase. While data on handgun sales by size is not readily accessible, industry analysts often note compact handguns have become best-sellers, as their size makes them easier to carry for those with a carry concealed weapon permit. The Law Center to Prevent Gun Violence, a group that advocates increased gun control, identifies the carrying of concealed weapons as a “source of public danger in communities” because of “unnecessary risks of intentional or accidental shootings.”

The Police Department has expressed concern regarding readily concealable weapons and supports legislation that would prohibit the sale of ultra-compact or highly concealable weapons.

DEPARTMENTS NOTIFIED

Police Department


Tim Plummer
Analyst

SMT:tcp

Attachments: Revised Resolution

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, in 1999, the California legislature passed the Unsafe Handgun Act requiring all handguns sold in the State to meet rigorous safety standards; and

WHEREAS, in accordance with the law, the California Department of Justice maintains a roster listing all handguns that have been tested by a certified testing laboratory, deemed not to be unsafe handguns, and that may be sold in California; and

WHEREAS, while the Unsafe Handgun Act regulates firearm quality and performance to ensure consumer safety and reduce the risk of accidents, it does not consider the concealability of a handgun or the danger that concealable handguns pose in our communities; and

WHEREAS, recognizing the danger of highly concealable handguns, in 2001 the City of Los Angeles passed an "ultracompact" handgun ordinance prohibiting the sale of handguns with dimensions of 6.75 inches in length or less and 4.5 inches in height or less; and

WHEREAS, these handguns are specifically designed to allow the complete concealment of the weapon on the person, and such ultracompact handguns allow criminals to easily circumvent the City's very stringent permit process to carry a concealed weapon; and

WHEREAS, as a result of the size of these weapons, criminals can easily conceal their weapon and pose a danger to our communities and law enforcement; and

WHEREAS, the City of Los Angeles recently repealed its ultracompact handgun ordinance because it is arguably inconsistent with the State's Unsafe Handgun Act; and

WHEREAS, the State's Unsafe Handgun Act would be more effective if it found ultracompact, highly concealable handguns to be disqualified for sale under the Act;

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 2017 - 2018 State Legislative Program SUPPORT for and/or SPONSORSHIP of legislation which would prohibit the sale of ultracompact and highly concealable handguns.