

CITY OF OAKLAND

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BILL ANALYSIS



Date: March 21, 2013

Bill Number: AB 1020

Bill Author: Assemblymember Rob Bonta

DEPARTMENT INFORMATION

Contact: Oliver Luby

Department: Office of Dan Kalb, Councilmember, District 1

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RECOMMENDED POSITION: Support

Summary of the Bill: AB 1020 will inform potential firearms purchasers of their rights and responsibilities relative to gun trafficking and safe storage of firearms through a letter that would be sent by the Office of the Attorney General during the mandatory ten-day waiting period.

Positive Factors for Oakland: Based on past studies of similar programs, AB 1020 will increase the percentage of firearms reported to law enforcement as lost or stolen, and may decrease the percentage of "straw purchasers" who complete their transactions.

Negative Factors for Oakland: None

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

- Critical** (top priority for City lobbyist, city position required ASAP)
 Very Important (priority for City lobbyist, city position necessary)
 Somewhat Important (City position desirable if time and resources are available)
 Minimal or **None** (do not review with City Council, position not required)

Known support: No information

Known Opposition: No information

Item: _____
Rules & Legislation Comte.
April 4, 2013

Attached: bill text.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dan Kalb", written over a horizontal line.

Councilmember Dan Kalb

Introduced by Assembly Member Bonta

February 22, 2013

An act to add Section 29310 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1020, as introduced, Bonta. Firearms: letter to purchasers.

Existing law prohibits a firearm from being delivered within 10 days of the application to purchase, or, after notice by the Department of Justice, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of a required fee, whichever is later.

This bill would require the Attorney General to send a letter during the 10-day waiting period to each individual who has applied to purchase a firearm informing him or her of firearms laws relating to gun trafficking and safe storage, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 29310 is added to the Penal Code, to
2 read:
3 29310. During the 10-day waiting period following an
4 application to purchase a firearm required pursuant to Sections
5 27540 and 26815, the Attorney General shall send a letter to each
6 individual who has applied to purchase a firearm, informing him

1 or her of firearms laws relating to gun trafficking and safe storage,
2 including the following:

3 (a) That California law requires that all firearms transfers be
4 conducted through licensed dealers as provided in Section 27545.

5 (b) That California law prohibits any person, corporation, or
6 dealer from selling, loaning, or transferring a firearm to anyone
7 who is not the actual purchaser or transferee of the firearm as
8 provided in Section 27515.

9 (c) That storage of a firearm where children are likely to gain
10 access is a criminal offense as provided in Sections 25100 and
11 25110 if the child obtains access and thereby causes death or injury.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

13 MAR 21 PM 3:11

Approved as to Form and Legality

City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER KALB

RESOLUTION ENDORSING ASSEMBLY BILL 1020, WHICH WOULD REQUIRE THE STATE ATTORNEY GENERAL TO PROVIDE WRITTEN NOTICE TO PURCHASERS AND SELLERS OF FIREARMS INFORMING THEM OF LAWS PERTAINING TO GUN TRAFFICKING AND THE SAFE STORAGE OF WEAPONS

WHEREAS, the citizens of Oakland continue to be harmed by an atrocious level of gun violence; and

WHEREAS, whereas research suggests that one source of illegal guns to criminals involves legal purchasers who engage in "straw purchases" to provide guns to someone with a disqualifying criminal record; and

WHEREAS, the Los Angeles City Attorney's Office, in consultation with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives, implemented a program to inform potential firearms purchasers of their rights and responsibilities; and

WHEREAS, the results of **RAND** studies suggest that the Los Angeles mail program significantly increased the number of firearms reported lost and stolen; and

WHEREAS, Assemblymember Rob Bonta authored and introduced Assembly Bill 1020 ("AB 1020"), to implement a similar program requiring the California Attorney General to send purchasers and sellers of firearms written notice within the state-mandated 10-day waiving period for buying guns informing them of laws pertaining to gun trafficking and the safe storage of weapons; now, therefore, be it

RESOLVED: That the Oakland City Council hereby endorses AB 1020, authored by Assemblymember Rob Bonta; and be it

FURTHER RESOLVED: That the City Council hereby requests the City Administrator to direct City's legislative lobbyist to advocate for the above position in the California State Legislature; and be it

FURTHER RESOLVED: That a copy of this Resolution be provided to the Governor, Assembly Speaker John Pérez, Senate President pro Tem Darrell Steinberg, Assembly Public Safety Committee Chair Tom Ammiano, Senate Public Safety Chair Loni Hancock, and Assemblymember Rob Bonta.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND
PRESIDENT KERNIGHAN

NOES -
ABSENT -
ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California