



Legal Community Against Violence

expertise. information & advocacy to end gun violence

## *Summary of Model Laws/Resolutions Prepared for ABAG February 2009*

Legal Community Against Violence (LCAV) has prepared the following model laws for the Association of Bay Area Governments (ABAG):

Model Ordinance Regulating Firearms Dealers and Ammunition Sellers: Federal and state regulation of firearms dealers and ammunition sellers is currently inadequate to protect the public safety. This model ordinance requires anyone engaged in the business of selling firearms or ammunition to fulfill certain local requirements. Among other things, the ordinance requires firearms dealers and ammunition sellers to obtain a permit from the local Sheriff or Chief of Police, be located only in commercial areas of the city or county, perform background checks on employees, use specified security measures, and maintain ammunition sales logs. These requirements will help law enforcement enforce federal and state firearms and ammunition laws and help ensure that these businesses are operating responsibly.

Model Ordinance Requiring the Reporting of Lost or Stolen Firearms: This model ordinance requires a person to report the loss or theft of a firearm he or she owns within 48 hours of the time he or she knew or reasonably should have known of such loss or theft. Laws requiring information about lost or stolen firearms help law enforcement expose and prosecute criminals and gun traffickers, who often falsely claim that their guns have been lost or stolen and used by others to commit crimes. Laws of this type also help law enforcement return lost or stolen firearms to their lawful owners and disarm persons prohibited by law from firearm possession. In addition, these requirements help make gun owners more accountable for their weapons, and help protect gun owners from unwarranted criminal accusations when their guns are recovered at a crime scene.

Model Ordinance Prohibiting the Possession of Large Capacity Ammunition Magazines: Large capacity ammunition magazines or "LCAMs" are devices that attach to a firearm and hold more than ten rounds of ammunition, allowing a shooter to fire multiple bullets without reloading. LCAMs significantly increase the lethality of firearms. California law already prohibits the sale or transfer, but not the possession, of LCAMs. This model ordinance fills this gap in state law, thereby allowing local law enforcement to seize these dangerous devices when discovered, and prosecute individuals who possess them.

Model Resolution Urging Law Enforcement to Send Letters to Prospective Handgun Purchasers: California law imposes a ten-day waiting period prior to purchase of a handgun. It also allows the California Department of Justice (DOJ) to provide local law enforcement with a list of individuals who live in the city or county and who have applied to purchase a handgun. In Los Angeles, local law enforcement uses this list to send letters to prospective handgun purchasers in targeted areas of the City. These letters inform the prospective purchasers of their responsibilities as firearm owners, including their obligation to process secondary transfers through a licensed dealer, who completes a background check. As a result of the Los Angeles

program, a significant number of applicants for handgun purchases have decided not to purchase their handguns, possibly because they intended to transfer their handguns illegally to persons prohibited by law from firearm possession. This model resolution urges local law enforcement to set up a program similar to the one in Los Angeles.

Model Resolution Urging Law Enforcement to Obtain and Utilize DOJ Information Regarding Prohibited Armed Persons: Upon request, the California Department of Justice (DOJ) provides local law enforcement with a monthly list of persons in the city or county who legally purchased firearms in the jurisdiction, but then became prohibited from possessing them because of a criminal conviction or other disqualifying offense. DOJ also provides training to local law enforcement regarding use of this information. This model resolution urges law enforcement to request the information and training from DOJ, and to retrieve illegally possessed firearms whenever possible.