



OFFICE OF THE CITY ATTORNEY

ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 0 6 - 0 3 5 2

OCT 0 4 2006

REPORT RE:

**DRAFT ORDINANCE REQUIRING REPORTING OF THEFT OR LOSS
OF A FIREARM TO THE POLICE DEPARTMENT**

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. 06-1185

Honorable Members:

At the request of the Chair of the Public Safety Committee, this office prepared an ordinance to add a new Section 55.12 to the Los Angeles Municipal Code to require the reporting of a theft or loss of a firearm to the Los Angeles Police Department. On August 7, 2006, the Public Safety Committee considered the draft ordinance and requested this office to make a minor change to the language of Subsection (B). The requested change has been made and the revised ordinance is hereby transmitted to you for your consideration, approved as to form and legality.

Should you have any questions, please contact Assistant City Attorney Debra Gonzales at 213.978.8391. She or another member of this office will be available to answer any questions you may have when you consider this matter.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By: *Claudia Culling*
CLAUDIA CULLING
Special Counsel – Municipal

DG:CC:lee

cc: William Bratton, Chief of Police, Los Angeles Police Department

AN EQUAL EMPLOYMENT OPPORTUNITY – AFFIRMATIVE ACTION EMPLOYER

200 NORTH MAIN STREET • LOS ANGELES, CA 90012-4131 • 213.978.8100 • 213.978.8310 TDD



ORDINANCE NO. _____

An ordinance adding a new Section 55.12 to the Los Angeles Municipal Code to require the reporting of a theft or loss of a firearm to the Police Department.

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

Section 1. A new Section 55.12 is added to Chapter V, Article V of the Los Angeles Municipal Code to read:

Section 55.12. Duty to Report Theft or Loss of Firearms; Exemptions.

A. Any person who owns or possesses a firearm (as defined in Penal Code Section 12001(b) or as amended) shall report the theft or loss of the firearm to the Los Angeles Police Department within 48 hours of becoming aware of the theft or loss, whenever: (1) the person resides in the City of Los Angeles; or (2) the theft or loss of the firearm occurs in the City of Los Angeles.

B. Any person who has experienced the theft or loss of a firearm within the five years prior to the effective date of this ordinance without the firearm having been recovered during that period, and who otherwise meets the reporting requirements in Section A above, is required to report the loss or theft of the firearm to the Los Angeles Police Department within 60 days of the effective date of this ordinance.

C. Any person who fails to report the theft or loss of a firearm as required in Subsections A or B, when the person knew or should have known of the theft or loss, shall be guilty of a misdemeanor.

D. Persons licensed to sell or manufacture firearms pursuant to Penal Code Sections 12071 or 12086 are exempt from this section, if the firearm lost or stolen was business merchandise, was lost or stolen from their firearm-related business, or was in their possession pursuant to Penal Code Section 12082.

E. 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 _____.

FRANK T. MARTINEZ, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By Debra L. Gonzales
DEBRA L. GONZALES
Assistant City Attorney

Date October 4, 2006

File No. 06-1185

(M:pgen)