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07-0461

CITY OF LOS ANGELES

CALIFORNIA



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July 27, 2007

Councilmember Parks
Councilmember Smith
City Attorney
City Administrative Officer
Chief Legislative Analyst
Los Angeles Police Department
Board of Police Commissioners

RE: REQUIRING FIREARMS DEALERS TO POST A WARNING OF THE DANGERS OF POSSESSING A
FIREARM IN THE HOME, AND TO INCLUDE THE SAME WARNING ON FIREARM BILLS OF SALE

At the meeting of the Council held JUNE 27, 2007, the following action was taken:

Attached report adopted	X
To the Mayor FORTHWITH	X
Ordinance adopted	07/06/07
Ordinance number	178996
Posted date	07/25/07
Effective date	09/03/07
Mayor approved	07/23/07

City Clerk
vcw

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TO THE COUNCIL OF THE
CITY OF LOS ANGELES

File No. 07-0461

Your

PUBLIC SAFETY

Committee

reports as follows:

PUBLIC SAFETY COMMITTEE REPORT and ORDINANCE relative to requiring firearms dealers to post a warning of the dangers of possessing a firearm in the home, and to include the same warning on firearm bills of sale.

Recommendation for Council action, as initiated by Motion (Parks - Smith - et al), SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE amending Section 103.314 of the Los Angeles Municipal Code (LAMC) to require firearms dealers to post a warning of the dangers of possessing a firearm in the home, and to include the same warning on firearm bills of sale.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

SUMMARY

On February 13, 2007, Council considered Motion (Parks - Smith - et al) relative to requiring firearms dealers to post a warning of the dangers of possessing a firearm in the home, and to include the same warning on firearm bills of sale. Motion movers state that according to the Brady Campaign, firearms kept in the home for self-protection are more often used against an acquaintance or a family member than against an intruder in self defense. A firearm kept in the home is 22 times more likely to be used in an unintentional shooting, a criminal assault or homicide, or an attempted or completed suicide than to be used justifiably to injure or kill in self-defense. In addition, when someone is home, a gun is used for protection in fewer than two percent of home invasion crimes. The 2005 Federal Bureau of Investigation's Uniform Crime Report shows there were 143 justifiable homicides committed with the use of a firearm, compared with 10,100 murders committed with a firearm.

Motion makers go on to state that a Johns Hopkins University study found that although many citizens keep a gun in the home for protection, guns are rarely used for this purpose. This study also found that in homes with guns, the homicide of a household member is almost three times more likely to occur than in homes without guns. In 2005, Assemblymember Mark Ridley-Thomas introduced AB 944, legislation that would have required firearms dealers to conspicuously post a warning in their place of business regarding the dangers of having a gun in the home. A similar warning would have also been printed on all firearms sales contracts. The bill failed to pass.

Motion movers further state that in an effort to reduce gun-related incidents in the home, the City should enact an ordinance that mirrors the provisions contained in AB 944. A visual warning reminding customers that there is a greater likelihood of being killed or injured by a family member rather than by an intruder would bring to their attention this information and their responsibility in purchasing a firearm for home protection. Council referred Motion to the Public Safety Committee for consideration.

In a report to Council dated May 30, 2007 (attached to the Council file), the City Attorney transmits Ordinance amending the LAMC to require firearms dealers to post a warning of the dangers of possessing a firearm in the home, and to include the same warning on firearm bills of sale. The City Attorney states that State law requires that firearms dealers post several warnings related to firearms within their licensed business premises. However, these warnings do not include any which specifically address the dangers associated with possessing firearms in the home. The accompanying Ordinance would require that firearms dealers post the specified warning, in addition to those mandated under state law.

The City Attorney goes on to state that in light of the state statute requiring the posting of other firearms-related warnings, staff has considered the possibility that this proposed ordinance might be challenged on the ground that it is preempted by state law. While this possibility does exist, the City Attorney has concluded that the accompanying Ordinance is legally defensible. It does not duplicate or contradict state law. Also, though the state has excluded all other regulatory authority with respect to certain aspects of firearm regulation, there is no apparent legislative intent to fully occupy the field in the area of warning signage. The courts have held that state law does not preempt the entire field of firearm sales or regulation of firearm dealers.

The City Attorney further opines that a local ordinance will be upheld against constitutional challenge if it is reasonably related to promoting the health, safety, comfort and welfare of the public, and if the means adopted are reasonably appropriate to the purpose. The accompanying Ordinance meets this standard and is consistent with the state legislature's apparent intent to permit local governments to tailor firearms legislation to the particular needs of their communities.

At its meeting held June 11, 2007, the Public Safety Committee discussed this matter with representatives of the Police Department. Police Department representatives stated that there are 17 active, licensed retailers of guns located in the city of Los Angeles: six sporting good shops, seven pawn shops, two shooting ranges, and two others. Gun dealers with Federal licenses are prohibiting from selling in Los Angeles without a local license. The Committee recommended that Council approve the accompanying Ordinance to require firearms dealers to post a warning of the dangers of possessing a firearm in the home, and to include the same warning on firearm bills of sale.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

MEMBER	VOTE
WEISS	YES
SMITH:	YES
PARKS:	YES
ZINE:	ABSENT
REYES:	ABSENT

JAW
6/14/2007

#070461.wpd

Rpt
ADOPTED

JUN 27 2007

**LOS ANGELES CITY COUNCIL
FORTHWITH**

ORDINANCE OVER TO *July 6, 2007*

ORD.
ADOPTED

JUL 06 2007

**LOS ANGELES CITY COUNCIL
TO THE MAYOR FORTHWITH**

JUN 20 2007 - CONTINUED TO *June 27 2007*