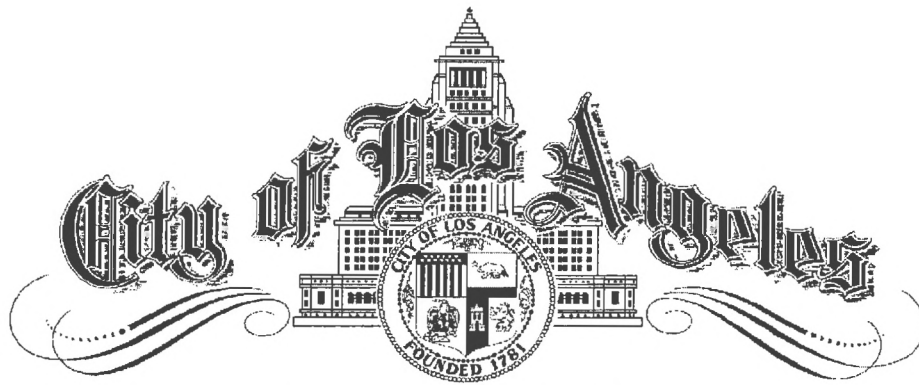




MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 17 - 0 0 3 1
JAN 31 2017

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 46.30 OF THE LOS ANGELES
MUNICIPAL CODE TO ADD A NEW SUBSECTION (e) IMPOSING A SUNSET
PROVISION**

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. 13-0068 and 16-0884

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance amending Los Angeles Municipal Code (LAMC) Section 46.30 to sunset the City's large capacity magazine law at the time the State's new large capacity magazine law becomes legally effective.

On July 28, 2015, the City enacted LAMC Section 46.30, which, with certain exceptions, prohibits any person within the City from possessing an ammunition magazine with the capacity to accept more than ten rounds. This ordinance became effective on September 19, 2015.

Subsequently, on or about July 1, 2016, the State of California adopted a law modeled after the City's large-capacity magazine ban. Specifically, California Penal Code Section 32310 was amended to prohibit any person within the state from possessing a magazine with the capacity to accept more than ten rounds. Moreover, on November 8, 2016, California voters passed Proposition 63, which also contains a large-capacity magazine ban similar to the City's. Both laws become effective on July 1, 2017.

Based on these circumstances, and as previously requested by the City Council, the City Attorney's Office hereby submits the enclosed draft ordinance amending LAMC Section 46.30 to add a sunset date of July 1, 2017, thereby avoiding any claim that the City's ordinance is preempted by state law as duplicative.

Council Rule 38

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Police Commission and the Los Angeles Police Department with a request that any comments be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Linda Nguyen at (213) 978-8395. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:LN:pg
Transmittal