

ORDINANCE NO. _____

An ordinance adding a new Article 28 to Chapter 1, Division 10 of the Los Angeles Administrative Code, relating to City contracts with vendors of firearms and/or firearm ammunition.

WHEREAS, according to the California Department of Justice ("DOJ"), Office of Gun Violence Prevention, there were 69,136 gunshot wound incidents in California from 2016-2021 that resulted in death or required urgent medical attention in the form of hospitalization or emergency department care;

WHEREAS, according to the California DOJ, from 2016-2021 there were 24,612 nonfatal gun assault shootings in California requiring hospitalization or emergency department care;

WHEREAS, according to Brady, a gun violence prevention group, in 2020, California experienced 1,552 gun-caused suicides (58 of which were of children and teens), and 1,732 gun caused homicides (221 of which were of children and teens);

WHEREAS, the City of Los Angeles ended 2020 with 350 homicides, the most in a decade;

WHEREAS, as of July 2021, homicides in the City of Los Angeles were up nearly 30% over the previous year, and shootings were up 43%;

WHEREAS, in 2023, there were 327 homicides in the City of Los Angeles, which was a 17% reduction from the previous year;

WHEREAS, approximately 69,413 crime guns were recovered in the City of Los Angeles from 2010 to 2022, according to the California DOJ's 2023 Crime Guns in California report;

WHEREAS, according to the California DOJ, the number of unserialized "ghost guns" recovered as crime guns in California increased by 165% from 2020 to 2021, and then by 4% from 2021 to 2022;

WHEREAS, according to the California DOJ, in 2021 just over half (50.4%) of the firearms recovered by law enforcement investigations in California and successfully traced by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") to a final dealer of record were traced to dealers located in other states;

WHEREAS, a significant percentage of crime guns recovered in California are traced back to sellers in other states, especially states that have enacted fewer gun safety regulations and safeguards, such as background check requirements;

WHEREAS, according to reports by the ATF, in 2020 alone over 45,000 crime guns were recovered by law enforcement in California and more than 15,000 of those crime guns were purchased from California firearm dealers;

WHEREAS, according to a 2020 report on gun theft by the Center for American Progress, 1,937 guns were reported stolen from licensed firearms dealers in California between 2012 and 2019, and a total of 53,970 firearms were stolen from firearm dealers nationwide during that same period;

WHEREAS, according to a 2024 report by the California DOJ, 19,630 crime guns were recovered by law enforcement in the City of Los Angeles between 2021 and 2023, and 6,406 crime guns were recovered in the City in 2023 alone;

WHEREAS, according to the California DOJ's 2024 crime gun report, for crime guns purchased on or after January 1, 2010 that could be traced by the ATF to a specific dealer, the mean Time-to-Crime ("TTC"), the length of time between a firearm's last known purchase and the date the weapon was recovered as a crime gun) was 1,000 days (around 2.7 years), the median TTC was 731 days (close to 2 years), the lowest TTC was 0 days, and the highest TTC was 4,716 days (nearly 13 years);

WHEREAS, according to the California DOJ, for crime guns recovered that could be traced to a specific dealer, 19.57% of the crime guns recovered in 2023, 24.4% of the crime guns recovered between 2021-2023, and 30% of all recovered crime guns since 2010 had a TTC of less than one year;

WHEREAS, the City of Los Angeles must ensure that it purchases firearms and firearm ammunition only from dealers or manufacturers that adhere to public safety principles regarding firearms; are in compliance with all applicable federal, state, and local laws and regulations; and have valid federal, state and local licenses, permits, and certifications required by their jurisdictions in order to deal in firearms, including any applicable State Board of Equalization seller's permit(s), and a Certificate of Eligibility under California Penal Code section 26710; and

WHEREAS, the Council finds and declares this ordinance will promote and protect the public health, safety, and general welfare of the residents of the City.

NOW, THEREFORE,

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

Section 1. Article 28 is added to Chapter 1, Division 10 of the Los Angeles Administrative Code to read as follows:

CHAPTER 1, ARTICLE 28

PROCUREMENT OF FIREARMS AND FIREARM AMMUNITION

Sec. 10.54. Purpose, Intent and Applicability.

(a) **Purpose and Intent.** The purpose and intent of this article is for the City of Los Angeles to develop procurement practices for firearm and/or firearm ammunition purchases to reduce gun violence and protect public health and safety.

(b) **Applicability.** This article applies to any contract with the City of Los Angeles, solicited, entered into, awarded, amended, renewed, or extended after the effective date of this article, for the procurement of firearms and/or firearm ammunition. To the extent that some City departments are, by terms of the Charter, exempt from the prohibitions in this chapter, they are strongly encouraged to adopt policies consonant with the provisions contained herein. Contractors shall comply with this article during the solicitation process and throughout the term of the contract.

Sec. 10.54.1. Definitions.

As used in this article, the following terms shall have the following definitions, as indicated.

(a) **"Awarding Authority"** means any Department or Bureau of the City of Los Angeles, or any authorized employee or officer of the City of Los Angeles, including the City's Purchasing Agent and Chief Procurement Officer, who makes or enters into any contract or agreement for the procurement of firearms and/or firearm ammunition for, or on behalf of, the City of Los Angeles.

(b) **"Contractor"** means any person, firm, corporation, partnership or any combination thereof, who enters into a contract with any Awarding Authority of the City of Los Angeles.

(c) **"Designated Administrative Agency (DAA)"** means the Department of Public Works, Office of Contract Compliance created by Article X of Chapter 13 of Division 22 of the Los Angeles Administrative Code. That office is also known as the Department of Public Works, Bureau of Contract Administration.

(d) **"Firearm"** means any pistol, rifle, shotgun or other device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or any form of combustion, or any device that is capable of being altered so as to expel a projectile in that manner. The term firearm includes the frame of such weapon.

(e) **"Firearm ammunition"** has the same meaning as in Los Angeles Municipal Code Section 55.11.

(f) **"Firearm trafficker"** is any person who violates, or is convicted of violating, any state or federal law making it unlawful for a person to commit, attempt, or conspire to commit the following conduct: (i) ship, transport, transfer, cause to be transported, or otherwise dispose of any firearm to another person, if such person knows or has reasonable cause to believe that the use, carrying, or possession of a firearm by the recipient would constitute a felony; or (ii) receive from another person any firearm, if the recipient knows or has reasonable cause to believe that such receipt would constitute a felony.

(g) **"Non-Serialized Firearm"** has the same meaning as in Los Angeles Municipal Code Section 55.22(a).

(h) **"Unfinished Frame"** has the same meaning as in Los Angeles Municipal Code Section 55.22(a).

(i) **"Unfinished Receiver"** has the same meaning as in Los Angeles Municipal Code Section 55.22(a).

(j) **"Straw purchaser"** is any person who knowingly purchases or conspires to purchase firearms for, on behalf of, or at the request or demand of any other person, knowing or having reasonable cause to believe that such other person: (i) is prohibited by state or federal law from possessing or purchasing a firearm; (ii) intends to use, carry, possess, or sell or otherwise dispose of the firearm in furtherance of a felony, a Federal crime of terrorism, or a drug trafficking crime; or (iii) intends to sell or otherwise dispose of the firearm to a person described in clause (i) or (ii) hereto.

Sec. 10.54.2. General Requirements.

At all times during the solicitation process and the term of any City contract relating to the procurement of firearms, firearm ammunition, or both, and any extensions thereto, bidders and Contractors shall:

(a) Be in compliance with all applicable local, state and federal laws, and, if required by state or federal law, shall have a valid federal firearms license, a valid California Board of Equalization seller's permit, and a California Department of Justice Certificate of Eligibility;

(b) Provide proof of all required valid licenses, permits, and certificates;

(c) Provide materials documenting the number of the Bureau of Alcohol, Tobacco, Firearms, and Explosives trace requests received by the bidder and Contractor for each year within the past five years, and the time

between the sale of the firearm subject to the trace request and the crime that generated the trace request when known;

(d) Provide materials documenting any thefts or losses from the bidder or Contractor's premises for the two most recent years;

(e) Provide a true copy of the two most recent inspection reports of any firearm inspection conducted by a federal, state, or local agency;

(f) Disclose any violations found from any type of inspection conducted by a federal, state, or local agency within the last five years, and provide any materials documenting bidder's or Contractor's corrective actions in response to a finding of noncompliance or violation of any federal, state, or local firearms laws, regulations, or other requirements;

(g) Provide, in writing, any practices or policies in effect or adopted, including any subsequent amendments made during the solicitation process and any contract term to:

(1) Prevent, detect, or screen for the transfer of firearms to straw purchasers or firearm traffickers;

(2) Prevent, detect, or screen against sales of firearms and firearm ammunition to individuals prohibited from possessing a firearm by federal, state, or local law, or court order;

(3) Prevent, detect, and document the theft of firearms or firearm ammunition;

(4) Train employees and any subcontractors to ensure compliance with all applicable federal, state, and local firearms laws and regulations;

(5) Assist law enforcement agencies in the investigation and prevention of criminal access to firearms or firearm ammunition;

(6) Operate a digital video surveillance system, including as prescribed in Cal. Penal Code § 26806, as codified on the effective date of the ordinance implementing this article, or any similar system, for bidders or Contractors located outside of California;

(h) To the extent the bidder or Contractor sells gun build kits, including non-serialized firearms or non-serialized unfinished frames or unfinished receivers, provide proof of compliance with any applicable federal, state, and/or local laws related to firearm precursor parts, including any court orders or

judgments related to firearm precursor parts that are applicable to the bidder or Contractor.

Sec. 10.54.3. Administration.

The DAA shall develop processes and procedures, with input from the Los Angeles Police Department, the City's Purchasing Agent, and the Office of Procurement, to implement this article, including a process to administer and assess compliance with the requirements of this article.

Sec. 10.54.4. Discretion to Waive.

An Awarding Authority may, in its discretion, waive the requirements of this article under the following circumstances:

- (a) The federal, state, or local violation is minor, administrative, or similarly de minimis; or
- (b) To make an emergency purchase.

Sec. 10.54.5. Preemption.

Nothing in this section shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Sec. 10.54.6. Severability.

If any provision of this article, or any application thereof to any person or circumstance, is found to be unconstitutional or otherwise invalid by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this article which can be implemented without the invalid provisions and, to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are subsequently found invalid, unconstitutional or otherwise unenforceable.

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.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By 
SORAYA KELLY
Deputy City Attorney

Date 11/18/24

File No. _____

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____