

MOTION

On May 26, Samuel James Cassidy, a maintenance worker who had worked with the Santa Clara Valley Transportation Authority for over a decade, walked onto the facility’s yard with three semiautomatic handguns and 32 high-capacity magazines, and killed ten people, including himself. Samuel Cassidy was described as someone who made others fearful, and Mayor Sam Liccardo of San Jose said that other employees had “expressed generalized concerns about his mental health.” The incident in San Jose joins a string of mass shootings – defined by the Congressional Research Service as one with four or more people injured or killed, not including the perpetrator and requiring the attacks to be in public and excluding domestic shootings and those “attributable to underlying criminal activity” – with at least 232 taking place as of May 26 of this year.

The prevalence of mass shooting in the United States has led many, including Dr. Ninez Ponce, the principal investigator of California Health Interview Survey and director of the UCLA Center for Health Policy Research, to begin viewing gun-violence as an epidemic and matter of public health. Of all firearm deaths in nearly two dozen high-income countries including Australia, France, Italy, Spain and the United Kingdom, 82 percent occur in the U.S., and 91 percent of children ages 0-14 killed by firearms in this group of nations were from the United States. Each year, more than 39,000 people in the United States die as a result of gun violence, and tens of thousands more suffer non-fatal gun injuries.

Nonetheless, on Friday, in issuing his decision arising from a 2019 lawsuit (*Miller, et al. v. Bonta*), Judge Roger Benitez of the U.S. District Court for the Southern District of California, overturned California’s assault weapons ban, writing that the law violates the Second Amendment, and characterized AR-15s as “fairly ordinary, popular, modern rifles,” not “bazookas, howitzers or machine guns...[and] like the Swiss Army Knife, the popular AR-15 rifle is a perfect combination of home defense weapon and homeland defense equipment.” In 2017, Judge Benitez also struck down a law passed by the voters that would have banned the possession of magazines holding more than 10 bullets, a decision that is currently pending on appeal before the Ninth Circuit but resulted in California being quickly flooded with the type of large-capacity magazines that were used last month in the San Jose rail yard shooting.

While the Judge granted a 30-day stay of the decision at the request of the state’s attorney general so the case could be appealed to the U.S. Court of Appeals for the Ninth Circuit, Friday’s decision represents an extreme gun-rights reading of the Second Amendment and threatens to undermine three decades of policy that Californians have supported to curtail easy access to military-style weapons, which have been associated with mass shootings nationally, including the 2018 killing of 17 people at a high school in Parkland, FL. Over the last year, the nation has been grappling with a wave of gun violence, as well as a surge in gun ownership, and this decision could significantly undermine the City of Los Angeles’ efforts to curb gun violence.

I THEREFORE MOVE that the City Attorney be requested, authorized and directed, as appropriate, to file an amicus brief or suitable document in support of the California Attorney General’s forthcoming appeal of *Miller, et al. v. Bonta* with the 9th Circuit Court of Appeals, which will seek to reverse the U.S. District Court’s decision to strike down California’s assault weapons ban, and potentially threatening public safety, public health, and efforts to curtail gun violence and mass shootings in the City of Los Angeles.

PRESENTED BY: Paul Koretz  
PAUL KORETZ  
Councilmember, 5<sup>th</sup> District

Paul Krekorian  
PAUL KREKORIAN  
Councilmember, 2<sup>nd</sup> District

SECONDED BY: Mitch O'Zanelli

JUN 08 2021