

ORDINANCE NO. _____

An ordinance adding Section 55.22 to Article 5, Chapter V of the Los Angeles Municipal Code, to prohibit the possession, purchase, sale, receipt, or transport of a non-serialized unfinished firearm frame or receiver, or non-serialized firearm, subject to certain exceptions.

WHEREAS, Los Angeles has been experiencing a significant increase in the detection and recovery of firearms that lack a serial number and are untraceable, which are commonly known as “ghost guns”;

WHEREAS, ghost guns lack a serial number and/or other identifying marks, and are assembled or constructed using non-serialized and unfinished firearm parts, including unfinished frames or receivers, which are often sold in ghost gun kits;

WHEREAS, ghost gun kits contain all necessary parts to assemble a firearm and convert an unfinished frame or unfinished receiver into a functional firearm;

WHEREAS, ghost gun kits and unfinished firearm parts are specifically designed and marketed to be converted into fully functional firearms using only basic hand tools;

WHEREAS, a firearm assembled from a ghost gun kit is non-serialized and untraceable through law enforcement databases;

WHEREAS, ghost gun kits are intentionally marketed as unregulated and untraceable to appeal to persons prohibited from purchasing firearms legally;

WHEREAS, ghost gun kits are available for sale over the Internet, circumventing the background check process, and allowing persons prohibited from possessing firearms to obtain them;

WHEREAS, given the wide availability of ghost gun kits, the ease with which ghost guns can be assembled, and the difficulties in tracing them, ghost guns have become readily available throughout California and Los Angeles, including by persons prohibited from possessing or purchasing firearms, including due to criminal history, restraining orders, mental illness, or status as a minor;

WHEREAS, in 2020 the Los Angeles Police Department (LAPD) recovered a total of 813 ghost guns in connection with law enforcement encounters or investigations;

WHEREAS, from January to August 2021, LAPD recovered 1,270 ghost guns in connection with law enforcement encounters or investigations, a 257% increase from the same period in 2020, and an increase of 56% for all of 2020;

WHEREAS, in 2020, ghost guns accounted for a third of all weapons recovered in the City of Los Angeles;

WHEREAS, in 2020, LAPD recovered many ghost guns in connection with arrests for violent crimes, including 14 murders, 50 assaults with deadly weapons, 15 armed robberies, 4 carjacking incidents, 11 incidents involving the malicious discharge of a firearm at an inhabited dwelling house, and 9 domestic violence incidents involving the infliction of injury on a spouse or cohabitant;

WHEREAS, between January and September 2021, ghost guns were used to commit many violent crimes in the City of Los Angeles, including 24 murders, 8 attempted murders, 60 assaults with deadly weapons, and 20 armed robberies;

WHEREAS, in 2020, LAPD recovered many ghost guns in connection with arrests of persons prohibited from possessing firearms, including 195 convicted felons, and 9 minors;

WHEREAS, in 2020, the Los Angeles Field Division of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) noted that 41% of cases involved ghost guns;

WHEREAS, ghost guns have been a significant influencer in the surge of gun crime, because they give criminals and prohibited persons who are not allowed access to firearms the ability to get weapons;

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, the lack of a serial number makes it difficult for law enforcement to reliably track and investigate ghost guns that have been recovered in crime;

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 of Los Angeles;

WHEREAS, the Council finds and declares this Ordinance will promote effective law enforcement by providing reasonable measures to address the dangers posed to the community by ghost guns; and

WHEREAS, the Council further finds it is within the City's police powers to implement and enforce the provisions of this Ordinance;

NOW, THEREFORE,

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

Section 1. Section 55.22 is added to Article 5, Chapter V of the Los Angeles Municipal Code to read as follows:

SEC. 55.22. PROHIBITION ON POSSESSION, PURCHASE, OR SALE OF NON-SERIALIZED, UNFINISHED FIREARM FRAMES OR RECEIVERS AND NON-SERIALIZED FIREARMS.

(a) Definitions. As used in this section, the following terms shall have the following definitions, as indicated.

(1) **"Federal Firearms Importer"** means a licensed firearm importer as defined in 18 U.S.C. § 921(a)(9), as may be amended.

(2) **"Federal Firearms Manufacturer"** means a licensed firearm manufacturer as defined in 18 U.S.C. § 921(a)(10), as may be amended.

(3) **"Firearm"** means a firearm as defined in California Penal Code Section 16520(a), as may be amended. As used in this section, "Firearm" shall include a handgun, rifle, or shotgun.

(4) **"Frame"** means the primary structural component of a Firearm to which the fire control components are attached.

(5) **"Non-Serialized Firearm"** means a Firearm that is not imprinted with a serial number issued by a Federal Firearms Importer or Federal Firearms Manufacturer in compliance with federal law, or engraved or permanently affixed with a serial number provided by the California Department of Justice.

(6) **"Receiver"** means the primary structural component of a Firearm to which the fire control components are attached.

(7) **"Firearm Precursor Parts Vendor"** means a person or entity holding a valid precursor parts vendor license, firearms dealer license, or ammunition vendor license, as defined in California Penal Code Section 16532, as may be amended.

(8) **"Unfinished Frame"** means a piece of any material that does not constitute the completed Frame of a Firearm, but that has been shaped or

formed in any way for the purpose of becoming the Frame of a Firearm, and which may readily be made into a functional Frame of a Firearm through milling, drilling, or other means.

(9) “**Unfinished Receiver**” means a piece of any material that does not constitute the completed Receiver of a Firearm, but that has been shaped or formed in any way for the purpose of becoming the Receiver of a Firearm, and which may readily be made into a functional Receiver of a Firearm through milling, drilling, or other means.

(b) **Prohibition.** It shall be unlawful for any person to:

(1) Possess, receive, or transport an Unfinished Frame or Unfinished Receiver, unless the Unfinished Frame or Unfinished Receiver is required by federal law to be, and has been, imprinted with a serial number issued by a Federal Firearms Importer or Federal Firearms Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice. The foregoing prohibition shall not apply to or affect any of the following:

A. A Federal Firearms Importer or Federal Firearms Manufacturer;

B. A Firearm Precursor Parts Vendor;

C. An employee or sworn peace officer of a local, state, or federal law enforcement agency, if the employee or sworn peace officer is acting within the scope of official duties;

D. A person who is on the centralized list of exempted federal firearms licensees maintained by the California Department of Justice pursuant to California Penal Code Section 28450, *et seq.*;

E. A common carrier licensed or regulated under state or federal law or an authorized agent of a common carrier when acting in the course and scope of duties incident to the receipt, processing, transportation, or delivery of property; or

F. The possession or receipt of an Unfinished Frame or Unfinished Receiver by the person who obtained it through a transaction processed by a Firearm Precursor Parts Vendor pursuant to and in compliance with Penal Code Section 30400, *et seq.*

(2) Sell, offer to sell, transfer, offer to transfer, or purchase an Unfinished Frame or Unfinished Receiver, unless the Unfinished Frame or Unfinished Receiver is required by federal law to be, and has been, imprinted

with a serial number issued by a Federal Firearms Importer or Federal Firearms Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice. The foregoing prohibition shall not apply to or affect any of the following:

- A. A Federal Firearms Importer or Federal Firearms Manufacturer;
- B. A Firearm Precursor Parts Vendor;
- C. An employee or sworn peace officer of a local, state, or federal law enforcement agency, if the employee or sworn peace officer is acting within the scope of official duties;
- D. A person who is on the centralized list of exempted federal firearms licensees maintained by the California Department of Justice pursuant to California Penal Code Section 28450, *et seq.*;
- E. The transfer or surrender of a non-serialized unfinished frame or unfinished receiver to a law enforcement agency; or
- F. The sale, transfer, or purchase of an Unfinished Frame or Unfinished Receiver processed by a Firearm Precursor Parts Vendor pursuant to and in compliance with Penal Code Section 30400, *et seq.*

(3) Possess, receive, or transport a Non-Serialized Firearm. The foregoing prohibition shall not apply to or affect any of the following:

- A. A Federal Firearms Importer or Federal Firearms Manufacturer;
- B. An employee or sworn peace officer of a local, state, or federal law enforcement agency, if the employee or sworn peace officer is acting within the scope of official duties;
- C. A common carrier licensed or regulated under state or federal law or an authorized agent of a common carrier when acting in the course and scope of duties incident to the receipt, processing, transportation, or delivery of property;
- D. A person who is in compliance with California Penal Code Section 29180, as may be amended; or
- E. A Non-Serialized Firearm that:
 - i. has been rendered permanently inoperable;

ii. is an antique firearm as defined in California Penal Code Section 16170, as may be amended;

iii. was manufactured or assembled prior to 1968;

iv. has been determined to be a collector's item pursuant to 26 U.S.C. Ch. 53, including § 5845, as may be amended, or a curio or relic pursuant to 18 U.S.C. Ch. 44, including § 921(a), as may be amended, and 27 C.F.R. § 478.11, as may be amended; or

v. has been entered into the centralized registry set forth in California Penal Code Section 11106, as may be amended, prior to July 1, 2018, as being owned by a specific individual or entity if that firearm has assigned to it a distinguishing number or mark of identification.

(4) Sell, offer to sell, transfer, offer to transfer, or purchase a Non-Serialized Firearm. The foregoing prohibition shall not apply to or affect any of the following:

A. A Federal Firearms Importer or Federal Firearms Manufacturer;

B. The transfer, surrender, or sale of a Non-Serialized Firearm to a law enforcement agency; or

C. A Non-Serialized Firearm that:

i. has been rendered permanently inoperable;

ii. is an antique firearm as defined in California Penal Code Section 16170, as may be amended;

iii. was manufactured or assembled prior to 1968; or

iv. has been determined to be a collector's item pursuant to 26 U.S.C. Ch. 53, including § 5845, as may be amended, or a curio or relic pursuant to 18 U.S.C. Ch. 44, including § 921(a), as may be amended, and 27 C.F.R. § 478.11, as may be amended.

(c) **Penalty.** A violation of this section shall constitute a misdemeanor and upon conviction may be punished by a fine not to exceed \$1,000, or by imprisonment in the county jail not to exceed six months, or by both.

(d) **Operative Date.** Except for Subsections (b)(1) and (b)(3) of this section, this ordinance shall become effective 30 days after enactment. Subsections (b)(1) and (b)(3) of this section shall take effect 90 days after enactment.

(e) **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.

(f) **Notice.** Upon enactment of this ordinance, the City shall promptly take reasonable efforts to inform residents of its provisions. The information shall include notice that residents who possess any Unfinished Frame, Unfinished Receiver, or Non-Serialized Firearm will not be penalized under Subsections (b)(1) or (b)(3) of this section if they surrender the non-complying Unfinished Frame, Unfinished Receiver, or Non-Serialized Firearm to a law enforcement agent or agency.

(g) **Severability.** If any provision of this section, 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 section which can be implemented without the invalid provisions and, to this end, the provisions of this section are declared to be severable. The City Council hereby declares that it would have adopted this section 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

MICHAEL N. FEUER, City Attorney

By  _____
SORAYA KELLY
Deputy City Attorney

Date 11/4/21

File No. 21-0899

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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 _____