

MAY 25 2022

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

WHEREAS, any official position of the City of Los Angeles, with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, SB1327 establishes privately-enforced civil causes of action against persons who manufacture or cause to be manufactured, distribute, transport, or import into the state, or cause to be distributed or transported or imported into the state, keep for sale or offer or expose for sale, or give or lend certain firearms; and

WHEREAS, restricting assault weapons reduce deaths; estimates find mass-shooting fatalities were 70 percent less likely during the period when the federal ban was in effect. Another rising scourge is the prevalence of "ghost guns." In 2020, California accounted for 65 percent of all ghost guns seized by the Bureau of Alcohol, Tobacco, Firearms and Explosives. The weapons have been linked to 24 killings and dozens of other crimes in 2020 in Los Angeles alone. The problem of gun violence in our society is not going away. In 2020, over 45,000 Americans died from gun-related injuries in the United States. This is the most on record by far, a 43 percent increase from a decade prior; and

WHEREAS, this bill seeks to curb the prevalence of these weapons by enlisting the help of Californians. The bill reproduces relevant Penal Code provisions relating to assault weapons, rifles, "ghost guns," and other illegal firearms into the Business and Professions Code, with limited extensions of existing restrictions. Any Californian is authorized to bring a civil action against anyone that manufactures or causes to be manufactured, distributes, transports, or imports into the state, or causes to be distributed or transported or imported into the state, keeps for sale or offers or exposes for sale, or gives or lends any assault weapon, .50 BMG rifle, firearm lacking a required serial number, or firearm precursor part, as specified; and

WHEREAS, this bill is sponsored by Governor Gavin Newsom. It is supported by several groups, including Everytown for Gun Safety Action Fund, Moms Demand Action for Gun Sense in America, and Students Demand Action for Gun Sense in America. The bill is opposed by gun advocates and ACLU California Action; and

WHEREAS, this bill provides that no person shall manufacture or cause to be manufactured, distribute, transport, or import into the state, or cause to be distributed, transported, or imported into the state, keep for sale, offer or expose for sale, or give or lend, any assault weapon, .50 BMG rifle, firearm precursor part, or unserialized firearm, except as provided; and

A handwritten signature in black ink, consisting of a large, stylized capital 'Q' followed by a horizontal line extending to the right.

WHEREAS, this bill defines “.50 BMG rifle,” “assault weapon,” “firearm,” and “firearm precursor part” consistently with existing Penal Code provisions. “Unserialized firearm” is defined to mean a firearm that does not have a serial number as required or has had its serial number altered or obliterated; and

WHEREAS, this bill authorizes any person, other than an officer or employee of a state or local governmental entity, to bring a civil action against any person who knowingly: a) violates the above; b) engages in conduct that aids or abets a violation, regardless of whether the person knew or should have known that the person aided or abetted would be in violation; or c) commits an act with the intent to engage in the conduct above; and

WHEREAS, this bill provides it is exclusively enforced through the above private civil action, Requires a court to award a prevailing claimant injunctive relief; statutory damages in an amount of not less than \$10,000 for each weapon or firearm precursor part in violation and attorney’s fees and costs; and

WHEREAS, this bill provides that the statutory damages provision is repealed if found by a court to be invalid or unconstitutional, and replaced with an award of statutory damages in an amount determined by the court based on specified factors. Deems an act or omission in violation an injury in fact to all residents of, and visitors to, this state, and grants them standing to bring a civil action; and

WHEREAS, this bill provides specified assertions or circumstances that shall not be considered a defense to the above action and authorizes specified affirmative defenses that can be proven by a defendant by a preponderance of the evidence; and

WHEREAS, this bill clarifies that it does not authorize the initiation of a cause of action against a person purchasing, obtaining, or attempting to purchase or obtain an assault weapon, .50 BMG rifle, unserialized firearm, or firearm precursor part from a person acting in violation of this law; and

WHEREAS, this bill prohibits a defendant from making an anti-SLAPP motion to strike and from being awarded attorney’s fees or costs in such an action and establishes broad venue rules for these civil actions and restricts the ability to transfer venue; and

WHEREAS, this bill provides that it is inoperative and is thereafter repealed upon the total invalidation of a specific provision of Texas law by the United States Supreme Court or the Texas Supreme Court; and

WHEREAS, this bill provides that any person, who seeks declaratory or injunctive relief to prevent this state, a political subdivision, a governmental entity or public official in this state, or a person in this state from enforcing any statute, ordinance, rule, regulation, or any other type of law that regulates or restricts firearms, in any state or federal court, or that represents any litigant seeking that relief in any state or federal court, is jointly and severally liable to pay the attorney's fees and costs of the prevailing party and includes a severability clause;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-2022 State Legislative Program SUPPORT for SB1327.


CO-PRESENTED BY:


BOB BLUMENFELD
Councilmember, District 3

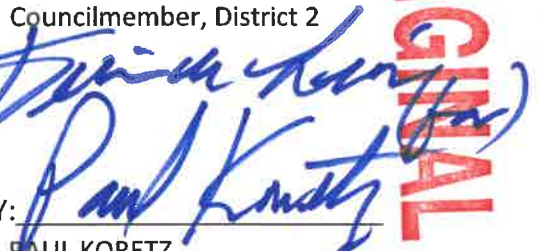
CO-PRESENTED BY:


PAUL KREKORIAN
Councilmember, District 2

CO-PRESENTED BY:


MITCH O'FARRELL
Councilmember, District 13

CO-PRESENTED BY:


PAUL KORETZ
Councilmember, District 5

CO-PRESENTED BY:


MARQUEECE HARRIS-DAWSON
Councilmember, District 8

SECONDED BY:


NURY MARTINEZ
Councilmember, District 6

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