

Assembly Joint Resolution

No. 45

Introduced by Assembly Member Feuer
(Principal coauthor: Senator DeSaulnier)

August 6, 2012

Assembly Joint Resolution No. 45—Relative to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AJR 45, as introduced, Feuer. Firearms: assault weapons.

This measure would urge the President and Congress of the United States to reauthorize the Federal Assault Weapons Ban.

Fiscal committee: no.

1 WHEREAS, Assault weapons are a class of semiautomatic
2 firearms designed with military features that allow them to spray
3 large amounts of fire quickly and accurately. They are
4 distinguishable from standard sporting firearms by features such
5 as pistol grips and the ability to accept a detachable magazine; and
6 WHEREAS, Assault weapons are frequently used in mass
7 shootings, including the 1993 101 California Street attack which
8 involved two TEC-9 semiautomatic handguns, and the recent
9 Aurora, Colorado shooting which involved an AR-15 style
10 semiautomatic assault rifle with a 100-round ammunition drum
11 which would have been prohibited under the Federal Assault
12 Weapons Ban, which expired in 2004, if it had been in effect; and
13 WHEREAS, The Federal Assault Weapons Ban, passed in 1994
14 with the strong leadership of Senator Dianne Feinstein, banned
15 certain models of semiautomatic assault weapons, as well as

1 high-capacity ammunition magazines that hold more than 10
2 rounds; and

3 WHEREAS, Seven states, including California, have enacted
4 laws banning assault weapons. The District of Columbia and five
5 large urban cities in the United States have local laws banning
6 assault weapons. California and New Jersey have the most
7 comprehensive approaches to defining assault weapons. Originally
8 passed in 1989, California law bans roughly 75 assault weapon
9 types, models, and series, by name, and provides a one-feature
10 generic test for rifles and pistols; and

11 WHEREAS, We must not allow another tragedy to occur before
12 the national assault weapons ban is reenacted. The assault weapons
13 ban meant fewer Americans were killed by assault weapons.
14 Studies show a significant decrease in the use of these weapons
15 in crimes committed during the period of 1994 to 2004 when they
16 were banned by the federal law. During the first nine years of the
17 ban, the use of assault weapons in crime dropped by two-thirds.
18 The number of gun murders in the country dropped 7 percent
19 during the ban; and

20 WHEREAS, Since the expiration of the Federal Assault
21 Weapons Ban, 450 violent crimes involving assault weapons were
22 committed and 750 individuals were shot by assault weapons, 350
23 of whom were killed; and

24 WHEREAS, Even as the Supreme Court found an individual
25 right to gun ownership in the Second Amendment, the court
26 observed that “[l]ike most rights, the right secured by the Second
27 Amendment is not unlimited,” it is “not a right to keep and carry
28 any weapon whatsoever.” Furthermore, the court noted that there
29 exists a “historical tradition of prohibiting the carrying of
30 ‘dangerous and unusual weapons’”; and

31 WHEREAS, The accessibility of assault weapons, in conjunction
32 with large-capacity ammunition magazines, enables lethality on a
33 devastating scale. Because our borders are porous and only a small
34 number of states regulate assault weapons and large-capacity
35 magazines, without a comprehensive federal law even states that
36 take steps to protect their communities from these weapons are
37 vulnerable to criminals who use them; now, therefore, be it

38 *Resolved by the Assembly and the Senate of the State of*
39 *California, jointly,* That the Legislature urges the President and
40 the Congress of the United States to reauthorize the Federal Assault

1 Weapons Ban, which Congress did not review in 2004; and be it
2 further
3 *Resolved*, That the Chief Clerk of the Assembly transmit copies
4 of this resolution to the President and Vice President of the United
5 States, to the Speaker of the House of Representatives, to the
6 Majority Leader of the Senate, to each Senator and Representative
7 from California in the Congress of the United States, and to the
8 author for appropriate distribution.

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