

Assembly Joint Resolution No. 45

RESOLUTION CHAPTER 143

Assembly Joint Resolution No. 45—Relative to firearms.

[Filed with Secretary of State September 18, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 45, Feuer. Firearms: assault weapons.

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

WHEREAS, Assault weapons are a class of semiautomatic firearms designed with military features that allow them to spray large amounts of fire quickly and accurately. They are distinguishable from standard sporting firearms by features such as pistol grips and the ability to accept a detachable magazine; and

WHEREAS, Assault weapons are frequently used in mass shootings, including the 1993 101 California Street attack which involved two TEC-9 semiautomatic handguns, and the recent Aurora, Colorado shooting which involved an AR-15 style semiautomatic assault rifle with a 100-round ammunition drum which would have been prohibited under the Federal Assault Weapons Ban, which expired in 2004, if it had been in effect; and

WHEREAS, The Federal Assault Weapons Ban, passed in 1994 with the strong leadership of Senator Dianne Feinstein, banned certain models of semiautomatic assault weapons, as well as high-capacity ammunition magazines that hold more than 10 rounds; and

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

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

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

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

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

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature urges the President and the Congress of the United States to reauthorize the Federal Assault Weapons Ban, which Congress did not review in 2004; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.