

## Assembly Joint Resolution

No. 5

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**Introduced by Assembly Member Gomez**

January 17, 2013

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Assembly Joint Resolution No. 5—Relative to firearms.

### LEGISLATIVE COUNSEL’S DIGEST

AJR 5, as introduced, Gomez. Firearms: assault weapons.

This measure would urge the President and Congress of the United States to support and pass Senator Dianne Feinstein’s proposed legislation prohibiting the sale, transfer, importation, and manufacturing of assault weapons and large-capacity magazines.

Fiscal committee: no.

1 WHEREAS, Assault weapons are a class of semiautomatic  
2 firearms designed with military features that allow those weapons  
3 to shoot 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 have been used in many  
7 shootings, including the December 14, 2012, Newtown,  
8 Connecticut, school shooting where a man used a .223 caliber  
9 Bushmaster semiautomatic assault rifle with a 30-round magazine  
10 resulting in the deaths of 20 children and six adults; and  
11 WHEREAS, The federal assault weapons ban, passed in 1994  
12 with the strong leadership of Senator Dianne Feinstein, banned  
13 certain models of semiautomatic assault weapons and  
14 large-capacity magazines that hold more than 10 rounds of

1 ammunition. The ban expired on September 13, 2004, and has not  
2 been reauthorized; and

3 WHEREAS, A United States Department of Justice study found  
4 that the federal assault weapons ban was responsible for a 6.7  
5 percent decline in total gun murders; and

6 WHEREAS, The use of assault weapons in crime declined by  
7 more than two-thirds by about nine years after the 1994 federal  
8 assault weapons ban took place; and

9 WHEREAS, Since the expiration of the federal assault weapons  
10 ban, 37 percent of police departments reported seeing a noticeable  
11 increase in criminals' use of assault weapons; and

12 WHEREAS, Since the expiration of the federal assault weapons  
13 ban, assault weapons have been used in at least 459 incidents,  
14 resulting in 385 deaths and 455 injuries; and

15 WHEREAS, Senator Feinstein has announced that she will  
16 introduce a bill in January 2013 to ban the sale, transfer,  
17 importation, and manufacturing of military-style assault weapons  
18 and large-capacity magazines; and

19 WHEREAS, The proposed legislation will cover 120 specifically  
20 named firearms, certain other firearms that can accept a detachable  
21 magazine and have one or more military characteristics, and  
22 large-capacity magazines capable of accepting more than 10  
23 rounds; and

24 WHEREAS, The proposed legislation will strengthen the 1994  
25 federal assault weapons ban by moving from a two characteristic  
26 test to a one characteristic test, adding a ban on the importation of  
27 assault weapons and large-capacity magazines, and eliminating  
28 the 10-year sunset that allowed the original ban to expire; and

29 WHEREAS, The proposed legislation will require that  
30 grandfathered weapons be registered under the National Firearms  
31 Act, bans the transfer of grandfathered large capacity magazines,  
32 imposes a safe storage requirement for grandfathered firearms,  
33 and establishes a voluntary buy-back program for grandfathered  
34 assault weapons and large-capacity magazines; and

35 WHEREAS, The proposed legislation protects legitimate hunters  
36 and the rights of existing gun owners by grandfathering weapons  
37 legally possessed on the date of enactment, exempting over 900  
38 specifically named weapons used for hunting and sporting  
39 purposes, and exempting antique, manually operated, and  
40 permanently disabled weapons; and

1 WHEREAS, Senator Feinstein has been working with her staff  
2 for over a year on this proposed legislation to take the most  
3 dangerous weapons of war off the streets while protecting the  
4 rights of gun owners; and

5 WHEREAS, Because our borders are porous and only a small  
6 number of states regulate assault weapons and large-capacity  
7 magazines, without a comprehensive federal law even states that  
8 take steps to protect their communities from these weapons are  
9 vulnerable to criminals who use them; now, therefore, be it

10 *Resolved by the Assembly and the Senate of the State of*  
11 *California, jointly,* That the Legislature urges the President and  
12 the Congress of the United States to support and pass Senator  
13 Feinstein’s proposed legislation prohibiting the sale, transfer,  
14 importation, and manufacturing of assault weapons and  
15 large-capacity magazines; and be it further

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