

Senate Joint Resolution No. 1

RESOLUTION CHAPTER 83

Senate Joint Resolution No. 1—Relative to firearms.

[Filed with Secretary of State August 20, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 1, Wolk. Firearms control.

This measure would urge the President and Congress of the United States to develop a comprehensive federal approach to reducing and preventing gun violence, promptly place assault weapons and high-capacity assault magazines under the scope of the National Firearms Act, and require a universal background check through the National Instant Criminal Background Check System (NICS) for the transfer of all firearms. This measure would additionally urge the President to take steps to ensure that all states and applicable federal agencies are reporting all necessary records to the NICS.

WHEREAS, The Sandy Hook Elementary School mass shooting in Newtown, Connecticut, which resulted in the death of 20 children and 6 adults, demonstrated the need for stronger laws to prevent gun violence; and

WHEREAS, Numerous factors contribute to the occurrence of mass shootings, including unregulated access to assault weapons and assault magazines, insufficient background checks, and needed improvements to our mental health system, among others; and

WHEREAS, Semiautomatic assault weapons designed with military features allow for the rapid fire of potentially large numbers of bullets, and are distinguishable from standard sporting firearms by features such as the ability to accept a detachable magazine, pistol grips, and folding or telescoping stocks; and

WHEREAS, Semiautomatic assault weapons are frequently used in mass shootings, including the 1993 101 California Street shooting in San Francisco that involved two TEC-9 semiautomatic handguns, and the recent Aurora, Colorado, shooting that involved an AR-15 style semiautomatic assault rifle with a 100-round ammunition drum; and

WHEREAS, The United States Supreme Court has affirmed once and for all that Americans have a right to keep and bear arms. However, as conservative justice Antonin Scalia outlined, the *District of Columbia v. Heller* decision does not prohibit laws forbidding firearms in places such as schools or regulation of unusually dangerous weapons, nor does it restrict laws prohibiting felons and the mentally ill from carrying guns; and

WHEREAS, The National Firearms Act of 1934 regulates the possession and transfer of fully automatic machine guns through background checks, registration, and excise taxes, but individual states are able to enact their own stronger gun legislation and regulations which may or may not be similar to other states; and

WHEREAS, Seven states, including California, have enacted laws strictly regulating the possession, manufacture, and transfer of assault weapons; and

WHEREAS, Because our borders are porous and only a small number of states regulate assault weapons and high-capacity assault magazines, states, like California, that take steps to protect their communities from these weapons are vulnerable to criminals who use those weapons without a comprehensive federal approach to curb gun violence; and

WHEREAS, It is estimated that 40 percent of firearm transfers are completed without a federal background check, including the transfer of semiautomatic firearms from a private collection; and

WHEREAS, California requires background checks for all firearms sales and transfers through various means; and

WHEREAS, Nine categories of individuals are prohibited from purchasing and possessing firearms, including the dangerously mentally ill; and

WHEREAS, Mental health records are reported by the state and imported into the National Instant Criminal Background Check System, but currently many state and federal agencies are not fully participating in this system; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That a comprehensive federal approach to reducing and preventing gun violence is needed to protect the Second Amendment rights of law abiding citizens while ensuring that our communities are safe from future mass shootings; and be it further

Resolved, That the Legislature urges the President and the Congress of the United States to promptly place under the scope of the National Firearms Act generically defined assault weapons, as now is the case with California, and high-capacity assault magazines; and be it further

Resolved, That a universal background check through the National Instant Criminal Background Check System should be required for the transfer of all firearms; and be it further

Resolved, That the President of the United States should take steps to ensure all states and applicable federal agencies are reporting all necessary records to the National Instant Criminal Background Check System; and be it further

Resolved, That the Secretary of the Senate 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.