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AMENDED IN SENATE AUGUST 15, 2011

Senate Joint Resolution

No. 10

Introduced by Senator De León

(Coauthors: Senators *DeSaulnier*, *Hancock*, *Hernandez*, *Leno*,
Padilla, *Pavley*, and *Vargas*)

(Coauthors: Assembly Members *Alejo*, *Allen*, *Bonilla*, *Bradford*,
Cedillo, *Davis*, *Eng*, *Roger Hernández*, *Hueso*, *Huffman*, *Lara*,
Mendoza, *Perea*, *V. Manuel Pérez*, *Solorio*, *Swanson*, and *Torres*)

July 5, 2011

Senate Joint Resolution No. 10—Relative to firearms trafficking.

LEGISLATIVE COUNSEL'S DIGEST

SJR 10, as amended, De León. Firearms trafficking.

This measure would urge the President and the Congress of the United States to pursue a comprehensive approach to stem the trafficking of illicit United States firearms and ammunition into Mexico, that includes, among other things, enhanced collaboration among local, state, and federal agencies, the allocation of a permanent source of federal funding to sustain local and state law enforcement operations to combat firearms *and ammunition* trafficking and other border-related crimes, the redirection of federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Immigration and Customs Enforcement, and United States Customs and Border Protection resources towards this effort, reenactment of a strong federal assault

weapons ban, and stronger federal authority to crack down on corrupt gun dealers.

Fiscal committee: no.

1 WHEREAS, The rise of firearms and ammunition trafficking
2 from the United States into Mexico has fueled the terrorism of
3 both United States and Mexican citizens by Mexican drug
4 trafficking organizations (DTOs), that has devastated thousands
5 of families who have lost loved ones to violence on both sides of
6 the border; and

7 WHEREAS, Since the start of Mexican President Felipe
8 Calderon's administration in December 2006, Mexican law
9 enforcement agencies have confiscated 102,600 handguns and
10 rifles as of March 10, 2011, and Mexican security forces have
11 seized 11,849 grenades and 10.6 million rounds of ammunition;
12 and

13 WHEREAS, Violence ~~along~~ across the United States-Mexico
14 border has escalated dramatically as President Calderon has
15 aggressively fought the growing power of Mexican DTOs, and
16 approximately 34,612 people have been killed *in Mexico* as a result
17 of organized crime-related violence ~~in Mexico~~; and

18 WHEREAS, In a report by the United States Government
19 Accountability Office (GAO), United States officials note that
20 violence associated with Mexican DTOs poses a serious challenge
21 for United States law enforcement, and given the increased level
22 of criminal activity in the southwestern United States, violence
23 threatens the safety of citizens on both sides of the border; and

24 WHEREAS, In May 2010, the Mexican government stated that
25 out of the 75,000 illegal firearms seized by Mexican authorities
26 in the last three years, about 80 percent—60,000
27 firearms—originated in the United States; and

28 WHEREAS, Estimates of guns flowing into Mexico from the
29 United States are as high as 2,000 guns every day, a staggering
30 statistic given that Mexico has only approximately 6,000 legally
31 registered guns; and

32 WHEREAS, The federal Bureau of Alcohol, Tobacco, Firearms
33 and Explosives (ATF), as of May 2010, ~~has~~ had processed 69,808
34 firearm trace requests from Mexico, and it appears that a majority
35 of these firearms have a nexus to the United States; and

1 WHEREAS, There are an estimated 8,479 licensed United States
2 gun dealers operating along the United States-Mexico border, and,
3 according to several ATF officials, individuals or groups engage
4 in straw purchasing on a regular basis as part of a scheme to traffic
5 United States firearms into Mexico; and

6 WHEREAS, The ATF reports that 87 percent of firearms seized
7 by Mexican authorities and traced over the last five years originated
8 in the United States. Approximately 68 percent of these illegal
9 firearms were manufactured in the United States, and
10 approximately 19 percent were manufactured in other countries
11 and then imported into the United States before being trafficked
12 into Mexico; and

13 WHEREAS, In addition to the trafficking of firearms, the illicit
14 trafficking of ammunition is fueling the proliferation of gun
15 violence along the United States-Mexico border, as Mexican drug
16 trafficking organizations have virtually unfettered access to
17 ammunition from the United States; and

18 WHEREAS, According to the ATF, between the years 2006
19 and 2011, over 1.2 million rounds of ammunition believed to be
20 destined for Mexico were seized during the course of
21 ATF-instigated investigations ~~or~~ and joint investigations originating
22 in California, Arizona, Texas, and New Mexico. During this
23 timeframe, 527,809 rounds of ammunition were confiscated by
24 the ATF's Los Angeles Field Division, 14,154 rounds were
25 confiscated by the San Francisco Field Division, 196,450 rounds
26 were confiscated by the Phoenix Field Division, 380,001 rounds
27 were confiscated by the Houston Field Division, and 123,300
28 rounds were confiscated by the Dallas Field Division; and

29 WHEREAS, ATF officials state that the most common method
30 of transporting firearms illegally across the United States-Mexico
31 border is by vehicle using United States highways, and that an
32 opportune time to catch firearm smugglers is following a United
33 States gun show in Arizona or Texas; and

34 WHEREAS, Local and state law enforcement agencies are often
35 the first responders to the scene of a crime, and have had to deploy
36 and devote ever-increasing numbers of officers, equipment, and
37 other resources to address the crimes associated with the DTOs
38 and their firearms and ammunition trafficking activities; and

39 WHEREAS, Despite increasingly scarce resources, local and
40 state law enforcement agencies have implemented a proactive,

1 cost-effective, and successful border crime initiative that highlights
2 collaboration among all levels of law enforcement—local, state,
3 and ~~federal~~—and *federal*—that includes the judicious leveraging
4 and sharing of intelligence, equipment, and personnel to combat
5 illegal firearms and ammunition trafficking and other border-related
6 crimes; and

7 WHEREAS, Since 2006, 14 United States Custom and Border
8 Patrol (CBP) Agents have been killed along the border of Mexico,
9 most recently Agent Brian Terry, who was killed on December
10 15, 2010, by being shot with an AK-47; and

11 WHEREAS, In February 2011, United States Immigration and
12 Customs Enforcement Special Agent Jaime Zapata was shot and
13 killed and another federal agent was wounded in an ambush by
14 Mexican drug gang members at a fake military checkpoint on a
15 Mexican highway north of Mexico City; and

16 WHEREAS, DTOs have escalated the use of firearms to attack
17 and intimidate high level Mexican law enforcement figures,
18 including directors of federal agencies, politicians, journalists,
19 businesses, and the general public; and

20 WHEREAS, Mexican government officials report that since
21 December 2006, a total of 915 municipal police, 698 state police,
22 and 463 federal agents have been killed by Mexican organized
23 crime groups, and between 1999 and 2009, 32 news reporters or
24 editors were killed, and an additional nine *reporters* disappeared;
25 and

26 WHEREAS, On June 28, 2010, a leading Mexican gubernatorial
27 candidate, Rodolfo Torre Cantu, was killed by gunfire in
28 Tamaulipas, just days before the July 4, 2010, elections, and in
29 late 2008, Armando Rodriguez, a crime reporter for El Diario de
30 Juárez, was shot in the head by a 9mm as he drove his daughter
31 to school; and

32 WHEREAS, In June 2008, Edgar Millan Gomez, acting director
33 of the federal preventive police, was assassinated in his own home
34 by a man wielding two 9mm pistols one week after holding a press
35 conference in Cuiliacán to announce the arrests of 12 hit men
36 working for the Sinaloa Cartel, and that same day, Roberto
37 Velasco, one of the directors of the federal organized crime unit,
38 was shot and killed in Mexico City. The next day Jose Aristeo,
39 chief of staff for the federal preventive police, was shot and killed
40 in the same city; and

WHEREAS, United States citizens have also been terrorized by the violence associated with United States firearms and ammunition trafficking and Mexican DTOs. For example, in May 2010, a Phoenix businessman leading a hunting expedition in Sonora, Mexico was found shot dead by an AK-47; in February 2010, United States and Mexican citizens waiting to cross into Mexico from Nogales, Arizona were trapped in a firefight that erupted in the nearby plaza; in the spring of 2008, American tourists returning through the Lukeville port of entry were trapped by gunfire while waiting in line, and a woman from Nogales, Arizona was shot and killed by AK-47 gunfire at a fake military checkpoint on a Mexican interstate highway in Sonora; and

WHEREAS, In July 2011, the United States Department of Justice announced a new federal policy that would require all United States gun stores in southwest border states to submit a report to the ATF when an individual purchases two or more rifles, including assault rifles, within five business days; and

WHEREAS, Following the expiration of the Federal Assault Weapons Ban in 2004, it has become easier to purchase high-powered assault weapons, ~~and the~~. The United States Department of Justice, Office of the Inspector General has reported that 48 percent of crime guns recovered and traced in Mexico in 2009 were long guns, up from 20 percent in 2004, and recent data also shows a surge in seizures of assault rifles and .50 caliber guns. According to the ATF, the drug cartels tend to favor military-style assault weapons such as AK-47s, AR-15s, and FN 5.7mm caliber pistols, known in Mexico as “cop killers” because they can pierce body armor; and

WHEREAS, The United States is now experiencing an era in which the number of illegal border crossings have decreased over the last decade, yet drug-related violence and the trafficking of United States firearms and ammunition into Mexico has skyrocketed; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature urges the President and the Congress of the United States to pursue a comprehensive approach to stem the trafficking of illicit United States firearms and ammunition into Mexico, that includes as its centerpiece enhanced collaboration among local, state, and federal law enforcement agencies to coordinate the interdiction of illegal

1 firearms *and ammunition* trafficking and the implementation of
2 associated border security policies and operations in an integrated
3 manner, the allocation of a permanent source of federal funding
4 to sustain local and state law enforcement operations to combat
5 firearms *and ammunition* trafficking and other border-related
6 crimes, the redirection of *resources of the* federal Bureau of
7 Alcohol, Tobacco, Firearms and Explosives (ATF), *the* United
8 States Immigration and Customs Enforcement, and *the* United
9 States Customs and Border Protection ~~resources~~ towards this effort,
10 reenactment of a strong federal assault weapons ban, along with
11 a ban on high-capacity ammunition magazines, stronger federal
12 authority to crack down on corrupt gun dealers, extending Brady
13 criminal background checks to all gun sales, including all sales at
14 gun shows to prevent firearms *and ammunition* trafficking, and
15 the maintenance of firearm purchase records to help law
16 enforcement track down armed criminals and solve gun crimes;
17 and be it further

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