



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

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Consent
May 1, 2007

Honorable Members of the
Law and Legislation Committee

**Title: Legislative Position: Support AB 1471 Relating to the Microstamping of
Firearms**

Location/Council District: Citywide

Recommendation: Staff recommends that the Law & Legislation Committee adopt a support position on AB 1471, which requires microstamping technology to be used on all newly manufactured semiautomatic handguns after January 1, 2010.

Contact: Kimberly Riley, Administrative Officer, 808-0826

Presenters: Kimberly Riley, Administrative Officer

Department: Police

Division: Chief's Office

Organization No: 2111

Description/Analysis

Issue: AB 1471, which is authored by Assembly Member Feuer and co-authored by Assembly Member DeSaulnier, requires all newly designed semiautomatic handguns, sold in California after January 1, 2010, to have a microscopic array of characters that could identify the make, model, and serial number of the handgun. The characters must be etched onto the handgun's internal working parts, such as the firing pin. The characters will be transferred onto each cartridge case when the handgun is fired.

Policy Considerations: AB 1471 will help in gun crime investigations and gun trafficking.

Environmental Considerations: None

Rationale for Recommendation: Time is of the essence in criminal investigations; thus, the ability to identify the legal owner of a semiautomatic handgun as quickly as possible is imperative to law enforcement's investigative

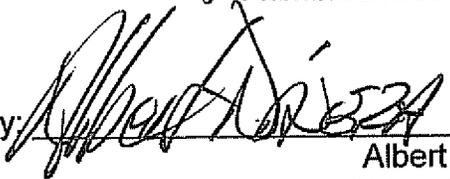
efforts to locate a starting point and to then trace the possession of the firearm to the suspect. This microstamping technology will allow investigators to immediately trace the serial number of the firearm, rather than having to wait for the completion of time consuming ballistic tests.

It is also anticipated that microstamping will help reduce gun trafficking. A growing problem exists with straw buyers, legal firearm purchasers who purchase firearms and transfer them to those who cannot legally possess firearms. Once a mechanism is in place to more effectively trace a gun used in a crime back to the straw buyer, straw buyers may be more reluctant to purchase guns on behalf of others.

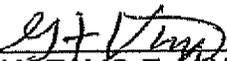
Financial Considerations: As a result of AB 1471, manufacturers will incur modest costs to adopt the new technology. If the cost of the technology is passed on to the customer, it is expected to be less than one percent of the cost of the handgun. There are no additional costs to law enforcement agencies associated with creating databases or tracking mechanisms, since the serial number on all firearms are already logged on the dealer record of sale and tracked in California's current handgun database.

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by: 
Kimberly Riley
Administrative Officer

Approved by: 
Albert Nájera
Chief of Police

Recommendation Approved:


GUSTAVO F. VINA
Assistant City Manager

Ref: COP 3-20

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Attachment 1

Background

AB 352, which the City of Sacramento supported in the 2005-06 Legislative Session, was a similar bill attempting to implement microstamping. Last year, AB 352 was passed by the Senate but failed to pass the Assembly by one vote.

May 1, 2007

Honorable Mike Feuer
California State Assembly
State Capitol, P.O. Box 942849
Sacramento, CA 94249-0042

Subject: Support AB 1471 – Microstamping of Firearms

Dear Assembly Member Feuer:

On behalf of the City of Sacramento, I am pleased to write in support of AB 1471. This legislation would require all new semiautomatic handguns manufactured after January 1, 2010 to be equipped with the technology to transfer the make, model, and serial number of a gun to the bullet casing when a gun is fired.

Since national and state databases already track the make, model, and serial number of semiautomatic handguns, there would be no additional tracking costs. Additionally, time is of the essence in criminal investigations; thus, the ability to identify the legal owner of a semiautomatic handgun as quickly as possible is imperative to law enforcement's investigative efforts to locate a starting point and to then trace the possession of the firearm to the suspect.

Thank you for introducing this important legislation.

Sincerely,

Sandy Sheedy, Chair
Law and Legislation Committee

cc: Senator Dave Cox, Principal Coauthor
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
David Jones, Emanuels and Jones and Associates

ASSEMBLY BILL

No. 1471

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

February 23, 2007

An act to amend Section 12126 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1471, as introduced, Feuer. Firearms: microstamping.

Existing law defines unsafe handguns as failing to pass certain tests, or lacking certain features, as specified.

This bill would, commencing January 1, 2010, expand the definition of unsafe handgun to include semiautomatic pistols that are not designed and equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired.

By expanding the definition of "unsafe handgun," the manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12126 of the Penal Code is amended to
2 read:

3 12126. As used in this chapter, "unsafe handgun" means any
4 pistol, revolver, or other firearm capable of being concealed upon
5 the person, as defined in subdivision (a) of Section 12001, for
6 which any of the following is true:

7 (a) For a revolver:

8 (1) It does not have a safety device that, either automatically in
9 the case of a double-action firing mechanism, or by manual
10 operation in the case of a single-action firing mechanism, causes
11 the hammer to retract to a point where the firing pin does not rest
12 upon the primer of the cartridge.

13 (2) It does not meet the firing requirement for handguns pursuant
14 to Section 12127.

15 (3) It does not meet the drop safety requirement for handguns
16 pursuant to Section 12128.

17 (b) For a pistol:

18 (1) It does not have a positive manually operated safety device,
19 as determined by standards relating to imported guns promulgated
20 by the federal Bureau of Alcohol, Tobacco, and Firearms.

21 (2) It does not meet the firing requirement for handguns pursuant
22 to Section 12127.

23 (3) It does not meet the drop safety requirement for handguns
24 pursuant to Section 12128.

25 (4) Commencing January 1, 2006, for a ~~center-fire~~ *center fire*
26 semiautomatic pistol that is not already listed on the roster pursuant
27 to Section 12131, it does not have either a chamber load indicator,
28 or a magazine disconnect mechanism.

29 (5) Commencing January 1, 2007, for all ~~center-fire~~ *center fire*
30 semiautomatic pistols that are not already listed on the roster
31 pursuant to Section 12131, it does not have both a chamber load
32 indicator and if it has a detachable magazine, a magazine
33 disconnect mechanism.

34 (6) Commencing January 1, 2006, for all rimfire semiautomatic
35 pistols that are not already listed on the roster pursuant to Section
36 12131, it does not have a magazine disconnect mechanism, if it
37 has a detachable magazine.

1 (7) *Commencing January 1, 2010, for all semiautomatic pistols*
2 *that are not already listed on the roster pursuant to Section 12131,*
3 *it is not designed and equipped with a microscopic array of*
4 *characters that identify the make, model, and serial number of the*
5 *pistol, etched or otherwise imprinted onto the interior surface or*
6 *internal working parts of the pistol, and that are transferred by*
7 *imprinting on each cartridge case when the firearm is fired.*

8 (c) As used in this section, a “chamber load indicator” means
9 a device that plainly indicates that a cartridge is in the firing
10 chamber. A device satisfies this definition if it is readily visible,
11 has incorporated or adjacent explanatory text or graphics, or both,
12 and is designed and intended to indicate to a reasonably foreseeable
13 adult user of the pistol, without requiring the user to refer to a
14 user’s manual or any other resource other than the pistol itself,
15 whether a cartridge is in the firing chamber.

16 (d) As used in this section, a “magazine disconnect mechanism”
17 means a mechanism that prevents a semiautomatic pistol that has
18 a detachable magazine from operating to strike the primer of
19 ammunition in the firing chamber when a detachable magazine is
20 not inserted in the semiautomatic pistol.

21 (e) As used in this section, a “semiautomatic pistol” means a
22 pistol, as defined in subdivision (a) of Section 12001, the operating
23 mode of which uses the energy of the explosive in a fixed cartridge
24 to extract a fired cartridge and chamber a fresh cartridge with each
25 single pull of the trigger.

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

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