

FEB 5 2 37 PM '88

MINUTES

LAW AND LEGISLATION COMMITTEE MEETING

Thursday, January 14, 1988

City Council Chambers
915 I Street, Second Floor
Sacramento, California

The meeting was called to order at the hour of 4:05 p.m. by Chairman Terry Kastanis.

PRESENT: Committee members Kastanis, Mueller

ABSENT: Committee members Pope and Shore*

*Committee member Shore arrived at 4:10 p.m.

1. Ordinance repealing Chapter 70 of the Sacramento City Code relating to regulation of drug paraphernalia.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL

REPORTS BACK: NONE

COMMITTEE ACTION: APPROVED AND FORWARDED TO COUNCIL

VOTING RECORD: MOVED: MUELLER; SECONDED: KASTANIS
AYES: MUELLER, KASTANIS, SHORE
ABSENT: POPE

MINUTES:

Bill Carnazzo, Deputy City Attorney, was present to discuss this matter. He explained that State law preempts the present City Code chapter relating to regulation of drug paraphernalia, and because of this preemption, our ordinance is invalid.

*Committee member Shore arrived at 4:10 p.m.

Committee member Mueller moved, Committee member Kastanis seconded, and it was unanimously agreed to approve the ordinance repealing Chapter 70 of the City Code relating to regulation of drug paraphernalia, and to forward the matter to full Council.

COMMITTEE ACTION SHEET

2. Support of California Wildlife, Coastal and Parkland Conservation Initiative.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT
REPORTS BACK: NONE
COMMITTEE ACTION: SUPPORTED
VOTING RECORD: MOVED: SHORE; SECONDED: MUELLER
AYES: KASTANIS, MUELLER, SHORE
ABSENT: POPE

MINUTES:

Erling Linggi, Assistant Director of Parks and Community Services, was present to discuss this matter. He explained that this initiative would provide \$776 Million, of which the City's share would be approximately \$3.5 Million. There was some discussion as to how this money would be spent.

Committee member Shore moved, Committee member Mueller seconded, and it was unanimously agreed to support the California Wildlife, Coastal and Parkland Conservation Initiative.

3. Legislation amending the 8100 series of the Welfare and Institutions Code and the 12070 series of the Penal Code relating to the retention and sale of firearms.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT AND FORWARD TO COUNCIL
REPORTS BACK: NONE
COMMITTEE ACTION: SUPPORTED AND FORWARDED TO FULL COUNCIL
VOTING RECORD: MOVED: SHORE; SECONDED: MUELLER
AYES: SHORE, KASTANIS, MUELLER
ABSENT: POPE

MINUTES:

Chief Kearns of the Sacramento Police Department was present to discuss this matter. He explained that persons who are taken to a mental clinic or mental ward of a hospital are often returned to the street within as little as 24 hours, or a maximum of 72 hours.

ITEM CONTINUED TO NEXT PAGE

COMMITTEE ACTION SHEET

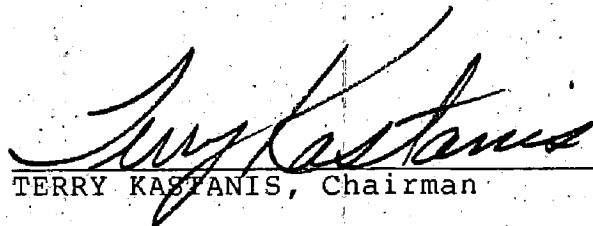
3. CONTINUED FROM PREVIOUS PAGE:

At the time of the detention, if the person had a weapon, it is confiscated. However, after his/her release, that individual can now buy a rifle or shotgun over the counter. He pointed out that at this time there are laws regarding the purchase of handguns which provide for a 15-day waiting period. The Police Department wishes to expand the laws to also include the sale of rifles or shotguns. If a person has been detained under Section 5150 of the Health and Welfare Code (for examination of his or her mental condition), the Department of Justice is notified, and that fact is obtainable by the seller of weapons. Persons detained or apprehended under Section 5150 are not allowed to purchase weapons. There was some discussion. Council member Shore suggested that, at a later date, the Police Department consider including known gang members or narcotics users, as this would give the City a chance to control some of its problems areas.

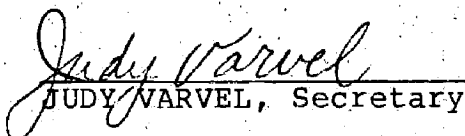
Council member Shore moved, Council member Mueller seconded, and it was unanimously agreed to support legislation amending the 8100 series of the Welfare and Institutions Code and the 12070 series of the Penal Code relating to the retention and sale of firearms, and to forward this item to the full Council.

The meeting was adjourned at 4:28 p.m.

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TERRY KASTANIS, Chairman

ATTEST:


JUDY VARVEL, Secretary