



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

CONSENT
July 31, 2007

**Honorable Mayor and
Members of the City Council**

Title: Ordinance: Mandatory Reporting of Theft or Loss of Firearms

Location/Council District: Citywide

Recommendation: 1) Review the **Ordinance** adding section 9.32.180 to Chapter 9.32 of Title 9 of the Sacramento City Code; 2) pass for publication of the **Ordinance** title as required by Sacramento City Charter section 32c; and 3) continue to August 9, 2007, for final adoption.

Contact: Capt. Jim Maccoun, 808-0417

Presenters: Not applicable

Department: Police

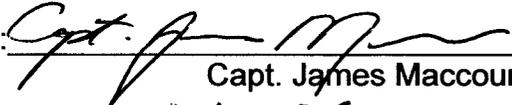
Division: Office of Technical Services

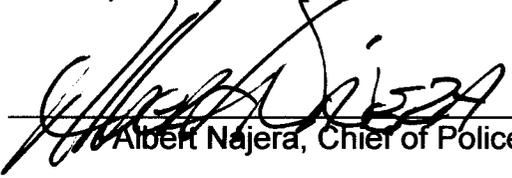
Organization No: 2155

Description/Analysis

Issue: Firearms are being diverted from the legal market to the illegal market because gun owners are not currently required to take responsibility for the whereabouts of their weapons. To combat this problem the SPD proposes an ordinance that will (1) deter the criminal use of stolen or lost weapons, (2) facilitate recovery of stolen or lost property, (3) facilitate the apprehension of criminals who commit crimes with stolen or lost weapons, (4) prevent unwarranted criminal accusations against owners who suffer the loss or theft of a firearm, (5) deter persons from falsely claiming that a firearm was stolen or lost to avoid punishment for an illegal transfer, and (6) deter "straw" firearm purchases, in which persons purchase firearms legally and then sell these firearms to persons who are prohibited from gun ownership due to a felony conviction, age restriction, or another prohibition.

Policy Considerations: This ordinance would be consistent with the City's mission to protect, preserve, and enhance the quality of life for present and future generations. It would also be consistent with current California law requiring registration of newly purchased handguns as a restriction on the unlawful possession of firearms.

Respectfully Submitted by: 
Capt. James Maccoun

Approved by: 
Albert Najera, Chief of Police

Recommendation Approved:


for Ray Kerridge
City Manager

Ref: COP 7-9

Table of Contents:

Report	pg. 1
Attachments	
1 Background	pg. 4
2 Ordinance	pg. 5

Attachment 1

Background

It has been estimated that only one in six guns used to commit crimes is obtained legally, and that many of the rest are stolen, trafficked, or purchased through “straw” buyers. Police officers often waste precious time and resources trying to contact the original purchaser of a firearm who later claims it was lost or stolen. “Straw” buyers often purchase weapons which they pass on to criminals, gang members, and others unable to purchase firearms legally, complicating the tasks of tracing weapon ownership and solving gun-related crimes.

The purpose of this ordinance is to (1) deter the criminal use of stolen or lost weapons, (2) facilitate the recovery of stolen or lost property, (3) facilitate the apprehension of criminals who commit crimes with stolen or lost weapons, (4) prevent unwarranted criminal accusations against owners who suffer the loss or theft of a firearm, (5) deter persons from falsely claiming that a firearm was stolen or lost to avoid punishment for an illegal transfer, and (6) deter “straw” firearm purchases, in which persons purchase firearms legally and then sell these firearms to persons who are prohibited from gun ownership due to a felony conviction, age restriction, or another prohibition.

Attachment 2

ORDINANCE NO.

Adopted by the Sacramento City Council

DATE ADOPTED

AN ORDINANCE ADDING SECTION 9.32.180 TO CHAPTER 9.32 OF TITLE 9 OF THE SACRAMENTO CITY CODE TO REQUIRE REPORTING STOLEN OR LOST FIREARMS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO

SECTION 1.

Section 9.32.180 is added to Chapter 9.32 of Title 9 of the Sacramento City Code as follows:

9.32.180 Reporting of stolen and/or lost firearms required.

It is unlawful for any person who owns or possesses a firearm to knowingly or negligently fail to report the theft or loss of such firearm to the Sacramento Police Department within forty-eight (48) hours of the time he/she knew or should have known the firearm has been stolen or lost, when either the owner or possessor resides in the city, or the theft or loss of the firearm occurs in the city. As used in this section, "firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, which expels a projectile through a barrel by the force of an explosion or other form of combustion. Any person violating this section is guilty of a misdemeanor.