

DEPARTMENT OF
POLICE

ARTURO VENEGAS, JR.
CHIEF OF POLICE

CITY OF SACRAMENTO
CALIFORNIA

May 3, 1994

HALL OF JUSTICE
813 SIXTH STREET
SACRAMENTO, CA
95814-2495

PH 916-264-5121

Law and Legislation Committee
City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: City of South El Monte's Zero Tolerance Policy for persons found guilty of illegal gun possession

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION: For Committee Information Only

CONTACT PERSON: Claudia Evans, Administrative Services Officer, 264-7346

FOR COMMITTEE MEETING OF: May 17, 1994

SUMMARY

Council Member Josh Pane has requested that the Law and Legislation Committee review Resolution No. 94-11 adopted by the City Council of South El Monte regarding a "Zero Tolerance Policy" for persons found guilty of illegal gun possession. In essence, this resolution found that there was no minimum mandatory sentence for a first offense of illegally carrying a loaded concealed firearm, and this lack of a mandatory minimum sentence was not consistent with the public's outrage over violence. Based on their findings, the City Council of South El Monte passed their resolution urging the District Attorney's Office and the municipal court justices to adopt a "zero tolerance policy" relating to illegal possession of firearms and impose a standard penalty to serve as a deterrent.

BACKGROUND INFORMATION

Current state law makes it a misdemeanor to carry a loaded firearm on one's person or in a vehicle without a concealed weapons permit. The maximum sentence for a first violation of this law is a maximum of one year in the county jail. According to the Sacramento County District Attorney's Office, the standard sentence in Sacramento County for a first offense of carrying a concealed weapon is 30 days in jail with a recommendation of no work project, 3 years informal

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probation, no possession of weapons during probation, and the confiscation of the weapon involved.

During 1993, the police department reported 658 weapon violation cases. These cases are where the weapon violation was the first offense charged. It is unknown how many cases there were where possession of a concealed firearm was charged as a secondary offense.

On February 10, 1994, the City Council of the City of South El Monte, California adopted a resolution urging the District Attorney's Office and the Courts to adopt a "Zero Tolerance Policy" for persons convicted of illegal gun possession. At the request of Council Member Josh Pane, the South El Monte resolution is brought to the committee for their review.

FINANCIAL CONSIDERATION

Adoption of a resolution similar to that passed by the City of South El Monte would have no financial impact on the City. However, there would be incarceration costs to the County should the courts and district attorney adopt a zero tolerance policy that would increase the sentence for first time offenders.

POLICY CONSIDERATIONS

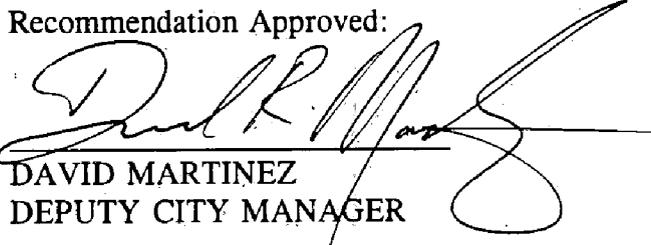
Adoption of a "zero tolerance policy" similar to that of the City of South El Monte would be consistent with the City Council's stated policy of reducing violence within the city as well as their previous support of gun amnesty programs.

MBE/WBE Not Applicable

Respectfully submitted,


ARTURO VENEGAS, JR.
CHIEF OF POLICE

Recommendation Approved:


DAVID MARTINEZ
DEPUTY CITY MANAGER

AV:cre
Attachment

Ref: 5-15

RESOLUTION NO. 94-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOUTH EL MONTE, CALIFORNIA, URGING THE DISTRICT
ATTORNEY'S OFFICE AND THE COURTS TO ADOPT A
"ZERO TOLERANCE POLICY" FOR PERSONS FOUND GUILTY
OF ILLEGAL GUN POSSESSION

THE CITY COUNCIL OF THE CITY OF SOUTH EL MONTE, CALIFORNIA,
HEREBY, FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

WHEREAS, existing law provides that a person found to be
illegally possessing a firearm may be punished by a citation
as a misdemeanor; while a second offense is considered a
felony violation; and

WHEREAS, first offense illegal possession of firearm charges
are handled in municipal courts without a minimum mandatory
sentence being established by state law; and

WHEREAS, municipal court judges must weigh each case
individually on its facts and consider the seriousness of the
crime and its affect on the community; and

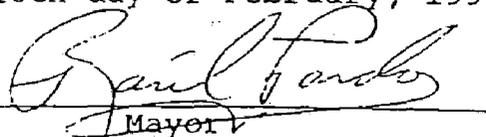
WHEREAS, the granting of probation to persons convicted of
carrying loaded and concealed firearms on their person or in
the driver/passenger area of their vehicle is not consistent
with the public's outrage over violence in the streets,
neighborhoods and schools of the community; and

WHEREAS, under existing law, judges may sentence first-time
offenders of the aforementioned offenses to either house
arrest for 120 days; 750 hours of community service; or six
months in county jail; and

WHEREAS, the imposition of such penalties will serve as a
deterrent to the continued illegal possession of firearms.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the
City of South El Monte, California, supports the "Zero
Tolerance Policy" related to the specified illegal possession
of firearms and urges the District Attorney's Office and all
municipal court justices to adopt the same policy.

PASSED, APPROVED AND ADOPTED this 10th day of February, 1994.



Mayor

ATTEST:



City Clerk