



City of Carson

Report to Mayor and City Council

April 17, 2012
New Business Consent

SUBJECT: CONSIDER APPROVING RESOLUTION NO. 12-044 SUPPORTING ASSEMBLY BILL 1527 (AMMIANO AND PORTANTINO) THAT WOULD MAKE IT AN OFFENSE TO CARRY AN UNLOADED FIREARM THAT IS NOT A HANDGUN OUTSIDE A VEHICLE IN AN INCORPORATED CITY OR CITY AND COUNTY

Submitted by Raymond R. Cruz
Public Services General Manager

Approved by David C. Biggs
City Manager

I. SUMMARY

This item is on the agenda at the request of Councilmember Gipson.

Last year, the Assembly approved and the governor signed Assembly Bill (AB) 144 (Ammiano and Portantino) that prohibited the open carrying of unloaded handguns in public places. AB 1527 (Ammiano and Portantino) is an extension of AB 144 in that this legislation would prohibit the open carry of an unloaded firearm that is not a handgun, i.e. rifles and shotguns, in public places. Tonight the City Council is asked to approve Resolution No. 12-044 supporting AB 1527.

II. RECOMMENDATION

TAKE the following actions:

1. WAIVE further reading and ADOPT Resolution No. 12-044, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SUPPORTING ASSEMBLY BILL 1527 (AMMIANO AND PORTANTINO) THAT WOULD MAKE IT AN OFFENSE TO CARRY AN UNLOADED FIREARM THAT IS NOT A HANDGUN OUTSIDE A VEHICLE IN AN INCORPORATED CITY OR CITY AND COUNTY."
2. DIRECT staff to transmit the resolution to Governor Jerry Brown, Assemblymember Tom Ammiano, Assemblymember Anthony Portantino, Assemblymember Warren Furutani and State Senator Ted Lieu.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

Existing law, subject to certain exceptions, makes it an offense for a person to carry an exposed and unloaded handgun on his person in public areas and public streets. Assemblymembers Ammiano and Portantino have recently introduced a

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new law that would include the open carry of rifles and shotguns to this prohibition.

Specifically, Assembly Bill 1527 would make it a misdemeanor punishable by imprisonment for six months in county jail, or a fine not to exceed \$1,000.00, or both, for a person to carry an unloaded firearm that is not a handgun on his or her person outside a vehicle while in an incorporated city or city and county. The bill would also make it an offense punishable by imprisonment in the county jail for up to one year, or a fine not to exceed \$1,000.00, or both, if the firearm and unexpended ammunition capable of being fired from that firearm are in the immediate possession of that person, and he is not in lawful possession of that firearm.

The authors of the bill have indicated that the absence of this prohibition of open carry of long guns has created an increase in problematic situations where these guns are openly carried in public, alarming unsuspecting individuals. In most cases law enforcement is called in with little more information than that a person is armed. In this type of instance, the slightest wrong move by the gun-carrier could be construed as threatening by the responding officer, who may feel compelled to respond in a manner that could be lethal. In this case, “open carry” creates an unsafe situation for all parties involved. Given the persuasive statements made by the bill’s authors, the City Council is asked to approve Resolution No. 12-044 supporting AB 1527.

V. FISCAL IMPACT

None.

VI. EXHIBITS

- 1. Resolution No. 12-044.

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Prepared by: Luchie Magante, Sr. Administrative Analyst

TO:Rev03-08-12

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development	Public Services

Action taken by City Council	
Date _____	Action _____

RESOLUTION NO. 12-044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SUPPORTING ASSEMBLY BILL 1527 (AMMIANO AND PORTANTINO) THAT WOULD MAKE IT AN OFFENSE TO CARRY AN UNLOADED FIREARM THAT IS NOT A HANDGUN OUTSIDE A VEHICLE IN AN INCORPORATED CITY OR CITY AND COUNTY

WHEREAS, existing law, subject to certain exceptions, makes it an offense for a person to carry an exposed and unloaded handgun on his person in public areas and public streets; and

WHEREAS, Assemblymembers Ammiano and Portantino have recently introduced a new law that would include the open carrying of rifles and shotguns to this prohibition; and

WHEREAS, Assembly Bill 1527 would make it a misdemeanor punishable by imprisonment for six months in county jail, or a fine not to exceed \$1,000.00, or both, for a person to carry an unloaded firearm that is not a handgun on his or her person outside a vehicle while in an incorporated city or city and county; and

WHEREAS, the bill would also make it an offense punishable by imprisonment in the county jail for up to one year, or a fine not to exceed \$1,000.00, or both, if the firearm and unexpended ammunition capable of being fired from that firearm are in the immediate possession of that person, and he is not in lawful possession of that firearm; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the city of Carson, California, approves supporting Resolution No. 12-044 supporting Assembly Bill 1527 (Ammiano and Portantino) that would make it an offense to carry an unloaded firearm that is not a handgun outside a vehicle in an incorporated city or city and county.

PASSED, APPROVED and ADOPTED this ____ day of April, 2012.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

[MORE]



APPROVED AS TO FORM:

City Attorney

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