



Meeting Date: 10 /16 /07

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Jason Benites, Assistant Chief of Police *JB* Agenda Item No. **I-7**

Reviewed By: City Manager *JLB* City Attorney *JD* Finance *SW* Other (Specify) _____

DATE: September 19, 2007

TO: City Council

FROM: John Crombach, Chief of Police *J. Crombach*
Police Department

SUBJECT: Ordinance Requiring the Reporting of Lost or Stolen Firearms

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance adding section 7-141.1 to the Oxnard City Code requiring the reporting of lost or stolen firearms to local law enforcement authorities within seventy-two hours of discovering that the items were lost or stolen.

DISCUSSION

Numerous cities across the United States are enacting local ordinances that require the reporting of lost or stolen firearms. These ordinances are being implemented to assist law enforcement in determining the legal owners of firearms involved in crimes, and to deter the obtaining of firearms through "straw purchasers," individuals who buy guns for persons who cannot legally purchase or possess one. In neighboring Los Angeles County, the cities of Los Angeles and West Hollywood have implemented ordinances of this nature. As of the time of this report, the Ventura County cities of Port Hueneme, Thousand Oaks, and Simi Valley are enacting similar versions of this ordinance.

The effort to establish the mandatory reporting of lost or stolen firearms is paralleled by California Assembly Bill 334 ("AB 334"), introduced by Assemblyman Lloyd Levine in February of 2007. AB 334 proposes an amendment to the California Penal Code in which it would become an infraction for any firearms owner whose weapon was lost or stolen to fail to report this to a local law enforcement agency. The firearm owner would be required to report this within five (5) working days after the loss was discovered, or from the time that he/she discovered or should reasonably have discovered it to have been lost or stolen. The bill specifies that local governments are not prohibited from imposing requirements that are stricter than AB 334.

In the cases of Simi Valley, Thousand Oaks, and Port Hueneme, each city further requires that any person residing in or doing business in these cities who has experienced a non-recovered loss or theft of

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a firearm within that city during the past five years shall report it within ninety (90) days of the ordinance being enacted. A violation of the ordinance is a misdemeanor in these three cities.

The proposed ordinance would require that any person who resides or does business in the City and who owns or possesses a firearm report the theft or loss of the firearm to the Oxnard Police Department within seventy-two (72) hours after his or her discovery or knowledge of the theft or loss. Additionally, any person residing in or doing business in the City of Oxnard who has experienced a non-recovered loss or theft of a firearm within that city during the past five years shall report it within ninety (90) days of the ordinance being enacted.

The proposed ordinance would serve three purposes in our community:

- 1) Assist the Police Department in the timely tracing of a firearm used in the commission of a crime. Having a more contemporaneous record of stolen weapons may greatly assist police with investigations involving firearms.
- 2) Deter the purchasing of firearms for persons who cannot legally purchase or own a firearm, such as convicted felons; these are referred to as *straw purchases*. A 2000 report by the Bureau of Alcohol, Tobacco, and Firearms stated that 30% of trafficked guns involved in their criminal investigations were obtained through straw purchases. Under the proposed ordinance, a straw purchaser who falsely reports his/her weapon as lost or stolen would be subject to prosecution if it is later determined that the straw purchaser provided the weapon to a prohibited person.
- 3) Send a positive message to our community, in which firearm owners should be responsible for the possession and security of their weapons.

The proposed ordinance is opposed by the National Rifle Association and the California Rifle and Pistol Association, who are concerned that legitimate gun owners whose weapons become lost or stolen will be hesitant to cooperate with investigators because they failed to report it to law enforcement. These special interest groups have also expressed concern that those who fail to make the reporting deadline will choose to not report the loss at all, in fear of prosecution. It will be up to the enforcing official to determine the reasonableness of the person's failure to report a lost or stolen weapon; those who deliberately choose to mislead law enforcement would be subject to the provisions of the proposed ordinance. Contrary to critics, it is believed by proponents of this legislation that its provisions may encourage those persons to report firearm loss/theft that may have in the first place opted not to report it. The concerns posed by critics are in contrast with the intent of the legislation, which is designed to provide law enforcement with yet another tool to address the spread of stolen firearms and to allow investigators faster access to information related to these weapons.

The proposed ordinance conforms to the City Council's Mission Statement in that it is direct action designed to positively impact community safety. This direction is also in step with the actions of other Ventura County cities that pride themselves as being among the safest cities in the nation.

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FINANCIAL IMPACT

The financial impact related to the drafting of this ordinance has been limited to a minimal amount of staff time needed to research and draft the ordinance. The projected amount of staff time required to take reports, enter / query data, and compile staff reports is minimal. Approval of this recommendation will have no effect on the General Fund Operating Reserve.

/jb

Attachment #1 - Ordinance

000033

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING
SECTION 7-141.1 TO THE OXNARD CITY CODE REQUIRING MANDATORY
REPORTING OF LOST OR STOLEN FIREARMS

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The City Council of the City of Oxnard does ordain as follows:

Part 1. Section 7-141.1 is hereby added to read as follows:

“SEC. 7-141.1. REPORTING LOST OR STOLEN FIREARMS.

(A) Any person residing or doing business in the City who owns or possesses a firearm, as defined in the California Penal Code, shall report the theft or loss of the firearm to the Oxnard Police Department within 72 hours after his or her discovery or knowledge of the theft or loss.

(B) Any person residing or doing business in the City who has experienced the loss or theft of a firearm, as defined in the California Penal Code, in the City within the five years prior to November 23, 2007, without the firearm having been recovered during such time, shall report the theft or loss to the Oxnard Police Department within 90 days of November 23, 2007.

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. ___ was first read on _____, 20__ and finally adopted on _____, 20__ to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

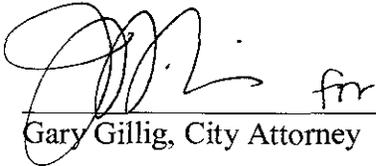
Dr. Thomas E. Holden, Mayor

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ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 for

Gary Gillig, City Attorney

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