



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
May 15, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmembers Wengraf, Hahn, Davila, and Harrison
Subject: In Support of Proposed Federal Assault Weapons Ban Legislation: S.2095, H.R.5077, H.R.5087, and S.1945

RECOMMENDATION

Adopt a Resolution in support of [S.2095](#) (Feinstein) Assault Weapons Ban of 2017, [H.R.5077](#) (Wilson) Assault Weapons Bans of 2018, [H.R.5087](#) (Cicilline) Assault Weapons Ban of 2018, and [S.1945](#) (Menendez) Keep Americans Safe Act.

Direct the City Clerk to send copies of the adopted resolution to the authors of the bills, President Donald Trump, U.S. Senators Dianne Feinstein and Kamala Harris, U.S. Congresswoman Barbara Lee, Governor Jerry Brown, State Senator Nancy Skinner, and State Assemblymember Tony Thurmond.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

There have been at least fifty mass shootings since January 1, 2018 resulting in the deaths of seventy-four individuals. In most cases, the assailant's weapon of choice was a high caliber, military-grade assault weapon such as an AR 10 or AR 15 rifle. These weapons, which are designed and configured for rapid-fire were banned nationally until 2004 by the now-expired Assault Weapons Ban (AWB) of 1994. The AWB was authored by United States Senator Dianne Feinstein and it expired on September 13, 2004, in accordance with its sunset provision.

On November 8, 2017, United States Senator Dianne Feinstein introduced S.2095, the Assault Weapons Ban of 2017. If enacted, S. 2095 would amend different sections of the United States Code Title 18 to:

- a) Define the terms semiautomatic pistol, semiautomatic shotgun, semiautomatic assault weapon, semiautomatic rifle, semiautomatic pistol, large capacity feeding ammunition device, barrel shroud, detachable magazine, fixed magazine, the term folding, telescoping, or detachable stock, forward grip, rocket, grenade launcher or rocket launcher, and belt-fed semiautomatic firearm.

- b) Ban the sale, manufacture, transfer and importation of 205 military-style assault weapons by name; this prohibition does not apply to current owners.
- c) Require identification markings for Semiautomatic Assault Weapons (SAW) and Large Capacity Ammunition Feeding Devices (LCAFD). The above section is further amended requiring that the serial number and date of manufacturing the above-referenced guns be printed on the gun in a conspicuous place.
- d) Prohibit the transfer of a grandfathered SAW and high-capacity ammunition magazines.
- e) Require that grandfathered assault weapons be stored using a secure gun storage or safety device like a trigger lock.
- f) Require a background check on any future sale, trade or gifting of an assault weapon covered by the bill.
- g) Ban bump-fire stocks and other devices that allow semiautomatic weapons to fire at fully automatic rates.
- h) Amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow state or local governments to use Edward Byrne Memorial Justice Assistance Grant Program funds to compensate individuals who surrender a SAW or LCAFD under a buy-back program.

S. 2095 was heard by the U.S. Senate Committee on the Judiciary on March 14, 2018. No further actions have been taken to date. The bill is now sponsored by the following 29 U.S. Senators:

Richard Blumenthal (D-Conn.), Chris Murphy (D-Conn.), Chuck Schumer (D-N.Y.), Dick Durbin (D-111.), Patty Murray (D-Wash.), Jack Reed (D-R.I.), Tom Carper (D-Del.), Robert Menendez (D-N.J.), Sheldon Whitehouse (D-R.I.), Ben Cardin (D-Md.), Amy Klobuchar (D-Minn.), Kirsten Gillibrand (D-N.Y.), Brian Schatz (D-Hawaii), Mazie Hirono (D-Hawaii), Elizabeth Warren (D-Mass.), Ed Markey (D-Mass.), Cory Booker (D-N.J.), Kamala Harris (D-Calif.), Chris Van Hollen (D-Md.), Tammy Duckworth (D-111.) and Bob Casey (D-Pa.) and Bernie Sanders (I-VT).

There are currently three other bills related and substantially similar to S. 2095. These are:

- H.R. 5077 "Assault Weapons Ban of 2018" by Congresswoman Frederica Wilson (D-FL-24);
- H.R.5087 "Assault Weapons Ban of 2018" by Congressman Cicilline (D-RI-1), and
- S.1945 "Keep Americans Safe Act" by United States Senator Robert Menendez, (D-NJ).

The City of Berkeley has a longstanding history of supporting gun control measures.

Support of S.2095, H.R.5077, H.R.5087, and S.1945 is consistent with the City's core values, and previously adopted policies.

ENVIRONMENTAL SUSTAINABILITY

In compliance.

CONTACT PERSON

Councilmember Wengraf Council District 6 510-981-7160

Attachments:

- 1: Recipient addresses
- 2: Resolution

Resolution sent to the following:

U.S. Senator Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

U.S. Representative Frederica Wilson
2445 Rayburn HOB
Washington, DC 20515

U.S. Representative David Cicilline
2244 Rayburn HOB
Washington, DC 20515

U.S. Senator Bob Menendez
528 Hart Senate Office Building
Washington, D.C. 20510

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

U.S. Senator Kamala Harris
112 Hart Senate Office Building
Washington, D.C. 20510

U.S. Congresswoman Barbara Lee
2267 Rayburn House
Office Building
Washington, DC 20515

Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

State Senator Nancy Skinner
State Capitol, Room 2059
Sacramento, CA 95814

State Assembly Member Tony Thurmond
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0015

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF S.2095 (FEINSTEIN) ASSAULT WEAPONS BAN OF 2017, H.R.5077 (WILSON) ASSAULT WEAPONS BAN OF 2018, H.R.5087 (CICILLINE) ASSAULT WEAPONS BAN OF 2018, AND S.1945 (MENENDEZ) KEEP AMERICANS SAFE ACT

WHEREAS, there have been at least fifty mass shootings since January 1, 2018 resulting in the deaths of seventy-four individuals. In most cases, the assailant's weapon of choice was a high caliber, military-grade assault weapon such as AR 10 and AR 15 rifles; and

WHEREAS, the above-referenced weapons, which are designed and configured for rapid fire were banned nationally until 2004 by the now-expired Assault Weapons Ban (AWB) of 1994; and

WHEREAS, on November 8, 2017, United States Senator Dianne Feinstein introduced S.2095, the Assault Weapons Ban of 2017, which proposes amending different sections of Title 18 of the United States Code (USC); and

WHEREAS, S.2095 defines the terms semiautomatic pistol, semi-automatic shotgun, semiautomatic assault weapon, semi-automatic rifle, semi-automatic pistol, large capacity feeding ammunition device, barrel shroud, detachable magazine, fixed magazine, the term folding, telescoping, or detachable stock, forward grip, rocket, grenade launcher or rocket launcher, and belt-fed semiautomatic firearm; and

WHEREAS, S.2095 bans the sale, manufacture, transfer and importation of 205 military-style assault weapons by name, and exempts current owners from this prohibition; and

WHEREAS, S.2095 prohibits the transfer of a grandfathered Semiautomatic Assault Weapons and high-capacity ammunition magazines and requires that grandfathered assault weapons be stored using a secure gun storage or safety device like a trigger lock; and

WHEREAS, S.2095 requires identification markings for Semiautomatic Assault Weapons (SAW) and Large Capacity Ammunition Feeding Devices (LCAFD); and background check on any future sale, trade or gifting of an assault weapon covered by the bill; and

WHEREAS, S.2095 bans bump-fire stocks and other devices that allow semiautomatic weapons to fire at fully automatic rates; and

WHEREAS, S.2095 amends the Omnibus Crime Control and Safe Streets Act of 1968 to allow state or local governments to use Edward Byrne Memorial Justice Assistance Grant Program funds to compensate individuals who surrender a SAW or LCAFD under a buy-back program; and

WHEREAS, there are currently three additional legislative initiatives that are substantially similar to S.2095; H.R.5077 (Wilson) Assault Weapons Ban of 2018, H.R.5087 (Cicilline) Assault Weapons Ban of 2018, and S.1945 (Menendez) Keep Americans Safe Act, and that propose restricting access to assault weapons and that require engraving the serial number and date of manufacture of the gun in a conspicuous place; and

WHEREAS, support of S.2095, H.R.5077, H.R.5087, and S.1945 is consistent with the City's core values.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley supports S.2095 (FEINSTEIN) the Assault Weapons Ban of 2017, H.R.5077 (Wilson) Assault Weapons Ban of 2018, H.R.5087 (Cicilline) Assault Weapons Ban of 2018, and S.1945 (Menendez) Keep Americans Safe Act.