

Agenda Report

TO: CITY COUNCIL October 9, 2006
FROM: CITY MANAGER
THROUGH: LEGISLATIVE COMMITTEE
SUBJECT: OPPOSITION OF VARIOUS FEDERAL LEGISLATIVE
BILLS PERTAINING TO FIREARMS

RECOMMENDATION:

It is recommended that the City Council oppose the following House of Representative Bills:

- A. HR 5005 – Firearms Corrections and Improvements Act introduced by Smith [Texas] to make changes to Federal firearms laws and for other purposes;
- B. HR 5092 – Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) Modernization Act of 2006, introduced by Coble and Scott to modernize and reform the Bureau of Alcohol, Tobacco, Firearms and Explosives; and
- C. HR 1384 – Firearm Commerce Modernization Act introduced by Gingry, Kingston, Bradley [New Hampshire.] Jindal, Souder, Wilson [South Carolina.] McCotter, Duncan, McHenry, Sessions, Hensarling, Musgrove, Barrett {South Carolina,} Westmoreland, and Miller [Florida] to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions.

BACKGROUND

In March 2006 both HR 5005 and HR 5092 were introduced in the House of Representatives and in April 2006, HR 1384 was introduced.

All three legislative proposals have to do with the sales, transport and record keeping requirements in relation to firearms and all three provide protection to those who buy and sell guns illegally.

Each of these bills provide for more lenient restrictions and/or punishments associated with the sales, transport, possession and record keeping requirements and in essence, further inhibits law enforcement in its effort to control and seize illegal firearms. As related by the United Conference of Mayors:

H.R. 5005 would:

- Write into law and make retroactive the restrictions on disclosure and use of Bureau of Alcohol, Tobacco and Firearms (ATF) trace data that are in the current appropriations bill;
- Restrict information sharing between law enforcement agencies of different jurisdictions to specific criminal case investigative use;
- Provide that multiple sales of handguns would no longer need to be reported to state or local law enforcement; they would be reported only to ATF;
- Codify and make permanent the rule that forbids ATF from computerizing its records of gun sales by firms that have gone out of business; and
- Allow importation of replacement and repair parts for banned guns.

H.R. 5092 would:

- Make it harder for ATF to criminally prosecute gun traffickers or rogue dealers;
- Relax the recordkeeping requirements on federal firearms licensees (FFLs); and
- Set up procedures that would make it harder for ATF to revoke their licenses.

H.R. 1384 would:

- Make it easier to be a gun trafficker, by allowing federally licensed dealers to sell handguns to people from out of state, and allowing gun shows to include buyers and sellers from anywhere in the country.

In December of 1993 the City Council adopted a resolution related to combating rampant violence in the community through joint efforts at the local, state and national levels.

While where councils' intent at that time that the resolution was passed, specifically focused on the restriction of manufacture, transfer and possession of certain semi-automatic assault weapons and large capacity ammunition feeding devices, it should be noted that the passage of these three HR bills would negate the intentions of Council and the effort of the Police Department in relation to contraband weapons and ammunition.


Fiscal Impact:

There is no fiscal impact associated with the action to oppose H.R. Bills 5005, 5092 and 1384. Should any of these bills pass, however, there may be additional costs incurred by the City due to more of Police Department resources needed to conduct more extensive investigations into the backgrounds of guns seized and/or used in the commission of a crime.

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