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From: pasadenacivilrights
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To: PublicComment-AutoResponse
Subject: Item 18 - Ghost Guns

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Your proposed law on "ghost guns" is unconstitutional, is preempted by state law and from a public policy perspective makes no logical sense.

Violation of the 2nd Amendment:

The US Supreme Court has ruled that the US Constitution confers an individual right to possess a firearm for traditionally lawful purposes such as self-defense, including handguns. Individuals have been self-constructing sharp rocks, spears, bows and arrows, swords and firearms since before there was a United States of America, California or Pasadena. Thus, you have no legal right to ban the self-manufacture or self-assembly of a handgun for personal use.

Preempted by State Law from regulating "Ghost Guns":

State law allows for the manufacture and assembly of firearms for personal use as long as you apply to the California Department of Justice for a unique serial number. A local ordinance is preempted by state law when it duplicates or contradicts state law. This proposed ordinance, to the extent it differs from the state law, conflicts with it. To the extent it regulates the same firearms as state law, it duplicates it. This proposed ordinance is therefore preempted and illegal.

Makes No Sense:

The Pasadena police department made several false and misleading statements to the Public Safety Committee both in its Agenda Report and in its oral presentation. The Agenda Report falsely states that "the proposed ordinance would close a loophole in federal and state law to make unlawful the possession of narrowly defined "ghost guns" and "ghost gun kits".

Contrary to the false claims made in the Agenda Report, it is already illegal in the State of California to possess a firearm with no unique serial number. In addition, it is already illegal under state law, with limited exceptions, to sell or transfer ownership of a self-made or self-assembled firearm. It is already illegal for a convicted felon to possess a firearm.

As noted above, to the extent this law seeks to regulate the possession of "ghost guns", the proposed ordinance would be preempted and illegal.

The Police Department also recommends that the City Council attempt to ban the possession of a "ghost gun kit". First, it is a violation of the US Constitution and illegally attempts to preempt state law for you to claim the legal authority to prevent individuals from self-constructing firearms legally owned under Federal and California law. Second, it is impossible to adequately and unambiguously establish clear standards of what constitutes a "ghost gun kit" and thus any proposed ordinance would violate the due process rights of the people of Pasadena.

Summary:

In summary, your public policy proposal is based on false information and emotion, not facts. It is similar to the absurdly ineffective ammunition registration law the City passed in 1995 and was forced to repeal in 1997.

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This proposal is not only illegal, it contributes nothing to the goal of disarming criminals. It is simply an excuse for the left-wing members of this Council to politically posture.

Knowingly proposing an illegal ordinance is corrosive to maintaining civil society.