

# Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: August 15, 2022

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 9.78 TO TITLE 9 OF THE PASADENA MUNICIPAL CODE ENTITLED "UNSERIALIZED FIREARMS"

## TITLE OF PROPOSED ORDINANCE

ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 9.78 TO TITLE 9 OF THE PASADENA MUNICIPAL CODE ENTITLED "UNSERIALIZED FIREARMS"

## PURPOSE OF ORDINANCE

As directed by the City Council on June 20, 2022, this ordinance adopts a prohibition on the possession of ghost guns and ghost gun kits (unserialized firearms), and does not provide a "safe harbor" if, before January 1, 2024, users have applied for a serial number for their (presently) unserialized firearm.

## REASON WHY LEGISLATION IS NEEDED

At the time staff presented its Agenda Report to the City Council on June 20, staff sought to close a loophole in federal and state law pertaining to the possession of ghost guns and ghost gun kits. A ghost gun is a term for a homemade, personally manufactured, firearm that lacks commercial serial numbers and can easily become untraceable due to the lack of identifying markings. Various firearms can be commonly assembled from ghost gun kits that can be purchased from various manufacturers or secondary retailers.

On June 30, the Governor signed AB 1621, which creates a new statutory scheme pertaining to firearm regulation, and closes the loophole previously discussed by staff. AB 1621 was an urgency bill which went into effect immediately. Of note, AB 1621 redefines one of the definitions of “firearm” as including a precursor part (which could include ghost guns and ghost gun kits), and prohibits a person from possessing or manufacturing a firearm precursor part without authorization. AB 1621 does not, on its face, preempt charter cities from enacting more stringent firearm regulations.

One of the provisions of AB 1621 is that, until January 1, 2024, there is an exception to the prohibition on possessing an unserialized firearm, if there is a pending application for a serial number for the firearm. That exception continues from 2024 and beyond, but AB 1621 also requires the California Department of Justice to act on serial number applications within 90 calendar days, starting in January 2024. As such, while, subsequent to the Council’s direction on June 20, the Legislature did act to regulate ghost guns and ghost gun kits, it also created a “safe harbor” of sorts for users, if they possess an unserialized firearm, but have applied for a serial number (and are waiting for state or federal approval) – and until 2024, it is not clear how long that “safe harbor” may last, since it is not known when a serial number will be issued.

Again, until 2024, it is not clear how long the California Department of Justice will take to process applications for serial numbers for (presently) unserialized firearms.

Accordingly, the City Council’s options, at this point, could include the following:

1. Introduce the ordinance, which includes a local “enhancement” to AB 1621, prohibiting possession of ghost guns and ghost gun kits before January 1, 2024. Such prohibition would be effective even if a user has a pending application for a serial number. The City ordinance would sunset on January 1, 2024; or
2. Decline to introduce the ordinance, and rely solely on the newly-passed AB 1621, which closes a loophole on ghost guns and ghost gun kits.

Regardless of which action the Council takes, the Police Department has indicated that it intends on engaging in a robust public information campaign on ghost gun prohibitions, informing the public through social media and other channels.

### **PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED**

The Police Department will implement this ordinance.

### **FISCAL IMPACT**

This ordinance will not have any fiscal impact.

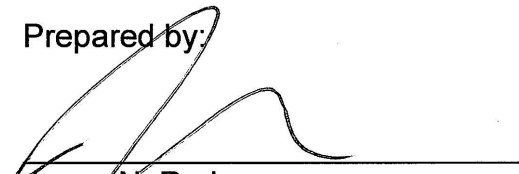
**ENVIRONMENTAL DETERMINATION**

On June 20, 2022, the Council found that this ordinance is not a project under the California Environmental Quality Act pursuant to Public Resources Code Section 21065 and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines.

Respectfully submitted,

  
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