

**Introduced by Senators Wolk, Corbett, DeSaulnier, Hancock, Hill,
Leno, and Yee**
**(Coauthors: Senators Beall, Block, Calderon, De León, Evans,
Jackson, Lara, Lieu, Liu, Monning, Padilla, Pavley, Price, and
Steinberg)**

January 18, 2013

Senate Joint Resolution No. 1—Relative to firearms.

LEGISLATIVE COUNSEL’S DIGEST

SJR 1, as introduced, Wolk. Firearms control.

This measure would urge the President and the Congress of the United States to develop a comprehensive federal approach to reducing and preventing gun violence, promptly place assault weapons and high-capacity assault magazines under the scope of the National Firearms Act, and require a universal background check through the National Instant Criminal Background Check System (NICS) for the transfer of all firearms. This measure would additionally urge the President to take steps to ensure all states and applicable federal agencies are reporting all necessary records to the NICS.

Fiscal committee: no.

- 1 WHEREAS, The Sandy Hook Elementary School mass shooting
- 2 in Newtown, Connecticut, which resulted in the death of 20
- 3 children and 6 adults, demonstrated the need for stronger laws to
- 4 prevent gun violence; and
- 5 WHEREAS, Numerous factors contribute to the occurrence of
- 6 mass shootings, including unregulated access to assault weapons
- 7 and assault magazines, insufficient background checks, and needed
- 8 improvements to our mental health system, among others; and

1 WHEREAS, Semiautomatic assault weapons designed with
2 military features allow for the rapid fire of potentially large
3 numbers of bullets, and are distinguishable from standard sporting
4 firearms by features such as the ability to accept a detachable
5 magazine, pistol grips, and folding or telescoping stocks; and

6 WHEREAS, Semiautomatic assault weapons are frequently
7 used in mass shootings, including the 1993 101 California Street
8 shooting in San Francisco that involved two TEC-9 semiautomatic
9 handguns, and the recent Aurora, Colorado, shooting that involved
10 an AR-15 style semiautomatic assault rifle with a 100-round
11 ammunition drum; and

12 WHEREAS, The United States Supreme Court has affirmed
13 once and for all that Americans have a right to keep and bear arms.
14 However, as conservative justice Antonin Scalia outlined, the
15 District of Columbia v. Heller decision does not prohibit laws
16 forbidding firearms in places such as schools or regulation of
17 unusually dangerous weapons, nor does it restrict laws prohibiting
18 felons and the mentally ill from carrying guns; and

19 WHEREAS, The National Firearms Act of 1934 regulates the
20 possession and transfer of fully automatic machine guns through
21 background checks, registration, and excise taxes, but individual
22 states are able to enact their own stronger gun legislation and
23 regulations which may or may not be similar to other states; and

24 WHEREAS, Seven states, including California, have enacted
25 laws strictly regulating the possession, manufacture, and transfer
26 of assault weapons; and

27 WHEREAS, Because our borders are porous and only a small
28 number of states regulate assault weapons and high-capacity assault
29 magazines, states, like California, that take steps to protect their
30 communities from these weapons are vulnerable to criminals who
31 use those weapons without a comprehensive federal approach to
32 curb gun violence; and

33 WHEREAS, It is estimated that 40 percent of firearm transfers
34 are completed without a federal background check, including the
35 transfer of semiautomatic firearms from a private collection; and

36 WHEREAS, California requires background checks for all
37 firearms sales and transfers through various means; and

38 WHEREAS, Nine categories of individuals are prohibited from
39 purchasing and possessing firearms, including the dangerously
40 mentally ill; and

1 WHEREAS, Mental health records are reported by the state and
2 imported into the National Instant Criminal Background Check
3 System, but currently many state and federal agencies are not fully
4 participating in this system; now, therefore, be it

5 *Resolved by the Senate and the Assembly of the State of*
6 *California, jointly,* That a comprehensive federal approach to
7 reducing and preventing gun violence is needed to protect the
8 Second Amendment rights of law abiding citizens while ensuring
9 that our communities are safe from future mass shootings; and be
10 it further

11 *Resolved,* That the Legislature urges the President and the
12 Congress of the United States to promptly place under the scope
13 of the National Firearms Act generically defined assault weapons,
14 as now is the case with California, and high-capacity assault
15 magazines; and be it further

16 *Resolved,* That a universal background check through the
17 National Instant Criminal Background Check System should be
18 required for the transfer of all firearms; and be it further

19 *Resolved,* That the President of the United States should take
20 steps to ensure all states and applicable federal agencies are
21 reporting all necessary records to the National Instant Criminal
22 Background Check System; and be it further

23 *Resolved,* That the Secretary of the Senate transmit copies of
24 this resolution to the President and Vice President of the United
25 States, to the Speaker of the House of Representatives, to the
26 Majority Leader of the Senate, to each Senator and Representative
27 from California in the Congress of the United States, and to the
28 author for appropriate distribution.

29

30

31 **CORRECTIONS:**

32 **Text—Page 2.**

33

O