

## LARA WEISIGER

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**From:** Marilyn Ezzy Ashcraft  
**Sent:** Tuesday, March 03, 2020 11:12 AM  
**To:** LARA WEISIGER  
**Subject:** Fwd: Feedback re: Proposed New Gun Ordinances

fyi

Marilyn Ezzy Ashcraft  
Mayor, City of Alameda  
(510) 747-4745

Begin forwarded message:

**From:** William Robbins <billrla@icloud.com>  
**Date:** March 2, 2020 at 3:01:52 PM PST  
**To:** Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>, John Knox White <JknoxWhite@alamedaca.gov>, Tony Daysog <TDaysog@alamedaca.gov>, Jim Oddie <JOddie@alamedaca.gov>, Malia Vella <MVella@alamedaca.gov>  
**Subject: Feedback re: Proposed New Gun Ordinances**

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Dear Mayor Ashcraft, Vice Mayor Knox and Alameda City Council Members Daysong, Oddie and Vella:

Greetings. I write to you from Los Angeles.

Today, I read online about the Alameda City Council's plans to consider new gun control measures during your upcoming March 3 meeting.

With this e-mail, I wish simply to share some personal reactions and observations.

1. Requiring a privately owned place of business to video-record and digitally archive a private transaction strikes me as highly problematic from a legal standpoint. The financial costs would be considerable and the message sent to business owners would be chilling. Furthermore, abuse of such a system is inevitable.
2. The ongoing push of local California governments to pass so-called "safe storage ordinances" criminalizes private behavior inside the home. We already have multiple laws, many routinely not enforced, to which owners of firearms are subject while inside their homes. I am alarmed by the efforts of local governments to reach into the home, where any incidence of "unsafe" gun storage is more than likely a symptom of

other problems, including, for example, broken families, lack of competent parental supervision, gang activity, drug and substance abuse (usually, illegally, especially when minors are present), criminal theft (cannot be stopped by “safe storage laws”), lack of basic firearms safety education, etc.

3. Mandating “safe storage” in the home cannot fix the lack of common sense and personal responsibility, nor can it fix criminal intent. If a minor gains access to a firearm inside the home and discharges the firearm, either accidentally, or, by intention, guess what? The parent or guardian will be in deep legal trouble, even without a new “safe storage” ordinance. Furthermore, implementing a “safe storage” ordinance that must rely almost entirely on voluntary compliance will result in an ordinance that is ineffective in the vast majority of truly “unsafe” storage situations. Why? Because criminals (which includes those who inflict domestic violence) serious substance abusers (at the very least, those actively “under the influence”) and individuals with serious mental illness won’t obey laws. Then what?

4. Mandating some new sort of firearm training program, with lessons about domestic violence, mental health and suicide sounds like a great idea! However, the idea is confused. You see, what is really needed, and already exists, are tried-and-true firearms safety training programs, because **the basic rules of firearms safety cover every single “gun violence” problem that you identify**. Always treat a firearm as if it is loaded. Always point the firearm in a safe direction. Never load the firearm unless ready to fire. Never place your finger on the trigger until ready to fire. Of course, there are additional safety guidelines for the safe handling, usage and storage of firearms. Following the basic rules of gun safety avoids the use of firearms in cases of domestic violence, mental illness and suicide.

**I challenge the Alameda City Council to offer free firearms safety training to its residents, including in public schools.** How about offering regularly scheduled firearms safety education at City Hall? At local police departments?

5. The worst time for a gun to be locked-up inside the home is when the homeowner may need the gun for self-defense. In particular, consider cases of domestic violence. What if a potential victim of life-threatening domestic violence needs to defend herself or himself from *mortal injury*? What if a means of defense, a gun, is locked up, due only to the rightful owner’s voluntary compliance with the law? It is wrong to focus only on preventing the domestic abuser ready access to a gun in the home (as if he abuser might not already be carrying a weapon, which could also be a knife, or some other deadly object), while failing to support the potential victim’s right to self defense.

Thank you for your time and consideration. Just like you, I truly care about firearms safety.

Sincerely,  
William L. Robbins

Los Angeles, CA

Member, California Rifle and PIstol Association

Member, NRA

NRA Certified Instructor - Pistol & Rifle

## LARA WEISIGER

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**From:** Gerry Beaudin  
**Sent:** Monday, March 02, 2020 9:11 PM  
**To:** LARA WEISIGER  
**Cc:** Yibin Shen; Montague Hung; Eric Levitt  
**Subject:** FW: 3/3/20 City Council consideration of gun safety

Lara,

Correspondence regarding item 6-A.

Thank you and have a good night,  
Gerry

Gerry Beaudin  
Assistant City Manager  
City of Alameda

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**From:** Allen Michaan [mailto:[amichaan@michaans.com](mailto:amichaan@michaans.com)]  
**Sent:** Monday, March 2, 2020 3:53 PM  
**To:** Gerry Beaudin <[gbeaudin@alamedaca.gov](mailto:gbeaudin@alamedaca.gov)>  
**Cc:** Allen Michaan <[amichaan@michaans.com](mailto:amichaan@michaans.com)>; Nanette Mocanu <[NMocanu@alamedaca.gov](mailto:NMocanu@alamedaca.gov)>  
**Subject:** 3/3/20 City Council consideration of gun safety

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Dear Mr. Beaudin,

It was a pleasure speaking with you earlier today regarding my concerns with the wording contained in the two proposed gun safety ordinances that are to be considered by the City Council tomorrow evening. As you know I operate Auctions By the Bay, Inc. dba Michaan's Auctions which is a full service auction house located at Alameda Point. We specialize in estate liquidation as well as offering full collections in specific categories of collecting interest and have a worldwide reach of our offerings due to our use of international bidding platforms such as [Liveauctioneers.com](http://Liveauctioneers.com).

We have previously sought to have council approval to add the category of collectible firearms, better described as "Curios and Relics" (defined as World War II and older), to our range of special group collections to our sales calendars. Were not successful in the prior attempt.

I plan to approach the council again in the near future with our request to be granted permission to offer these collector's items at my auction house. I emphasize that the firearms and related material that we would be selling

are most certainly not something that anyone who would be considering committing a crime would want to purchase as they are both very old and usually many times more costly than a brand new weapon such as those that are readily available at a local sporting goods outlet. Additionally we would never be selling or including ammunition with the items that we would sell. It should be noted that the upper echelon of collectible firearms such as Wild West guns belonging to famous historical characters routinely sell for hundreds of thousands of dollars. These are considered art pieces to be displayed by the many serious collectors in that field and are certainly never discharged.

While I consider that the proposed ordinances are both common sense acceptable safety guidelines my concern is that the way that they are composed could create a situation that between the City requirements and the ATF requirements it would be impossible to obtain such a license even when all the conditions and guidelines have been satisfied. Specifically section 4-36-7 Application Denial section B of the proposed "Firearms Dealer License Requirements" reads as follows as one of the reasons for license denial:

"b. The applicant is not licensed as required by all applicable Federal, State and local laws;"

The issue here is that when we previously attempted to obtain the required clearances to offer collectible gun sales at auction we followed the complete ATF registration procedure including fingerprinting, background checks, and site inspection for security purposes and were at the point of approval however the ATF required local authority approval and license from the City of Alameda, at that point we were unable to get Council approval and we abandoned the attempt.

The way that the above referenced section is worded precludes our consideration of a City license since we cannot get ATF approval without the City first approving which it would not since we did not have ATF approval. It is a classic "Catch 22" as the saying goes.

I request that the proposed ordinances be reworded so that we can at least attempt to obtain the approvals without being automatically precluded from any possibility of success due to conflicting pre approval requirements as I have herein pointed out. Additionally IF we were able to get City Council approval the ordinance should be worded that an applicant should not need to install the closed circuit camera systems and other costly requirements prior to engaging in the process but rather as something that would have to be completed after approval but before any sales could occur.

I thank you for your consideration of this request.

Best regards

Allen Michaan, President  
Auctions by the Bay, Inc.

## LARA WEISIGER

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**From:** Michael Palma <michaeljpalma@yahoo.com>  
**Sent:** Monday, March 02, 2020 5:32 PM  
**To:** Jim Oddie; Tony Daysog; Marilyn Ezzy Ashcraft; Malia Vella; John Knox White; City Clerk  
**Subject:** A request for intelligent decision making from the city council

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To City Council of the City of Alameda,

Whose foolish and uninformed idea was it to bring the two ordinances under agenda item 6A for March 3<sup>rd</sup>, 2020. I have to assume it was someone unfamiliar with the law, and uninformed about how firearms are used and purchased. In reality, firearm violence is a violence problem, not a firearm problem. Focus on the causes of violence and it will stop.

On the safe storage ordinance, first you will need to make sure your ordinance will not be conflict with state law and more importantly it is not in conflict with the Supreme Court's decisions in Heller v. District of Columbia and McDonald v. City of Chicago decisions. Who among you really want to ban your constituents from being prepared to defend themselves?. Also, are you aware that law abiding citizens with firearms prevent 50 to 200 crimes for every firearm death in this country? Going by statistics, is the council prepared to see violent crimes go up, based on your implementing this ordinance. Which one you city council members will apologize to the next victim's family? Will there be a rotating roster, since you are making this decision?

Also, how do you reconcile this law you propose with reports from the Alameda County District Attorney's office for the last several years, at least, that show 95% of criminals with firearms have already broken the law just to obtain a firearm. So if they have broken the law so far, how are you going to see that they adhere to this sill ordinance? Is the city council going to issue fines to gang members for unsafe storage of a firearm?

No, you are targeting only people who already follow the law, but now you will make them choose to keep being prepared to defend them when the police are at least 5 minutes away or follow a stupid law. Stupid laws do not deserve to be obeyed, but you are presenting us with a stupid and dangerous law who will get innocent people killed. You really need to think this through better.

The latest injury statistics from the state show that accidental injuries from firearms have fallen so low that drowning in a bucket of water is a greater threat. But you want to put our lives in danger for some make believe problem. Statistics show that law abiding firearms owners do not act illegally. 99.98% will never in their lifetimes commit a firearm crime.

As for the other ordinance, this is another wiz bang of an idea. The right to own a firearm is a basic human right that the Second Amendment of the Constitution only protects against people like you and other

governmental actors from trying to infringe this human right. It is perfectly lawful for me to purchase a firearm. I follow all the laws, I identify myself, I give my finger prints on the federal form, the state run my background, I take and pass a safety test, and follow all the other rules. Now you want the right to video tape me while I make the purchase, look at new products, or chat with employees? What is the justification? What gives you the right to intrude so far into a private transaction?

Did you forget what I said above, criminal violence with firearms is committed by people who do not legally purchase their firearms? Your county DA keeps telling you this every year, but you can't hear them?

If you don't trust your DA, look at data from the State. The state DOJ publishes statistics from the DROS (Dealer Record of Sales) system that tracks every purchase attempt in the state. The numbers of failed attempts to purchase a firearm are 0.76%, so the gun store is not the source, in any way, for illegal firearms. If you can't see this, then you are willfully blind to facts.

Oh, by the way, not one of those people who tried to illegally purchase a firearm were charged or even investigated for a criminal act, at the state, federal, or local level, even though the state has their ID and all the evidence needed for a prosecution. Maybe you should be asking that question?

I urge you to see the problem that you want to address as an interpersonal, violence issue. We have seen it hundreds of times, people become mad, they devalue other's lives, strike out with whatever is at hand, a gun, a knife, a baseball bat, a car or truck, their hands and feet, or a brick (Just as an aside, bricks are used more often to kill people than the feared AR 15 rifle, where are the calls to ban bricks?).

Three decades of increasingly adding nonsense anti firearm laws have left us with a firearm homicide rate higher than the states of Florida and Texas, both with much higher firearm ownership rates. A focus on the firearm is the same as just sticking your heads in the sand. You are not seeing problem.

Let me put it another way- if the problem was with lawful firearms and their owners, then there would be no one left who didn't own a firearm and your city could not even dare to think of such ignorantly founded laws.

If you want to make a difference, make sure our children actually receive the tools needed to become healthy (physically and mentally), intelligent, and wise. Address the issues that cause and lead to violence, otherwise you are missing the boat.

Sincerely,  
Michael J. Palma

## LARA WEISIGER

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**From:** Gerry Beaudin  
**Sent:** Monday, March 02, 2020 8:09 AM  
**To:** LARA WEISIGER  
**Cc:** Montague Hung; Yibin Shen; Eric Levitt  
**Subject:** FW: March 3 Meeting Agenda - Safe Alameda Feedback on Gun Ordinances

Lara,

So you have it too, re. Item 6-A for March 3<sup>rd</sup>.

GB

**Gerry Beaudin**

Assistant City Manager  
City of Alameda  
Cell – 510.872.2128  
Office – 510.747.4700  
[gbeaudin@alamedaca.gov](mailto:gbeaudin@alamedaca.gov)

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**From:** Krystal Lopilato [mailto:[krystal.lopilato@gmail.com](mailto:krystal.lopilato@gmail.com)]

**Sent:** Friday, February 28, 2020 4:08 PM

**To:** Marilyn Ezzy Ashcraft <[MEzzyAshcraft@alamedaca.gov](mailto:MEzzyAshcraft@alamedaca.gov)>; John Knox White <[JknoxWhite@alamedaca.gov](mailto:JknoxWhite@alamedaca.gov)>; Jim Oddie <[JODdie@alamedaca.gov](mailto:JODdie@alamedaca.gov)>; Malia Vella <[MVella@alamedaca.gov](mailto:MVella@alamedaca.gov)>; Tony Daysog <[TDaysog@alamedaca.gov](mailto:TDaysog@alamedaca.gov)>

**Cc:** Kelley Cope <[safealamedaca@gmail.com](mailto:safealamedaca@gmail.com)>; Jono Soglin <[jsoglin@gmail.com](mailto:jsoglin@gmail.com)>; Montague Hung <[mhung@alamedacityattorney.org](mailto:mhung@alamedacityattorney.org)>; Gerry Beaudin <[gbeaudin@alamedaca.gov](mailto:gbeaudin@alamedaca.gov)>

**Subject:** March 3 Meeting Agenda - Safe Alameda Feedback on Gun Ordinances

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Dear Mayor Ezzy Ashcraft, Vice Mayor Knox White, Councilmember Oddie, Councilmember Vella, and Councilmember Daysog,

I am writing to express gratitude on behalf of Safe Alameda for the Council's upcoming consideration of two gun safety ordinances: (1) a Safe Storage Ordinance and (2) the addition of new video surveillance requirements in the Firearms Dealer License Requirements. ([March 3, 2020 Agenda Item 6-A](#).) Our group wants to applaud the efforts of the City Staff in putting together these proposed ordinances. We believe they will be a strong step forward in keeping our community safe.

We have reviewed the proposed ordinances and wanted to identify three priority issues that we would request to have addressed before the ordinance language is finalized:

(1) elimination of the criminal penalties section in the Safe Storage ordinance,  
(2) consideration of expanding the scope of the Safe Storage ordinance to "premises" instead of "residences" (with reasonable exceptions outlined), and

(3) consideration of increased civil penalties and the possibility of firearm forfeiture as a penalty for multiple offenses in the Safe Storage ordinance.

We look forward to discussion of this topic at the March 3 meeting. Thank you again for your commitment to exploring a multi-pronged approach to gun violence prevention and gun safety in our community.

Best regards,  
Krystal LoPilato  
Safe Alameda | Member

## LARA WEISIGER

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**From:** Yibin Shen  
**Sent:** Friday, February 21, 2020 11:35 AM  
**To:** LARA WEISIGER; Gerry Beaudin; Eric Levitt  
**Subject:** FW: Giffords Law Center Letter in Support of Gun Safety Ordinances  
**Attachments:** Ltr in Support of Alameda Gun Safety Ords 2.20.20.docx

Yibin Shen  
City Attorney  
City of Alameda  
2263 Santa Clara Avenue, Room #280  
Alameda, CA 94501  
(510)747-4750

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**From:** Allison Anderman [mailto:aanderman@giffords.org]  
**Sent:** Friday, February 21, 2020 8:32 AM  
**To:** Jim Oddie <JOddie@alamedaca.gov>; Tony Daysog <TDaysog@alamedaca.gov>; Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>; Malia Vella <MVella@alamedaca.gov>; John Knox White <JknoxWhite@alamedaca.gov>  
**Cc:** Montague Hung <mhung@alamedacityattorney.org>; Yibin Shen <yshen@alamedacityattorney.org>  
**Subject:** Giffords Law Center Letter in Support of Gun Safety Ordinances

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Dear Mayor Ashcraft, Vice Mayor Knox, and Councilmembers,

I write to express Giffords Law Center to Prevent Gun Violence's support of the two proposed gun safety ordinances - safe storage in the home and gun dealer videotaping security. Please find our support letter attached.

Sincerely,

Allison Anderman

--  
**Allison Anderman**  
**Senior Counsel**  
Pronouns: she/her/hers  
Giffords Law Center to Prevent Gun Violence  
415-433-2062 x311 | [@GiffordsCourage](http://giffordslawcenter.org)

Explore our **Annual Gun Law Scorecard** — Is your state doing enough to save lives?  
[gunlawscorecard.org](http://gunlawscorecard.org)

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February 20, 2020

City Council  
City of Alameda  
2263 Santa Clara Avenue  
Alameda, CA 94501

Dear Members of the Alameda City Council,

On behalf of Giffords Law Center to Prevent Gun Violence (“Giffords Law Center”), I write in support of the proposed ordinances that will require gun owners to safely store unattended firearms in residences, and gun dealers to install videotaping security devices. Founded by lawyers after the mass shooting at 101 California in 1993, in 2016, we joined forces with former Congresswoman and gun violence survivor, Gabby Giffords. For nearly 27 years, the organization now known as Giffords Law Center has been providing legal expertise in support of local, state, and federal gun violence prevention laws to legislators nationwide.

Safe storage ordinances are constitutional and currently in effect in 19 California communities—Belvedere, Berkeley, Los Angeles, Moraga, Morgan Hill, Oakland, Orinda, Palm Springs, San Carlos, San Diego, San Francisco City and County, San Jose, San Mateo County, Santa Clara County, Santa Cruz, Saratoga, Solana Beach, Sunnyvale, and Tiburon.

**Safe storage laws are consistent with the Second Amendment and have been upheld by all reviewing courts.**

In the landmark case, *District of Columbia v. Heller*,<sup>i</sup> the United States Supreme Court held that the Second Amendment protects a law-abiding, responsible citizen’s right to possess an operable handgun in the home for self-defense. The Court struck down a District of Columbia ordinance that “totally ban[ned] handgun possession in the home” and required “that any lawful firearm in the home be disassembled or bound by a trigger lock *at all times*.<sup>ii</sup> The Court found the ordinance unconstitutional precisely because it made it “impossible for citizens to use [firearms] for the core lawful purpose of self-defense.”<sup>iii</sup> But the Court was careful to restrict its ruling to the unduly broad prohibition at issue, specifically stating that its holding was not intended to “suggest the invalidity of laws regulating the storage of firearms to prevent accidents.”<sup>iv</sup>

In 2014, the NRA and other plaintiffs sued the City and County of San Francisco claiming its safe storage law—which required handguns kept in a residence to be stored in a locked container or disabled with a trigger lock when not carried on the person<sup>v</sup>—violated the Second Amendment.<sup>vi</sup> The Ninth Circuit Court of Appeal, in affirming the District Court’s ruling, found that the law did not significantly burden the right to possess a handgun in the home for self-defense, because guns stored safely can be accessed in a matter of seconds.<sup>vii</sup> The court held that San Francisco demonstrated that the ordinance served a

significant government interest by “reducing the number of gun-related injuries and deaths from having an unlocked handgun in the home,” and that the law was substantially related to that interest.<sup>viii</sup> The court noted that San Francisco’s law was unlike the law at issue in *Heller* because it left open other channels for self-defense in the home by allowing residents to carry firearms.<sup>ix</sup> The United States Supreme Court declined to review the Ninth Circuit’s decision.<sup>x</sup>

Similarly, both the Massachusetts State Supreme Court<sup>xi</sup> and a New York State trial court<sup>xii</sup> have reviewed Massachusetts’ and New York City’s safe storage laws, respectively, and found that neither violated the Second Amendment because the laws did not require a firearm to be rendered inoperable in the home at all times.

Since 2007 when the gun lobby challenged San Francisco’s ordinance, eighteen other California communities have enacted safe storage laws. The gun lobby has threatened to sue all, or nearly all, of them but has actually sued none of them.

**The proposed ordinance addresses the very real risks posed by unsecured guns in the home.**

A recent study by researchers at the Center for Disease Control and Prevention stated that youth suicide with guns has risen dramatically between 2007 and 2014.<sup>xiii</sup> In fact, gun suicides by minors 10 years old and older increased 60 percent in that period. Studies have demonstrated that the risk of suicide—particularly amongst children and teens—is significantly higher in homes where a firearm is kept loaded and/or unlocked.<sup>xiv</sup> Additionally, a study of mass shootings demonstrated that in over half of shootings perpetrated by minors in elementary or secondary schools, the shooter used guns obtained from home that were likely unsecured.<sup>xv</sup> Children and teens are also at risk of death or injury from unintentional shootings. Children as young as three-years-old are strong enough to fire some types of handguns.<sup>xvi</sup> A 2005 study found that the practices of keeping firearms locked and unloaded, as well as storing ammunition in a locked location separate from firearms, serve as a protective measure to reduce youth suicide and unintentional injury in homes with children and teenagers where guns are stored.<sup>xvii</sup>

More can and should be done to keep guns out of the hands of minors. California’s Child Access Prevention (CAP) law does not go far enough to protect children. In California, individuals may be criminally liable if they negligently store or leave, on premises within their custody or control, a firearm in a location where the person knows, or reasonably should know, that the child is likely to gain access to the firearm without the permission of the child’s parent or legal guardian.<sup>xviii</sup> No liability is imposed in this situation if reasonable action is taken to secure the firearm against access by a child. The law also does not apply if the firearm was kept in a locked container or in a location that a reasonable person would believe to be secure, or the firearm was locked with a locking device that rendered the firearm inoperable.<sup>xix</sup>

Despite California's CAP law which was enacted in 2011, the firearm suicide rate of minors under the age of 18 has remained steady between 2005 and 2017.<sup>xx</sup> In 2012, a year after the state's CAP law went into effect, the three-year-old child of a San Jose police officer found his father's unlocked gun and fatally shot himself.<sup>xxi</sup> A close reading of California state law demonstrates that it does not affirmatively require a gun owner to store his or her firearm in any particular manner. So long as a person does not "negligently" store or leave a loaded firearm on his or her premises, or takes "reasonable" action to "secure" the firearm, he or she may not be liable even if a minor gets ahold of the firearm. Furthermore, if the person stores the firearm in a locked container or with a locking device, he or she escapes liability in the event a child does gain access to the firearm. These subjective standards only provide an out for individuals when a child actually gains access to a firearm. The law does not dictate what responsible storage is, and require that gun owners abide by it. A safe storage law would require that gun owners keep their guns in locked containers or secured with trigger locks; this is an unambiguous, preventative measure with an objective standard.

#### **Safe storage laws prevent gun thefts that allow guns to be used in subsequent crimes.**

The proposed ordinance will also likely prevent gun thefts by thieves, as well as people who have consent to be in the home, such as caregivers of elderly residents and other visitors. A study by Harvard and Northeastern researchers shows that hundreds of thousands of guns are stolen each year; gun theft is an important way that guns enter the illegal market.<sup>xxii</sup> ATF estimates that about 10-15% of stolen guns are used in subsequent crimes.<sup>xxiii</sup> According to the researchers, gun owners who safely store their firearms experience gun thefts at a lower rate than those who do not. The study also concludes that promoting safer storage of guns may help to reduce gun thefts and reduce the number of guns entering the illegal market.<sup>xxiv</sup>

#### **Popular laws that require videotaping security at gun dealerships helps law enforcement solve crimes.**

In two academic studies, undercover researchers found that at least 20% of California gun dealers were willing to conduct an illegal "straw purchase,"<sup>xxv</sup> even when dealers knew the gun was being purchased for a prohibited person such as a felon.<sup>xxvi</sup> Though straw purchases are a leading source of crime guns, they often appear legal on paper without security cameras to visibly capture the sale. California gun dealers also reported 1,797 firearms "missing" from their inventories from 2012-2015.<sup>xxvii</sup> Without security cameras monitoring dealers' premises and sales counters, law enforcement has few tools to investigate whether these firearms were misplaced, stolen, or illegally trafficked to criminals.

Videotaping sales also deters illegal activity at gun stores. Laws requiring videotaping are popular with the public<sup>xxviii</sup> and Walmart,<sup>xxix</sup> the nation's largest gun seller, began voluntarily videotaping gun sales in 2008.

The following seven California jurisdictions require firearm dealers to have a camera system in place that videotapes all firearm sales—Campbell, El Cerrito, Emeryville, Pleasant Hill, San Carlos, Santa Cruz

County, and San Francisco City and County. In 2021, Illinois gun dealers will be required to install and maintain a video security system that records areas in the retail location where the dealer's firearms are stored, handled, sold, or transferred, as well as any entrances and exits.<sup>xxx</sup>

For the foregoing reasons, I urge you to enact the safe storage and videotaping security ordinances.

Sincerely,



Allison Anderman  
Senior Counsel

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#### ABOUT GIFFORDS LAW CENTER

For nearly 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence.

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<sup>i</sup> 554 U.S. 570 (2008).

<sup>ii</sup> *Id.* at 628.

<sup>iii</sup> *Id.* at 630 (emphasis added).

<sup>iv</sup> *Id.* at 632.

<sup>v</sup> San Francisco Police Code § 4512. In 2016, San Francisco strengthened its safe storage ordinance to apply to all firearms, not only handguns.

<sup>vi</sup> *Jackson v. City & Cty. of S.F.*, 746 F.3d 953, 962-968.

<sup>vii</sup> *Id.* at 966.

<sup>viii</sup> *Id.*

<sup>ix</sup> *Id.* at 965.

<sup>x</sup> *Jackson v. City & Cty. of S.F.*, 135 S. Ct. 2799 (2015).

<sup>xi</sup> *Commonwealth v. McGowan*, 464 Mass. 232 (2013).

<sup>xii</sup> *Tessler v. City of New York*, 952 N.Y.S.2d 703, 716 (2012).

<sup>xiii</sup> Elizabeth Van Brocklin, "19 Children Are Shot in America Every Day," The Trace, June 19, 2017.

<sup>xiv</sup> Matthew Miller & David Hemenway, "The Relationship Between Firearms and Suicide: A Review of the Literature," 4 *Aggression & Violent Behavior* (1999): 59, 62-65 (summarizing the findings of multiple studies).

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<sup>xv</sup> See Analysis of School Shootings, December 31, 2015, <http://everytownresearch.org/reports/analysis-of-school-shootings/>.

<sup>xvi</sup> Sarah Kaplan, "3-year-old picks up great-grandpa's pistol from nightstand, fatally shoots sister," Washington Post, February 8, 2016, <https://www.washingtonpost.com/news/morning-mix/wp/2016/02/08/3-year-old-picks-up-great-grandpas-pistol-from-nightstand-fatally-shoots-sister/>.

<sup>xvii</sup> David C. Grossman et al., "Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries," 293 JAMA (2005): 707, 711-13,

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.514.2207&rep=rep1&type=pdf>.

<sup>xviii</sup> Cal. Penal Code § 25100(c).

<sup>xix</sup> Cal. Penal Code § 25105(b), (d).

<sup>xx</sup> Center for Disease Control and Prevention Web-based Injury Statistics Query and Reporting System (WISQARS), 2005 - 2017, California Suicide Firearm Deaths and Rates per 100,000, viewed on 2/11/19. In 2009, the rate of gun suicides by minors under age 18 was .29. In 2006, the rate was .25. California passed a "Child Access Prevention" law, and several amendments strengthening that law, between 2011 - 2013. The rate of gun suicides by minors was still .29 in 2013. The rate was .40 in 2017, showing that the rate has essentially remained steady (if not grown) for the 12 year period between 2005 and 2017 (the last year for which data is available).

<sup>xxi</sup> Patrick May, "Gilroy neighbors mourn little boy's accidental shooting death," July 7, 2012, Mercury News, <http://www.mercurynews.com/2012/07/07/gilroyneighbors-mourn-little-boys-accidental-shooting-death/>.

<sup>xxii</sup> David Hemenway, Deborah Azrael, and Matthew Miller, "Whose guns are stolen? The epidemiology of Gun theft victims," Injury Epidemiology, January 13, 2017, <https://injepijournal.springeropen.com/articles/10.1186/s40621-017-0109-8>.

<sup>xxiii</sup> Dan Noyes, "How Criminals Get Guns," Frontline, <http://www.pbs.org/wgbh/pages/frontline/shows/guns/procon/guns.html>.

<sup>xxiv</sup> David Hemenway, Deborah Azrael, and Matthew Miller, "Whose guns are stolen? The epidemiology of Gun theft victims," Injury Epidemiology, January 13, 2017, <https://injepijournal.springeropen.com/articles/10.1186/s40621-017-0109-8>.

<sup>xxv</sup> Wintemute, Garen, Firearm Retailers' Willingness to Participate in an Illegal Gun Purchase, J. of Urban Health 865-78 (2010).

<sup>xxvi</sup> Sorenson SB, Vittes K, Buying a Handgun for Someone Else: Firearm Dealer Willingness to Sell, 9 Inj. Prev. 147-50 (2003).

<sup>xxvii</sup> Office of Strategic Intelligence and Information, U.S. Department of Justice, 2015 FFL Loss/Theft Report, (Mar. 4, 2016), at <https://www.atf.gov/firearms/docs/report/2015-summary-firearms-reported-lost-and-stolen/download>; 2014 Loss/Theft Report (Apr. 7, 2015), at <https://www.atf.gov/resource-center/docs/2014-summary-firearms-reported-lost-and-stolenpdf/download>; 2013 FFL Loss/Theft Report (Apr. 8, 2014), at <https://www.atf.gov/resource-center/docs/2013summary-firearmsreportedlostandstolenpdf/download>; 2012 FFL Loss/Theft Report, (Jun. 7, 2013), at <https://www.atf.gov/file/11851/download>.

<sup>xxviii</sup> Gun Dealers, Giffords Law Center, <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-dealers/>.

<sup>xxix</sup> Reuters, "Wal-Mart to film gun sales in bid to fight crime," April 14, 2008, <https://www.reuters.com/article/us-usa-guns-walmart/wal-mart-to-film-gun-sales-in-bid-to-fight-crime-idUSN1421318620080414>.

<sup>xxx</sup> 430 Ill. Comp. Stat. Ann. §§ 68/5-50(a), 68/5-80.