



CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 2, 2015 CONSENT CALENDAR

SUBJECT: PROPOSED RESOLUTION IN SUPPORT OF ASSEMBLY BILL 150
THAT MAKES BUYING OR RECEIVING A STOLEN FIREARM OF \$950
OR LESS A FELONY

FROM: David H. Ready, City Manager

INITIATED: CVAG Public Safety Committee

SUMMARY

The City Council will consider a resolution in support of AB150 (Melendez and Gray) that would make buying or receiving a firearm valued at \$950 or less a felony.

RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF AB150 (MELENDEZ AND GRAY) THAT WOULD MAKE BUYING OR RECEIVING A STOLEN FIREARM VALUED AT \$950 OR LESS A FELONY."

STAFF ANALYSIS:

The CVAG Public Safety Committee is requesting member cities and jurisdictions adopt a resolution in support of AB150 (Melendez and Gray) that would make buying or receiving a stolen firearm valued at \$950 or less a felony.

California Proposition 47 (adopted 2014) reduced the classification of most "non-serious and nonviolent property and drug crimes" from a felony to a misdemeanor. AB150 (Melendez and Gray) seeks changes to the current law, that specifies that the theft of a firearm valued at \$950 or less is a felony offense.

Attached is the discussion and analysis of the CVAG Executive Committee and the Public Safety Committee.

Mayor Pro Tem Lewin is the City's CVAG Public Safety Committee representative.

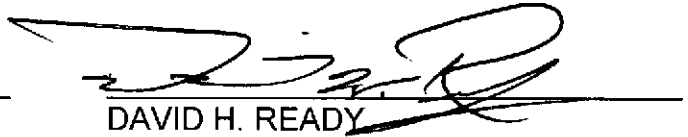
ITEM NO. 2X

FISCAL IMPACT:

None.



JAMES THOMPSON
Chief of Staff/City Clerk



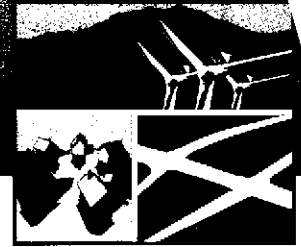
DAVID H. READY
City Manager

Attachments:

CVAG Report
Proposed Resolution

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

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CVAG

CITY MANAGER

JUL 2 2015
CITY OF PALM SPRINGS

July 2, 2015

Mr. David Ready, City Manager
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

COUNCIL AGENDA
5/20/15

Dear Mr. Ready:

On June 29, 2015, the CVAG Executive Committee approved a draft model ordinance to support AB 150 (Melendez and Gray) that would make buying or receiving a stolen firearm valued at \$950 or less a felony for consideration and potential adoption by CVAG member jurisdictions.

Attached are the following documents:

- CVAG's Executive Committee Staff Report (Approved 6/29/15)
- CVAG Draft Model Ordinance Relating to AB 150 (Melendez and Gray)

California Proposition 47 reduces the classification of most "nonserious and nonviolent property and drug crimes" from a felony to a misdemeanor. The measure was approved and took effect immediately upon its passage on November 4, 2014.

The CVAG Public Safety Committee discussed the portion of Proposition 47 that would make the theft of a gun a misdemeanor, instead of a felony. CVAG staff researched current state legislation and found that AB 150 (Melendez and Gray) is seeking changes to Proposition 47 in regards to theft of a gun valued at \$950 or less. AB 150 provides an important clarification of the law on this point, and in doing so enhances public safety. This measure specifies that the theft of a firearm valued at \$950 or less is a felony offense. The bill is supported by the League of California Cities and the California Police Chiefs Association. AB 150 is currently waiting a hearing date for the Assembly Appropriations committee.

In follow up to the CVAG action on June 29th, we request that the City of Palm Springs present this model ordinance to your City Council for consideration and action. As this is a model ordinance, we would expect minor modifications be done to fit the needs of your city. CVAG staff will make ourselves available to attend your City Council meetings.

Please contact Cheryll Dahlin with the date and time this item will be agendized for your City Council meeting, or if you have any questions or concerns please contact Cheryll at 760-346-1127.

Sincerely,

Allyn Waggle
Deputy Executive Director
CVAG

:attachments

ITEM 6F

**Coachella Valley Association of Governments
Executive Committee
June 29, 2015**



Staff Report

Subject: Consider Gun Theft Resolution in Regards to Proposition 47

Contact: Cheryll Dahlin, Management Analyst (cdahlin@cvag.org)

Recommendation: Adopt Resolution No. 15-003 and Recommend that CVAG member jurisdictions consider adoption of the attached model resolution.

Technical Advisory Committee: CONCURS (Meeting of June 8th)

Public Safety Committee: CONCURS (Meeting of May 11th)

Background: At the January 9, 2015 CVAG Public Safety Committee, Riverside County District Attorney Michael Hestrin discussed Proposition 47. California Proposition 47 reduces the classification of most "nonserious and nonviolent property and drug crimes" from a felony to a misdemeanor. The measure was approved and took effect immediately upon its passage on November 4, 2014.

The CVAG Public Safety Committee discussed the portion of Proposition 47 that would make the theft of a gun a misdemeanor, instead of a felony. CVAG staff researched current state legislation and found that AB 150 (Melendez and Gray) is seeking changes to Proposition 47 in regards to theft of a gun \$950 or less. AB 150 provides an important clarification of the law on this point, and in doing so enhances public safety. This measure specifies that the theft of a firearm valued at \$950 or less is a felony offense. The bill is supported by the League of California Cities and the California Police Chiefs Association. AB 150 is currently waiting a hearing date for the Assembly Appropriations committee.

CVAG staff has prepared Resolution No. 15-003, to support AB 150 (Melendez, Gray) that would make buying or receiving a stolen firearm \$950 or less a felony. Additionally, staff has prepared a model resolution for CVAG member jurisdictions consider for adoption.

Fiscal Analysis: Proposition 47 is one of the Goals of the Public Safety Committee. There is no fiscal impact

Attachments:

- Resolution No. 15-003
- Draft Model Resolution for Member Jurisdictions

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF ASSEMBLY BILL 150 (MELENDEZ AND GRAY) THAT WOULD MAKE BUYING OR RECEIVING A STOLEN FIREARM VALUED AT \$950 OR LESS A FELONY.

WHEREAS, existing law states that the theft of a firearm is grand theft, punishable as a felony by imprisonment in the state prison for 16 months, or 2 or 3 years; and

WHEREAS, the Safe Neighborhoods and Schools Act, enacted by Proposition 47, as approved by voters at the November 4, 2014, statewide general election, notwithstanding these provisions, instead requires theft of a property that does not exceed \$950 to be considered petty theft; and

WHEREAS, makes the crime punishable as a misdemeanor, except in cases when the defendant had previously been convicted of one or more specified serious or violent felonies or an offense requiring registration as a sex offender; and

WHEREAS, AB150 (Melendez and Gray) is an important clean-up provision that would make the theft of a firearm valued at \$950 or less grand theft in all cases, punishable by imprisonment in the state prison for 16 months, or 2 or 3 years; and

WHEREAS, AB150 that would make buying or receiving a stolen firearm valued at \$950 or less is a felony offense; and

WHEREAS, theft of a firearm is a serious matter, and should be treated as such irrespective of Proposition 47; and

WHEREAS, the California Constitution authorizes the Legislature to amend or repeal an initiative statute that becomes effective when approved by the electors; and

WHEREAS, legislation would provide that it would become effective only upon approval of the votes, and would provide for the submission of this measure to the votes for approval at the next statewide general election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES HEREBY RESOLVE THE PUBLIC SAFETY NEED FOR ASSEMBLY BILL 150 THAT WOULD MAKE BUYING OR RECEIVING A FIREARM VALUED AT \$950 A FELONY.

ADOPTED ON THIS 2ND DAY OF SEPTEMBER, 2015.

DAVID H. READY, CITY MANAGER

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on 2nd day of September, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California