

The League of Women Voters of Orange County

Presents a Panel Discussion

Sensible Gun Regulation: Your Right to Be Safe

February 16, 2013, 3-5PM

Sisters of St. Joseph

480 South Batavia Street

Orange, CA

“The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.”

LWVUS Position on Guns

The League of Women Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification.

The League supports a ban on “Saturday night specials,” enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.

Gun control is a matter of public safety and public health.

Seven Federal Policies on Guns

1. The federal firearms trace database is off-limits to the public.
2. The military cannot impose additional regulations on service members who own guns.
3. You can carry a loaded gun inside a national park or check a gun when riding Amtrak.
4. The gun industry is shielded from many lawsuits involving criminal misuse of guns.
5. Congress has removed federal funding for firearms-related research.
6. ACA Clause prohibits doctors from reporting possession of guns by patients they treat.
7. Guns are exempted from regulation by U.S. Consumer Product Safety Commission.

(Source: ProPublica, 01/07/2013)

Statistics on Guns and Gun Death

More than 84 people are killed daily with guns more than 31,000 people are killed by guns annually (this includes homicide, suicide and accidents) in the U.S. In 2010, there were 8,775 murders by guns in the U.S.

(Source: Centers for Disease Control)

In 2010, 2694 children and teens were killed by gunfire. In 2012, 82 children under 5 were killed by guns compared to 58 police officers killed by guns in the line of duty. Since 1979, 119,079 children and teens have been killed by guns. That is more child and teen deaths in the U.S. than U.S. battle deaths in World War I (53,402), Vietnam (47,434), the Korean War (33,739) or in the Iraq War (3,517).

(Source: Children’s Defense Fund, 2013)

There are more than 129,817 federally licensed firearms dealers in the United States, according to the latest Bureau of Alcohol, Tobacco, Firearms and Explosives numbers (as of Aug. 1). According to ATF reports, in 2010 there were 5,459,240 new firearms manufactured in the United States, nearly all (95 percent) for the U.S. market. An additional 3,252,404 firearms were imported to the United States. There are 300 million firearms for a population of just over 311 million. About 47 percent of Americans own guns.

(Source: ABC News, August 25, 2012)

Summary: Assault Weapons Ban of 2013

- Bans the sale, transfer, importation, or manufacturing of:
 - 120 specifically-named firearms;
 - Certain other semiautomatic rifles, handguns, shotguns that can accept a detachable magazine and have one or more military characteristics; and
 - Semiautomatic rifles and handguns with a fixed magazine that can accept more than 10 rounds.
- Strengthens the 1994 *Assault Weapons Ban* and various state bans by:
 - Moving from a 2-characteristic test to a 1-characteristic test;
 - Eliminating the easy-to-remove bayonet mounts and flash suppressors from the characteristics test; and
 - Banning firearms with “thumbhole stocks” and “bullet buttons” to address attempts to “work around” prior bans.
- Bans large-capacity ammunition feeding devices capable of accepting more than 10 rounds.
- Protects legitimate hunters and the rights of existing gun owners by:
 - Grandfathering weapons legally possessed on the date of enactment;
 - Exempting over 900 specifically-named weapons used for hunting or sporting purposes; and
 - Exempting antique, manually-operated, and permanently disabled weapons.
- Requires that grandfathered weapons be registered under the National Firearms Act, to include:
 - Background check of owner and any transferee;
 - Type and serial number of the firearm;
 - Positive identification, including photograph and fingerprint;
 - Certification from local law enforcement of identity and that possession would not violate State or local law; and
 - Dedicated funding for ATF to implement registration.

(Source: www.feinstein.senate.gov)

Executive Orders Signed by President Obama

1. Issue a Presidential Memorandum to require federal agencies to make relevant data available to the federal background check system.

2. Address unnecessary legal barriers, particularly relating to the Health Insurance Portability and Accountability Act that may prevent states from making information available to the background check system.
3. Improve incentives for states to share information with the background check system.
4. Direct the Attorney General to review categories of individuals prohibited from having a gun to make sure dangerous people are not slipping through the cracks.
5. Propose rulemaking to give law enforcement the ability to run a full background check on an individual before returning a seized gun.
6. Publish a letter from ATF to federally licensed gun dealers providing guidance on how to run background checks for private sellers.
7. Launch a national safe and responsible gun ownership campaign.
8. Review safety standards for gun locks and gun safes (Consumer Product Safety Commission).
9. Issue a Presidential Memorandum to require federal law enforcement to trace guns recovered in criminal investigations.
10. Release a DOJ report analyzing information on lost and stolen guns and make it widely available to law enforcement.
11. Nominate an ATF director.
12. Provide law enforcement, first responders, and school officials with proper training for active shooter situations.
13. Maximize enforcement efforts to prevent gun violence and prosecute gun crime.
14. Issue a Presidential Memorandum directing the Centers for Disease Control to research the causes and prevention of gun violence.
15. Direct the Attorney General to issue a report on the availability and most effective use of new gun safety technologies and challenge the private sector to develop innovative technologies.
16. Clarify that the Affordable Care Act does not prohibit doctors asking their patients about guns in their homes.
17. Release a letter to health care providers clarifying that no federal law prohibits them from reporting threats of violence to law enforcement authorities.
18. Provide incentives for schools to hire school resource officers.

19. Develop model emergency response plans for schools, houses of worship and institutions of higher education.
20. Release a letter to state health officials clarifying the scope of mental health services that Medicaid plans must cover.
21. Finalize regulations clarifying essential health benefits and parity requirements within ACA exchanges.
22. Commit to finalizing mental health parity regulations.
23. Launch a national dialogue led by Secretaries Sebelius and Duncan on mental health.

{Source: www.whitehouse.gov/issues/preventinggunviolence
(01/16/2013)}

California Police Chiefs Support President Obama's Plan to Reduce Gun Violence

The California Police Chiefs Association supports President Obama's plan for addressing the epidemic of gun violence in our nation. The President has presented a comprehensive and practical framework for our nation to achieve consistency in addressing gun violence, and has given each individual state, region and community clear direction on how to work locally to protect individual communities and schools.

"The President's plan addresses the most critical elements of community and school safety as related to gun violence and gives law enforcement and schools the necessary tools to do their part to keep our communities and schools safe," emphasized Chief Scott Seaman, President of the California Police Chiefs Association.

"The California Police Chiefs Association has taken a leadership role in helping California to enact some of the strongest gun violence protection measures in the country. Police chiefs support a federal ban on assault weapons and high capacity magazines and support closing loopholes in background investigations, improving investigative abilities to trace crime guns, and increasing penalties for illegal acquisition and possession of guns by criminals. Removing barriers to sharing mental health information will clearly improve community safety. Investments in additional school resource officers, training for police and schools and support of schools to create and practice emergency planning are practical actions which will result in strengthened school communities," added Chief Seaman.

California law enforcement looks forward to working with the Administration, national law enforcement and violence prevention groups to continue this important dialogue and to implement a comprehensive plan to put an end to senseless gun violence. The California Police Chiefs Association

represents the state's municipal police chiefs whose agencies protect over 78 percent of the citizens of California.

{Source: www.californiapolicechiefs.org. (01/16/2013)}

Gun laws in California

California regulates the sale, possession, and use of firearms and ammunition. A Handgun Safety Certificate, obtained by passing a written test, is required for handgun purchases with some exemptions. Handguns sold by dealers must be "California legal" by being listed on the state's roster of handguns certified for sale. Private sales of firearms must be done through a licensed dealer. All firearm sales are recorded by the state, and have a ten-day waiting period. California has no provision in its state constitution that explicitly guarantees an individual right to keep and bear arms. However recent US Supreme Court decisions of *Heller* (2008) and *McDonald* (2010) applied the 2nd Amendment to all states. Now many of California's gun laws are being challenged in federal courts.

Semi-automatic firearms that the state has classified as assault weapons, .50 BMG caliber rifles, and magazines that can hold more than ten rounds of ammunition may not be sold in California. Possession of automatic firearms, and of short-barreled shotguns and rifles, is prohibited.

California is a "may-issue" state for permits to carry concealed guns. The willingness of issuing authorities in California ranges from *No-Issue* in most urban areas to *Shall-Issue* in rural counties. However, concealed carry permits are valid statewide, regardless of where they were issued. California does not recognize concealed carry permits issued by other states, and non-residents are generally forbidden from obtaining a California concealed carry permit.

California has state preemption for many, but not all, firearms laws. Actual enforcement of California's firearms laws also varies widely across the state. Urban areas, such as the San Francisco and Los Angeles metropolitan areas strictly enforce firearms laws.

(Source: California Government & Penal Codes)

Featured Panelists

GREGORY MAGNUSON, SUPERINTENDENT

BUENA PARK SCHOOL DISTRICT

Since joining the Buena Park School District in 2002, Mr. Magnuson has served as Assistant Superintendent, Administrative Services and Deputy Superintendent of the District, providing direction and oversight for the District's finance, facilities, human resources functions, and the development of educational policy and instructional programs. In August 2008, Mr. Magnuson was appointed by the District Governing Board as Superintendent and Chief Executive Officer.

Mr. Magnuson also currently serves as the Chair of the North Orange County Special Education Local Plan Area Superintendent's Council, and as Vice-chair of the Orange County Superintendents Association. Mr. Magnuson is also an Adjunct Professor of education law and finance at Brandman University in Irvine.

Prior to his service at Buena Park School District, Mr. Magnuson's held technical and management positions with the Los Angeles County Office of Education, and a Fortune 100 company in the aerospace industry.

Mr. Magnuson is a member of the Association of California School Administrators and holds a Master of Business Administration degree from Loyola Marymount University and a Bachelor of Science degree from Pepperdine University.

The Buena Park School District serves over 5,300 pre-kindergarten through eighth grade students at from the communities of Buena Park, Fullerton, Anaheim, La Palma and unincorporated portions of North Orange County.

PROFESSOR LAWRENCE ROSENTHAL

CHAPMAN UNIVERSITY SCHOOL OF LAW

After graduating from Harvard Law School, where he won the Fay Diploma and was an editor of the *Harvard Law Review*, Professor Rosenthal clerked for Judge Prentice Marshall of the United States District Court for the Northern District of Illinois and Justice John Paul Stevens of the United States Supreme Court.

Professor Rosenthal entered the practice of law as an Assistant United States Attorney for the Northern District of Illinois, specializing in organized crime and public corruption prosecutions. Among other things, he brought the first racketeering case involving insider trading, and secured the longest sentence in the history of the district in an organized crime case (200 years). He subsequently joined the City of Chicago's Department of Law, where he was Deputy Corporation Counsel for Counseling, Appeals, and Legal Policy. In that capacity, he argued three cases in the United States Supreme Court, and supervised a large volume of complex litigation as well as legislative as policy matters. To his great embarrassment, Professor Rosenthal was named by *Chicago Magazine* as one of "Chicago's 25 Toughest Lawyers". Since then, he tries to be nicer.

Professor Rosenthal joined the Chapman faculty in the fall of 2005. He also continues to engage in litigation in the United States Supreme Court and other appellate courts, usually on a pro bono basis.

Courses Taught: Civil Rights, First Amendment Law, Constitutional Argument, Criminal Law, Criminal Procedure and Local Government Law.

DAVE LOPEZ

RETIRED POLICE OFFICER, CRIMINAL JUSTICE INSTRUCTOR

Mr. Lopez is a native Californian and served in the U.S. Marine Corps in South Vietnam. He was critically injured twice during his tour of duty. The second injury was so severe he was told he would never walk again but after rehabilitation he was able to complete his enlistment serving as a rifle and pistol instructor then as the Sergeant of the guard at Seal Beach. Mr. Lopez's war experiences are the subject of a documentary "Our Father's War" which will be aired in the near future.

After leaving active duty Mr. Lopez earned an Associate of Arts Degree from Cypress College in 1972 and a degree in Criminal Justice from California State University Long Beach in 1974, and Masters Degree in Public Administration from Pepperdine University in 1975.

Mr. Lopez served as a Law Enforcement Officer for 20 years. He taught at Fullerton College Police Academy from 1988 to 2001 and is currently a Criminal Justice teacher at Magnolia and Western High Schools.

Mr. Lopez's awards and decorations include two Purple Hearts, a Presidential Unit Citation, the Vietnamese Cross of Gallantry, and the Combat Action Ribbon. Though he was told he would never walk again, Mr. Lopez carried the Olympic Torch in 1984.

Mr. Lopez is married to the former Adela Gutierrez and they have three children, Ben, Miguel, and Carlos.