

Date: September 28, 2022

To: Thomas B. Modica, City Manager



From: Wally Hebeish, Chief of Police



For: Mayor and Members of the City Council

Subject: **Report on Ghost Guns and Feasibility of Ordinance Strengthening Enforcement**

On April 5, 2022, the City Council directed the City Manager to work the Police Department to present a report to the City Council on statistics and impacts of ghost guns and the feasibility of developing additional Ordinances to criminalize the possession, sale, and/or manufacture of ghost guns and ghost gun parts.

Ghost Gun Defined

A Privately Made Firearm (PMF), as defined in Title 18, U.S.C §921(a)(3)(A) or (B), “Includes any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.” PMFs also known as “Ghost Guns” or “Buy-Build-Shoot” kits, are made from commercially available kits that include an incomplete lower receiver. Also known as ‘80% lowers’, ‘Polymer80’, or ‘80 percenters’, these kits for AR-15/M4 rifles and Glock style handguns only require minimal modification with hand tools or a drill to finish the remaining work and create a functional firearm. These kits are problematic because the parts are un-serialized and do not require registration which makes tracking difficult for law enforcement agencies. In addition, consumers are not required to undergo background checks which make kits sold online easily available to prohibited purchasers.

Ghost Gun Statistics

In 2021, the Police Department recovered 185 ghost guns, which accounted for 17 percent of the 1,068 firearms recovered. Through the end of the first quarter in 2022, 19 percent of all firearms recovered were ghost guns which represents a five percent increase when compared to the same time-period last year. Ghost guns have been used in shootings, robberies, domestic violence and narcotic sales and possessions.

Federal and State Legislation on Ghost Guns

On April 11, 2022, the Attorney General signed “ATF final rule 2021R-05F, Definition of ‘Frame or Receiver’ and Identification of Firearms.” The final rule modernizes the definition of a firearm, and ensures the proper marking, recordkeeping, and traceability of all firearms manufactured, imported, acquired, and disposed by federal firearms licensees. Rule 2021R-05F goes into effect 120 days from the date of publication in the Federal Register, which is scheduled for August 24, 2022, and once implemented, will address the proliferation of un-serialized firearms.

In 2019, Assembly Bill (AB) 879 was enacted by the State of California to regulate the sale of unfinished firearm frames and receivers. This legislation was effective July 1, 2022. This legislation requires unfinished frames and receivers to be sold by a licensed firearm precursor part vendor subject to a number of requirements, including (1) sale of precursor parts must take place in a face to face transaction, (2) the vendor must record the buyer/transferee's information including name, address, telephone number, date of birth, along with the brand, number, and type of precursor parts, and (3) the vendor must verify with Department of Justice that the individual is authorized to purchase firearm precursor parts.

In January 2022, AB 1621 was presented. This bill would redefine a firearm precursor part as any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted. This bill would extend the definition of a firearm to include a firearm precursor part for the purposes of most criminal and regulatory provisions related to the possession, sale, and transfer of a firearm, including provisions which do not apply to a frame or receiver under existing law.

Cities with Ghost Gun Ordinances

Currently Los Angeles, San Diego, and San Francisco have Ordinances regarding Ghost Guns. Each Ordinance is not limited to, but executes the following:

- Makes it unlawful to possess, receive, or transport an unfinished frame or unfinished receiver, unless the unfinished frame or unfinished receiver has been imprinted with a serial number Federal Firearms Importer or Federal Firearms Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice (San Diego's Ordinance covers frames produced on a 3D printer)
- Defines an unfinished frame or receiver
- Defines the punishment for a violation of the Ordinance

Summary

New legislation being enacted by the California Legislature will make it unlawful to possess unserialized firearms and firearm pre-cursor parts. AB's 1621 and 879 both will give officers the power to arrest for possession of non-serialized gun parts; therefore, after consulting with the City Prosecutor, a City Ordinance is not recommended at this time.

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If you have any questions, please contact me or my Chief of Staff, Commander Michael Solomita, at (562) 570-7301.

CC: CHARLES PARKIN, CITY ATTORNEY
DOUGLAS P. HAUBERT, CITY PROSECUTOR
LAURA L. DOUD, CITY AUDITOR
LINDA F. TATUM, ASSISTANT CITY MANAGER
TERESA CHANDLER, DEPUTY CITY MANAGER
KATY NOMURA, DEPUTY CITY MANAGER
APRIL WALKER, ADMINISTRATIVE DEPUTY CITY MANAGER
KEVIN LEE, CHIEF PUBLIC AFFAIRS OFFICER
MONIQUE DE LA GARZA, CITY CLERK (FILE # [22-0383](#))
DEPARTMENT HEADS