



City of Cambridge

O-11.

IN CITY COUNCIL

April 2, 2001

COUNCILLOR DAVIS
MAYOR GALLUCCIO
COUNCILLOR BORN
COUNCILLOR DECKER
VICE MAYOR MAHER
COUNCILLOR REEVES
COUNCILLOR SULLIVAN

ORDERED: That this City Council go on record supporting three bills relating to gun control which will be heard at a public hearing before the Public Safety and the Criminal Justice Committees on Tuesday, April 3, 2001, as follows:

1. Relating to Ballistic Fingerprinting - An Act to Further Reduce Gun Violence in the Commonwealth - Senate #1193;
2. An Act to Prevent the Illegal Trafficking of Firearms - Senate #166; and
3. An Act to Close the Assault Weapons Loophole.

In City Council April 2, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk

8-11

Councillor Davis
Mayor Galluccio

Resolved: That His City Council go on record supporting
three bills relating to gun control
~~which~~ which will be heard at a public
hearings before the Public Safety Committee
& the Criminal Justice Committee on Tuesday,
April 3, 2001, as follows:

- ① Relating to Ballistic Fingerprinting - An act
to further reduce gun violence in the
Commonwealth - Senate # 1193;
- ② An Act to ~~Preventing~~ Prevent the Illegal
Trafficking of Firearms - Senate # 106; &
- ③ An Act to Close the Assault Weapons
Loophole.

From: elizabeth miles <elizabethmiles@hotmail.com>
To: <boggia@mediaone.net>
Sent: Wednesday, February 21, 2001 2:12 AM
Subject: Re: Fw: Hearing dates for gun bills

TALKING POINTS FOR GUN CONTROL LEGISLATION

Ballistic Fingerprinting

"AN ACT TO FURTHER REDUCE GUN VIOLENCE IN THE COMMONWEALTH" Senate

1193 – Referred to the Joint Committee on Public Safety

When a bullet is fired from a gun, the gun's firing pin and barrel make unique markings on both the bullet and the shell casing. Bullets and shell casings that originate from the same gun will share the same unique markings, called Ballistic Fingerprints. A databank that contains images of the fingerprints from guns sold in Massachusetts would aid investigators in solving crimes involving gun violence by allowing for the matching of crime scene evidence against the databank. The FBI and the ATF have set up a federal Ballistic Fingerprint Databank for crime scene evidence. Maryland and New York have passed legislation to set up full Ballistic Fingerprint databanks in their states.

This law will establish a Ballistic Fingerprinting Databank for Massachusetts. It will require all gun manufacturers to provide both a discharged projectile and a spent shell casing for every gun distributed for sale in Massachusetts. It then requires that gun sellers forward those samples to the state's Criminal History Systems Board upon sale of a firearm. The sample will be entered into an electronic databank to be used in the investigation of crime. Failure to comply would result in criminal sanctions.

The legislation also makes some important improvements to already existing sections of the gun law, including the following:

- The definition section of the Massachusetts Assault Weapon Ban will be amended by referencing the federal ban as of 1994, so as to avoid nullification of the state ban if the federal ban is not reauthorized by Congress in 2004.
- The law will clarify that guns and gun licenses must be forfeited when a restraining order is issued under the state's new anti-stalking law. This will mirror procedures in place when a Chapter 209A restraining order for domestic violence is in effect.
- Two new seats will be added to the Massachusetts Gun Control Advisory Board, including a District Attorney and a representative from Stop Handgun Violence. The Board currently includes a designated seat for the Gun Owner's Action League, with no representation for gun control advocates.
- The law will also establish procedures for imposing civil fines on those who violate the firearm licensing requirements established in Section 131 of Chapter 140 by possessing a gun with an expired license. These procedures would include an indictment or complaint in criminal court, by means of a civil tort action, or by issuance of a non-criminal citation by a police officer.

The law will also clarify that firearm owners must report all lost or stolen weapons to the police within seven days of discovering that the firearm is missing.

Gun Lobby Argument:

Criminals know how easy it is to stick a file in a gun barrel and alter the unique markings on record for a firearm. Anyone can do it in a matter of seconds, which would make the ID impossible.

Response:

The gun lobby overestimates the intelligence of the average criminal. Criminals know that you shouldn't leave fingerprints at the scene of a crime, but many of them still forget to wear gloves. We must take advantage of new technology that will give law enforcement more tools for solving crime.

Gun Lobby Argument:

The pattern of the gun barrel can be changed through repeated firings, which would render the system incapable of recognizing a bullet from a well-used gun.

Response:

Guns used in crimes are most often purchased for that reason, and are not fired that often. Statistics show that most guns used in crime are purchased within one year of the crime. For a barrel to be altered to the extent that the ballistic image would be unrecognizable requires hundreds of firings. Most crime guns are not brought out to the target range each weekend and are unlikely to have seen enough use to render the ballistic image unrecognizable.

Gun Lobby Argument:

The costs to the gun manufacturers to comply with this law will be passed on to law abiding gun owners, pricing many people out of buying a firearm necessary to protect themselves.

Response:

Gun manufacturers are already required to comply with similar regulations in New York and Maryland, so they have already been forced to equip themselves for compliance. The only additional cost added by Massachusetts would be the minimal cost incurred when sending a spent shell case and a bullet, which cost less than a dollar, to the Commonwealth's Databank.

Gun Lobby Argument:

The cost to the state in establishing and manning this program will be enormous. This is another unfunded mandate from the democratic legislature.

Response:

The Boston Police and the State Police already have ballistic imaging systems, and the state has \$800,000 in a trust from gun licensing fees that could be applied to the program. There are also numerous federal grants for improving police technology that would be available to the state to assist with the initial program expenses.

Gun Lobby Argument:

Having more records from every gun sold in the Commonwealth is an invasion of gun-owners privacy. This is another measure that would treat gun owners as criminals.

Response:

Massachusetts already keeps a registry of gun sales, the only thing this bill would do is add a scientific tool for crime solving. This would have no effect on law abiding gun owners.

One-Gun-A-Month

"AN ACT TO PREVENT THE ILLEGAL TRAFFICKING OF FIREARMS"

Senate 166 – Referred to the Joint Committee on Criminal Justice

According to the ATF, 22% of traced guns used in crimes across the nation were purchased legally from multiple gun purchasers (known as "straw purchasers"). Among handguns purchased and traced in 1999, those with obliterated serial numbers – an indication of their criminal intent – were 2.3 times more likely to have been acquired in a multiple sale. Limiting individuals from purchasing more than one firearm or large-capacity weapon during any 30-day period in the Commonwealth would effectively limit gunrunning and straw purchase transactions.

Gun Lobby Argument:

This bill will drive down gun sales and force many licensed gun dealers to close their doors or move out of state.

Response:

This is not a new idea; it is a proposal that has already been passed by five states. The first state to do so was Virginia, which is not considered a gun-control state. Dealers can still sell weapons; they simply cannot sell a truckload to any one person in one transaction.

Gun Lobby Argument:

Won't people simply go to neighboring states to buy multiple guns in one purchase?

Response:

Federal law already prohibits individuals from buying a handgun out of state, and these are the guns most often purchased by straw purchasers and gunrunners for criminal purposes. Individuals would be able to buy rifles and shotguns out of state. We should be leading by example in this, and we should encourage other states to follow Massachusetts's example in passing common-sense gun control laws. Rhode Island has already introduced legislation based on Massachusetts' successful Gun Control Act of 1998 that includes a one-gun-a-month provision, and New Hampshire is also looking to strengthen their gun control laws.

Gun Lobby Argument:

How can this possibly be enforced?

Response:

Every time a gun is sold the sale produces a record that is forwarded to the Firearms record Bureau. When state officials review these records and notice that an individual has made multiple purchases in any one 30-day period and the dealers didn't have knowledge of the violation, that individual could then be prosecuted. If a gun dealer knowingly sells more than one gun to an individual in any 30-day period they can be prosecuted. If an individual buys guns from different dealers in a 30-day period it is the individual who will be prosecuted, not the gun dealers.

Assault Weapons Loophole

"AN ACT TO CLOSE THE ASSAULT WEAPONS LOOPHOLE"

Not yet admitted - Bill number to follow

The current ban on assault weapons in the Commonwealth allows the sale and transfer of weapons that were legally owned before September 13, 1994. The proposed legislation will close that loophole, by banning the sale of all assault weapons, regardless of the date of manufacture and ownership. Individuals who lawfully own assault weapons will be allowed to keep them, will them to an heir or assign, transfer them to a law enforcement agency, or sell them to a licensed dealer. Licensed dealers will be able to sell assault weapons only to a law enforcement agency.

Gun Lobby Argument:

Many people need assault weapons to defend themselves and their families, and this law would make it impossible for a responsible citizen to legally obtain a necessary protective device.

Response:

People who already own assault weapons will be allowed to keep them, but there will be no new sale of assault weapons in the Commonwealth. In the words of James Brady, the aide to President Reagan who was grievously wounded in an assassination attempt, "assault weapons have one purpose and one purpose only, to kill as many people as possible, as quickly as possible".

Gun Lobby Argument:

Handguns are the weapon of choice for criminals; assault weapons aren't the problem.

Response:

The tragic shootings in Wakefield, the T.G.I. Fridays robbery in Danvers, the brazen daytime robbery in Harvard Square, Carl Drega's rampage in New Hampshire where he shot and killed 4 people, including 2 law enforcement officials— these tragedies all have a common element; the deadly use of assault weapons.

Gun Lobby Argument:

This bill would allow the State to take someone's private property away from them without compensation. 3/19/01

Response: People who lawfully own assault weapons will be allowed to keep them, will them to an heir, transfer them to a law enforcement agency, or sell them to a licensed dealer. Dealer can sell them to Law enforcement agencies.

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MAYOR GALLUCCIO

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Order #11

Support of three bills relating to gun control which will be heard at a public hearing before the Public Safety and the Criminal Justice Committees on Tuesday, April 3, 2001.

Councillor Davis and Mayor Galluccio

In City Council April 2, 2001

ORDER ADOPTED