

MEMORANDUM

Agenda Item No. 11(A)(15)

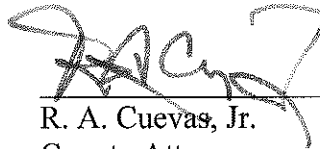
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to increase the
criminal penalties for the use of
certain ammunition commonly
used in assault weapons during
the commission of a felony

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/Imp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(15)

1-23-13

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
INCREASE THE CRIMINAL PENALTIES FOR THE USE OF
CERTAIN AMMUNITION COMMONLY USED IN ASSAULT
WEAPONS DURING THE COMMISSION OF A FELONY

WHEREAS, in what has been described as the worst mass shooting in U.S. history, in July, 2012, a gunman opened fire in a crowded movie Theatre in Aurora, Colorado with an AR-15 assault rifle with a 100-round magazine, killing 12 people and injuring another 59 people; and

WHEREAS, in January, 2009, a gunman opened fire on a crowd of about 50 people who had gathered at the corner of NW 71st Street and 15th Avenue in Miami, killing two people and wounding nine others; and

WHEREAS, witnesses described the firearm used as large assault weapon, like an AK-47; and

WHEREAS, on September 13, 2007 four Miami-Dade Police Officers were shot, and one officer, Officer Jose Somohano, was killed with an assault weapon, all arising out of a traffic stop in south Miami-Dade County; and

WHEREAS, in September 2004, a gunman opened fire on a Miami-Dade County police officer, wounding her and destroying her police car; and

WHEREAS, the ammunition used in these crimes was designed for military use and is commonly chambered in high capacity assault type weapons, and

WHEREAS, the lethal nature of assault weapon ammunition, especially when used in combination with high capacity assault type weapons, makes it especially desirable to violent criminals; and

WHEREAS, Miami-Dade County and other communities throughout Florida are currently experiencing acts of extreme violence by individuals using ammunition in the following calibers which are commonly chambered in high capacity assault type weapons: 5.56x45 mm (.223), 7.62x51 mm (.308), 7.62x39 mm, and 5.45x39 mm; and

WHEREAS, the commission of felonies using these types of ammunition and other similar rounds, should result in enhanced criminal penalties; and

WHEREAS, such enhanced penalties would not penalize individuals for the lawful use of the foregoing calibers, for purposes including, but not limited to, self-defense, legal hunting, competitive sharp shooting, and use by the military, but would only punish criminal activity,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass legislation enhancing the penalties for the use of ammunition such as 5.56x45 mm (.223), 7.62x51 mm (.308), 7.62x39 mm, or 5.45x39 mm ammunition and other similar ammunition commonly used in assault weapons, when such ammunition is used in the commission of a felony.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|----------------------|-------------------------|
| | Rebeca Sosa, Chairwoman |
| | Lynda Bell, Vice Chair |
| Bruno A. Barreiro | Esteban L. Bovo, Jr. |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as to form and legal sufficiency. JMM

Jess M. McCarty