

MEMORANDUM

Agenda Item No. 11(A)(20)

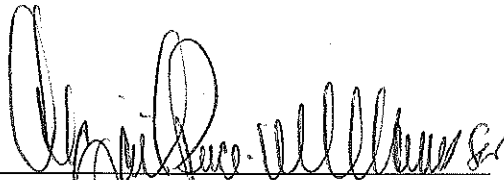
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

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

SUBJECT: Resolution urging the United States Congress and the Florida Legislature to enact legislation that bans the possession or sale of any high-capacity magazine that has the capacity of more than 10 rounds of ammunition

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/jls



MEMORANDUM
(Revised)

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

DATE: January 23, 2013

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County Attorney

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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)(20)
1-23-13

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS AND THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT BANS THE POSSESSION OR SALE OF ANY HIGH-CAPACITY MAGAZINE THAT HAS THE CAPACITY OF MORE THAN 10 ROUNDS OF AMMUNITION; WITH EXCEPTIONS FOR THE POSSESSION OF ANY HIGH-CAPACITY MAGAZINE THAT WAS LAWFULLY POSSESSED ON OR BEFORE THE DATE OF ENACTMENT AND POSSESSION OF HIGH-CAPACITY MAGAZINES BY LAW ENFORCEMENT OFFICERS, BOTH ACTIVE AND RETIRED; FURTHER URGING THE UNITED STATES CONGRESS AND THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT REQUIRES IDENTIFICATION MARKINGS ON ANY HIGH-CAPACITY MAGAZINES MANUFACTURED AFTER THE DATE OF ENACTMENT

WHEREAS, from 1994 to 2004, high capacity ammunition magazines were illegal as part of the Federal Assault Weapons Ban; and

WHEREAS, Democrats and Republicans alike—including former President George W. Bush—called for the reinstatement of this sensible law in 2004, yet it was never renewed; and

WHEREAS, since that time, high capacity magazines (carrying more than 10 rounds at a time) have been legal to manufacture and sell; and

WHEREAS, standard pistol magazines hold 6 to 10 rounds, but extended magazines can attach to pistols and make it possible for a shooter to pump off 30, 50 or even 100 rounds before reloading; and

WHEREAS, high-capacity magazines have been used in most mass shootings in the last two decades; and

WHEREAS, most of these mass shootings occurred after the ban on high-capacity magazines was lifted; and

WHEREAS, in the 1993 Long Island Railroad massacre, the shooter used a high-capacity magazine to kill 6 people and wound 19 others; and

WHEREAS, on April 20, 1999, two teenage gunmen, armed with several high-capacity magazines, killed 13 people and wounded another 23 people in a shooting spree at Columbine High School in Littleton, Colorado; and

WHEREAS, high-capacity magazines were also used in the 2007 Virginia Tech massacre where 32 people were killed and another 17 people were injured; and

WHEREAS, on November 5, 2009, the shooter in the Fort Hood tragedy, killed 13 people and wounded 34 others carrying a semi-automatic pistol with high-capacity magazines; and

WHEREAS, on August 3, 2010 in Manchester, Connecticut, a shooter killed 8 people and wounded 2 others with a semi-automatic pistol with a high-capacity magazine; and

WHEREAS, on January 8, 2011, a high-capacity 30-round magazine enabled the Tucson shooter to fire 31 shots in less than 30 seconds, injuring 13 people, including Congresswoman Gabrielle Giffords, and killing 6 others; and

WHEREAS, on July 20, 2012, a gunman walked in through the front-exit door of Theater 9 at Aurora, Colorado's Century Cinema carrying an AR-15 assault rifle, among other weapons, killing 12 people and injuring 58 others; and

WHEREAS, on December 11, 2012, at an Oregon mall, a man armed with an AR-15, a high capacity magazine-fed, semi-automatic rifle, opened fire, killing 2 adults and seriously wounding a 15-year-old girl; and

WHEREAS, the most recent tragedy occurred on December 14, 2012 in Newtown, Connecticut, where a shooter killed 20 young children, ages 6-7, and 6 adults using a AR-15 rifle with magazines containing 30 rounds; and

WHEREAS, the weapons used by the gunmen in most of the above listed shootings would have been illegal under the Federal Assault Weapons Ban; and

WHEREAS, this Board would like to express its support for the enactment of legislation at the federal and state levels that bans ammunition magazines that have a capacity of more than 10 rounds of ammunition,

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

Section 1. Urges the United States Congress and the Florida Legislature to enact legislation that bans the possession or sale of any high-capacity magazine that has the capacity of more than 10 rounds of ammunition; with exceptions for the possession of any high-capacity magazine that was lawfully possessed on or before the date of enactment and by law enforcement officers, both active and retired.

Section 2. Further urges the United States Congress and the Florida Legislature to enact legislation that requires identification markings on any high-capacity magazines manufactured after the date of enactment.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County's federal and state lobbyists to advocate for the passage of the legislation set forth in Sections 1 and 2 above, and directs the Office of Intergovernmental Affairs to include this item in the 2013 Federal Legislative Package and 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
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

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.

APW / APA

Annery Pulgar Alfonso