ATTACHMENT 1

RESOLUTION NO. 22-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA SUPPORTING H.R. 8 TO REQUIRE BACKGROUND CHECKS FOR GUN SALES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, current federal law requires gun dealers—those who are in the business of selling guns—to obtain a license from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). They are also required to use the National Instant Criminal Background Check System (NICS) to determine whether a potential buyer is eligible to purchase a firearm; and

WHEREAS, federal prohibitions on owning a gun are based on age, criminal history, mental health, and drug use, among other restrictions. Federal agencies are required to provide any records they have demonstrating an individual falls into a prohibited category. State participation is voluntary and the federal government provides grants to encourage and improve reporting; and

WHEREAS, the background check requirement in current federal law does not apply to transfers by unlicensed sellers, who are allowed to sell firearms at several thousand gun shows typically held around the U.S. each year without performing background checks. Similarly, other sales by unlicensed individuals over the internet or in person are not subject to background checks; and

WHEREAS, the failure to require background checks of gun sales and transfers leaves a large loophole which allows convicted felons, those subject to domestic violence and other restraining orders, those who cannot safely own and operate weapons, and minors to obtain weapons which can be used to commit crimes, violate restraining orders and otherwise cause preventable harm; and

WHEREAS, HR 8 would amend federal law to require any firearm transfer between unrelated, unlicensed individuals—such as participants at a gun show—to be conducted through a licensed dealer, who is required to take possession of the firearm and perform the background check on the recipient before completing the transfer; and

WHEREAS, the requirements of HR 8 would not apply to transfers involving law enforcement agencies and officers, security professionals, or members of the armed

forces connected with official duties; loans or gifts between spouses, domestic partners, parents, and other family members, as long as the person making the transfer has no reason to believe the firearm will be used in a crime or the recipient is prohibited from possessing it; transfers related to administration of an estate or that happen automatically when a person dies; temporary transfers needed to prevent imminent threats of harm to oneself or others, including domestic violence; transfers approved by the Justice Department; and loans for use at shooting ranges or while hunting if the owner is present and doesn't have reason to believe the weapon(s) will be used illegally; and

WHEREAS, incomplete transactions after a dealer has taken possession of the firearm would require the dealer to return the firearm to the original owner. Licensed dealers would have to notify participants in a transfer covered by the bill that a background check is required, and the recipient would have to affirm they received notice on a Justice Department form. The measure provides that it would not authorize creation of a national firearms registry or preempt state laws consistent with HR 8; and

WHEREAS, by supporting this legislation, the City Council is not condemning all gun transfers or gun ownership, but is communicating a desire for ensuring proper background checks to protect the community by keeping weapons from those who cannot lawfully possess them.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Costa Mesa supports HR 8 and the efforts to close the "gun show loophole" to ensure background checks for specified gun sales.

PASSED AND ADOPTED this ____ day of June, 2022.

_____
John B. Stephens, Mayor

ATTEST: APPROVED AS TO FORM:

_____ _____
Brenda Green, City Clerk Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 22-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the _____ day of June, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this ____ day of _____, 20122

_____
BRENDA GREEN, CITY CLERK