



## PREVENT HANDGUN VIOLENCE AGAINST KIDS

### Banning Saturday Night Specials

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#### What is a Saturday Night Special?

“Saturday Night Special” and “junk gun” are the terms commonly used to describe a short-barreled (4 inches or shorter), easily concealed handgun that generally lacks any sporting purpose and is often made from inferior materials.<sup>1</sup> These handguns are disproportionately used in the commission of crimes. In 1968, Congress passed the Gun Control Act banning the importation of Saturday Night Specials, but not their manufacture or sale in the United States.

Six privately owned companies in Southern California, located within a 45-mile radius of one another, manufacture 80% of all guns classified as Saturday Night Specials in the United States, as well as 34% of all handguns in the country.<sup>2</sup> In 1994, 7 out of 10 of the most frequently traced firearms used in crimes nationwide were manufactured by these companies.<sup>3</sup>

#### What is California doing about Saturday Night Specials?

Since January 1996, 34 local jurisdictions in California have banned the sale of Saturday Night Specials.<sup>4</sup> In many cases, these jurisdictions are surrounded by areas without this prohibition. State Senator Richard Polanco and Assemblyman Louis Caldera have introduced **SB 500** (Polanco) and **AB 488** (Caldera), legislation to ban the sale and manufacture of these handguns statewide.

### Home Rule for Handgun Regulation

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#### What is Home Rule?

“Home Rule” is the ability of local governments to pass laws tailored to the specific needs of their communities. States can, and typically do, delegate substantial powers to local governments, recognizing that they are more familiar with, and better able to solve the problems facing their communities. For example, the law favors local rule by allowing localities to fashion solutions to address local public health problems.<sup>5</sup>

The ability of local governments to exercise Home Rule in any given field depends in part upon the extent to which the state has occupied that field. When the state has occupied a field, state law takes precedence over, or **preempts**, local regulation in that field. The California legislature has preempted certain narrow areas of firearms regulation, including the licensing or registration of commercially manufactured firearms,<sup>6</sup> and the imposition of permit or license requirements on the possession of handguns at one’s home or place of business.<sup>7</sup> Under current state law, local governments retain Home Rule over many other areas of firearm regulation, such as placing zoning restrictions on gun sales, requiring that handguns be sold with trigger locks, or banning the sale of Saturday Night Specials.<sup>8</sup>

## What is California doing to protect Home Rule?

In the 1997 California legislative session, Assemblyman Antonio Villaraigosa introduced **AB 136**, Assemblyman Jack Scott introduced **AB 247** and State Senator Richard Polanco introduced **SB 643** which repeal the preemption law and would allow Home Rule.

## One Handgun A Month

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### How do handguns reach the illegal street market?

Approximately 30-43% of criminals report that they purchased their handguns illegally.<sup>9</sup> The Bureau of Alcohol, Tobacco and Firearms traces the origin of some handguns used in criminal activities. Data indicates that a significant number of firearms used in criminal activities have been traced back to buyers who purchased guns in bulk.<sup>10</sup> California law currently places no limit on the number of handguns that can be purchased or how frequently large handgun orders can be made. Adults, 21 and older, with "clean" records can legally purchase multiple handguns at one time. Legal buyers then illegally resell the handguns at a higher street market value to "gunrunners" or directly to criminals and juveniles who would not pass California's background check.

In July 1993, the State of Virginia passed a law to limit the number of handguns sold to one per month. A 1996 study published in the *Journal of the American Medical Association* indicates that this law had a positive impact on limiting the number of firearms that were legally purchased in Virginia, and later used in criminal activities.<sup>11</sup>

### What is California doing to stop the flow of handguns into the illegal market?

Assemblyman Wally Knox and State Senator Tom Hayden have introduced legislation to help stop the flow of handguns into the illegal market. **AB 532** (Knox) and **SB 513** (Hayden) would limit the number of handguns that can be purchased to a maximum of one per month. The legislation exempts legitimate collectors and people who are replacing a lost or stolen handgun, provided they have filed a report with the police.

<p><b>For information on the status of any of these bills, please contact Pacific Center for Violence Prevention at (415)285-1793.</b></p>
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<sup>1</sup> Sugarman, J. and Rand, K. *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence*, (Washington, D.C.: Violence Policy Center, 1994).

<sup>2</sup> Wintemute, G. J. *Ring of Fire: The Handgun Makers of Southern California* (Sacramento, CA: Violence Prevention Research Program, 1994).

<sup>3</sup> Zawitz, M. "Guns Used in Crime," *Bureau of Justice Statistics: Selected Findings*. (U.S. Department of Justice: July 1995).

<sup>4</sup> As of May 13, 1997.

<sup>5</sup> Teret, S.P., DeFrancesco S. and Bailey, L.A. "Gun Deaths and Home Rule: A Case for Local Regulation of a Local Public Health Problem," *American Journal of Preventive Medicine*, 1993; 9 (suppl. 1): 44-6

<sup>6</sup> Government Code --- 53071

<sup>7</sup> Penal Code -- 12026(b)

<sup>8</sup> Gorovitz, E. "California Dreamin': The Myth of State Preemption of Local Firearm Regulation," *University of San Francisco Law Review*; 1996; 30: [forthcoming].

<sup>9</sup> Weil, D.S. and Knox, R.C. "Effects of Limiting Handgun Purchases on Interstate Transfer of Firearms." *Journal of the American Medical Association*, Vol. 275, No. 22: 1759-1761.

<sup>10</sup> *ibid.*

<sup>11</sup> *ibid.*