

AMENDED IN SENATE AUGUST 15, 2011

Senate Joint Resolution

No. 10

Introduced by Senator De León

(Coauthors: Senators Hancock, Hernandez, Padilla, Pavley, and Vargas)

(Coauthors: Assembly Members Alejo, Allen, Bonilla, Bradford, Cedillo, Davis, Eng, Roger Hernández, Hueso, *Huffman*, Lara, Mendoza, Perea, V. Manuel Pérez, Solorio, *Swanson*, and Torres)

July 5, 2011

Senate Joint Resolution No. 10—Relative to firearms trafficking.

LEGISLATIVE COUNSEL'S DIGEST

SJR 10, as amended, De León. Firearms trafficking.

This measure would urge the President and the Congress of the United States to pursue a comprehensive approach to stem the trafficking of illicit United States firearms into Mexico, that includes, among other things, *enhanced collaboration among local, state, and federal agencies, the allocation of a permanent source of federal funding to sustain local and state law enforcement operations to combat firearms trafficking and other border-related crimes*, the redirection of federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Immigration and Customs Enforcement, and United States Customs and Border Protection resources towards this effort, reenactment of a strong federal assault weapons ban, ~~adoption of the ATF's proposed rule to require the reporting of rifle, including assault rifle, purchases in southwestern border states~~, and stronger federal authority to crack down on corrupt gun dealers.

Fiscal committee: no.

1 WHEREAS, The rise of firearms trafficking from the United
2 States into Mexico has fueled the terrorism of both United States
3 and Mexican citizens by Mexican drug trafficking organizations
4 (DTOs), that has devastated thousands of families who have lost
5 loved ones to violence on both sides of the border; and

6 WHEREAS, Since the start of Mexican President Felipe
7 Calderon's administration in December 2006, the Mexican law
8 enforcement agencies have confiscated 102,600 handguns and
9 rifles as of March 10, 2011, and Mexican security forces have
10 seized 11,849 grenades and 10.6 million rounds of ammunition;
11 and

12 WHEREAS, Violence along the United States-Mexico border
13 has escalated dramatically ~~during this same timeframe~~ as President
14 Calderon has aggressively fought the growing power of Mexican
15 DTOs and ~~over 23,000~~ *approximately 34,612* people have been
16 killed as a result of ~~drug cartel~~ *organized crime-related* violence
17 in Mexico; and

18 WHEREAS, In a report by the United States Government
19 Accountability Office (GAO), United States officials note that
20 violence associated with Mexican DTOs poses a serious challenge
21 for United States law enforcement and particularly given the
22 increased level of criminal activity in the southwestern United
23 States, violence threatens the safety of citizens on both sides of
24 the border; and

25 WHEREAS, In May 2010, the Mexican government stated that
26 of the 75,000 illegal firearms it seized in the last three years, about
27 80 percent—60,000 firearms—came from the United States; and

28 WHEREAS, Estimates of guns flowing into Mexico from the
29 United States are as high as 2,000 guns every day, a staggering
30 statistic given that Mexico has only approximately 6,000 legally
31 registered guns; and

32 WHEREAS, The United States Bureau of Alcohol, Tobacco,
33 Firearms and Explosives (ATF), as of May 2010, has processed
34 69,808 firearm trace requests from Mexico and it appears that a
35 majority of these firearms have a nexus to the United States; and

36 WHEREAS, There are ~~more than 6,600~~ *an estimated 8,479*
37 licensed United States gun dealers operating along the United
38 States-Mexico border and according to several ATF officials,
39 individuals or groups engage in straw purchasing on a regular basis

1 as part of a scheme to traffic United States firearms into Mexico;
2 and

3 WHEREAS, The ATF reports that 87 percent of firearms seized
4 by Mexican authorities and traced over the last five years originated
5 in the United States, that approximately 68 percent of these illegal
6 firearms were manufactured in the United States, and
7 approximately 19 percent were manufactured in other countries
8 and then imported into the United States before being trafficked
9 into Mexico; and

10 WHEREAS, ATF officials state that the most common method
11 of transporting firearms illegally across the United States-Mexico
12 border is by vehicle using United States highways, and that an
13 opportune time to catch firearm smugglers is following a United
14 States gun show in Arizona or Texas; and

15 ~~WHEREAS, Operation Armas Cruzadas was established by the~~
16 ~~United States Immigration and Customs Enforcement (ICE) in~~
17 ~~2008, and the United States Department of Homeland Security~~
18 ~~states that this effort has resulted in the seizure of 3,877 weapons~~
19 ~~and 396,424 rounds of ammunition; and~~

20 ~~WHEREAS, Project Gunrunner was initiated by the ATF, with~~
21 ~~the objective of tracing firearms recovered from crimes in Mexico,~~
22 ~~and although the tactics utilized by this program are currently~~
23 ~~under scrutiny, by the end of the 2009 fiscal year, the ATF referred~~
24 ~~497 cases to the United States Department of Justice to pursue the~~
25 ~~prosecution of firearms trafficking violations to Mexico; and~~

26 *WHEREAS, Local and state law enforcement agencies are often*
27 *the first responders to the scene of a crime, and have had to deploy*
28 *and devote ever-increasing numbers of officers, equipment, and*
29 *other resources to address the crimes associated with the DTOs*
30 *and their firearm trafficking activities; and*

31 *WHEREAS, Despite increasingly scarce resources, local and*
32 *state law enforcement agencies have implemented a proactive,*
33 *cost-effective, and successful border crime initiative that highlights*
34 *collaboration among all levels of law enforcement—local, state,*
35 *and federal—and includes the judicious leveraging and sharing*
36 *of intelligence, equipment, and personnel to combat illegal firearm*
37 *trafficking and other border-related crimes; and*

38 WHEREAS, Since 2006, 14 United States Custom and Border
39 Patrol (CBP) Agents have been killed ~~in~~ *along the border of*

1 Mexico, most recently Agent Brian Terry, who was killed on
2 December 15, 2010, by being shot with an AK-47; and

3 WHEREAS, In February 2011, ICE Special Agent Jaime Zapata
4 was shot and killed and another federal agent was wounded in an
5 ambush by Mexican drug gang members at a fake military
6 checkpoint on a Mexican highway north of Mexico City; and

7 WHEREAS, DTOs have escalated the use of firearms to attack
8 and intimidate high level Mexican law enforcement figures,
9 including directors of federal agencies, politicians, journalists,
10 businesses, and the general public; and

11 WHEREAS, Mexican government officials report that since
12 December 2006, a total of 915 municipal police, 698 state police,
13 and 463 federal agents have been killed by Mexican organized
14 crime groups (OCGs), and between 1999 and 2009, 32 news
15 reporters or editors were killed and an additional nine disappeared;
16 and

17 WHEREAS, On June 28, 2010, a leading Mexican gubernatorial
18 candidate, Rodolfo Torre Cantu, was killed by gunfire in
19 Tamaulipas, just days before the July 4, 2010, elections, and in
20 late 2008, Armando Rodriguez, a crime reporter for El Diario de
21 Juárez, was shot in the head by a 9mm as he drove his daughter
22 to school; and

23 WHEREAS, In June 2008, Edgar Millan Gomez, acting director
24 of the federal preventive police was assassinated in his own home
25 by a man wielding two 9mm pistols one week after holding a press
26 conference in Cuiliacán to announce the arrests of 12 hit men
27 working for the Sinaloa Cartel and that same day, Roberto Velasco,
28 one of the directors of the federal organized crime unit, was shot
29 and killed in Mexico City, and the next day Jose Aristeo, chief of
30 staff for the federal preventive police, was shot and killed in the
31 same city; and

32 WHEREAS, United States citizens have also been terrorized
33 by the violence associated with United States firearms trafficking
34 and Mexican DTOs. For example, in May 2010, a Phoenix
35 businessman leading a hunting expedition in Sonora, Mexico was
36 found shot dead by an AK-47, in February 2010, United States
37 and Mexican citizens waiting to cross into Mexico from Nogales,
38 Arizona were trapped in a firefight that erupted in the nearby plaza,
39 in the spring of 2008 American tourists returning through the
40 Lukeville port of entry were trapped by gunfire while waiting in

1 line, and a woman from Nogales, Arizona was shot and killed by
2 AK-47 gunfire at a fake military checkpoint on a Mexican interstate
3 in Sonora; and

4 ~~WHEREAS, The ATF proposed a new federal rule in 2010 that~~

5 *WHEREAS, In July 2011, the United States Department of*
6 *Justice announced a new federal policy that would require all*
7 *United States gun stores in southwest border states to submit a*
8 *report to ATF when an individual purchases two or more rifles,*
9 *including assault rifles, within five business days, and ATF's*
10 ~~*proposed rule has not yet been adopted; and days; and*~~

11 *WHEREAS, Following the expiration of the Federal Assault*
12 *Weapons Ban in 2004, it has become easier to purchase*
13 *high-powered assault weapons and the United States Department*
14 *of Justice, Office of the Inspector General has reported that 48*
15 *percent of crime guns recovered and traced in Mexico in 2009*
16 *were long guns, up from 20 percent in 2004 and recent data also*
17 *shows a surge in seizures of assault rifles and .50 caliber guns.*
18 *According to the ATF, the drug cartels tend to favor military-style*
19 *assault weapons such as AK-47s, AR-15s, and FN 5.7mm caliber*
20 *pistols, known in Mexico as "cop killers" because they can pierce*
21 *body armor; and*

22 *WHEREAS, The United States is now experiencing an era in*
23 *which the number of illegal border crossings have decreased over*
24 *the last decade yet drug-related violence and the trafficking of*
25 *United States firearms into Mexico has skyrocketed; now,*
26 *therefore, be it*

27 *Resolved by the Senate and the Assembly of the State of*
28 *California, jointly, That the Legislature urges the President and*
29 *the Congress of the United States to pursue a comprehensive*
30 *approach to stem the trafficking of illicit United States firearms*
31 *into Mexico, that includes as its centerpiece enhanced*
32 *collaboration among local, state, and federal law enforcement*
33 *agencies to coordinate the interdiction of illegal firearms*
34 *trafficking and the implementation of associated border security*
35 *policies and operations in an integrated manner; the allocation*
36 *of a permanent source of federal funding to sustain local and state*
37 *law enforcement operations to combat firearms trafficking and*
38 *other border-related crimes, the redirection of United States*
39 *Alcohol, Tobacco, Firearms and Explosives (ATF), Immigration*
40 *and Customs Enforcement, and Customs and Border Protection*

1 resources towards this effort, reenactment of a strong federal assault
 2 weapons ban, along with a ban on high-capacity ammunition
 3 ~~magazines, adoption of the ATF's proposed rule to require the~~
 4 ~~reporting of rifle, including assault rifle, purchases in southwestern~~
 5 ~~border states, magazines,~~ stronger federal authority to crack down
 6 on corrupt gun dealers, extending Brady criminal background
 7 checks to all gun sales, including all sales at gun shows to prevent
 8 firearms trafficking, and the maintenance of firearm purchase
 9 records to help law enforcement track down armed criminals and
 10 solve gun crimes; and be it further

11 *Resolved*, That the Secretary of the Senate transmit copies of
 12 this resolution to the President and Vice President of the United
 13 States, to the Speaker of the House of Representatives, to the
 14 Majority Leader of the Senate, to each Senator and Representative
 15 from California in the Congress of the United States, and to the
 16 author for appropriate distribution.

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19 **CORRECTIONS:**

20 **Heading—Coauthor—Line 1.**

21 **Digest—Page 1.**

22 **Text—Pages 4, 5, and 6.**

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