

AMENDED IN SENATE JANUARY 4, 2012
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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 *and ammunition* 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, and stronger federal authority to crack down on corrupt gun dealers.

Fiscal committee: no.

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

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

13 WHEREAS, Violence along the United States-Mexico border
14 has escalated dramatically as President Calderon has aggressively
15 fought the growing power of Mexican DTOs, and approximately
16 34,612 people have been killed as a result of organized
17 crime-related violence 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 *out* of the 75,000 illegal firearms ~~it~~ seized *by Mexican authorities*
27 in the last three years, about 80 percent—60,000 firearms—~~came~~
28 ~~from firearms—originated in~~ the United States; and

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

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

37 WHEREAS, There are an estimated 8,479 licensed United States
38 gun dealers operating along the United States-Mexico border, and,
39 according to several ATF officials, individuals or groups engage

1 in straw purchasing on a regular basis as part of a scheme to traffic
2 United States firearms into Mexico; 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~~. *Approximately* 68 percent
6 of these illegal firearms were manufactured in the United States,
7 and 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, In addition to the trafficking of firearms, the illicit*
11 *trafficking of ammunition is fueling the proliferation of gun*
12 *violence along the United States-Mexico border, as Mexican drug*
13 *trafficking organizations have virtually unfettered access to*
14 *ammunition from the United States; and*

15 *WHEREAS, According to the ATF, between the years 2006 and*
16 *2011, over 1.2 million rounds of ammunition believed to be*
17 *destined for Mexico were seized during the course of*
18 *ATF-instigated investigations or joint investigations originating*
19 *in California, Arizona, Texas, and New Mexico. During this*
20 *timeframe, 527,809 rounds of ammunition were confiscated by the*
21 *ATF's Los Angeles Field Division, 14,154 rounds were confiscated*
22 *by the San Francisco Field Division, 196,450 rounds were*
23 *confiscated by the Phoenix Field Division, 380,001 rounds were*
24 *confiscated by the Houston Field Division, and 123,300 rounds*
25 *were confiscated by the Dallas Field Division; and*

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

31 WHEREAS, Local and state law enforcement agencies are often
32 the first responders to the scene of a crime, and have had to deploy
33 and devote ever-increasing numbers of officers, equipment, and
34 other resources to address the crimes associated with the DTOs
35 and their ~~firearm~~ *firearms and ammunition* trafficking activities;
36 and

37 WHEREAS, Despite increasingly scarce resources, local and
38 state law enforcement agencies have implemented a proactive,
39 cost-effective, and successful border crime initiative that highlights
40 collaboration among all levels of law enforcement—local, state,

1 and federal—and includes the judicious leveraging and sharing of
2 intelligence, equipment, and personnel to combat illegal ~~firearm~~
3 *firearms and ammunition* trafficking and other border-related
4 crimes; and

5 WHEREAS, Since 2006, 14 United States Custom and Border
6 Patrol (CBP) Agents have been killed along the border of Mexico,
7 most recently Agent Brian Terry, who was killed on December
8 15, 2010, by being shot with an AK-47; and

9 WHEREAS, In February 2011, United States Immigration and
10 Customs Enforcement Special Agent Jaime Zapata was shot and
11 killed and another federal agent was wounded in an ambush by
12 Mexican drug gang members at a fake military checkpoint on a
13 Mexican highway north of Mexico City; and

14 WHEREAS, DTOs have escalated the use of firearms to attack
15 and intimidate high level Mexican law enforcement figures,
16 including directors of federal agencies, politicians, journalists,
17 businesses, and the general public; and

18 WHEREAS, Mexican government officials report that since
19 December 2006, a total of 915 municipal police, 698 state police,
20 and 463 federal agents have been killed by Mexican organized
21 crime groups, and between 1999 and 2009, 32 news reporters or
22 editors were killed and an additional nine disappeared; and

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

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

38 WHEREAS, United States citizens have also been terrorized
39 by the violence associated with United States firearms *and*
40 *ammunition* trafficking and Mexican DTOs. For example, in May

1 2010, a Phoenix businessman leading a hunting expedition in
2 Sonora, Mexico was found shot dead by an AK-47;; in February
3 2010, United States and Mexican citizens waiting to cross into
4 Mexico from Nogales, Arizona were trapped in a firefight that
5 erupted in the nearby plaza;; in the spring of 2008, American
6 tourists returning through the Lukeville port of entry were trapped
7 by gunfire while waiting in line, and a woman from Nogales,
8 Arizona was shot and killed by AK-47 gunfire at a fake military
9 checkpoint on a Mexican interstate *highway* in Sonora; and

10 WHEREAS, In July 2011, the United States Department of
11 Justice announced a new federal policy that would require all
12 United States gun stores in southwest border states to submit a
13 report to *the* ATF when an individual purchases two or more rifles,
14 including assault rifles, within five business days; and

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

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

31 *Resolved by the Senate and the Assembly of the State of*
32 *California, jointly*, That the Legislature urges the President and
33 the Congress of the United States to pursue a comprehensive
34 approach to stem the trafficking of illicit United States firearms
35 *and ammunition* into Mexico, that includes as its centerpiece
36 enhanced collaboration among local, state, and federal law
37 enforcement agencies to coordinate the interdiction of illegal
38 firearms trafficking and the implementation of associated border
39 security policies and operations in an integrated manner, the
40 allocation of a permanent source of federal funding to sustain local

1 and state law enforcement operations to combat firearms trafficking
2 and other border-related crimes, the redirection of federal Bureau
3 of Alcohol, Tobacco, Firearms and Explosives (ATF), United
4 States Immigration and Customs Enforcement, and United States
5 Customs and Border Protection resources towards this effort,
6 reenactment of a strong federal assault weapons ban, along with
7 a ban on high-capacity ammunition magazines, stronger federal
8 authority to crack down on corrupt gun dealers, extending Brady
9 criminal background checks to all gun sales, including all sales at
10 gun shows to prevent firearms trafficking, and the maintenance of
11 firearm purchase records to help law enforcement track down
12 armed criminals and solve gun crimes; and be it further

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