

## **RESOLUTION NO.**

**WHEREAS**, the City of Austin is committed to the safety, health, and welfare of all of its residents; and

**WHEREAS**, ensuring the safety of Austin residents, law enforcement officers and visitors is a top City priority; and

**WHEREAS**, Council approved Resolution No. 20130228-035 which directed the City Manager to explore methods for collecting data about the source of guns involved in Austin crimes and to report back to the Public Health and Human Services Subcommittee and to the Public Safety Commission; and

**WHEREAS**, Council approved Resolution No. 20161215-064 which directed the City Manager to provide gun safety brochures and free gun locks to the public at events and community meetings and to make gun safety information available on the City of Austin web page; and

**WHEREAS**, the City of Austin advocates for gun control legislation through the City Council-adopted legislative agenda, which calls on the United States Congress to enact gun control legislation that requires background checks for all gun sales; provides for prosecution of straw purchasers and gun traffickers; limits the size of ammunition magazines; regulates and prevents access to bump stocks; puts reasonable restrictions on public ownership of military-style guns and gun silencers; improves the accuracy and completeness of background check databases to ensure the safety of our citizens; and

**WHEREAS**, contract MA - 8700 - GA160000069 approved by the City Council in June of 2016 led to 1,788 Smith and Wesson .40 caliber pistol firearms being traded to a licensed gun dealer for resale, of which 1,156 were not purchased back by Austin Police Department officers and subsequently may have been purchased by the general public; and

**WHEREAS**, the trade-in value of the firearms saved the Austin Police Department an estimated \$368,328; and

**WHEREAS**, existing loopholes in criminal background check laws cannot preclude the possibility that firearms initially sold by a licensed gun dealer may not be ultimately purchased by an individual who would fail existing background check standards; and

**WHEREAS**, the “Tiahrt” Amendments, provisions that have been attached to U.S. Department of Justice appropriations bills since 2003, prohibit the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) from releasing firearm trace data for use by cities, states, researchers, litigants and members of the public, thereby making it difficult to determine whether or to what extent any of these weapons have ever been used to commit crimes; and

**WHEREAS**, the United States Centers for Disease Control and Prevention reports that gun violence in the United States is at epidemic levels, claiming over 30,000 lives annually; and

**WHEREAS**, according to the National Law Enforcement Officers Memorial Fund, in 2011, firearms were the number one cause of death for police officers killed in the line of duty; and

**WHEREAS**, any new costs of eliminating gun trade-in discounts in future weapon or firearm purchases for the Austin Police Department can be forecasted and budgeted during the annual budget process; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council directs the City Manager to refrain from exercising any contract provisions in existing City contracts which would allow the City to sell or trade-in firearms or firearm accessories to licensed gun dealers or any other party.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to refrain from including any provisions in future contracts which would allow the City to sell or trade-in firearms or firearm accessories purchased or obtained by the City to anyone other than officers employed by the Austin Police Department. Firearms or firearm accessories unsold to Austin Police Department officers shall be destroyed in a manner consistent with the recommendations of the April 2014 Evidence Disposition Audit.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to return to Council with a memo and a briefing should this policy create any undue fiscal burden on the City.

**ADOPTED:** \_\_\_\_\_, 2018

**ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk

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